

# ORDINANCE No. 185077

\*Amend the Comprehensive Plan Map designation and change zoning of two lots in the vicinity of 1500 SE 96<sup>th</sup> Ave at the request of Ty Johnson, Portland Adventist Academy (Ordinance; LU 11-138415 CP ZC)

The City of Portland ordains:

Section 1. Council finds:

1. The Applicant seeks, in the vicinity of 1500 SE 96th Avenue, the following:
  - a. a Comprehensive Plan Map Amendment from Central Residential to Central Employment for the area identified as state ID No. 1S2E04DA 12500, 1S2E04A 02500, 1S2E04A 02501, 1S2E04A 02601, 1S2E04A 02600 and legally described as TL 12500 0.04 ACRES, CANCEL INTO R643109 SECTION 04 1S 2E, TL 12500 0.04 ACRES; TL 2500 5.29 ACRES SPLIT LEVY R332448 (R992044390), SECTION 04 1S 2E; TL 2501 0.86 ACRES SPLIT LEVY R332431 (R992044130), SECTION 04 1S 2E; TL 2601 0.01 ACRES SPLIT LEVY R332465 (R992044740), CANCEL INTO R332431 / SECTION 04 1S 2E, TL 2601 0.01 ACRES; TL 2600 0.01 ACRES SPLIT LEVY R332455 (R992044480), CANCEL INTO R332465 / SECTION 04 1S 2E, TL 2600 0.01 ACRES in the City of Portland, County of Multnomah and State of Oregon (hereafter referred to as the "Property") ;
  - b. a Zoning Map Amendment from Institutional Residential with a Design Overlay (IRd) to General Employment with a Design Overlay (EXd) for the Property;
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendments of the Comprehensive Plan Map and Zoning Map, with Adjustments has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on October 19, 2011 and a Recommendation was issued on November 4, 2011 (BDS File No. LU 11-138415 CP ZC). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment and Zoning Map Amendment, with conditions.
4. The requested amendments to the Comprehensive Plan Map and Zoning Map, based on the findings contained in the Recommendation of the Hearings Officer, are found to be in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

- a. City Council adopts the facts, findings, conclusions and recommendations of the Hearings Officer in BDS File No. LU 11-138415 CP ZC.

- b. The Comprehensive Plan Map Amendment and Zoning Map Amendment for the Property are approved as follows:
1. a Comprehensive Plan Map Amendment from Central Residential to Central Employment; and
  2. a Zoning Map Amendment from Institutional Residential with a Design Overlay (IRd) to General Employment with a Design Overlay (EXd).
  3. the Comprehensive Plan Map Amendment and Zoning Map Amendment are subject to the conditions below. Any violation of these conditions shall be subject to the enforcement procedures in the City Code, but will not void the Comprehensive Plan Map Amendment, Zoning Map Amendment:
    - A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-138415 CP ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
    - B. To ensure that future development will not over-burden the downstream sanitary sewer system, it must be shown that one of the following is achieved:
      1. All future development is restricted such that the peak daily sanitary flows coming off of the site to the public system will not exceed 2.5 cfs peak daily flow to the piped system or 3 cfs peak daily flow to the Cherry Park Pump Station (or numbers updated by BES staff to reflect changes to factors such as the public system itself or modeling assumptions); or
      2. The applicant or owner improves the overall public sanitary system such that available capacity exists for the development. This could include changes such as upsizing downstream pipes or modifying the Cherry Park Pump Station such that it has increased pumping capabilities.
    - C. To ensure that future development will not over-burden the localized sewer system immediately adjacent to the site, it must be shown that one of the following is achieved:
      1. All development discharges its sanitary flows to the 15" sanitary sewer in 100<sup>th</sup> (or the largest sanitary sewer available to it at the time), provided all applicable BES and plumbing code standards and requirements can be met; or
      2. BES finds that available capacity exists in the sewer in Main; or

3. The applicant or owner improves the local public sanitary system such that the connection point has available capacity, to the satisfaction of BES.

D. Allowed land uses in the EX zone shall be limited to 998 equivalent PM peak hour trips. Equivalencies shall be applied per those presented in Table 1 below. To ensure the trip cap is not exceeded, applicants shall submit a written verification at the time of building permit, identifying all site uses, both existing and proposed, and showing a maximum equivalent PM peak hour trip generation of 998 trips.

**Table 1. Weekday PM Peak Hour Trip Rates for Trip Cap Comparison**

Table 1 – Land Use Trip Conversions				
EX Allowed Land Use	ITE Use Code	Unit	Size	PM Peak Hour Trip Equivalent
Household Living	220	Dwelling	2	1 Trip
Retail	820	SF	300	1 Trip
Office	710	SF	780	1 Trip
Vehicular Repair	942	SF	240	1 Trip
Manufacturing and Production	140	SF	1,560	1 Trip
Warehouse and Freight Movement	150	SF	2,640	1 Trip
Wholesale Sales	860	SF	2,280	1 Trip
Industrial Service	130	SF	1,320	1 Trip
Parks and Open Areas	412	SF	8,760	1 Trip
Schools	530	SF	540	1 Trip
Colleges	540	SF	420	1 Trip
Medical Center	610	SF	780	1 Trip
Religious Institutions	560	SF	1,200	1 Trip
Daycare	565	SF	84	1 Trip

E. A minimum of 268 of the 998 PM peak hour motor vehicle trips that are allotted to the site must be reserved for the 536 residential units that are required to preserve the minimum residential density for the site. The remaining 730 trips may be allotted to other uses, in accordance with the floor area equivalencies shown in Table 1.

1. Residential units that are created on the site must be preserved for residential use through a 25-year covenant.
2. If more trips are desired for allocation to nonresidential uses, then an equivalent number of non-required residential units must be created on another site and must be preserved for residential use through a 25-year covenant.

Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described properties; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

DEC 15 2011

Passed by the Council:  
Introduced by City Auditor LaVonne Griffin-Valade  
Gregory J. Frank/rs  
Date: December 7, 2011

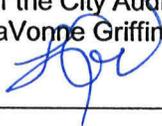
LAVONNE GRIFFIN-VALADE  
Auditor of the City of Portland

By:  
Deputy:



Agenda No. **185077**  
**ORDINANCE NO.**  
 Title

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INTRODUCED BY Commissioner/Auditor: <b>LaVonne Griffin-Valade</b>	CLERK USE: DATE FILED <u>DEC 09 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams 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: <u></u> Deputy
BUREAU APPROVAL Bureau: Office of the City Auditor Bureau Head: LaVonne Griffin-Valade 	ACTION TAKEN:
Prepared by: Gregory J. Frank/rs  Date Prepared: December 7, 2011	
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 December 15, 2011	
City Attorney Approval:  required for contract, code, easement, franchise, comp plan, charter	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> Start time: <u>2:00</u>  Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <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	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	