



Oregon

Theodore R. Kubongoski, 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

9/30/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Metro Plan Amendment
DLCD File Number 003-10

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: Thursday, October 14, 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: Ted Reid, Metro
Gloria Gardiner, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

SEP 24 2010

**LAND CONSERVATION
AND DEVELOPMENT**
For Office Use Only

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

Jurisdiction: **Metro**

Local file number: **10-1246**

Date of Adoption: **September 16, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/27/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Metro Functional Plan map**

amendment

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

The City of Portland has requested that the Metro Council amend the Title 4 (Industrial and Other Employment Areas) map to allow uses not currently permissible. Title 4 of the Urban Growth Management Functional plan seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. If the request is approved, 16.9 acres currently designated Industrial would change to Employment and 36.5 acres currently designated for Industrial would have no designation under Title 4. These proposed changes would allow some commercial, residential, or institutional uses that are currently limited under Title 4.

Does the Adoption differ from proposal? Please select one

no

Plan Map Changed from: **Industrial**

to: **Employment and Inner Neighborhood**

Zone Map Changed from:

to:

Location: **NW Portland**

Acres Involved: **53.4**

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**

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**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE
EMPLOYMENT AND INDUSTRIAL AREAS MAP
OF TITLE 4 OF THE URBAN GROWTH MANAGE-
MENT FUNCTIONAL PLAN UPON APPLICATION
BY THE CITY OF PORTLAND

Ordinance No. 10-1246
Introduced by Councilor
Robert Liberty

WHEREAS, subsection 3.07.450H of Title 4 of the Urban Growth Management Functional Plan provides for amendment of the Employment and Industrial Areas Map by the Metro Council at the request of a city or a county and sets forth criteria for amendments; and

WHEREAS, the city of Portland applied to amend the map to change the designation of 53.4 acres in northwest Portland from Industrial Area to Employment Area; and

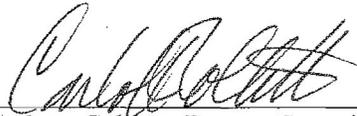
WHEREAS, the Council held a public hearing on the application on September __, 2010; and

WHEREAS, the Council reviewed the city's application and finds that the proposed changes to the Title 4 map meet the criteria in subsection 3.07.450H, as indicated in Exhibit B; now, therefore,

IT IS ORDERED THAT:

1. The Employment and Industrial Areas Map of Title 4 of Metro's Urban Growth Management Functional Plan is hereby amended as shown on Exhibit A, attached to this ordinance.
2. The Council adopts the findings of fact and conclusions of law in Exhibit B, incorporated into this ordinance, to explain how the map amendment complies with state and regional laws.

