



Portland City Auditor

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HEARINGS OFFICER'S FINAL ORDER

CASE NO. LU 15-248011 CU MS
(Hearings Office 4150032)

DATE OF HEARING: January 6, 2016

HEARINGS OFFICER: Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Hearings Officer issued an Interim Order dated January 15, 2016. The Interim Order contained background information and findings related to the application in this case. The Hearings Officer's primary action, in the Interim Order, was to find that the 1989 Edgar F. Kaiser Master Plan (Exhibit G.4, hereafter the "Kaiser Master Plan") remained valid/effective. The City of Portland Bureau of Development Services ("BDS") and the Kaiser Foundation Health Plan of the Northwest ("Kaiser"), at the time of issuance of the Interim Order, anticipated a second hearing would be necessary to consider a request by Kaiser to amend the Kaiser Master Plan (See Exhibit A.1 for a description of the requested amendment).

BDS and Kaiser submitted memorandums, dated June 21, 2016, into the evidentiary record (Exhibits H.6 and H.7). The Hearings Officer summarizes Exhibits H.6 and H.7 as setting forth a request by Kaiser to amend the Interim Order so that it becomes a Final Order and to either withdraw Kaiser's requested amendment or deny (without prejudice) the requested amendment. The Hearings Officer finds Exhibits H.6 and H.7 were timely filed under the provisions of the Interim Order.

The Hearings Officer finds it appropriate to make the Interim Order a Final Order except as modified below. The Hearings Officer finds the Kaiser Master Plan remains valid/effective as set forth in the Interim Order. The Hearings Officer finds Kaiser must comply with all provisions of the Kaiser Master Plan unless future amendments, as necessary, are obtained through future requests/applications.

The Hearings Officer finds it appropriate to deny Kaiser's application to amend the Kaiser Master Plan (as described Exhibit A.1). The Hearings Officer finds it appropriate to characterize

the denial as being issued without prejudice. The Hearings Officer makes no findings regarding the merits of Kaiser's application for an amendment of the Kaiser Master Plan (as described in Exhibit A.1).


The Hearings Officer finds this Final Order is appealable to the Oregon Land Use Board of Appeals ("LUBA").

ORDER:

1. The Interim Order issued by the Hearings Officer in this case, dated January 15, 2016, is affirmed except as modified below.
2. The Kaiser Master Plan remains valid/effective.
3. Kaiser's application for an amendment to the Kaiser Master Plan is denied without prejudice.
4. This Final Order may be appealed to ("LUBA").

Dated: August 3, 2016

GJF:c1



Gregory J. Frank, Hearings Officer