

ORDINANCE NO. 149510

An Ordinance authorizing an Appeal to the Court of Appeals of the State of Oregon from the Final Opinion and Order of the Land Use Board of Appeals of the State of Oregon, entered on March 28, 1980, on an appeal from the decision of the City Council, affirming the decision of the Hearings Officer to deny a zone change and grant a revocable permit to Norman and Anne Hobbs and Mildred Fisher, to permit the continuation, for a limited period of time of an existing commercial use located at 2335 N.W. Flanders Street, on Lot 1, Block 23, Kings Second Addition to Portland, Oregon, until July 1, 1984, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- (1) That Norman and Anne Hobbs and Mildred Fisher applied for a change of zone from AO to C2 for a portion of their property located at 2335 N. W. Flanders Street, Portland, Oregon.
- (2) That on May 21, 1979 the Portland City Hearings Officer recommended denial of petitioners' application to change the zone of this property and instead recommended a revocable permit.
- (3) That the Hearings Officer's decision was appealed to the Planning Commission and that on July 3, 1979, the Planning Commission rejected review of this appeal.
- (4) That the Planning Commission's action was then appealed to the City Council and that there was a hearing before the City Council on October 24, 1979, and that on October 31, 1979 the City Council adopted the recommendations of the Hearings Officer to deny zone change and grant a revocable permit to allow the continued use of the structure at 2335 N.W. Flanders Street as a business or professional office for a limited period of time.
- (5) That the Council's decision was appealed to the Land Use Board of Appeals and that the Land Use Board of Appeals, on March 28, 1980, issued an opinion reversing the action of the City Council.
- (6) That although the Board did not specifically indicate the statutory basis for its reversal of the City's action, it is likely that it based its decision upon the grounds that the City misconstrued the applicable law.
- (7) That because it appears that the City applied the proper law, the Land Use Board of Appeals' decision in this case should be appealed to the Court of Appeals.

ORDINANCE No.

NOW, THEREFORE, the Council directs:

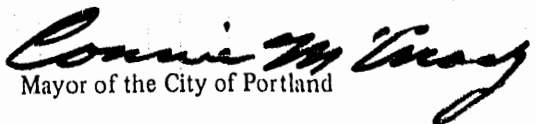
- (a) The City Attorney hereby is authorized and directed to take an appeal to the Court of Appeals of the State of Oregon from the Land Use Board of Appeals' Final Opinion and Order entered on March 28, 1980, in the case of Colwell v. The City of Portland, LUBA-No. 79-011, reversing the decision of the Council denying the petitioners' zone change and granting a revocable permit.

Section 2. The Council declares:

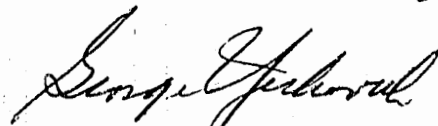
That an emergency exists because the time for filing an appeal will soon expire; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 24 1980

Mayor McCreedy
April 23, 1980
RMSpetter/fg


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 1443

ORDINANCE No. 149510

Title

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Filed APR 23 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon Bull
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready		+

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Mayor McCready

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>CMB</i>
Safety
Utilities
Works

BUREAU APPROVAL
Bureau:
Prepared By: <u>RMSpetter/fg</u> Date: <u>April 23, 1980</u>
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

NOTED BY
City Attorney
City Auditor
City Engineer <i>GC</i>