



CITY OF
PORTLAND, OREGON
BUREAU OF PLANNING

Mildred A. Schwab, Commissioner
Terry D. Sandblast, Acting Director
621 S.W. Alder
Portland, Oregon 97205
(503) 248-4253

March 16, 1981

City Council
Portland, Oregon

Members of the Council:

At the December 2, 1980, meeting, the Planning Commission approved an amendment to Title 33 which established general standards for the consideration of revocable permits.

The amendment was introduced at the request of the City Attorney to eliminate legal problems arising from somewhat arbitrary-appearing decisions.

The amendment, however, included one additional substantive change to current procedures, increasing the notification area for hearing from 150 feet to 400 feet. At the time of filing of the amendment, the City Auditor questioned whether the expansion of the notification area is worth the inevitable increased costs to the city. The amendment, therefore, was sent back for reconsideration by the Planning Commission. The increase in notification area on revocable permits from 150 to 400 feet would involve mailing notifications to as many as four or five times the number of property owners.

For purposes of comparison, it should be recalled that there are two standard notification areas in the zoning code. Variances, except for enlargement or change of use of a non-conforming use, require notices sent to owners of all properties within 150 feet, as do approvals by the Sign Committee for certain types of signs. All other actions authorized by Title 33 require a 400-foot notification. These include zone changes, conditional uses, design review, and requests for reinstatement, enlargement or change of use of a non-conforming use.

A revocable permit which allows within a zone a use which the zone itself does not countenance cannot help but have potential impact on a neighborhood far closer to that of a request for reinstatement, enlargement or change of use or for a zone change than to a variance, which addresses developmental requirements such as yards, setbacks, building heights, etc., rather than the use itself.

(Cont.)

CODE
ADMINISTRATION
248-4250

LONG RANGE
PLANNING
248-4260

SPECIAL
PROJECTS
248-4509

TRANSPORTATION
PLANNING
248-4254

HOUSING AND
POPULATION
248-5525

City Council

March 16, 1981

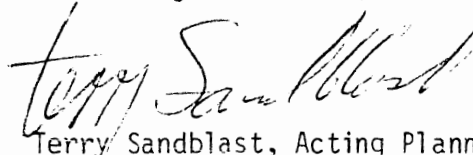
-2-

Revocable permits are generally limited to permitting temporary uses, unusual uses, and sometimes to alleviate unusual personal hardships. Consequently, they are often relatively minor matters. However, their nature makes it difficult to generalize upon their potential impacts and it is believed that the 400-foot notification area is extremely appropriate, inasmuch as such a special permit inevitably has the potential for affecting a far greater area than the immediate neighborhood.

At the March 3, 1981, meeting, the Planning Commission reconsidered the amendment and recommends approval of the ordinance transmitted herewith, which includes the provision of general standards for revocable permits and the increase of the notification area.

Also, the Planning Commission directed the staff to expedite development of a new zoning code fee schedule that would reflect the increased costs of extension of the notification area for revocable permits to 400 feet.

Respectfully submitted for the
Planning Commission,



Terry Sandblast, Acting Planning Director

TS:RA:ht
Enc.

ORDINANCE NO. 151341

An Ordinance amending Title 33, Planning and Zoning, of the Code of the City of Portland, Oregon, by amending Section 33.98.060 to provide general standards and increased notification area for revocable permits, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- 1. Title 33, Planning and Zoning, of the Code of the City of Portland, Oregon, at Section 33.98.060 provides for revocable permits.
- 2. Section 33.98.060 defines a revocable permit as permit:
 - "Which alters the regulations or exempts the applicant from any provision or regulations of this title or its accompanying map."
- 3. The flexibility which this section provides the City in enforcing its code is essential to good land-use planning for the City.
- 4. As a discretionary permit, there should be some standards, even if quite general, in order to guide the City in its application of this section.
- 5. Since a revocable permit generally allows within a zone a use which the zone itself does not permit, and the potential impact on a neighborhood may be similar to a zone change, the notification area should be increased to 400 feet.
- 6. On December 2, 1980, and March 3, 1981, the City Planning Commission reviewed this amendment to Title 33 and recommends approval.

