

SUBSTITUTE

ORDINANCE No. 180372

Adopt and implement the 122nd Avenue Station Area Study Implementation Amendments (Ordinance; Amend Titles 33 and 16, Comprehensive Plan)

The City of Portland Ordains:

Section 1. The Council finds:

1. Portland's *Comprehensive Plan* was adopted on October 16, 1980, acknowledged for compliance with Statewide Planning Goals on May 3, 1981, and again on January 25, 2000, and updated as a result of periodic review in June 1988, January 1991, March 1991, September 1992, and May 1995.
2. The Outer Southeast Community Plan was adopted on January 31, 1996, and amended on May 19, 2004.
3. Oregon Revised Statutes (ORS) 197.628 requires cities and counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up-to-date and in compliance with Statewide Planning Goals and State laws. Portland is also required to coordinate its review and update of the *Comprehensive Plan* and land use regulations with State plans and programs.
4. Portland *Comprehensive Plan* Goal 10, Plan Review and Administration, states that the *Comprehensive Plan* will undergo periodic review to ensure that it remains an up-to-date and workable framework for land use development.
5. Portland *Comprehensive Plan* Policy 10.2, Comprehensive Plan Map Review, establishes a community and neighborhood planning process for the review and update of the Portland Comprehensive Plan Map.
6. Portland *Comprehensive Plan* Goal 3, Neighborhoods, calls for preserving and reinforcing the stability, diversity, residential quality, and economic vitality of the City's neighborhoods, while allowing for increased density.
7. Specific area plans and studies are advisory documents for directing and managing change over time. The adopted 122nd Avenue Station Area Study Implementation Amendments will serve as an official guide to decision-making, public deliberation, and investments.
8. Information used for the formulation of the amendments was based on land use, public infrastructure, economic and transportation analyses, and public comments from workshops, open houses, and other meetings, presentations and events.

9. The Bureau of Planning developed the proposed amendments with participation from interested neighborhood and business associations, property owners, business persons and citizens and with cooperation from other bureaus and agencies.
10. Public involvement and outreach activities included regular consultation with a study working group, and three public meetings held between February 2005 and July 2005. Staff also attended neighborhood and business association meetings to discuss issues addressed in the study.
11. The neighborhood and business associations in the study area named a representative to the project's working group. In addition, the working group included representatives of property and business owners in the study area, and representatives of TriMet and Metro. These representatives informed staff on neighborhood and business issues and other matters related to the project and provided feedback on study issues.
12. The *122nd Avenue Station Area Study Implementation Amendments* implement or are consistent with the Statewide Planning Goals, the Oregon Transportation Planning Rule, the Region 2040 Plan, the Metro Urban Growth Management Functional Plan, and the Portland Comprehensive Plan, as explained in the *Findings Report* attached as Exhibit B and incorporated as part of this ordinance. These rules, policies, plans, provide a basis for integrating new residential, commercial and employment activities into the study area.
13. On October 5, 2005 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
14. Written notice of the November 22, 2005 Portland Planning Commission and December 1, 2005 Portland Design Commission public hearings was mailed to 614 interested parties on October 21, 2005.
15. On October 24, 2005 a notice as required by ORS 227.186 was sent to all property owners potentially affected by changes to the base zone or allowed uses of property (73 total). Additional notices were mailed to property owners affected by additional proposed Design overlay zone and Comprehensive Plan Map changes (R3 to R1d) on December 9, 2005.
16. Notice of a rescheduled Design Commission public hearing was mailed to 617 interested parties on December 9, 2005.
17. On November 22, 2005, the Portland Planning Commission held a public hearing on the *122nd Avenue Station Area Study Proposed Implementation Amendments*. The Portland Planning Commission also held a public hearing for testimony on additional areas proposed for the Design overlay zone and changes to the Comprehensive Plan Map (R3 to R1d) on January 10, 2006. On February 14, 2006 the Planning Commission recommended that City Council adopt the *Proposed Implementation Amendments* as amended by the Planning Commission.

