

ORDINANCE No. 184521

Adopt and implement the Airport Futures City Land Use Plan and authorize implementing Intergovernmental Agreements related to airport planning. (Ordinance; amend the Portland Comprehensive Plan, amend Title 33, Planning and Zoning)

The City of Portland Ordains:

Section 1. The Council finds:

1. In the fall of 2000, the City began discussions on an alternative land use approval process for Portland International Airport (PDX). In the spring of 2001, the City Council and Port of Portland (Port) representatives held a work session and agreed to develop an agreement outlining future planning efforts for PDX.
2. In the summer of 2001, the City and the Port adopted similar resolutions agreeing to work collaboratively on future planning for PDX (Resolution No. 36018). The City and the Port agreed that the Port would submit a conditional use permit for the approximate uses permitted under the 1993 permit, specifically excluding a third runway and decentralized terminal. The Port and City also agreed to initiate a legislative process to develop appropriate land use regulations.
3. In the winter of 2002, the City and the Port signed an Intergovernmental Agreement (IGA) specifying a general timeline for short term and long term planning efforts that would culminate in an adopted legislative land use process and designation for PDX (Ordinance No. 176250).
4. In 2004, the Bureau of Planning, together with the Port, City bureaus, and a group of citizens representing the Air Traffic Issues Roundtable (AIR) and other interests groups, developed a second Agreement over a 12-month period.
5. The 2004 Agreement clarified the process and associated costs for the development of an integrated airport planning effort between the City and Port. Specifically, it identified work tasks, timelines, expected products, and funding mechanisms with the objective of beginning the joint City legislative process and Port master planning process.
6. The 2004 Agreement included specific provisions to fund a Senior Planner position with the Planning Bureau to develop a detailed work program for the joint planning process. The work program included a consultant contract and initiating the public involvement process prior to project start date (Ordinance No. 52355).
7. In 2006 and 2007, the City and Port developed detailed consultants' scopes of work, the City's scope of work, and a comprehensive public involvement program. City and Port staff received input on these products from the Land Use Advisory Committee, public involvement experts, neighborhood associations, and many other stakeholders' groups.
8. In the fall of 2007, the City and Port convened a 30-member Planning Advisory Group with broad representation from the bi-state region to collaborate on the creation of an integrated airport and land use plan. The three year planning process, known as Airport Futures, addressed community concerns and issues related to PDX, including noise,

- transportation and natural resources. The three main products of this process include a Port master plan update, a City land use plan, and a series of intergovernmental agreements.
9. Between September 2007 and March 2010, the Airport Futures Planning Advisory Group deliberated on the complex issues associated with airport growth and the potential impacts on the surrounding communities. The group achieved a consensus recommendation documented in the *Airport Futures Planning Advisory Group Final Report*, dated May 25, 2010. This document summarizes the Port's 2010 Master Plan Update and the City of Portland Land Use Plan.
  10. On March 25, 2010, the Airport Futures Planning Advisory Group also recommended the City and Port enter into a series of intergovernmental agreements to address issues related to ongoing public involvement, transportation, natural resources, noise, and sustainability. The agreements are a key component of the Airport Futures process and final documents.
  11. The provisions of the *Airport Futures City Land Use Plan* implement or are consistent with the Statewide Planning Goals, the Oregon Transportation Planning Rule, the Region 2040 Plan, the Metro Urban Growth Management Functional Plan, and the Portland Comprehensive Plan, as explained in the *Recommended Airport Futures City Land Use Plan: Findings Report* attached as Exhibit G and incorporated as part of this ordinance.
  12. On May 21, 2009, notice of a June 4 and June 10, 2009 open house was mailed to all property owners with natural resources mapped as part of the Natural Resources Inventory.
  13. On May 3, 2010, notice of a May 11 and 13, 2010 open house was mailed to all property owners with natural resources mapped as part of the Natural Resources Inventory.
  14. On May 17, 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.
  15. On May 19, 2010, notice of the proposal as required by ORS 227.186 was sent to all property owners potentially affected by proposed zoning map and code changes.
  16. On June 7, 2010, notice of the Planning Commission hearing was sent to the project mailing list and the bureau's legislative mailing list
  17. On June 22, 2010, the Planning Commission held a hearing on the proposal. Staff from the Bureau of Planning and Sustainability and the Port of Portland presented the proposal and public testimony was received.
  18. On July 13, 2010, the Planning Commission held a second hearing on the proposal. Staff from the Bureau of Planning and Sustainability clarified issues related to the proposal and public testimony was received.
  19. On August 6, 2010, notice of the continued Planning Commission hearing was sent to all property owners potentially affected by the proposed zoning map and code changes, the project mailing list, and the bureau's legislative mailing list.
  20. On August 24, 2010 the Planning Commission held a third hearing / work session to discuss the proposal and consider public testimony. The Commission voted to forward the *Recommended Airport Futures City of Portland Land Use Plan* to City Council.

