

ORDINANCE No. 180095 As Amended

Adopt and implement the Linnton Hillside Recommended Plan (Ordinance; amend Comprehensive Plan and Zoning Map; amend Title 33)

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. Oregon Revised Statute (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.
3. 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.
4. Portland *Comprehensive Plan* Goal 8, Environment, calls for maintaining and improving the quality of Portland's air, water, and land resources.
5. 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.
6. 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.
7. Portland *Comprehensive Plan* Policy 11 A calls for providing a timely, orderly, and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.
8. Information used for the formulation of the amendments of the *Linnton Hillside Recommended Plan* was based on Portland land use, transportation, public sanitary sewer and water systems, and natural land hazard inventories, as well as stormwater and sanitary sewer system modeling analysis, public comments from workshop and open house events, and other meetings, presentations and events.
9. The Bureau of Planning developed the *Linnton Hillside Recommended Plan* with participation from interested neighborhood and business associations, property owners, business persons, and citizens with cooperation from other City bureaus and government agencies, Metro, and Multnomah County.

10. Public involvement and outreach activities included community workshops and consultation with citizen and technical advisory groups. Staff also attended Linnton Neighborhood Association meetings.
11. A Community Working Group, composed of neighborhood, business, industrial, and advocacy groups, community members and business owners, was created to consider existing conditions and possible implementation strategies for the Linnton Hillside Study. The group's role was to consider the diverse interests of the community and represent a range of perspectives on planning issues.
12. A technical advisory group (TAG) composed of representatives from public service providers, city agencies, and other governments and organizations participated in the creation and review of components and drafts of the *Linnton Hillside Recommended Plan* throughout its formulation.
13. *The Linnton Hillside Recommended Plan* provisions implement or are consistent with the Statewide Planning Goals, the Metro Urban Growth Management Functional Plan, the Portland Comprehensive Plan, the Northwest Hills Natural Areas Protection Plan, and the Northwest Hills Study, as explained in the *Linnton Hillside Recommended Plan Findings Report* attached as Exhibit D and incorporated as part of this ordinance. These rules, goals, policies, and plans, provide a basis for limiting development potential of the Linnton Hillside area.
14. The Notice of Proposed Action and copies of the *Linnton Hillside Recommended Plan* were mailed to the Oregon Department of Land Conservation and Development as required by ORS 197.610 on July 27, 2005.
15. Written notice of the September 13, 2005, Portland Planning Commission public hearing on the Linnton Hillside *Proposed Plan* was mailed to 517 interested parties on August 12, 2005, and 410 property owners in the Linnton neighborhood. Measure 56 notification of the September 13, 2005, Portland Planning Commission public hearing on the *Proposed Plan* was mailed to all property owners affected by changes to the base zone or allowed uses of property on August 19, 2005.
16. On September 13, 2005, the Portland Planning Commission held a public hearing on the Linnton Hillside *Proposed Plan*. The Planning Commission discussed the Plan at a public meeting on October 11, 2005, and recommended that City Council adopt the *Proposed Plan* with minor amendments.
17. Written notice of the March 15, 2006 City Council public hearing on the Linnton Hillside *Recommended Plan* was mailed to all properties in the study area, the legislative mailing list, the Planning Commission, and other interested individuals on February 21, 2006. Measure 56 notification of the March 15, 2006, City Council public hearing on the Linnton Hillside *Recommended Plan* was mailed on February 22, 2006, to new property owners affected by changes to the base zone or allowed uses of property. These property owners did not receive the initial Measure 56 notification.
18. Appendices A and B (attached as Exhibit C), and Section III, Subarea Context and Nonregulatory Options, of the *Linnton Hillside Recommended Plan* (attached as Exhibit

B) , will serve as a guide to public and private decision-making and investment in the plan area.

19. The recommendations acknowledge that the Linnton Hillside area is constrained by natural conditions and limited existing infrastructure, and are intended to protect the public health and safety by limiting the potential number of new housing units consistent with these constraints. The 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 D.

NOW, THEREFORE, the Council directs:

- a. Exhibit D, *Linnton Hillside Recommended Plan Findings Report*, dated February 2006, which contains findings on applicable statewide planning goals, the Metro functional plan, the Portland *Comprehensive Plan*, the Northwest Hills Natural Area Protection Plan, and the Northwest Hills Study, is adopted as findings of fact.
- b. The Planning Commission *Linnton Hillside Recommended Plan*, dated February 16, 2006, and contained in the attached Exhibit B, is hereby adopted.
Exhibit B is amended, as proposed by staff in the Revised Substitute Exhibit A, dated April 6, 2006.
- c. The Portland *Comprehensive Plan* Map and the Zoning Map of the City of Portland are amended, as shown in Exhibit B.
- d. *Title 33, Planning and Zoning* of the Code of the City of Portland, Oregon, is amended as shown in Exhibit B.
- e. The commentary in Exhibit B is adopted as legislative intent and as further findings.
- f. Exhibit C, *Linnton Hillside Study Appendices*, which contain background material for the *Linnton Hillside Recommended Plan*, is adopted.
- g. Exhibit E, *Linnton Hillside Study Regulatory Impact Assessment*, February 2006, is adopted.

Passed by the Council, **APR 26 2006**

Mayor Tom Potter
M. Feuersanger
March 3, 2006

GARY BLACKMER,
Auditor of the City of Portland

By



Deputy