

Portland, Oregon  
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT**  
**For Council Action Items**

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Sylvia Cate		2. Telephone No. 503-823-7771	3. Bureau/Office/Dept. BDS/Land Use Services
4a. To be filed (hearing date): September 26, 2013, 2:00 TC	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and CBO Budget Analyst: September 13, 2013
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

**1) Legislation Title:**

The request is not for a legislative action, but instead is a type III Quasi-Judicial Comprehensive Plan Map amendment from Industrial Sanctuary to Central Employment, and concurrent Zoning Map Amendment from IG1 to IRd. To amend the City's Comprehensive Plan Map, the City Council must review and approve.

**2) Purpose of the Proposed Legislation:**

The request is not for a legislative action, but instead is a type III Quasi-Judicial Comprehensive Plan Map amendment from Industrial Sanctuary to Campus Institutional, and concurrent Zoning Map Amendment from IG1 to IRd for one parcel approximately 29,340 square feet in area and is within the approved Impact Mitigation Boundary for the Emanuel/Legacy campus. The parcel is located on N Kerby Street near N Stanton. Legacy Emanuel recently purchased this parcel from the City of Portland and requests that it be rezoned to IRd, consistent with the approved Impact Mitigation Plan under which the Legacy Emanuel medical campus operates. This requested zone is also consistent with the IRd zone that covers Legacy Emanuel's medical campus.

Legislative Procedures described in Zoning Code Chapter 33.740 are handled by the Bureau of Planning & Sustainability. Quasi-Judicial Procedures described in Zoning Code Chapter 33.730, commonly known as "Land Use Reviews" are handled by the Bureau of Development Services. Quasi-judicial procedures specifically describe the City Council as the decision-maker for Type III Comprehensive Plan Map Amendment and concurrent review requests, per 33.730.030.E.3.

In this case, the Land Use Review includes a Comprehensive Plan Map and Zoning Map Amendment. The Hearings Officer has submitted a recommendation of approval. Staff will be presenting the Hearings Officer's recommendation at the hearing.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |   |                                    |                                    |   |
|---|------------------------------------|------------------------------------|---|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input checked="" type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast  | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East             |
| <input type="checkbox"/> Central City       |                                    |                                    |   |

### FINANCIAL IMPACT

**4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.**

This is not a legislative action. The request comes from the property-owner of the subject site. As such, this request has no discernable impact on generating or impacting city revenue.

**5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)**

This is not a legislative action. There are no costs to the City associated with this quasi-judicial land use review. The City resources necessary to review the Comprehensive Plan Map and Zoning Map Amendments are fully covered by the land use review fees paid by the applicant.

**6) Staffing Requirements:**

This is not a legislative action, and so there are no additional staffing "requirements". No positions will be created, eliminated or reclassified as a result of this quasi-judicial land use review.

Staff/responsibilities involved in processing Land Use Reviews include: The assigned Planner from the BDS Land Use Services (LUS) Division, Records Management staff from LUS, supervisory oversight, staff review from PBOT, BES, BPS and potentially other city agencies who have been involved in this land use review.

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)**

No.

- **Will positions be created or eliminated in future years as a result of this legislation?**

No.

*(Complete the following section only if an amendment to the budget is proposed.)* None.

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

**PUBLIC INVOLVEMENT**

**8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:**

**YES:** Please proceed to Question #9.

**NO:** Please, explain why below; and proceed to Question #10.

**9) If “YES,” please answer the following questions:**

**a) What impacts are anticipated in the community from this proposed Council item?**

The impacts from this proposal are what the Comprehensive Plan Map and Zoning Map Amendment will allow, as considered in this review. Staff and the Hearings Officer have analyzed the anticipated impacts. The Hearings Officer’s recommendation speaks to these under the applicable approval criteria. In summary, the Hearings Officer found the requested amendments were, on balance, equally or more supportive of the relevant Comprehensive Plan goals and policies than the existing designation on the site. The Hearings Officer also found the request will have no impacts to public services.