NOW, THEREFORE, the Council directs:

- a. Title 33, Planning and Zoning, of the Code of the City of Portland, Oregon, is amended by an amendment to Section 33.98.060 to be numbered and to read as follows:

"33.98.060 Revocable Permits. Revocable permits alter the regulations or exempt the applicant from any provisions or regulations of this title or its accompanying map.

The revocable permit procedure was created in recognition of the fact that zoning laws are enacted with general application in mind and that upon occasion temporary deviations from that general application may be permitted without detriment to the zoning laws in general and the neighborhoods surrounding revocable permits specifically.

All revocable permits shall be revocable at will by Council, with no vested rights arising to the applicant from the permitted use, with the applicant paying for all costs of putting the land back into the condition it was prior to approval of the revocable permit, and all revocable permits shall be personal to the applicant and shall neither run with the land nor be transferable upon transfer or change of ownership or ownership rights to the use of the property. The applicant shall be either the deedholder or recorded contract purchaser of the property in question.

When a revocable permit is granted, it shall be supported by findings which show that:

1. To permit the particular deviation from the Code, as requested, would result in trivial detriment to the surrounding properties and not interfere with future enforcement of the correct zoning standards; and
2. By its nature, the use is one which can be terminated and removed upon request.

All revocable permits may be conditioned to ensure that they do not disturb the surrounding property and otherwise comply with this section.

Requests for revocable permits shall be filed in the office of the Commission in the form of a letter in duplicate. The fee for such requirement shall be twenty dollars.

The request shall be accompanied by two copies of the site plan showing exact dimensions and arrangements of the proposed development or all changes in the existing development or use. Other drawings, topographical surveys, photographs, or other material essential to an understanding of the proposed development and its relationship to surrounding properties may be required.

A public hearing shall be held on each request and a report prepared, all in accordance with provisions set forth in Chapter 33.114.

ORDINANCE No.

If the report recommends denial, it shall not be forwarded to the Council unless the applicant files a written request therefor. No request shall be approved by the Council until such report has been submitted.

The notices of the hearing shall be mailed by the City Auditor to the owner of each parcel within lines 400 feet, including intervening street widths, from and parallel to the boundaries of the property for which the request is filed, and such other contiguous area as is under the legal control of the applicant. Such notices of the hearing shall be mailed at least fourteen days prior to the date of the hearing.

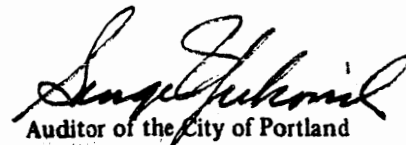
The provisions for effectiveness and appeal of revocable permits are those set out in Chapter 33.114."

Section 2. The Council declares that an emergency exists because an important part of the zoning code may have insufficient standards to support its use; therefore, this Ordinance shall be in full force and effect from and after its date of passage by Council.

Passed by the Council, APR 1 1981

Commissioner Schwab
RSM:RA:ht
March 10, 1981

Attest:


Auditor of the City of Portland

1025
Calendar No. 947

ORDINANCE No. 151341

Title

An Ordinance amending Title 33, Planning and Zoning, of the Code of the City of Portland, Oregon, by amending Section 33.98.060 to provide general standards and increased notification area for revocable permits, and declaring an emergency.

THURSDAY

MAR 20 1981

CONTINUED TO APR 1 1981

Filed MAR 18 1981

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

Jordan Crall
Deputy

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

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

INTRODUCED BY
Commissioner Schwab

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

BUREAU APPROVAL
Bureau: Bureau of Planning
Prepared By: R. Austin Date: 3/10/81
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>Terry D. Sandblast</i> Terry D. Sandblast, Acting Director

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

NOTED BY
City Attorney <i>K. Beaumont</i>
City Auditor
City Engineer