



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

2/12/2010

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 009-09

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, February 26, 2010

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: Karl Lisle, City of Portland
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative

<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

In person electronic mailed

DATE STAMP

DEPT OF

FEB 08 2010

LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Portland**

Local file number:

Date of Adoption: **February 3, 2010**

Date Mailed: **February 8, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8-26-09

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".

Amendment of Portland Zoning Code (City Code Title 33). Specifically, this amendment to the Central City Plan District (Title 33.510) allows up to 15,000 square feet of Office use in Open Space Zones within the Central City where Major Event Entertainment and Commercial Outdoor Recreation are also allowed. Effectively, this amendment applies only to PGE Park stadium.

Does the Adoption differ from proposal? Yes, Please explain below:

The initial proposal was to allow up to 10,000 square feet of Office use at PGE Park. This was increased to 15,000 square feet during the process.

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **1844 SW Morrison Street; Portland, OR 97205**

Acres Involved: **6**

Specify Density: Previous: **NA**

New: **NA**

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 No

DLCD file No. 009-09 (17791) [15980]

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

Metro, Tri-Met, Multnomah County

Local Contact: Karl Lisle, City Planner	Phone: (503) 823-4286	Extension: NA
Address: 1900 SW 4th Avenue, Suite 7100	Fax Number: 503-823-7800	
City: Portland, OR	Zip: 97201	E-mail Address: klisle@ci.portland.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE No. 183517

Amend Zoning Code to allow a limited amount of office use at PGE Park (Ordinance; amend Code Chapter 33.510)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. On August 26, 2009 notice of the proposed action was mailed to the Department of Land Conservation and Development (DLCD) in compliance with the post-acknowledgement review process required by OAR 660-18-020.
2. In 1981, as part of the adoption of the Comprehensive Plan, the Open Space Comprehensive Plan map designation was created. There was no corresponding zone to implement this new designation.
3. In 1991, as part of the Zoning Code rewrite project, the Open Space zone was created to implement the Open Space designation, and was applied to public and private park and open space uses including sites that had the Open Space Comprehensive Plan map designation.
4. Application of the Open Space zone in 1991 resulted in some existing uses on sites zoned Open Space becoming nonconforming uses and automatic conditional uses. These uses were established legally under a different zone, or under different use regulations. For example, the parking at O'Bryant Square, the Major Event Entertainment at Civic Stadium, and the Retail Sales And Service uses at Pioneer Courthouse Square were established under zones that allowed such uses.
5. On February 9, 2000, City Council adopted Ordinance 174160 that amended title 33.510 to allow certain uses on specific sites zoned Open Space within the Central City. Among other changes, these amendments allowed Major Event Entertainment uses and Commercial Outdoor Recreation uses at PGE Park (formerly known as Civic Stadium). These amendments also allowed up to 2,500 square feet of Retail use on designated sites zoned Open Space including PGE Park.
6. On June 24, 2009, City Council adopted Resolution 36711 to pursue negotiations with Peregrine, LLC to transform PGE Park into a soccer-specific stadium that will be the home of a new Major League Soccer franchise.
7. The preferred PGE Park renovation plan includes space for a limited amount of Office uses within the facility serving users of the stadium as well as the general public. A medical office and clinic is one such potential Office use.
8. The City recognizes that Office uses are not appropriate as a predominant use at PGE Park. However, allowing a limited amount of Office use on site, such as a sports medicine clinic, is consistent with the public purpose of the facility as a Major Event Entertainment and Commercial Outdoor Recreation use.
9. Appropriate restrictions are placed on new Office uses at PGE Park to assure they do not detract from the other purposes of the Open Space zone within the Central City. These restrictions include: limiting the size of allowed Office uses to 15,000 square feet and applying the existing procedural requirements and standards for a Good Neighbor Agreement and Comprehensive Transportation Management Plan for an Office use.

10. The changes proposed affect Title 33, Planning and Zoning, specifically the Central City Plan District (33.510) portion of the Zoning Code.
11. On October 13, 2009, the Planning Commission held a public hearing on the proposal. Staff from the Bureau of Planning and Sustainability presented the proposal. Written testimony in support of the proposal was received from the Goose Hollow Foothills League. No one testified on the proposal in person. The Commission voted unanimously to forward a recommendation of approval of the proposed zoning code amendment to City Council.
12. On January 6, 2010, City Council held a public hearing on the Planning Commission recommendation to amend the Zoning Code. Staff from the Bureau of Planning and Sustainability presented the proposal, and public testimony was received.
13. On February 3, 2010, City Council voted to adopt the changes in the zoning code amendment.