**b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**

The Zoning Code requires for a Type III Land Use Review that public notice be mailed to property owners within 400 feet of the subject site and that the site be posted for a minimum of 30 days prior to the first hearing before the Hearings Officer. The notice also goes to the neighborhood association and any city-recognized business associations. Notice of the City Council hearing was also mailed to all the individuals and organizations described above. Hearings are also posted on the BDS website. There are no other public involvement efforts on the part of city staff.

**c) How did public involvement shape the outcome of this Council item?** Interested persons were encouraged to write and/or testify at the first public hearing conducted before the Hearings Officer. Public input is also welcome at the hearing before City Council.

**d) Who designed and implemented the public involvement related to this Council item?** City Council adopted the procedures outlined in the Zoning Code. The Bureau of Development Services implements these land use review procedures.

**e) Primary contact for more information on this public involvement process (name, title, phone, email):** Sylvia Cate, Senior Planner is the assigned planner for this quasi-

judicial land use review. She prepared the public notices used for mailing and posting. Her phone is 503-823-7771, her e-mail address is: [Sylvia.Cate@portlandoregon.gov](mailto:Sylvia.Cate@portlandoregon.gov). However, these procedural activities are not a public involvement process per se.

**10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.**

No. Once City Council conducts the hearing and makes their decision, the official maps will be changed, if approved. If the City Council decision is appealed it will be heard by the State Land Use Board of Appeals (LUBA). Public involvement is not a component of the review done by the higher review bodies.



Paul L. Scarlett, Director, Bureau of Development Services

APPROPRIATION UNIT HEAD (Typed name and signature)

EMAILED: Sylvia Cate, Kathryn Beaumont, Linly Reese, Yvonne Poelwijk, Douglas Morgan, Kurt Krueger, Dawn Krantz, Robert Haley, Char Sharkey, Dawn Uchiyama, Elisabeth Reese Cadigan, BPS-GIS, Mari Moore, Hearings Office Clerks

THOMAS GABRIELE  
GABRIELE DEVELOPMENT  
SERVICES  
2424 NW NORTHRUP ST  
PORTLAND OR 97209

TEAM OREGONIAN  
1320 SW BROADWAY  
PORTLAND OR 97201

LARRY HILL  
LEGACY HEALTH SYSTEM  
2801 N GANTENBEIN AV  
SUITE 1009  
PORTLAND OR 97227

TED REID  
METRO  
600 NE GRAND AVE  
PORTLAND OR 97232-2736

JULIA KUHN  
KITTELSON & ASSOC INC  
610 SW ALDER ST SUITE  
700  
PORTLAND OR 97205

YVONNE POELWIJK  
BUREAU OF DEVELOPMENT  
SERVICES  
1900 SW 4<sup>TH</sup> AVE STE 5000  
PORTLAND OR 97204

**LU 13-146707 CP ZC**  
**Order Mailed: 10/4/13**





OFFICE OF CITY AUDITOR  
CITY OF PORTLAND

LaVonne Griffin-Valade, City Auditor  
Council/Contracts Division

Mailing Address:  
1221 SW 4th, Room 130  
Portland, Oregon 97204-1987  
Email: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)  
Phone: (503) 823-4086 Fax: (503) 823-4571

October 4, 2013

Larry Hill  
Legacy Health System  
2801 N Gantenbein Avenue Suite 1009  
Portland, OR 97227

**RE CASE FILE: LU 13-146707 CP ZC**

Consider the proposal of Legacy Health System and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Industrial Sanctuary to Institutional Campus and the Zoning Map designation from IG1 General Industrial 1 to IRd Institutional Residential, with a design overlay for property in the vicinity of N Kerby Ave near N Stanton St (Hearing; LU 13-146707 CP ZC)

Dear Applicant:

On October 2, 2013, at approximately 9:30 a.m., at a regularly scheduled meeting in Council Chambers, the Council voted 4-0 and passed Ordinance No.186274.

