

ORDINANCE NO. 150875

An Ordinance amending Title 33, Planning and Zoning, of the Code of the City of Portland, Oregon, by amending 33.114.060(b)(2) to delete the requirement of findings as to how a particular land use request best meets the public need, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Title 33, Planning and Zoning, of the Code of the City of Portland, Oregon, at subsection 33.114.060(b)(2) provides that all hearings officer's decisions must indicate how "the public need is best met by" the particular land use request.
2. That this standard was probably adopted in an effort to meet what was considered to be a requirement from the case of Fasano v. Washington County.
3. That in the recent case of Neuberger v. City of Portland the Supreme Court held that there no longer was a requirement that each land use indicate "how the public need is best met" by the particular request.
4. That as long as this requirement exists in our Code our hearings officers are bound to make findings upon this standard with each decision they make.
5. That this standard is often difficult to make findings upon and is of no benefit to the finding procedure.
6. That for this reason it is recommended that this specific standard be deleted from our Code.

NOW, THEREFORE, the Council directs:

- a. That Title 33, Planning and Zoning, of the Code of the City of Portland, Oregon, is amended by amending subsection 33.114.060(b)(2) to read as follows:
 - "33.114.060(a) XXX no change.
 - (b) XXX no change.
 - (1) XXX no change.
 - (2) The manner in which the decision is consistent with the public need, and the extent to which the general welfare of the public is served by the decision."
 - (3) to (5) XXX no change.

ORDINANCE NO. **150875**

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"33.114.060(a) XXX no change.

(b) XXX no change.

(1) XXX no change.

(2) The manner in which the decision is consistent with the public need, and the extent to which the general welfare of the public is served by the decision."

(3) to (5) XXX no change.

Calendar No. 4418

ORDINANCE No. 150875

Title

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THURSDAY

Filed DEC 9 1980

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By *Gordon Brown*
Deputy

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Commissioner Schwab

NOTED BY THE COMMISSIONER
Affairs <i>[Signature]</i>
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Planning
Prepared By: Ruth McKillip Date: 11/24/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: Terry Sandblast <i>[Signature]</i>

CALENDAR
Consent Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney <i>[Signature]</i>
City Auditor
City Engineer