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ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY _____

Portland, Oregon, May 12 1982

GEORGE YERKOVICH

Auditor of the City of Portland.

Room 202, City Hall

Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 153235, passed by Council May 12, 1982, changing the zoning of the south 20 feet of Lot 10, all of Lots 11-20, Block 13, Argyle Park, located on the north side of NE Sandy Blvd. between NE 75th and 76th Avenues, from R1L to C2L and C2LB, and amending the comprehensive plan map under certain conditions,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

Roger M. Dudley

Roger M. Dudley

[CORPORATE
SEAL]*Wayland S. Dudley*

Wayland S. Dudley

P.O. Box 985, Palos Verdes Estates, CA 90274

Address

APPROVED AS TO FORM

Approved as to form:

Christopher P. Thomas

CITY ATTORNEY

City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE NO. 153235

An Ordinance changing the zoning of the south 20 feet of Lot 10, all of Lots 11-20, Block 13, Argyle Park, located on the north side of NE Sandy Blvd. between NE 75th and 76th Avenues, from R1L to C2L and C2LB, and amending the comprehensive plan map under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The applicants, Roger M. and Wayland S. Dudley, deedholders, seek a zone change from R1L to C2L for Lots 9-20, Block 13, Argyle Park, located on the north side of NE Sandy Blvd. between NE 75th and 76th Avenues, in order to permit commercial use of the site.
2. An application complying in all respects with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland, and seeking such a zone change has been received.
3. Applicants paid the proper fee for the filing of such an application.
4. The City's Hearings Officer, after and as a result of a duly authorized and conducted hearing (P.C. File 7166 PA) held December 7, 1981, recommended denial of the proposed zone change and comprehensive plan map amendment.
5. On December 24, 1981, the applicants appealed the Hearings Officer's decision.
6. The Planning Commission intercepted the appeal and held a duly authorized and conducted public hearing on February 2, 1982. The Planning Commission voted to deny the comprehensive plan map amendment and zone change on Lot 9 and the north 5 feet of Lot 10, Block 13, Argyle Park and to approve the comprehensive plan map amendment and zone change from R1L to C2L for the south 20 feet of Lot 10, and all of Lots 11-20, Block 13, Argyle Park with conditions to limit commercial use of the property to Groups 1 and 2 only, to limit access and other conditions.
7. On February 12, 1982, Richard D. Wiley, a neighbor, appealed the the Planning Commission's decision of approval with conditions.

8. On April 14, 1982, the City Council held a duly authorized and conducted public hearing. The City Council voted to deny the appeal and adopt the facts, findings, conclusions and recommendation of the Planning Commission with the amendment that the northern 5 feet of the C2L zone change area shall include a "B" Buffer zone to protect the neighborhood to the north from future commercial expansion and to eliminate the possibility of additional residential density under the transitional use provisions of the Code.
9. The City Auditor complied with the notice requirements of Title 33, Planning and Zoning of the Code of the city of Portland for the hearings before the Hearings Officer, Planning Commission and City Council.
10. The City Council adopted the facts, findings and conclusions of the Planning Commission as made a part of the Council record. The findings for the comprehensive plan map amendment include the following findings:
 - a. The proposal for a comprehensive plan map amendment from R1L to C2L and C2LB is consistent with the comprehensive plan goals and policies, especially Policy 10.4, because the proposal is supportive of the urban development, economic development and transportation goals and is not in conflict with the remaining comprehensive plan goals and policies. The site was zoned for commercial use between 1959 and the effective date of the comprehensive plan, January 1, 1981. Use on the site constitutes an in-fill in an existing commercial strip.
 - b. A commercial comprehensive plan map designation on this property would be compatible with the land use map established by the comprehensive plan because the majority of NE Sandy Blvd. is commercial and the commercial designation on this site constitutes a correction to the comprehensive plan map and the zoning map for the City of Portland. The proposal would be compatible with the residential area to the north by the establishment of a buffer zone on the north 5 feet of the site.
 - c. The proposal is in the public interest at this time and at this location because it constitutes a correction to the comprehensive plan maps zoning and permits commercial use on this site within an existing commercial strip. It is within the public interest to correct the plan designation and zoning without delay.
11. The City Council adopted the facts, findings and conclusions of the Planning Commission as made a part of the Council record. The findings for the zone change include the following:
 - a. The proposal is consistent with the criteria for a zone change, Policy 10.8 of the adopted comprehensive plan and Section 33.102.015, Planning and Zoning, of the Code of the city of Portland, because the zone change to C2L and C2LB would be to the maximum designation under the new comprehensive plan designation.

