

ORDINANCE No. 183916

Amend the Northwest Master Plan regulations (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

### General Findings

1. In 2001, City Council adopted the Northwest Transition Zoning Project with Ordinance No. 175877. Among other things, that project created the Northwest plan district as Chapter 33.562 of the Zoning Code.
2. The 2001 Northwest plan district included requirements for a Northwest Master Plan (NWMP). The requirement applied only to an area roughly bounded by NW Pettygrove, NW Thurman, NW 20th, and NW 22nd. This area was owned at the time by CNF, a company which has now become Con-Way.
3. The reasoning and process by which the NWMP provisions were added to the plan district are detailed in the *Report on the Proposal for a Northwest Master Plan*, which was Exhibit B to Ordinance 175877. The *Report* is attached to this ordinance as Exhibit B, and is incorporated here as further findings.
4. To summarize the reasons for adding the NWMP provisions, CNF wanted more flexibility than the IG1 zoning would allow, but neighbors and the City felt that rezoning the site without further planning was problematic. Neighbors and the City looked to the Northwest District Planning process, which was underway, as the vehicle for that rezoning and further planning. CNF felt that timeframe would not work for potential immediate needs for additional office space—and employment—on their site. CNF needed to begin their internal process of long-range planning for their property in advance of the completion of the Northwest District Plan, but could not justify the expense of the long-range planning unless the zoning provided more certainty.
5. As stated in the Report, ". . .the proposed [Northwest] Master Plan was conceived as a temporary measure to allow CNF certainty regarding the zoning of their property so that they can proceed with their private master planning process. Ideally, the CNF master planning process will occur concurrent with the Northwest Area Plan project, so that the two processes can inform each other. At the conclusion of CNF's planning process, they could make application for a Northwest Master Plan, however close coordination between the efforts could make this unnecessary. The outcome of joint efforts could be replacement of the master plan requirement with land use and transportation policies, development standards, and design standards and guidelines that direct development of these properties without the need of a [Northwest] Master Plan."
6. The NWMP provisions represented a compromise reached among CNF, the neighbors, and the City. It was agreed that the zoning would change to EXd, but a NWMP would be required for any development.
7. In 2003 and 2004, City Council adopted the Northwest District Plan (NWDP) and a number of implementing and other actions. Four ordinances and a resolution were used for this adoption: Ordinances Nos. 177920, 177921, 177993, and 178020, and Resolution No. 376171.
8. The Northwest Master Plan was removed from the code with adoption of the NWDP because the various elements addressed by the NWMP were now addressed by various elements

of the NWDP. See the commentary on Page G-42 of Exhibit A to Ordinance No. 177920, attached as Exhibit C and incorporated here by reference.

9. The ordinances and resolution adopting the NWDP were appealed to the Oregon Land Use Board of Appeals (LUBA).
10. After an initial decision by LUBA, an appeal to the Oregon Court of Appeals, and a remand to LUBA, LUBA remanded Ordinance No. 177920 to the City of Portland in 2005. LUBA affirmed the other three ordinances and the resolution.
11. While the remand did not address anything related to the NWMP, it had the effect of invalidating code adopted by Ordinance No. 177920. By invalidating that code, the NWMP was put back into the Zoning Code. It is currently in the Code as Section 33.562.300
12. City Council has readopted actions and elements that had been part of the remanded ordinance. On October 21 2009, the Council adopted Ordinance No. 183269, which readopted the bulk of the NWDP, but did not readopt, delete, or modify the provisions of the NWMP. As part of the discussions with the community, including neighbors and property owners, there has been interest in retaining the Northwest Master Plan requirement.
13. The NWMP was intended to be a temporary measure and was removed from the Code because the various elements addressed by the NWMP were addressed by various elements of the NWDP.
14. The NWMP can provide both needed flexibility and an appropriate process for determining the future uses and design of a large tract in the neighborhood. For these reasons, this ordinance retains the NWMP in the Zoning Code, and makes minor changes to the current language; none of the changes are substantive.
15. On November 7, 2007, staff met with the Transportation Committee of the Northwest District Association (NWDA) to discuss the NW Plan District Remand project, which includes readoption of amendments to the Official Zoning Map and Comprehensive Plan Map, and discussion of the NWMP (the Remand). The amendments to the Official Zoning Map and Comprehensive Plan Map originally adopted as part of the NWDP are being readopted by a separate ordinance
16. On November 13, 2007, staff met with the Northwest Industrial Neighborhood Association to discuss the Remand.
17. On October 1, 2008, staff met with the Transportation Committee of the NWDA to discuss the latest transportation information related to the Remand.
18. On July 16, 2009, staff met with the Planning Committee of the NWDA to discuss the status of the NW District Plan and the proposal to re-adopt the portions of the plan not related to the remanded items.
19. On October 29, 2009, staff met with representatives from Neighbors West/Northwest and the NWDA to discuss the continuing public participation process for the Remand.
20. Staff met with the following interested parties on the following dates to discuss the amendments proposed by this ordinance: the Leadership Committee of the NWDA (April 8, 2010), the Transportation Committee of the NWDA (May 5, 2010), and the Land Use Committee of the NWDA and interested property owners (May 13, and 17, 2010). On April 21, 2010, 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. DLCD received the notice on April 23, 2010.
21. On May 11, 2010, notice was mailed to more than 1,200 people and organizations, including all neighborhood associations and coalitions and business associations in the City of Portland, as

well as property owners and those within 400 feet of the areas to be rezoned, other interested persons, to notify them of an Open House and the City Council Hearing on the Remand.