18. On January 5, 2006, the Portland Design Commission held a public hearing on the *122nd Avenue Station Area Study Proposed Implementation Amendments*. On February 2, 2006 the Design Commission recommended that City Council adopt the *Proposed Implementation Amendments* as amended by the Design Commission.
19. The Planning Commission held a second hearing on *the 122nd Avenue Station Area Study Proposed Implementation Amendments* on April 25, 2006 to consider further revisions to the Portland Zoning Code. Written notice of this follow-up Planning Commission hearing was mailed to 670 interested parties on April 7, 2006.
20. Portland City Council held a public hearing on June 15, 2006. Written notice of the June 15, 2006 a Portland City Council public hearing was mailed on May 22, 2006. The hearing was continued to June 28, 2006 and August 2, 2006 to consider amendments. Public testimony was taken at all hearings.
21. On July 12, 2006 a notice as required by ORS 227.186 was sent to property owners potentially affected by changes to the base zone or allowed uses of property (CM to CXd). On August 2, 2006, the Portland City Council held a hearing to consider the proposed changes and take public testimony on this matter.
22. The Portland Bureau of Planning mailed notice and held a public meeting on July 20, 2006 to discuss specific proposed amendments for a fuel station in the 122nd Avenue subdistrict of the East Corridor Plan District.
23. The City of Portland wishes to reduce reliance on oil and encourages the use of alternative fuels to help reduce oil dependence and improve air quality.
24. The 122nd Avenue Subdistrict will continue to evolve into a transit and pedestrian oriented mixed use area which will reduce reliance on motor vehicle travel and oil.
25. New fuel stations approved in the 122nd Avenue Subdistrict should include features such as mixed or multiple uses to reduce vehicle miles traveled and alternative fuel products such as B20 biodiesel to further reduce dependency on oil.
26. It is in the public interest that the recommendations contained in the *122nd Avenue Station Area Study Implementation Amendments* be adopted to direct change in the study area. These recommendations are consistent with Statewide Planning Goals, Metro's Functional Plan and the City's Comprehensive Plan for the reasons stated in the findings in Exhibit B.

NOW, THEREFORE, the Council directs:

- a. The *122nd Avenue Station Area Study Implementation Amendments*, dated May 2006 and contained in the attached Exhibit A, as amended by City Council, are hereby adopted.

- b. Portland's *Comprehensive Plan* is amended as described in Exhibit A, the *122nd Avenue Station Area Study Implementation Amendments*, and as amended by City Council.
- c. The *Outer Southeast Community Plan* is amended as described in Exhibit A, the *122nd Avenue Station Area Study Implementation Amendments*.
- d. The Portland Comprehensive Plan Map and the Zoning Map of the City of Portland are amended, as shown in Exhibit A, and as amended by City Council.
- e. The *Community Design Guidelines* are amended as shown in Exhibit A. The Desired Characteristics and Traditions statements included in Exhibit A will be used by design review bodies as extensions of Community Design Guideline P1, Plan Area Character, in the 122nd Avenue area as shown in Exhibit A, the *122nd Avenue Station Area Study Implementation Amendments*.
- f. Title 33, Planning and Zoning of the Code of the City of Portland, Oregon, is amended as shown in Exhibit A, and as amended by City Council.
- g. The commentary in Exhibit A is adopted as legislative intent and as further findings.
- h. Amended Exhibit B, *Findings Report*, dated August 2, 2006, which contains findings on applicable statewide planning goals, the Metro functional plan, and Portland Comprehensive Plan, is adopted as findings of fact.
- i. Portland City Code Title 16, Chapter 16.60 Motor Vehicle Fuels, is amended as shown in Attachment 1 of the memorandum to City Council dated July 31, 2006,
- j. The amendment to add Subsection 33.521.300.G, Motor Vehicle Fuel Sales in the CX Zone to Title 33, Planning And Zoning, will be effective on July 1, 2007. This amendment is in the memorandum to City Council dated July 31, 2006.

Section 2. This Ordinance shall be in full force and effect 45 days after Council adoption.

Passed by the Council, **AUG 16 2006**

Mayor Tom Potter
Barry Manning
Date: August 1, 2006

GARY BLACKMER
Auditor of the City of Portland

By

Deputy