ENTERED this 16 day of September, 2010

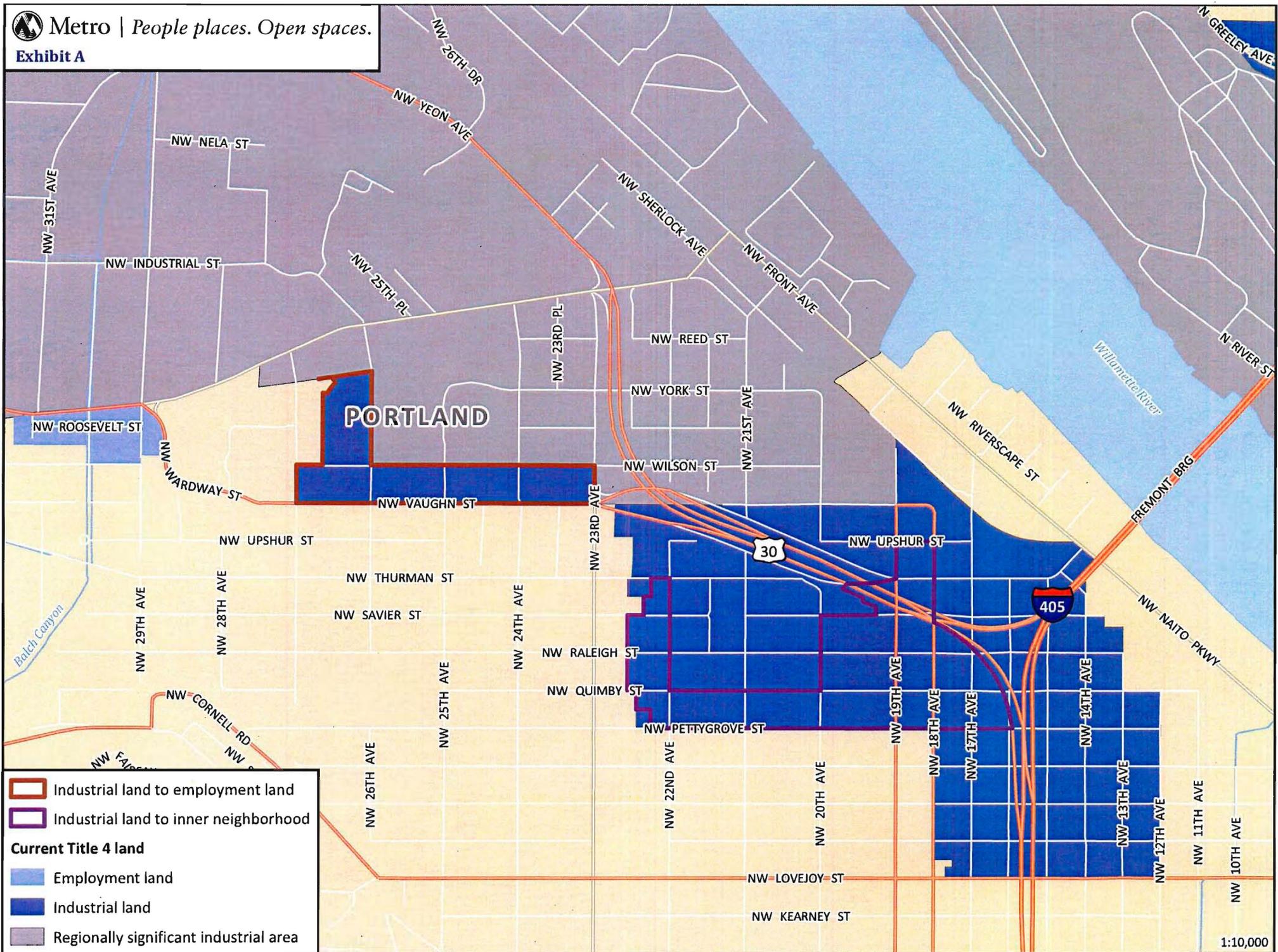


Carlotta Collette, Deputy Council President

Approved as to form:


Daniel B. Cooper, Metro Attorney





1:10,000

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product.

Exhibit B to Ordinance No. 10-1246

Findings of Fact and Conclusions of Law

Title 4 of the Urban Growth Management Functional Plan (UGMFP) authorizes local governments to seek amendments to Title 4's map of industrial and other employment areas. Title 4 prescribes criteria that local governments must satisfy for an amendment to the map. The Metro Council makes the following findings and reaches the following conclusions to address the criteria, found at Metro Code 3.07.450H:

Criterion A: the amendment would not reduce the jobs capacity of the city below the number shown on Table 3.07-1 of Title 1 of the UGMFP

The Council accepts the analysis of city compliance with this criterion in the Staff Report dated August 30. The Council concludes that the amendment complies with Criterion A

Criterion B: the amendment would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan, or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses.

The Council accepts the analysis of city compliance with this criterion in the Staff Report dated August 30. The Council concludes that the amendment complies with Criterion B.

Criterion C: the amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas

The Council accepts the analysis of city compliance with this criterion in the Staff Report entitled dated August 30. The Council concludes that the amendment complies with Criterion C.

Criterion D: the amendment would not reduce the integrity or viability of a traded sector cluster of industries

The Council accepts the analysis of city compliance with this criterion in the Staff Report entitled dated August 30. The Council concludes that the amendment complies with Criterion D.

Criterion E: the amendment would not create or worsen a significant imbalance between jobs and housing in a regional market area

The Council accepts the analysis of city compliance with this criterion in the Staff Report entitled dated August 30. The Council concludes that the amendment complies with Criterion E.

Goal 8: The Council relies upon the findings and conclusion on Goal 7 and city implementation measures made by the city of Portland in its order approving amendments to its comprehensive plan and land use regulations prior to its application for an amendment to the Title 4 map. The proposed map amendment complies with Goal 8.

Goal 9: The Council relies upon the findings and conclusion on Goal 9 and city implementation measures made by the city of Portland in its order approving amendments to its comprehensive plan and land use regulations prior to its application for an amendment to the Title 4 map. Goal 9 does not apply to Metro. Nonetheless, the proposed map amendment complies with Goal 9.

Goal 10: The Council relies upon the findings and conclusion on Goal 10 and city implementation measures made by the city of Portland in its order approving amendments to its comprehensive plan and land use regulations prior to its application for an amendment to the Title 4 map. The proposed map amendment complies with Goal 10.

Goal 11: The Council relies upon the findings and conclusion on Goal 11 and city implementation measures made by the city of Portland in its order approving amendments to its comprehensive plan and land use regulations prior to its application for an amendment to the Title 4 map. The proposed map amendment complies with Goal 11.

Goal 12: The Council relies upon the findings and conclusion on Goal 12 and city implementation measures made by the city of Portland in its order approving amendments to its comprehensive plan and land use regulations prior to its application for an amendment to the Title 4 map. The proposed map amendment complies with Goal 12.

Goal 13: The Council relies upon the findings and conclusion on Goal 13 and city implementation measures made by the city of Portland in its order approving amendments to its comprehensive plan and land use regulations prior to its application for an amendment to the Title 4 map. The proposed map amendment complies with Goal 13.

Goal 14: The proposed amendment to the Title 4 map does not involve the regional UGB. Nor does it involve the use of “urbanizable” land as described in the statewide planning goals. Goal 14 does not apply to the proposed amendment.

Goal 15: The properties involved in the proposed Title 4 map amendment do not lie within the Willamette River Greenway. Goal 15 does not apply to the proposed amendment.



Metro | 600 NE Grand Ave.
Portland, OR 97232-2736

ATTEN PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540