

151689

ACCEPTANCE

RECEIVED
JUN 16 8 47 AM 1981
GEORGE YERKOVICH
CITY ATTORNEY

BY _____ June 5 1981
Portland, Oregon, _____

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. 151689, passed by the Council June 4, 1981, granting a revocable permit to Leona F. Hailey, deedholder; and Marilyn L. Callender, applicant, to allow the keeping of five dogs in an R5 zone; located at 1633 SE 37th Avenue, Tax Lot 185, Section 1, T1S, R1E, through June 30, 1981, 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,

Leona F. Hailey

Leona F. Hailey

Marilyn L. Callender

Marilyn L. Callender

[CORPORATE SEAL]

1633 SE 37th Ave., Portland, OR 97221
Address

Approved as to form:

Cliff P. Thomas

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. 151689

An Ordinance granting a revocable permit to Leona F. Hailey, deedholder; and Marilyn L. Callender, applicant, to allow the keeping of five dogs in an R5 zone; located at 1633 SE 37th Avenue, Tax Lot 185, Section 1, T1S, R1E, through June 30, 1981, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Leona F. Hailey, deedholder, and Marilyn L. Callender, applicant, filed an application for a revocable permit to keep five dogs on the property located at 1633 SE 37th Avenue. The property is zoned R5.
2. The legal description of said property is Tax Lot 185, Section 1, T1S, R1E.
3. Applicants paid the proper fee for the filing of such an application.
4. As authorized by state law and Title 33, Planning and Zoning, of the Code of the City of Portland, the Hearings Officer held a public hearing on the permit on February 17, 1981. The Hearings Officer recommended that a revocable permit to allow the keeping of five dogs be issued through June 30, 1981, under certain conditions.
5. The City Auditor complied with all applicable notice requirements for the hearing before the Hearings Officer.
6. Marilyn L. Callender filed an appeal against the Hearings Officer's decision on March 6, 1981.
7. The Planning Commission declined to hear the appeal.
8. On April 15, 1981, the City Council held a public hearing at which it heard the report of the Bureau of Planning on the appeal. Remonstrances were called and heard at the hearing and the Council denied the appeal and affirmed the Hearings Officer's Report and Recommendation.
9. The City Auditor complied with all applicable notice requirements for the hearing before the City Council.
10. The keeping of five dogs, as requested, would result in trivial detriment to the surrounding properties and not interfere with future enforcement of the correct zoning standards because a specific termination date of June 30, 1981 is a condition to protect the neighborhood.

ORDINANCE No.

11. By its nature, use of the property for the keeping of five dogs is one which can be terminated and removed upon request.

NOW, THEREFORE, the Council directs:

- A. That the facts, findings and recommendation of the Hearings Officer in PC File No. 7025R are adopted by the City Council.
- B. That a revocable permit be granted to allow the keeping of five dogs in an R5 zone; located at 1633 SE 37th Avenue, Tax Lot 185, Section 1, T1S, R1E, through June 30, 1981, under certain conditions.
- C. This revocable permit is granted under the following conditions:
 - 1) That the enclosed yard and run shall be cleaned regularly in order to insure its sanitation. Applicant must seek assistance of the County Dog Control Office for guidance in this matter.
 - 2) The revocable permit hereby granted is personal to the permittee and may not be transferred, assigned or otherwise disposed of by said permittee.
 - 3) The revocable permit hereby granted shall be revocable at the pleasure of the City Council and no expenditures of money hereunder or lapse of time or any act or thing shall operate as an estoppel against the City of Portland, or be held to give the permittees any vested or other right.
 - 4) Permittee shall comply with the provisions of the Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city, whether presently existing or hereafter enacted.
- D. Neither this ordinance nor any permit issued hereunder shall be effective until accepted, filed and recorded in accordance with Title 33, Planning and Zoning, of the Code of the City of Portland.

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

Passed by the Council, **JUN 4 1981**

Commissioner Schwab
K. Beaumont & N. Weisser:jlu
May 22, 1981

Attest:


Auditor of the City of Portland

Calendar No. **1808**

ORDINANCE No. 151689

Title

An Ordinance granting a Revocable Permit to Leona F. Hailey, deedholder; and Marilyn L. Callender, applicant, to allow the keeping of five dogs in an R5 zone; located at 1633 SE 37th Avenue, Tax Lot 185, Section 1, T1S, R1E, through June 30, 1981, under certain conditions, and declaring an emergency.

THURSDAY

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	<u> </u>	
LINDBERG	<u> / </u>	
SCHWAB	<u> / </u>	
STRACHAN	<u> / </u>	
IVANCIE	<u> / </u>	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed **MAY 28 1981**

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy

INTRODUCED BY
Commissioner Schwab

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

BUREAU APPROVAL
Bureau: Planning
Prepared By: Kathryn Beaumont/ Nancy Weisser/jlu Date: 5-19-81
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>[Signature]</i> Terry Sandblast

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

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