

ORDINANCE No. 185682 As Amended

Amend the Comprehensive Plan and Zoning Map for properties along and near SE 122nd Ave between Powell Blvd and Foster Rd (Ordinance; amend Title 33, Comprehensive Plan Map)

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 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.
4. 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.
5. The SE 122nd Avenue Rezone Project (SE 122nd Project) focuses on a neighborhood that is underserved in commercial zoning and businesses that provide goods and services to the local community. The Project's proposed map amendments are intended to promote a pattern of land use that encourages and contributes to the economic, social, and physical health, welfare, and safety of the neighborhood and the city.
6. Information used for the formulation of the map amendments for the SE 122nd Project was based on a review of existing land uses and historic zoning pattern, public comments from meetings, presentations, and internet and email comments, as well as a transportation analysis.
7. The Bureau of Planning and Sustainability developed the map amendment recommendations for the SE 122nd Project area that are found in the Recommended SE 122nd Avenue Rezone Project report with participation from interested neighborhood and business associations, property owners, business persons, and community members with cooperation from other City bureaus and agencies.
8. Public involvement and outreach activities included two neighborhood walking tours, six meetings with a Project Advisory Group comprised of neighborhood

and business representatives and an open house attended by about 60 people. Staff also participated at neighborhood, business association and community meetings as well as posting and maintaining a project website.

9. The map amendments in the *Recommended SE 122nd Avenue Rezone Project* report implement, or are consistent with, the Statewide Planning Goals, the Oregon Transportation Planning Rule, the Metro Region 2040 Growth Concept Plan, the Metro Urban Growth Management Functional Plan, and the Portland Comprehensive Plan, as explained in the *SE 122nd Avenue Rezone Project Map Amendments: Findings report* attached as Exhibit B and incorporated as part of this ordinance.
10. The Notice of Proposed Action and copies of the Proposed Draft of the *SE 122nd Avenue Rezone Project* were mailed to the Oregon Department of Land Conservation and Development as required by ORS 197.610 on February 14, 2012.
11. Written notice of the June 26, 2012, Portland Planning and Sustainability Commission public hearing on the Proposed Draft of the *SE 122nd Avenue Rezone Project Report* was mailed to interested parties on May 23, 2012. Notice of the June 26, 2012, Portland Planning and Sustainability Commission public hearing on the Proposed Draft of the *SE 122nd Avenue Rezone Project Report* was also mailed to all property owners affected by changes to the base zone or allowed uses of property on June 1, 2012 consistent with ORS 227.186.
12. On June 26, 2012, the Portland Planning and Sustainability Commission held a public hearing on the Proposed Draft of the *SE 122nd Avenue Rezone Project Report*. At the hearing, the Planning and Sustainability Commission accepted public testimony, discussed the rezoning proposal, and unanimously recommended that City Council adopt the *Recommended SE 122nd Avenue Rezone Project report* and included specific rezonings near the intersection of Powell Boulevard and SE 122nd Avenue as described on Map 1 of that document.
13. Written notice of the September 19, 2012 City Council public hearing on the *SE 122nd Avenue Rezone Project - Recommended Draft report* was mailed to all owners of properties in the study area, the legislative mailing list, the Planning Commission, and other interested individuals on September 5, 2012.
14. Because the September 19, 2012 City Council public hearing on the *SE 122nd Avenue Rezone Project – Recommended Draft report* was cancelled due to a lack of quorum, this public hearing was rescheduled for October 10, 2012. Public notice was again mailed to all owners of properties in the study area, the legislative mailing list, the Planning and Sustainability Commission, and other interested individuals on September 26, 2012.
15. It is in the public interest that the map amendment recommendations contained in the *SE 122nd Avenue Rezone Project – Recommended Draft report* 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 Planning and Sustainability *SE 122nd Avenue Rezone Project – Recommended Draft*, dated September 2012, attached as Exhibit A, is hereby adopted.
- b. The Portland *Comprehensive Plan* Map and the Zoning Map of the City of Portland are amended, as shown on the Recommended Zoning Map for Project Area attached as Exhibit C.
- c. The commentary in Exhibit A is adopted as legislative intent and as further findings.
- d. The *SE 122nd Avenue Rezone Project Map Amendments, Exhibit B: Findings*, dated September 2012, which contains findings of compliance with applicable statewide planning goals, the Transportation Planning Rule, the Metro functional plans, and Portland *Comprehensive Plan*, is adopted as findings of fact to support the actions in the above directives.

Passed by the Council:

OCT 17 2012

Commissioner Mayor Adams
Prepared by: John Cole
Date Prepared: August 22, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland




By


Deputy

~~1074~~ ~~1155~~ ~~1169~~

Agenda No. **ORDINANCE NO. 185682** As Amended
Title

Amend the Comprehensive Plan and Zoning Map for properties along and near SE 122nd Ave between Powell Blvd and Foster Rd (Ordinance; amend Title 33, Comprehensive Plan Map)

INTRODUCED BY Commissioner/Auditor: Mayor Adams
COMMISSIONER APPROVAL 
Mayor—Finance and Administration - Adams
Position 1/Utilities - Fritz
Position 2/Works - Fish
Position 3/Affairs - Saltzman
Position 4/Safety - Leonard
BUREAU APPROVAL
Bureau: Planning and Sustainability Bureau Head: Susan Anderson 
Prepared by: Joun Cole Date Prepared: September 5, 2012
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 September 19, 2012
City Attorney Approval:  required for contract, code, easement, franchise, comp plan, charter

CLERK USE: DATE FILED SEP 14 2012

LaVonne Griffin-Vaiade
Auditor of the City of Portland

By: 
Deputy

ACTION TAKEN:

**SEP 19 2012 RESCHEDULED TO OCTOBER 10, 2012
AT 3:00 PM TIME CERTAIN**

**OCT 10 2012 PASSED TO SECOND READING As Amended OCT 17 2012
9:30 A.M.**

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> <i>1 hr both items per chair 9/14</i> Start time: <u>3:00 PM</u>
Total amount of time needed: <u>1.5 hours</u> (for presentation, testimony and discussion) <i>10/2</i>
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	