

ORDINANCE NO. 153043 1

An Ordinance amending Title 34, Subdivision and Partitioning Regulations, of the Municipal Code of the City of Portland, Oregon, by amending Sections 34.20.050, 34.80.020, and 34.100.030, to provide proper notice for approval and denial of land use applications in order to comply with State law, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that:

1. The City of Portland currently sends written notice of public action to land use applicants and to the appellants.
2. In 1979, the Oregon Legislature amended ORS 227.173, adding subsection (3) which states:

"Written notice of the approval or denial shall be given to all parties to the proceeding."
3. The Portland City Attorney's Office has found that the amendments herein to Title 34 are necessary in order to comply with State law.
4. The proposed code amendments provide the City with a uniform and fair method for notification of land use planning case decisions.
5. The Planning Commission reviewed and recommended City Council adoption of this ordinance on January 5, 1982.
6. It is now therefore appropriate and in the public interest that the following amendments to Title 34 be adopted.

NOW, THEREFORE, the Council directs:

- a. Title 34, Subdivision and Partitioning Regulations, Section 34.20.050, is hereby amended to read as follows:

34.20.050 Approval of tentative plan.

(A) *** (no change)

(B) *** (no change)

(1) and (2) *** (no change)

- (3) The hearings officer shall hold a hearing and shall review the tentative plan in accordance with this title, the reports of the city engineer, the traffic engineer, the fire chief, the manager of the water bureau, the reports of other agencies and officials, if any, and the hearing testimony. The hearings officer shall render a written decision within 10 days after the hearing and a copy shall be sent by certified mail to the applicant. The hearings officer may approve, approve with conditions, or disapprove the tentative plan. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification.

(C) and (D) *** (no change)

- b. Title 34, Subdivision and Partitioning Regulations, Section 34.80.020, is hereby amended to read as follows:

34.80.020 Procedures. (A) A tentative subdivision or partition plan shall be submitted as provided in section 34.20.030 of this title, simultaneously with the submission of an application for the variances necessary for the clustering of the proposed dwelling units. Applications for variances shall be submitted according to the requirements of 33.98.020. The hearings officer shall hold a public hearing at which he shall consider the variances and the tentative subdivision or major partition jointly. A summary sheet of the hearings officer's decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification.

(B) through (E) *** (no change)

- c. Title 34, Subdivision and Partitioning Regulations, Section 34.100.030, is hereby amended to read as follows:

34.100.030 Hearings officer action. In granting, denying or conditionally approving a variance, the hearings officer shall make a written record of his findings and the facts in connection therewith and shall describe the variance granted and the conditions designated. The bureau of planning shall keep the findings on file as a matter of public record. A summary sheet of the hearings officer's decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification.

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Section 2. The Council declares that an emergency exists because enactment of these amendments will clarify and facilitate the public notice process regarding decisions on Bureau of Planning Code Administration cases; therefore this ordinance shall be in full force and effect upon passage by Council.

Passed by the Council, **APR 1 1982**

Commissioner Mildred A. Schwab
Mike Saba:jm
February 4, 1982

Attest:

George F. Johnson
Auditor of the City of Portland

Calendar No. ⁸⁴⁵~~782~~

ORDINANCE No. 153043

Title

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THURSDAY

MAR 25 1982

CONTINUED TO APR 1 1982

Filed FEB 10 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Copple*
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 A. Schwab
NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Bureau of Planning
Prepared By: Mike Saba:jm Date: February 4, 1982
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: Terry D. Sandblast <i>TDS</i>

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

NOTED BY
City Attorney <i>KS Beaumont</i>
City Auditor
City Engineer