Findings on Statewide Planning Goals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.

14. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:
 - a) On August 26, 2009 Notice of Proposed Amendment was mailed to DLCD, with a copy to Metro, 45 days before the first evidentiary hearing.
 - b) On September 10, 2009, project staff met with the land use committee of the Goose Hollow Foothills League to discuss the project. Members of the Northwest Neighborhood Association were invited to attend the meeting as well. Approximately 25-30 people attended.
 - c) On September 11, 2009 Notice of the Planning Commission hearing on October 13, 2009 was mailed to all property owners within 400 feet of PGE Park (approximately 320 property owners), to recognized associations within 1000 feet (five associations), and to individuals and organizations on the Legislative Projects mailing list (approximately 530 individuals and organizations).
 - d) On September 11, 2009, Notice of the Planning Commission hearing on October 13, 2009 was posted on the PGE Park Site according to the standards of City Code Title 33.730.080.
 - e) On September 14, a project web page was established with basic information on the proposed code amendment, schedule, staff contacts, and links to related efforts. This web page was updated as necessary during the project.
 - f) On September 25, 2009, the Bureau of Planning and Sustainability published the *Proposed Draft: Amendment to the Zoning Code to Allow a Limited Amount of Office Use at PGE Park*.
 - g) The report was made available to the public, posted to the project web site, and mailed to all those who requested copies.
 - h) On October 13, 2009 the Planning Commission held a public hearing and received a letter from the Goose Hollow Foothills League in support of the proposal. No one testified in person. The Planning Commission voted unanimously to forward the amendment, as proposed, to the City Council for consideration.
 - i) On October 21, 2009 a notice for the City Council hearing was mailed to all of the individuals who responded to the notice of the Planning Commission hearing, those who testified at the

Planning Commission hearing and individuals who requested the notice. The notice included a description of the recommended amendment and information on how to submit testimony to City Council.

- j) On November 12, 2009, the City Council held a public hearing and received testimony on the project.
- k) Planning staff engaged in telephone and email exchanges with property owners, developers, members of the business community and other interested parties in regards to the proposed Zoning Code amendment.

15. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. This amendment supports this goal because the proposed Zoning Code amendment provides specific standards and procedures for the development of the new Office use at PGE Park and therefore complies with this statewide Goal. Findings on Portland Comprehensive Plan Goal, Metropolitan Coordination, and its related policies and objectives also support this goal.
16. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. This amendment supports this goal because while it allows new Office uses in the Open Space Zone, these changes only apply to specific sites over 5 acres within the Central City Plan District. PGE Park is the only such site and has been in continuous operation as a public sports stadium since its construction in 1926. This amendment supports the stadium's continued use as a public sports stadium. In addition, there are no zone changes to Open Space-zoned property proposed as part of these amendments, and this action does not alter, amend, or require reevaluation of the City's existing ESEE analysis because no Goal 5 resource lands are affected.
17. **Goal 6, Air, Water, and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water, and land resources. To the extent this goal applies, this amendment supports this goal because new Office uses in the Open Space Zone are allowed only at PGE Park. This site is within 500 feet of a light rail station. This requirement facilitates the use of light rail by citizens using the facility and helps reduce the use of autos. Portland Comprehensive Plan findings on Goal 8, Environment, and its related policies and objectives also support this goal.
18. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. This amendment supports this goal because it recognizes the importance of PGE Park as the Central City's primary outdoor stadium and a major regional attractor, and the importance of allowing the mix of uses that will allow PGE Park to continue to meet the recreational needs of the state as a successful Major League Soccer and collegiate football stadium.
19. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. This amendment supports this goal because allowing a limited amount of Office use at PGE Park will assist economic development by helping to make the stadium financially successful as well as adding a range of new employment opportunities to the facility.
20. **Goal 11, Public Facilities and Services**, requires planning and development of a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for development. This amendment supports this goal because users of new Office uses at PGE Park can take advantage of public transit. PGE Park is located directly on a light rail transit line and is served by two stations. Portland Comprehensive Plan findings on Goals 11, Public Facilities, and related policies and objectives also support this goal.

21. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. This amendment supports this goal because new Office uses at PGE Park will be located directly adjacent to an existing light rail transit line, but also because the amendment will allow the continued success of PGE Park as a major regional draw located directly adjacent to a light rail transit line. In addition, a Comprehensive Transportation Management Plan for PGE Park approved by City Council is a requirement for allowing any new Office use on the site. This required plan provides an opportunity to analyze and address the impacts of traffic and parking caused by uses at PGE Park including any new Office use. Therefore, the amendments are consistent with this goal. See also findings for Portland Comprehensive Plan Goal 6, Transportation, and its related policies and objectives.
- a) The Oregon Transportation Planning Rule (TPR) was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if a proposed Zoning Code Amendment will significantly affect an existing or planned transportation facility.
 - b) Section 660-012-0045 of the TPR requires local governments to adopt land use regulations that designate “types and densities of land uses adequate to support transit” and those that “reduce reliance on the automobile and allow transit-oriented developments on land along transit routes.” This amendment supports these requirements because the Office uses allowed by the proposed zoning code amendment are limited to 15,000 square feet. An Office use of this small size will result in negligible traffic impacts relative to the traffic generation of the Major Event Entertainment and Commercial Outdoor Recreation use of PGE Park. The site is currently served by a light rail line with two different stops and a bus line allowing easy transit access. Additionally the Comprehensive Transportation Management Plan for PGE Park will be modified to include the proposed Office use and accepted by City Council.
 - c) Section 660-012-0060(1) of the TPR requires “amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation that would significantly affect an existing or planned transportation facility,” to ensure that allowed land uses are consistent with the identified function, capacity and performance standards of the affected facility. This requirement can be met by “adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.” This amendment supports these requirements because the site is served by existing transportation facilities that will be negligibly impacted by the additional Office use. Additionally, the adopted Comprehensive Transportation Management Plan for PGE Park will be modified to address impacts to the existing transportation facilities of the new Office use and mitigated appropriately.
22. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. This amendment supports this goal because it supports intensifying the uses at PGE Park which is located directly adjacent to an existing light rail line. This encourages alternative modes of travel which results in energy conservation. Portland Comprehensive Plan findings on Goal 7, Energy, and its related policies and objectives also support this goal.
23. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. This amendment supports this goal because it seeks to improve the viability of PGE Park as a major professional and collegiate sports stadium in the future. By ensuring that major regional facilities like PGE Park and their associated professional sports teams remain located within the Central City, they are contained in an area that best serves the regional population and eliminates the need to locate such facilities in areas with limited transit and lower population densities. See also findings for Portland Comprehensive Plan Goal 2, Urban Development, and its related policies and objectives.

24. This amendment does not affect **State Goals 3, Agricultural Lands, 4, Forest Lands, 7, Areas Subject to Natural Disasters and Hazards, 10, Housing, and 15, Willamette River Greenway** because none of these goals address additional uses at PGE Park.
25. **Goals 16, 17, 18, and 19** deal with **Estuarine Resources, Coastal Shorelines, Beaches and Dunes, and Ocean Resources**, respectively, and are not applicable to Portland as none of these resources are present within the city limits.

Findings on Metro Urban Growth Management Functional Plan

26. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. To the extent Title 1 applies, this amendment is consistent with this title because it allows, on a limited scale, Office uses that would be otherwise prohibited at PGE Park, and these uses will help increase development capacity on the site. See also findings under Comprehensive Plan Goals 5, Economic Development.
27. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. To the extent Title 2 is applicable, this amendment is consistent with this title because it recognizes the important link between transit access and the intense uses of PGE Park by requiring that Office uses allowed at that site be adjacent to a light rail transit stop.
28. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, protects the public's health and safety by reducing flood and landslide hazards, controlling soil erosion and reducing water pollution by avoiding, limiting, or mitigating the impact of development on streams, rivers, wetlands, and floodplains. Title 3 specifically implements the Statewide Land Use Goals 6 and 7. This title does not apply to this amendment because the affected site is not located within Water Quality and Flood Management Areas.
29. **Title 4, Industrial and Other Employment Areas**, limits retail and office development in Employment and Industrial areas to those that are most likely to serve the needs of the area and not draw customers from a larger market area. This title does not apply to this amendment because the affected site is not located in an employment or industrial area.
30. **Title 6, Regional Accessibility**, recommends street design and connectivity standards that better serve pedestrian, bicycle and transit travel and that support the 2040 Growth Concept. To the extent Title 6 applies, this title is supported by this amendment because the proposed Office use would be at PGE Park which is directly adjacent to a light rail station and is accessible to pedestrian and bicycle use which improves regional accessibility.
31. **Title 7, Affordable Housing**, ensures opportunities for affordable housing at all income levels, and calls for a choice of housing types. This title does not apply to this amendment because housing development is not an element that is addressed.

Findings on Portland's Comprehensive Plan Goals

Only the Comprehensive Plan goals addressed below apply.

32. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. This amendment supports this goal because the Department of Land Conservation and Development, who has acknowledged the

City's Comprehensive Plan, has been notified of the zoning code amendment. Also see findings for Policy 1.4 below.

- a) **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. This amendment supports this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include the Oregon Department of Land Conservation and Development, Multnomah County, Metro, and Tri-met.
33. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. This amendment supports this goal because allowing limited Office uses at PGE Park will provide new employment opportunities in the Goose Hollow neighborhood and increase the vitality of the surrounding neighborhood during times when there is no major event at the stadium.
- a) **Policy 2.2, Urban Diversity**, calls for promotion of a range of living environments and employment opportunities for Portland residents. This amendment supports this policy because it recognizes that PGE Park can support limited Office uses as a complement to its primary function as a major public stadium.
 - b) **Policy 2.6, Open Space**, calls for provision of opportunities for recreation and visual relief by preserving existing open space, establishing a loop trail that encircles the city and promoting recreational use of the city's rivers, creek, lakes and sloughs. This amendment supports this policy because it recognizes the unique situation of PGE Park as an Open Space-zoned site that can support a diversity of uses including a limited amount of Office use.
 - c) **Policy 2.10, Downtown Portland**, calls for maintenance and reinforcement of downtown Portland as the principal retail, commercial, service, cultural and high density housing center in the city and region; and calls for implementation of the Downtown Plan. This amendment supports this policy because it specifically increases Office uses allowed within PGE Park and PGE Park is located within the Central City. The new uses will add new commercial opportunities within the facility and help to ensure the stadium's financial success.
 - d) **Policy 2.11, Commercial Centers**, calls for expanding the role of major established commercial centers that are well served by transit in a manner compatible with the surrounding area. This amendment supports this policy because it recognizes the importance of PGE Park as a regional attractor within the Central City that has excellent transit service. The restrictions and procedural requirements assure that new Office uses consider issues related to compatibility with surrounding uses through the development and approval of a Good Neighbor Agreement.
 - e) **Policy 2.25, Central City Plan**, calls for encouraging continued investment within Portland's Central City while enhancing its attractiveness for work, recreation and living through implementation of the Central City Plan. This amendment supports this policy because it recognizes the investment already placed in PGE Park with intensive uses and in light rail that provides easy transit access to the facility. The amendment allows for continued success of the stadium by allowing a limited amount of Office use to complement the primary

recreation and entertainment uses. See also findings for the policies of the Central City Plan and Goose Hollow Station Community Plan.

34. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. This amendment supports this goal because while it does not address residential density, new Office uses at PGE Park may have minor impacts on surrounding residential neighborhoods. To that end, limited Office uses at PGE Park are only allowed with a City Council approved Good Neighbor Agreement and Comprehensive Transportation Management Plan.
35. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendment is consistent with this goal because it allows additional opportunities for economic growth within the Central City, albeit on a small scale, which adds variable economic choices for the citizens and visitors of the city. See also findings for Statewide Planning Goal, Goal 9, Economic Development.
 - a) **Policy 5.1, Urban Development and Revitalization**, calls for encouraging investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities. This amendment supports this policy because it encourages and allows investment in the development, redevelopment, and rehabilitation of PGE Park – and existing urban buildings on long since developed urban land.
 - b) **Policy 5.2, Business Development**, calls for sustaining and supporting business development activities to retain, expand and recruit businesses. This amendment supports this policy by allowing the addition of limited Office use at PGE Park that will expand business operations in the Central City.
36. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. This amendment supports this goal because PGE Park has excellent transit accessibility. The proximity of the site to a light rail line will encourage additional transit ridership from the additional Office use, thereby lowering the traffic impact of the additional use. See also findings for Statewide Planning Goals, Goal 12, Transportation.
 - a) **Policy 6.6, Transit Classification**, calls for supporting a regional development composed of mixed-use centers served by a multi-modal transportation system. This amendment supports this policy because the multi-modal transportation system is in place in the Central City Plan District, and new Office uses at PGE Park will support transit use and also add to the diversity of uses found in the Central City.
 - b) **Policy 6.7, Public Transit**, calls for development of transit as the preferred form of person trips to and from the Central City, regional and town centers, and light rail stations at all times. This amendment supports this policy because it requires proximity to light rail stations as a condition for siting Office uses at PGE Park. The Office uses will also benefit from the availability of transit service during their peak operating times.
 - c) **Policy 6.18, Adequacy of Transportation Facilities, Travel Management** calls for ensuring that amendments to the Comprehensive Plan, or to land use regulations, that change allowed land uses and significantly affect a transportation facility are consistent with the

identified function, capacity and level of service of the facility. This amendment supports this policy because while it will allow a limited amount of new Office use at PGE Park, the transportation facilities are fully capable of serving the proposed uses, and the proposed amendment is fully consistent with the identified function, capacity, and level of service of the transportation facility.

37. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. This amendment supports this goal because it encourages the use of mass transit which helps preserve air and water quality by reducing the use of automobiles, and it requires a Good Neighbor Agreement that addresses potential neighborhood impacts of Office uses at PGE Park.
38. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This proposed amendment followed the process and requirements specified in Chapter 33.740, Legislative Procedure. This amendment supports this goal as addressed (and met) under finding number 14, Statewide Planning Goal 1.
39. **Goal 10, Plan Review and Administration**, calls for periodic review of the Comprehensive Plan, for implementation of the Plan, and addresses amendments to the Plan, to the Plan Map, and to the Zoning Code and Zoning Map. This amendment supports the following policies that implement Goal 10.
- a) **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The objectives of this policy are:
- A. Promote good planning by:
- Effectively and efficiently implementing the Comprehensive Plan;
 - Addressing present and future land use problems;
 - Balancing the benefits of regulations against the costs of implementation and compliance; and
 - Assuring that Portland remains competitive with other jurisdictions as a location in which to live, invest, and do business.
- B. Assure good administration of land use regulations by:
- Keeping regulations simple;
 - Using clear and objective standards where ever possible;
 - Maintaining consistent procedures and limiting their number;
 - Establishing specific approval criteria for all land use reviews;
 - Emphasizing administrative procedures for land use reviews; and
 - Avoiding overlapping reviews.
- C. Strive to improve the code document by:
- Using clear language;
 - Maintaining a clear, logical organization;
 - Using a format and page layout that eases use of the document by lay-people as well as professionals; and
 - Using tables and drawings to add clarity and to shorten the document.

This amendment supports this policy and objectives because it is clear and concise and broadens the urban uses allowed at PGE Park.

- b) **Policy 10.12, Long Range Parks Plan**, calls for the Bureau of Planning and Sustainability and the Bureau of Parks and Recreation to develop a long range parks plan for the City. This amendment supports this policy because allowing a limited amount of Office space at PGE Park supports and strengthens the facility's role in the regional parks system as a major stadium for professional sports and other events.

40. **Goal 11, Public Facilities**, includes a wide range of goals and policies:

41. **Goal 11 A, Public Facilities, General**, calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. This amendment is consistent with this goal because allowing a limited amount of Office use at PGE Park supports and strengthens the existing primary use of the public facility.

- a) **Policy 11.4, Capital Efficiency**, calls for supporting maximum use of existing public facilities and services by encouraging higher density development and development of vacant land within already developed areas. This amendment supports this policy because it allows slightly more intense uses at PGE Park, where existing public facilities can support the more intense uses.

42. **Goal 11 F, Parks and Recreation**, calls for maximizing the quality, safety and usability of parklands and facilities. This amendment supports this goal because it recognizes PGE Park's unique role in the public Open Space System as a major public stadium. Allowing a limited amount of Office use at the facility will help the stadium be successful as a home for Major League Soccer and other events in the future.

- a) **Policy 11.46, Recreation Programs**, calls for providing recreation programs and services which include the needs of persons with disabilities and the elderly within existing resources. This amendment supports this policy because all uses at PGE Park currently meet the requirements of the Americans with Disabilities Act (ADA). New development built to support the Office use will be required to meet ADA requirements at the time of the building permit.

43. **Goal 12, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. This amendment supports this goal because PGE Park is one of many publicly-owned urban amenities that add to the livability of Portland as a city.

- a) **Policy 12.2, Enhancing Variety**, calls for promoting the development of areas of special identity and urban character. This amendment supports this policy because PGE Park is unique to all of Portland, has a long history in the downtown area, and serves more than the immediate downtown population.

Findings on the Central City Plan and Goose Hollow Station Community Plan

Only the Central City Plan goals addressed below apply.

44. **Policy 1, Economic Development**, calls for building upon the Central City as the economic heart of the Columbia Basin, and guiding its growth to further the City's prosperity and livability. To the extent this policy applies, this amendment supports this policy because allowing a limited amount of Office use at PGE Park will assist economic development by helping to make the stadium financially

successful in its new role as a Major League Soccer facility as well as adding range of new employment opportunities in new Office uses at the stadium.

