

ORDINANCE NO. 152904

An Ordinance amending Title 33, Planning and Zoning of the Code of the City of Portland in order to implement a clarification of Policy 10.8 of the Comprehensive Plan and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. After extensive public review and acting with Planning Commission advice, the Council adopted Ordinance No. 150580 adopting the City's Comprehensive Plan, as required by state law.
2. Council has since amended and clarified Policy 10.8 of the City's Comprehensive Plan.
3. State land use legislation requires that zoning regulations be modified to implement Comprehensive Planning Goals and Policies.
4. In order to implement this amendment, Section 33.102.015 of Title 33, Planning and Zoning, must be amended to reflect this clarification.
5. On June 2, 1981 and December 1, 1981 the Planning Commission reviewed these amendments, approved them, and recommended that the City Council incorporate them into the City's zoning regulations.
6. It is therefore in the public interest that the following amendments to Title 33 be approved.

NOW, THEREFORE, the Council directs:

- a. Title 33, Planning and Zoning is hereby amended by an amendment to Section 33.102.015 to read as follows:

33.102.015 Rezoning criteria. Approval or disapproval of rezoning of property shall be determined using the procedures established in this Chapter and in Chapter 33.114. Three major sets of conditions must be met before rezoning may be approved. If all conditions are satisfied, the rezoning request will be approved. The conditions are:

- (1) The proposed rezoning must be to the maximum Comprehensive Plan Map designation unless:
 - (a) Less intense residential densities in existing R10, R20 or FF zones are planned and platted to allow for future redivision at full densities of R5, R7, or R10 zones if so designated by the plan; or
 - (b) Proof is provided that development at full intensity is not possible within five (5) years due to physical conditions (such as topography, street patterns, public ser-

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vices, existing lot arrangement, etc.).

- (2) It must be found that services adequate to support the proposed industrial or commercial use or the maximum residential density allowed by the proposed rezoning are presently available or can be reasonably made available, (consistent with the Comprehensive Plan Public Facilities Policies) by the time the proposed use qualifies for a certificate of occupancy or completion from the Bureau of Buildings. For the purpose of this requirement, services include:

- (a) Water supply;
- (b) Sanitary sewage disposal;
- (c) Stormwater disposal;
- (d) Transportation capabilities;
- (e) Police and fire protection

Where public utilities are required to be installed or improved by the applicant, a performance contract or bond, assuring their installation to specified standards, is required.

- (3) Findings shall be provided by the Hearings Officer that the proposed upzoning:
- (a) Should be approved if consistent with 1(a) and 2 above;
or
 - (b) Should be approved if consistent with 1(b) and 2 above with the condition that development be specifically limited consistent with the adequacy of available service until such time as existing service deficiencies are corrected;
or
 - (c) Is premature and should be denied because the land use designation on the Comprehensive Plan is related to, or dependent upon, completion of major public projects or other off-site improvements.

Section 2. The Council declares that an emergency exists because Policy 10.8 of the Comprehensive Plan should be implemented through identical amendment to Section 33.102.015 of Title 33 and this Ordinance shall be in full force and effect upon passage by the Council.

Passed by the Council,

FEB 25 1982

Commissioner Mildred Schwab
February 18, 1982
Mark Bello:sa

Attest:


Chief Deputy Auditor of the City of Portland

Calendar No. 497

ORDINANCE No. 152904

Title

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THURSDAY

Filed FEB 19 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Garbon Crall
Deputy

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
Commissioner Mildred Schwab

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau:
Bureau of Planning

Prepared By: Mark Bello:sa Date: Feb. 18, 1982

Budget Impact Review:
 Completed Not required

Bureau Head: Terry D. Sandblast
Terry D. Sandblast, Director

CALENDAR

Consent Regular

NOTED BY

City Attorney
KS Beaumont

City Auditor

City Engineer