

ORDINANCE NO. **150896**

An Ordinance establishing M2 zoning in the recently annexed Tax Lot 1 of Lots 1 and 2, Tax Lot 2 of Lots 2 and 3, and Lot 4, all of Block 4, Garbade and establishing C2 zoning in the recently annexed Tax Lots 73, 141, 259, 135 and 72, Section 15, T1S, R2E, located at S.E. Foster Road, east of S.E. 111th Drive, under certain conditions and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Tax Lot 1 of Lots 1 and 2, Tax Lot 2 of Lots 2 and 3, and Lot 4, all of Block 4, Garbade and Tax Lots 73, 141, 259, 135 and 72, Section 15, T1S, R2E, located at S.E. Foster Road, east of S.E. 111th Drive, have been annexed to the City.
2. In accordance with Title 33, Planning and Zoning, of the Code of the City of Portland, said area retains the zoning regulations of the former jurisdiction, Multnomah County, until City zoning is established.
3. The City's Hearings Officer by report and recommendation dated November 25, 1980 (Planning Commission File No. 7005), after and as a result of a duly authorized and conducted public hearing held November 24, 1980, has recommended adoption of M2 and C2 zoning in said annexed area.
4. The City Auditor has complied with the notice requirements of the ordinance for the hearing before the Hearings Officer.
5. The Zoning Code requires the initiation of City zoning on annexed property within six months of the annexation in order that all appropriate and pertinent City codes should become applicable to such property.
6. City policy is to establish City zoning that is equivalent to existing County zoning whenever possible, in accordance with existing land uses and the adjacent City zoning pattern.
7. This action, in essence a transition between County and City zones because of annexation, is not a "rezoning" in the usually accepted sense. Rather it is the application of a City zoning consistent with the pre-existing zoning scheme of the City of Portland.
8. There is a public need to affix this City zoning designation to the property in order to conform to the Code of the City of Portland and assure that appropriate and pertinent planning, zoning and building regulations of the City shall apply. The zoning designation is in accordance with generally accepted land use planning standards in that it reflects the use to which the property has previously been put and is consistent with the pre-existing zoning scheme of the City of Portland.

RAILROAD

CITY BOUNDARY

28  
6/6/40

M2

# M2

**M3**

M2

M3

C2

C2

C4

**R10V**

RI 10

# zoning proposed



|             |                 |
|-------------|-----------------|
| File No.    | 7005            |
| 1/4 Section | 3642/3742       |
| Scale       | 1" = 200'       |
| Request     | Annexation Zone |
| Exhibit     |                 |

**ORDINANCE No.**

NOW, THEREFORE, the Council directs:

- a. That the facts, findings and recommendation of the Hearings Officer in P.C. File No. 7005 are adopted by City Council.
- b. The zone of Tax Lot 1 of Lots 1 and 2, Tax Lot 2 of Lots 2 and 3, and Lot 4, all of Block 4, Garbade, is changed to M2 and the zone of Tax Lots 73, 141, 259, 135 and 72, Section 15, T1S, R2E, is changed to C2, located at S.E. Foster Road, east of S.E. 111th Drive, as set forth on the map attached hereto and incorporated herein by this reference and thereby made a part of this ordinance.
- c. This zone change is granted under the following conditions:
  - 1) No new buildings shall be constructed within 40 feet of the north line of Johnson Creek.
  - 2) All development within the Johnson Creek flood plain, as shown on flood insurance maps, shall meet all applicable regulations of Title 24 of the Municipal Code and Council Resolution No. 32328, Johnson Creek Flood Basin.
- d. The City Auditor shall file a certified copy of this ordinance in the appropriate record file of the County in which said annexed property is located. The City Auditor shall enter the property zoned as set forth in Section 1 hereof, in the zoning maps of the City. Establishment of said zone classification is for the benefit of the public and the requirement of acceptance of this ordinance by the property owners is hereby waived.

Section 2. The Council declares that an emergency exists because there should be no delay in the establishment of zone for the annexed area; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council,

DEC 31 1980

Commissioner Schwab  
November 25, 1980  
P. Norr/ja

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

Calendar No. 4510

# ORDINANCE No. 150896

## Title

An Ordinance establishing M2 zoning in the recently annexed Tax Lot 1 of Lots 1 and 2, Tax Lot 2 of Lots 2 and 3; and Lot 4, all of Block 4, Garbade and establishing C2 zoning in the recently annexed Tax Lots 73, 141, 259, 135 and 72, Section 15, T1S, R2E, located at S.E. Foster Road, east of S.E. 111th Drive, under certain conditions and declaring an emergency.

| THE COMMISSIONERS VOTED AS FOLLOWS: |      |      |
|-------------------------------------|------|------|
|                                     | Yeas | Nays |
| Ivancie                             | 7    |      |
| Jordan                              | 7    |      |
| Lindberg                            | 7    |      |
| Schwab                              | 7    |      |
| Ivancie                             |      |      |

| FOUR-FIFTHS CALENDAR |  |
|----------------------|--|
| Ivancie              |  |
| Jordan               |  |
| Lindberg             |  |
| Schwab               |  |
| Ivancie              |  |

Ordinance No. 150896 is declared under the following conditions:

Filed

DEC 2 1980

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

*Gordon Orell*  
Deputy

INTRODUCED BY

COMMISSIONER SCHWAB

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau:

Hearings Office

Prepared By:

Date:

P. Norr/ja

11/25/80

Budget Impact Review:

☐ Completed

☒ Not required

Bureau Head:

NOTED BY

City Attorney

City Auditor

City Engineer