- b. In addition, public facilities, including water and abutting street have been improved and the county sanitarian has indicated preliminary verification of alternative sewage disposal systems. The required public services have been found adequate to support potential commercial use of the site.

NOW, THEREFORE, the Council directs:

- a. The facts, findings, conclusions and recommendation of the Planning Commission in P.C. File No. 7166 PA are adopted by the City Council.
- b. Based on the facts, findings, conclusions and recommendations of the Planning Commission, the comprehensive plan designation shall be amended to C2L on the south 15 feet of Lot 10, all of Lots 11-19, and the south 20 feet of Lot 20, Block 13, Argyle Park, and to C2LB on the north 5 feet of the south 20 feet of Lot 10 and the north 5 feet of Lot 20, Block 13, Argyle Park.
- c. Based on the facts findings, conclusions and recommendations of the Planning Commission, the zoning shall be changed to C2L on the south 15 feet of Lot 10, all of Lots 11-19, and the south 20 feet of Lot 20, Block 13, Argyle Park, and to C2LB on the north 5 feet of the south 20 feet of Lot 10 and the north 5 feet of Lot 20, Block 13, Argyle Park.
- d. This zone change is granted under the following conditions:
 - 1. Prior to any approval of building permits, the applicant shall submit to the Bureau of Buildings verification by the county sanitarian of the adequacy of the subsurface disposal system.
 - 2. The applicant shall sign storm and sanitary improvement waivers to the satisfaction of the City Engineer.
 - 3. No curb cuts shall be permitted within the north 25 feet of the north edge of the commercial zoning line on NE 76th Avenue.
 - 4. Street trees and all other requirements of the City Zoning and Building Code shall be met.
 - 5. The north 5 feet of the zone change area, zoned C2LB, shall be improved with landscaping in the yard area.
 - 6. Use of the site shall be limited to Group 1 and 2, C2, commercial uses.
 - 7. No driveway shall be located on the NE 75th Avenue site frontage, if the site is developed with access to NE 76th Avenue.

ORDINANCE No.

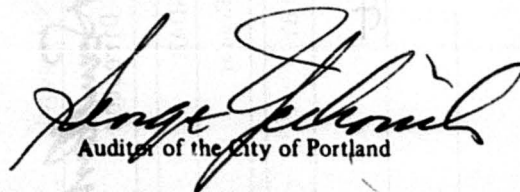
- e. This order shall be effective and changes shall be made to the zoning maps when the City Auditor receives an acceptance of the above-stated conditions executed by the applicants in compliance with Section 33.102.010. The City Auditor shall file a certified copy of this ordinance in the appropriate record file of Multnomah County.

Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described property; therefore, this ordinance shall be in force and effect upon and after its passage by the Council.

Passed by the Council, **MAY 12 1982**

Introduced by Order of Council
N. Weisser/me
April 30, 1982

Attest:


Auditor of the City of Portland

4 of 4

| THE COMMISSIONERS VOTED AS FOLLOWS: | | |
|--|------|------|
| | Yeas | Nays |
| JORDAN | / | |
| LINDBERG | / | |
| SCHWAB | / | |
| STRACHAN | / | |
| IVANCIE | / | |

| FOUR-FIFTHS CALENDAR | |
|----------------------|--|
| JORDAN | |
| LINDBERG | |
| SCHWAB | |
| STRACHAN | |
| IVANCIE | |

Calendar No. **1268**

ORDINANCE No. 153235

Title

An Ordinance changing the zoning of the south 20 feet of Lot 10, all of Lots 11-20, Block 13, Argyle Park, located on the north side of NE Sandy Blvd. between NE 75th and 76th Avenues, from R1L to C2L and C2LB, and amending the comprehensive plan map under certain conditions, and declaring an emergency.

MAY 6 1982

Filed _____

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Frank Dufay* Deputy

| | |
|---|----------------------------------|
| INTRODUCED BY | |
| Order of the Council | |
| NOTED BY THE COMMISSIONER | |
| Affairs <i>[Signature]</i> | |
| Finance and Administration | |
| Safety | |
| Utilities | |
| Works | |
| BUREAU APPROVAL | |
| Bureau: | |
| Bureau of Planning | |
| Prepared By: | Date: |
| N.Weisser/me | 4/30/82 |
| Budget Impact Review: | |
| <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required | |
| Bureau Head: <i>Terry Sandblast</i> | |
| Terry Sandblast, Director | |
| CALENDAR | |
| Consent <input checked="" type="checkbox"/> | Regular <input type="checkbox"/> |
| NOTED BY | |
| City Attorney <i>KS Beaumont</i> | |
| City Auditor | |
| City Engineer | |