22. On May 19, 2010, staff held an open house on the Remand at Good Samaritan Hospital in Northwest Portland. Twenty-five people attended the open house.
23. During April and May, staff also communicated via email, meetings, and phone with various interested people, including property owners.
24. This ordinance and the attachments were published on May 28, 2010. They were also posted on the Bureau's website.
25. On June 10, 2010, City Council held a hearing on this ordinance. Staff from the Bureau of Planning and Sustainability presented the proposal, and public testimony was received.
26. On June 16, 2010, City Council voted to adopt the proposal contained in this ordinance..

### Findings on Statewide Planning Goals

27. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.
28. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:
  29. The Bureau of Planning maintained and updated as needed a project web site that included basic project information, announcements of public events, project documents and staff contact information.
  30. On November 7, 2007, staff met with the Transportation Committee of the Northwest District Association (NWDA) to discuss the NW Plan District Remand project, which includes re-adoption of amendments to the Official Zoning Map and Comprehensive Plan Map. and discussion of the NWMP (the Remand). The amendments to the Official Zoning Map and Comprehensive Plan Map are under a separate ordinance
  31. On November 13, 2007, staff met with the Northwest Industrial Neighborhood Association to discuss the Remand.
  32. On October 1, 2008, staff met with the Transportation Committee of the NWDA to discuss the latest transportation information related to the Remand.
  33. On July 16, 2009, staff met with the Planning Committee of the NWDA to discuss the status of the NW District Plan and the proposal to re-adopt the portions of the plan not related to the remanded items.
  34. On October 29, 2009, staff met with representatives from Neighbors West/Northwest and the NWDA to discuss the continuing public participation process for the Remand. Staff met with the following interested parties on the following dates to discuss the amendments proposed by this ordinance: the Leadership Committee of the NWDA (April 8, 2010), the Transportation Committee of the NWDA (May 5, 2010), and the Land Use Committee of the NWDA and interested property owners (May 13, and 17, 2010).
  35. On April 21, 2010, 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. They received the notice on April 23, 2010.

36. On May 11, 2010, notice was mailed to more than 1,200 people and organizations, including all neighborhood associations and coalitions and business associations in the City of Portland, as well as property owners and those within 400 feet of the areas to be rezoned, other interested persons, to notify them of an Open House and the City Council Hearing on the Remand.
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38. During April and May, staff also communicated via email, meetings, and phone with various interested people, including property owners.
39. This ordinance and the attachments were published on May 28, 2010. They were made available to the public, posted on the Bureau's website, and mailed to those who requested copies.
40. On June 10, 2010, City Council held a hearing on this ordinance. Staff from the Bureau of Planning and Sustainability presented the proposal, and public testimony was received.
41. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments support this goal because improving the Northwest Master Plan by clarifying where it applies will provide both needed flexibility and an appropriate process for determining the future uses and design of a large tract in the neighborhood. The tract will, most likely, include intensive development of both residential and employment uses.

### Findings on Metro Urban Growth Management Functional Plan

42. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they do not significantly alter the development capacity of the city. See also findings under Comprehensive Plan Goals 4 (Housing) and 5 (Economic Development).

### Findings on Portland's Comprehensive Plan Goals

43. Only the Comprehensive Plan goals addressed below apply.
44. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Metro, Multnomah County, the Regional Arts and Culture Commission, the Port of Portland, TriMet, the Oregon Department of Environmental Quality, the Oregon Department of Fish and Wildlife, the Oregon Department of Transportation, Multnomah County Drainage District #1, and the following school districts: Parkrose, Reynolds, David Douglas, Centennial, Riverdale, and the Portland Public Schools.
45. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments support this goal by improving how the Northwest Master Plan will work, which provides both needed flexibility and an appropriate process for determining the future uses and design of a large tract in the neighborhood.

46. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because improving the Northwest Master Plan by clarifying where it applies will provide both needed flexibility and an appropriate process for determining the future uses and design of a large tract in the neighborhood. The tract will, most likely, include intensive development of both residential and employment uses. See also findings for Statewide Planning Goal, Goal 9, Economic Development.
47. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement. .

NOW, THEREFORE, the Council directs:

- a. Amend Title 33, Planning and Zoning, as shown in Exhibit A, Recommended Amendments to the Zoning Code;
- b. If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the plan, map or code 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 plan, map, or code and 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: JUN 17 2010

Mayor Adams

Prepared by: Sandra P. Wood

Date Prepared: May 28, 2010

LaVonne Griffin-Valade  
Auditor of the City of Portland

By



Deputy

861-917

Agenda No.  
**ORDINANCE NO. 183916**  
Title

Amend Title 33, Planning and Zoning to amend the Northwest Master Plan regulations.  
(Ordinance); amend Title 33)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Sam Adams</b></p>	<p>CLERK USE: DATE FILED <u>JUN 04 2010</u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>[Signature]</u> Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson</p> <p>Prepared by: Sandra Wood Date Prepared: May 27, 2010</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date <b>June 10, 2010</b></p>	
<p><b>CITY ATTORNEY APPROVAL</b> <u>[Signature]</u></p>	<p><b>ACTION TAKEN:</b> <b>JUN 10 2010 PASSED TO SECOND READING JUN 17 2010 2 P.M.</b></p>

**AGENDA**

**TIME CERTAIN**   
Start time: 2 PM

Total amount of time needed: \_\_\_\_\_  
(for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
Total amount of time needed: 30 min.  
(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	✓	