21. In the fall of 2010, City Council consideration of *Recommended Airport Futures City of Portland Land Use Plan* was deferred to resolve issues raised by the Federal Aviation Administration related to the expenditure of airport funds off airport as part of the Agreements between the City and Port.
22. On January 21, 2011 the State of Oregon Land Use Board of Appeals remanded the City of Portland's *River Plan* (amendments to its Comprehensive Plan and Zoning Code) in *Gunderson, LLC et. al. v. City of Portland*, LUBA Nos. 2010-039-04 concluding the evidence supporting the City's Goal 9 analysis and findings was insufficient. As a result, the City Council is deferring the natural resource program update for industrially zoned properties (not owned by the Port of Portland) that were included in the *Airport Futures City of Portland Recommended Land Use Plan* for further analysis and review.
23. On February 22, 2011, notice of the March 16, 2011 City Council public hearing was mailed to those who presented oral and written testimony at the Planning Commission public hearing or requested to be on the City's legislative mailing list. In addition, the Port emailed notice of the hearing to its Airport Futures email list.
24. It is in the public interest that the recommendations contained in the *Plan* be adopted to serve as a guide to public and private decision-making and investment in the Airport district.

NOW, THEREFORE, the Council directs:

- a. Accept the *Airport Futures Planning Advisory Group Final Report* as shown in Exhibit A, dated May 25, 2010.
- b. Amend Portland's *Comprehensive Plan, A Vision of Portland's Future*, as shown in pages 14-17 in Exhibit B, *Airport Futures City of Portland Recommended Land Use Plan: Summary Report*, dated February 22, 2011;
- c. Amend Portland's *Comprehensive Plan Map*, as shown on page 131 in Exhibit C, *Airport Futures City of Portland Recommended Land Use Plan: City Zoning Code and Map Amendments Volume 1*, dated February 22, 2011;
- d. Amend *Title 33, Planning and Zoning*, as shown in Exhibit C, *Airport Futures City of Portland Recommended Land Use Plan: City Zoning Code and Map Amendments Volume 1*, dated February 22, 2011;
- e. Adopt the commentary in Exhibit C, *Airport Futures City of Portland Recommended Land Use Plan: City Zoning Code and Map Amendments Volume 1*, dated February 22, 2011, as legislative intent and as further findings;
- f. Amend the *Portland Plant List*, as shown in Exhibit C, *Airport Futures City of Portland Recommended Land Use Plan: City Zoning Code and Map Amendments Volume 1*, dated February 22, 2011;
- g. Adopt the *Proposed Update of City of Portland Height Overlay map and City of Portland Noise Impact Overlay map* as Comprehensive Plan background documents as shown in Exhibit C, *Airport Futures City of Portland Recommended Land Use Plan: City Zoning Code and Map Amendments Volume 1*, dated February 22, 2011;

- h. Amend the Official Portland Zoning Map as shown in Exhibit D, *Airport Futures City of Portland Recommended Land Use Plan: City Zoning Code and Map Amendments Volume 2*, dated February 22, 2011;
- i. Adopt Exhibit E, *Airport Futures City of Portland Recommended Land Use Plan: Appendix B - Middle Columbia Corridor/Airport Natural Resources Inventory: Riparian Corridors and Wildlife Habitat*, dated September 24, 2010;
- j. Adopt Exhibit F, *Airport Futures City of Portland Recommended Land Use Plan: Appendix C - Middle Columbia Corridor/Airport Economic, Social, Environmental and Energy (ESEE) Analysis: Riparian Corridors and Wildlife Habitat*, dated February 22, 2011;
- k. Adopt Exhibit G, *Airport Futures City of Portland Recommended Land Use Plan: Findings Report*, dated February 2010, as findings for this ordinance;
- l. Authorize the Mayor and Auditor to execute three Intergovernmental Agreements titled as *Intergovernmental Agreement for Ongoing Agreements Related to the Airport Futures Project*, *Intergovernmental Agreement for PDX Community Advisory Committee*, and *Intergovernmental Agreement for Natural Resources Related to the Airport Futures Project* described in a form substantially in accordance with the attached Exhibit H;
- m. The zoning map 1/4 sections contained in Exhibit H shall become effective on the effective date of the *Intergovernmental Agreement for Natural Resources Related to the Airport Futures Project* and shall replace zoning map 1/4 sections 1932-1935, 2032-2035, 2133-2137, 2235-2238, and 2338 contained in Exhibit D; and

Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, 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, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: APR 13 2011

Mayor Sam Adams  
Prepared by: J. Sugnet  
Date Prepared: March 1, 2011

LaVonne Griffin-Valade  
Auditor of the City of Portland

By

  
Deputy

Agenda No.  
**ORDINANCE NO. 184521**  
Title

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<p align="center"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>MAYOR SAM ADAMS</b></p>	<p>CLERK USE: DATE FILED <u>MAR 11 2011</u></p>
<p align="center"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams <i>Amend Adams</i></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 align="center">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>Paul</i> Deputy</p>
<p align="center"><b>BUREAU APPROVAL</b></p> <p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>Susan Anderson</i></p> <p>Prepared by: Jay Sugnet Date Prepared: March 1, 2011</p>	<p><b>ACTION TAKEN:</b></p> <p><b>MAR 16 2011 PASSED TO SECOND READING APR 13 2011 2 P.M.</b></p> <p align="right"><i>TIME CERTAIN</i></p>
<p>Financial Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Not Required <input type="checkbox"/></p>	
<p>Portland Policy Document</p> <p>If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date <b>March 16, 2011</b> <i>K. Braumont</i></p>	
<p><b>City Attorney Approval</b></p>	

**AGENDA**

**TIME CERTAIN**   
Start time: 6:00 p.m.

**Total amount of time needed: 2 hours**  
(for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
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 <input checked="" type="checkbox"/>	