45. **Policy 4, Transportation**, calls for improving the Central City's accessibility to the rest of the region and its ability to accommodate growth, by extending the light rail system and by maintaining and improving other forms of transit and the street and highway system, while preserving and enhancing the City's livability. This amendment supports this policy because PGE Park has excellent transit accessibility. The proximity of the site to an existing light rail line will encourage additional transit ridership from the additional Office use, thereby lowering the traffic impact of the additional use. This amendment further supports this policy because it contributes to the continued success of a major event facility and attractor within the Central City and with excellent public transit access.
46. **Policy 6, Public Safety**, calls for protecting all citizens and their property and creating an environment in which people feel safe. This policy suggests the development of a "24 hour" city with active streets and storefronts to increase activity and eyes-on-the-street to reduce crime. This amendment supports this policy because it allows additional Office uses at PGE Park which will help activate the neighborhood during times where there is no event at the stadium.
47. **Policy 8, Parks and Open Spaces**, calls for building a park and open space system of linked facilities that tie the Central City districts together and to the surrounding community. This amendment supports this goal by because it recognizes PGE Park's unique role in the public Open Space System as a major public stadium. Allowing a limited amount of Office use at the facility will help the stadium be successful as a home for Major League Soccer and other events in the future.
48. **Policy 9, Culture and Entertainment**, calls for providing and promoting facilities, programs and public events and festivals that reinforce the Central City's role as a cultural and entertainment center for the metropolitan and northwest region. This amendment supports this policy because allowing a limited amount of Office use at PGE Park supports and strengthens the existing primary use of the public facility as the primary outdoor major event entertainment stadium for sports and other events within the region.
49. **Policy 15, Goose Hollow**, calls for protecting and enhancing the character of Goose Hollow by encouraging new housing, commercial and mixed-use development which retains or enhances a sense of community while improving the urban infrastructure to support a more pleasant and livable community. The policy encourages supporting mixed-use projects centering on the Stadium and Jefferson Street light rail stations and emphasizing the SW 18th Avenue linear corridor with retail and other uses. The plan calls for replacing the blank exterior walls of the stadium between Yamhill and Salmon with active uses where possible. This amendment supports this policy as it will allow a wider mix of uses at the stadium to be open for business when there is no major event at the stadium.

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NOW, THEREFORE, the Council directs:

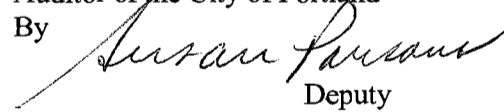
- a. The Planning Commission Report and Recommendation: *Amendment to the Zoning Code to Allow a Limited Amount of Office Use at PGE Park* dated October 20, 2009 (Exhibit A) is hereby adopted;
- b. Based on the Planning Commission Report and public testimony, Chapter 33.510.115.B of Title 33, Planning and Zoning is amended as shown on page 7 of Exhibit A, *Amendment to the Zoning Code to Allow a Limited Amount of Office Use at PGE Park* dated October 20, 2009;
- c. The commentary in the Planning Commission Report is hereby adopted as legislative intent and as further findings.

Passed by the Council: FEB 03 2010

Mayor Sam Adams
Prepared by: Karl Lisle
Date Prepared: October 26, 2009

LaVonne Griffin-Valade
Auditor of the City of Portland

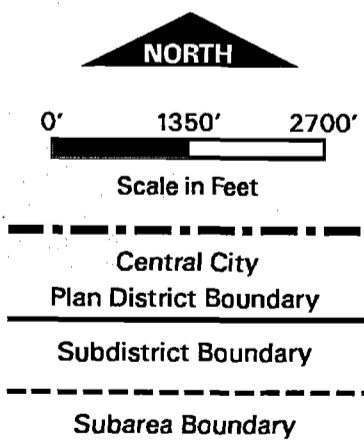
By


Deputy



LEGEND
■ OS Sites Where Additional Uses Are Allowed

Map Revised Dec. 5, 2008



Map 510-10 Areas Where Additional Uses are Allowed in the OS Zone

Map 1 of 2

183517

Exhibit A

PLANNING COMMISSION REPORT AND RECOMMENDATION

**Amendment to the Zoning Code to Allow a Limited
Amount of Office Use at PGE Park**

OCTOBER 20, 2009



City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

183517

Portland City Council

Sam Adams, Mayor
Nick Fish, Commissioner
Amanda Fritz, Commissioner
Randy Leonard, Commissioner
Dan Saltzman, Commissioner

