

ORDINANCE NO. 189522 As Amended

Amend the Comprehensive Plan Map and the Official Zoning Map to carry out the map amendments implementing the 82nd Avenue Study: Understanding Barriers to Development (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

General Findings

1. Portland's 82nd Avenue is home to one of the most diverse populations in the region; the census tract around 82nd Avenue and Powell Boulevard is the most diverse in the state of Oregon. Neighborhood centers like the Jade District and Montavilla are making 82nd Avenue a destination. Many public institutions, like Portland Community College (PCC) Southeast Campus, Madison High School, Vestal Elementary School and others, front along the corridor. The avenue is also a busy transportation corridor serving 20,000 to 30,000 vehicle trips each day, hosting one of the busiest bus routes in the region and providing a critical north-south connection.
2. In the 2035 Comprehensive Plan, about 14 blocks of EG General Employment zoning was added on 82nd Avenue. These map changes were supported by new policies to increase East Portland job growth (Policy 6.28), increase income self-sufficiency (Policy 6.27), reduce racial income disparities (Policy 6.30), and provide adequate land supply to meet forecast demand in Dispersed Employment Areas (Policy 6.13).
3. In Portland, extensive development has occurred in the EG-zone geographies in the last decade, affecting 34% of the EG zone acreage citywide. Most of the development was in new buildings, affecting 21% of the citywide EG acres, 20% in the Dispersed Employment Areas, and 19% in EG zones on 82nd Avenue.
4. 2035 Comprehensive Plan Policy 6.43 specifically refers to providing small, dispersed employment areas.

Policy 6.43, Dispersed Employment Areas. Provide small, dispersed employment areas for a flexible and affordable mix of office, creative services, small-scale manufacturing, traded sector and distribution, and other small-format light industrial and commercial uses with access to nearby freeways or truck streets.

5. Statewide Planning Goal 9 requires Portland and all other cities consider economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Comprehensive plans for urban areas are required to include, among other things: an analysis of economic patterns, potentialities, strengths, and deficiencies; policies

concerning economic development; and land use maps that provide for at least an adequate supply of sites for a variety of industrial and commercial uses.

6. In 2016 the City-led effort, *82nd Avenue Study: Understanding Barriers to Development*, referred to as the “82nd Avenue Study,” began and focused on understanding the challenges of and exploring opportunities for new development in the corridor alongside potential transportation improvements. The 82nd Avenue Study was intended to offer an updated understanding of the development potential of properties along 82nd Avenue and identify barriers that can be addressed in the near-term, but also with an eye toward long-term solutions.
7. Prior to the publication of the *82nd Avenue Study: Understanding Barriers Draft Report*, a joint Bureau of Planning and Sustainability (BPS) and Portland Bureau of Transportation (PBOT) briefing of the 82nd Avenue Study before the Planning and Sustainability Commission (PSC) was held on November 13, 2018. At the briefing, the PSC directed BPS to:
 - a. Zone a three- to four block stretch of employment-zoned properties along SE 82nd Avenue from General Employment 2 (EG2) to General Employment 1 (EG1).
 - b. Eliminate or modify the split-zoned designation of approximately 16 properties and propose necessary adjustments.
 - c. Conduct a related economic, equity and impact analysis specific to commercial displacement.
8. The *82nd Avenue Study: Understanding Barriers Draft Report* was released December 2018 and the related *82nd Avenue Study: Understanding Barriers to Development Map Changes* were published February 8, 2019 for review by the public and the Portland Planning and Sustainability Commission (PSC). The PSC conducted a public hearing on March 12, 2019. The PSC voted on March 12, 2019 to forward to City Council their *Recommended Draft Report* and related map amendments.
9. On February 5, 2019 notice of the *82nd Avenue Study: Understanding Barriers to Development Map Changes* was filed with the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
10. On February 8, 2019, notice of the *82nd Avenue Study: Understanding Barriers to Development Map Changes* and the March 12, 2019 Planning and Sustainability Commission hearing were sent to 96 property owners potentially affected by the changes, as required by ORS 227.186. Property owners received a separate notice for each property potentially affected by the proposal. In addition, courtesy notices were sent to all occupants for each property potentially affected by the proposal, as well, as occupants within 100 feet of the potentially affected properties. Another 464 notices were sent to individuals and organizations who requested notice on land use

legislative actions by the City or Portland and/or with property fronting on 82nd Avenue.

11. On May 9, 2019, BPS published the Planning and Sustainability Commission's *82nd Avenue Study: Understanding Barriers to Development Recommended Draft Report* (Exhibit B).
12. A public notice of the May 23, 2019 Portland City Council public hearing on the *Recommended Draft Report* and related map amendments was sent on May 9, 2019 to those who testified to the Planning and Sustainability Commission, individuals and organizations who requested such notice and/or with property fronting on 82nd Avenue and other interested parties.
13. The 82nd Avenue Study: Barriers to Development Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland *2035 Comprehensive Plan*.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A as additional findings of fact.
- b. Accept Exhibit B report, *82nd Avenue Study: Understanding Barriers to Development Recommended Draft*, dated May 9, 2019.
- c. Recognize the Exhibit B report as legislative history for the amendments to the City of Portland's Comprehensive Plan Map and Official Zoning Map as directed below.
- d. Amend the Comprehensive Plan Map as depicted in Exhibit C.
- e. Amend the Official Zoning Map as depicted in Exhibit D.

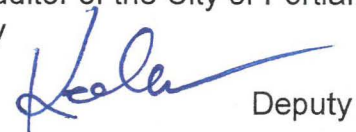
Section 2.

If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: MAY 29 2019

Mayor Ted Wheeler
Prepared by: Marty Stockton
Date Prepared: May 6, 2019

Mary Hull Caballero
Auditor of the City of Portland
By


Deputy

Agenda No.
ORDINANCE NO. 189522 As Amended
 Title

Amend the Comprehensive Plan Map and the Official Zoning Map to carry out the map amendments implementing the 82nd Avenue Study: Understanding Barriers to Development (Ordinance)

INTRODUCED BY Commissioner/Auditor: Ted Wheeler	CLERK USE: DATE FILED <u>MAY 14 2019</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler <i>KD</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Andrea Durbin <i>[Signature]</i> Prepared by: Marty Stockton Date Prepared: May 6, 2019	ACTION TAKEN: MAY 23 2019 PASSED TO SECOND READING As Amended MAY 29 2019
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	9:45 TIME CERTAIN
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
<input checked="" type="checkbox"/> City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>LF</i>	
Council Meeting Date May 23, 2019	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:00 pm Total amount of time needed: 1 hour (for presentation, testimony and discussion)		YEAS	NAYS
CONSENT <input type="checkbox"/>	1. Fritz	<input checked="" type="checkbox"/>	
REGULAR <input type="checkbox"/>	2. Fish	<input checked="" type="checkbox"/>	
Total amount of time needed: _____ (for presentation, testimony and discussion)	3. Hardesty	<input checked="" type="checkbox"/>	
	4. Eudaly	<input checked="" type="checkbox"/>	
	Wheeler	<input type="checkbox"/>	<input type="checkbox"/>