This Ordinance must to be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. Please send a check to this office for \$46.00 payable to the Multnomah County Recorder, indicating the file number on your check.

Yours sincerely,

LaVonne Griffin-Valade  
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Enc.

Cc: Julia Kuhn, Kittelson & Associates, Inc.  
Thomasina Gabriele, Gabriele Development Services



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October 4, 2013

**NOTICE OF DECISION**

**RE CASE FILE: LU 13-146707 CP ZC**

Consider the proposal of Legacy Health System and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Industrial Sanctuary to Institutional Campus and the Zoning Map designation from IG1 General Industrial 1 to IRd Institutional Residential, with a design overlay for property in the vicinity of N Kerby Ave near N Stanton St (Hearing; LU 13-146707 CP ZC)

To Whom It May Concern:

On October 2, 2013, at approximately 9:30 a.m., at a regularly scheduled meeting in Council Chambers, the Council voted 4-0 and passed Ordinance No.186274.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call the Land Use Board of Appeals at 1-503-373-1265 or visit LUBA's website ([www.oregon.gov/LUBA](http://www.oregon.gov/LUBA)) for further information on filing an appeal.

Yours sincerely,

LaVonne Griffin-Valade  
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Enc.



## ORDINANCE No. 186274

Amend the Comprehensive Plan Map designation and change zoning of property that is in the vicinity of N Kerby Ave near N Stanton St at the request of Legacy Health System (Ordinance; LU 13-146707 CP ZC)

The City of Portland ordains:

### Section 1. Council finds:

1. The Applicant seeks, in the vicinity of property at N Kerby Avenue near N Stanton Street, the following:
  - a. a Comprehensive Plan Map Amendment from Industrial Sanctuary to Institutional Campus for the property identified as State ID No. 1N1E27AC 00700, legally described as Block 1 Lot 1-9 TL 700, ABENDS ADD, a recorded plat in Multnomah County (hereinafter referred to as the "Property"); and
  - b. a Zoning Map Amendment from IG1 to IRd for the Property; and
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendment of the Comprehensive Plan Map and Zoning Map has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on August 12, 2013, and a Recommendation was issued on August 14, 2013, (BDS File No. LU 13-146707 CP ZC). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment and Zoning Map Amendment, with conditions.
4. The requested Comprehensive Plan Amendment and Zoning Map Amendment, 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 findings and conclusions in Attachment A.
- b. The Comprehensive Plan Map Amendment and Zoning Map Amendment for the Property legally described as Block 1 Lot 1-9 TL 700, ABENDS ADD, a recorded plat in Multnomah County, are approved as follows:
  1. A Comprehensive Plan Map Amendment from Industrial Sanctuary to Institutional Campus for the Property.

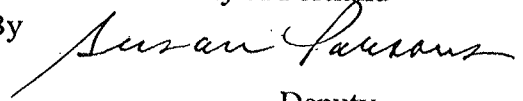
2. Zoning Map Amendment from General Industrial 1 [IG1] to Institutional Residential with design overlay [IRd] for the Property.
3. The Comprehensive Plan Map and Zoning Map Amendments are subject to the conditions below. Any violation of these conditions shall be subject to the enforcement procedures in the City code, but will not void the Comprehensive Plan Map and Zoning Map Amendments:
  - A. As part of the building permit application submittal, the following development-related conditions (B) 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 13-146707 CP ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
  - B. Because a lease agreement between the City of Portland and Legacy Emanuel will allow an Industrial Service use to continue on the site until December 31, 2014, the Comprehensive Plan Map Amendment and concurrent Zone Map Amendment will become effective on January 1, 2015.