Portland Planning Commission

Don Hanson, President
André Baugh
Amy Cortese
Lai-Lani Ovalles
Michelle Rudd
Howard Shapiro
Jill Sherman
Chris Smith
Irma Valdez

Bureau of Planning and Sustainability

Susan Anderson, Director
Joe Zehnder, Chief Planner

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Amy Ruiz, Office of Mayor Sam Adams, (503) 823-3578

The Bureau of Planning and Sustainability is committed to providing equal access to information and hearings. If you need special accommodation, please call 503-823-7700 (TTY 503-823-6868)

Summary

The City of Portland is working with Peregrine, LLC to transform PGE Park into the home of a new Major League Soccer franchise. Peregrine, LLC has proposed including a sports medicine clinic and associated medical offices in the renovation plans. These medical facilities would serve both athletes using the stadium and the public.

PGE Park is in an Open Space (OS) zone, where Office uses—including medical offices and sports medicine clinics—are prohibited. An amendment to the Zoning Code is required to allow this use. Without an amendment to the Zoning Code, the clinic and offices could still be built at PGE Park, but the services would not be available to the general public; the facility would need to be operated only as an ancillary use to the operation of the stadium. The proposed amendment would allow the clinic and offices to operate as a separate entity, regardless of events taking place at the stadium.

The Planning Commission recommends allowing up to 15,000 square feet of Office space to be developed within the PGE Park site. This is equivalent to about 5% of the 6.95 acre site area, or about 3/8th of a typical Portland block. Only PGE Park will be affected by the proposed change; no other sites in the City will be affected.

Background

The base zoning at PGE Park is Open Space (OS). The OS zone is primarily intended for parks and natural areas. PGE Park is large public stadium that was constructed in 1926. Though the stadium is publicly owned, its primary uses are commercial in nature: Major Event Entertainment and Commercial Outdoor Recreation. Commercial Outdoor Recreation is a conditional use in the OS zone, and Major Event Entertainment is prohibited. Because of this situation, Zoning Code Section 33.510.115 specifically allows these uses at PGE Park provided a number of conditions are met. Conditions include a current, City Council-adopted Good Neighbor Agreement and a current, City Council-adopted Comprehensive Transportation Management Plan. These two documents are intended to ensure that the impacts of events at the stadium on the surrounding neighborhoods are addressed and, where necessary, mitigated. The current Good Neighbor Agreement and Comprehensive Traffic Management Plan have been in effect since 2000. They will both be revised and updated as part of the renovations to the stadium to accommodate Major League Soccer.

Proposal

Staff examined several options that would allow a sports medicine clinic and associated medical offices to operate at PGE Park. Options considered included:

1. Restricting the use of the medical facility to athletes using the stadium; this would make the facility an allowed use.
2. Finding a site adjacent to or near the stadium (with zoning that would allow Office) for the medical clinic.
3. Changing the base zone of the site to CX (Central Commercial); this would make Office an allowed use.
4. Allowing Office use as Conditional Use at PGE Park.
5. Amending the special exceptions for PGE Park already in the Zoning Code to allow a limited amount of Office use at the site.

Option 1 (restricted access to the medical facility) does not meet the development program requirements desired by Peregrine, LLC because the on-site medical clinic and offices provide a valuable financial and sponsorship opportunity for PGE Park, but only if they can serve a larger population beyond teams and users of the stadium.

Option 2 (nearby location) does not meet the development program requirements desired by Peregrine, LLC because the medical facility as envisioned must be located within the stadium to adequately serve athletes and teams using the stadium.

Option 3 (zone change) would allow the medical clinic at the site, but would also allow a broader range of uses on the site without review or restriction; these other uses might have significant negative impacts on the neighborhood. A zone change could easily undermine the various conditions and restrictions that currently apply to the site.

Option 4 (conditional use) would require a separate review process and fee for approval of any Office use at the stadium. However, the approval criteria are tailored to typical Open Space areas (parks and natural areas), and are poorly suited to the unique situation of PGE Park.

Since PGE Park is a unique site and already has a set of particular requirements in the Zoning Code, Option 5 (amending the existing code section on exceptions to allow some Office use in addition to Major Event Entertainment and Commercial Outdoor Recreation) is the most practical approach.

Recommendation

The Planning Commission recommends allowing a maximum of 15,000 square feet of Office use at PGE Park. This amount is roughly 5% of the site area (or about 3/8^{ths} of the area of a typical Downtown block) and is sufficient to allow a sports medicine clinic and associated medical offices. This limit is low enough to avoid significant transportation concerns and ensures that the primary function of the site will continue to be a public stadium.

Because the Good Neighbor Agreement and the Comprehensive Transportation Management Plan must be updated to allow the Office use, they are ideal tools to address any concerns about the new Office uses. Restrictions placed on Office uses through the Good Neighbor Agreement may be as specific as necessary and may address a wide range of potential issues.

Peregrine, LLC and the City are currently working with the area neighborhood associations to amend the Good Neighbor Agreement and Comprehensive Transportation Management Plan for operation of the stadium and address the impacts of Major League Soccer, other events, and the proposed sports medicine clinic at PGE Park.

The proposed renovation of PGE Park will also be subject to a separate Type III Design Review process with a separate public hearing before the Design Commission. That process will address the design and building materials of the renovated facility.

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[INTENTIONALLY LEFT BLANK]

Recommended Amendment to the Zoning Code**Commentary**

This section details the proposed changes to portions of the Zoning Code. Language added to the Zoning Code is underlined. Language deleted from the Zoning Code is shown in ~~striketrough~~

33.510.115.B

This code amendment adds language to 33.510.115.B to allow up to 15,000 square feet of Office use at PGE Park. PGE Park is the only site in Portland that meets the requirements in 33.510.B.3.b and so is the only site to which this section applies.

The requirements of 33.510.115.C (the Good Neighbor Agreement) and 33.510.115.D (the Comprehensive Transportation Management Plan) are not changed by this amendment.

Map 510-10, 1 of 2 is not changed by this amendment. It is included here for reference only. Because PGE Park is the only site on Map 510-10 larger than 5 acres in area, it is the only site to which 33.510.115.B applies.

AMEND CHAPTER 33.510, CENTRAL CITY PLAN DISTRICT

33.510.115, Additional Uses Allowed in the Open Space Zone**A. Purpose. [No change]****B. Additional uses allowed.** The following uses are allowed on sites in the OS zone that are also shown on Map 510-10:

1. One Retail Sales and Service use such as flower, food and drink stands, and other similar pedestrian-oriented uses, per site is allowed. The floor area of the use may be up to 2,500 square feet, but no larger than 5 percent of the area of the site.
2. Parking that is totally below grade and existed as of February 9, 2000; and
3. The uses listed in B.3.a are allowed on sites that meet the requirements of B.3.b. Adjustments to this paragraph are prohibited. Major Event Entertainment and Commercial Outdoor Recreation uses that comply with the standards of Chapter 33.262, Off Site Impacts, are allowed on sites that:

a. Uses allowed:

- (1) Major Event Entertainment;
- (2) Commercial Outdoor Recreation; and
- (3) Up to 15,000 square feet of Office.

b. Requirements for sites where uses in B.3.a are proposed:

- ~~a-~~(1) The site must be ~~A~~re at least 5 acres in area;
- ~~b-~~(2) The site must be ~~A~~re within 500 feet of a Transit Station;
- (3) The standards of Chapter 33.262, Off-Site Impacts, must be met;
- ~~e-~~(4) The site must ~~h~~ave an unexpired Good Neighbor Agreement that is approved by City Council as described in 33.510.115.C, below;
- ~~d-~~(5) The site must ~~h~~ave a Comprehensive Transportation Management Plan that is approved by City Council as described in 33.510.115.D, below; and
- ~~e-~~(6) If the site is not managed by the owner, the site must have an Operating Agreement that is approved by City Council.

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~~614178~~

Agenda No.
ORDINANCE NO. 183517
 Title

Amendment to the Zoning Code to Allow a Limited Amount of Office Use at PGE Park.
 (Ordinance; amend Code Chapter 33.510)

INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS	CLERK USE: DATE FILED <u>NOV 06 2009</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>AM</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson, Director <i>[Signature]</i> Prepared by: Karl Lisle Date Prepared: October 26, 2009	ACTION TAKEN: NOV 12 2009 CONTINUED TO NOV 18 2009 10:30 AM TIME CERTAIN NOV 18 2009 CONTINUED TO DEC 02 2009 10:30 AM TIME CERTAIN DEC 02 2009 CONTINUED TO JAN 06 2010 9:30 AM TIME CERTAIN JAN 06 2010 PASSED TO SECOND READING JAN 27 2010 9:30 A.M. JAN 27 2010 CONTINUED TO FEB 03 2010 9:30 A.M.
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date November 12, 2009	
City Attorney Approval <i>[Signature]</i>	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>9:30 am</u> Total amount of time needed: <u>30 min</u> (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

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

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Bureau of Planning
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