Passed by the Council: OCT 02 2013

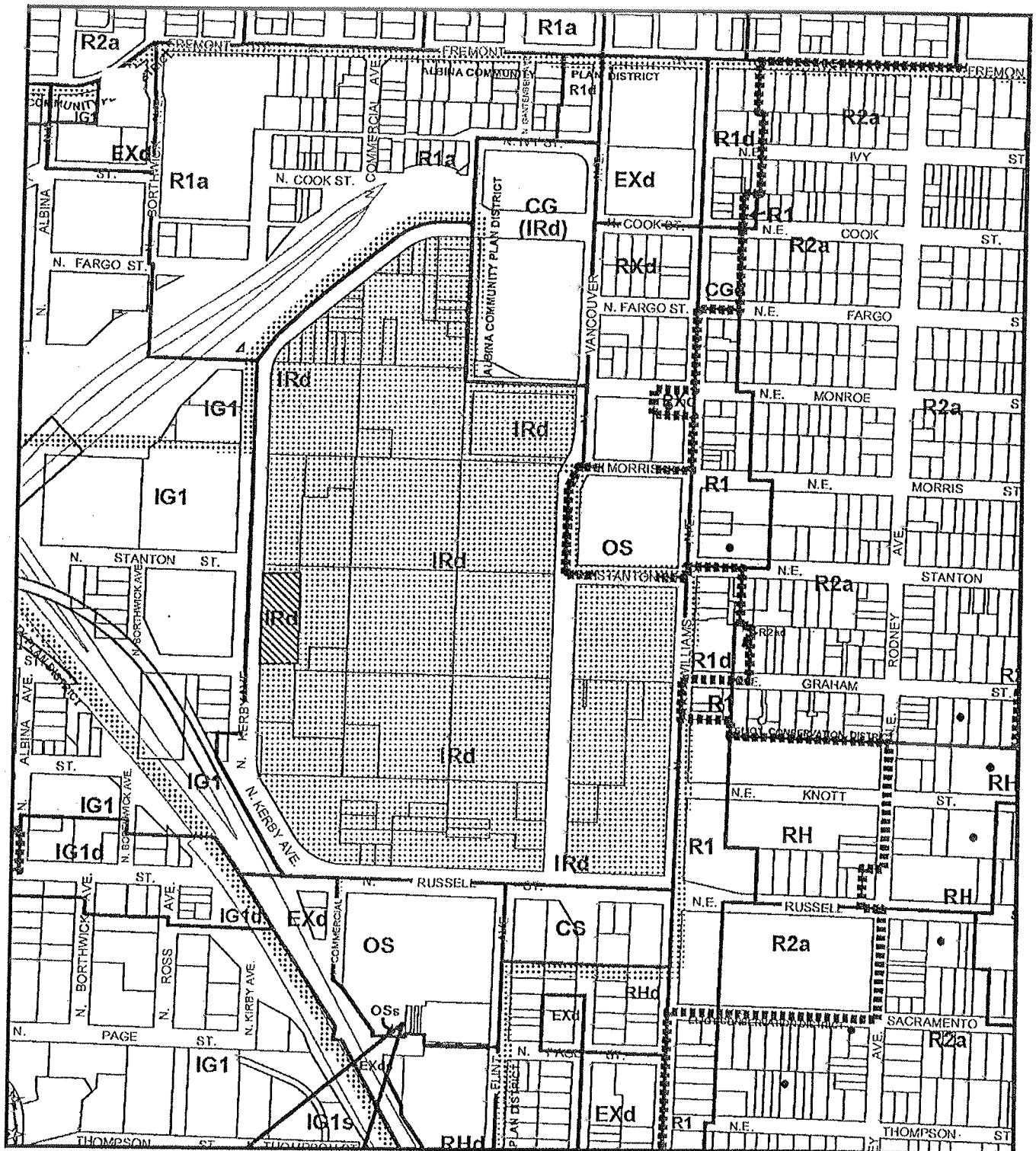
Commissioner Amanda Fritz  
Prepared by: Sylvia Cate, BDS  
Date Prepared: September 26, 2013

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By






Deputy



# ZONING PROPOSED



-  Site
-  Also Owned
-  Historic Landmark

File No. LU 13-146707 CP,ZC  
 1/4 Section 2730  
 Scale 1 inch = 400 feet  
 State\_Id 1N1E27AC 700  
 Exhibit B (May 06, 2013)