

ORDINANCE NO. 153093

An Ordinance changing the zoning of Tax Lots 1 and 2, Block 1, Glencullen, from R1 to C2; located at SW Beaverton-Hillsdale Highway at SW 45th Avenue, requiring a comprehensive plan map amendment, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The applicants, Elmer L. and Edith M. Reho, deedholders, seek a zone change from R1 to C2 for Tax Lots 1 and 2, Block 1, Glencullen, and Tax Lots 400 and 28, Section 17, 1S, 1E; located at SW Beaverton-Hillsdale Highway at SW 45th Avenue.
2. An application complying in all respects with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland, and seeking such a zone change has been received.
3. Applicants have paid the proper fee for the filing of such an application.
4. The city's Hearings Officer by Report and Recommendation dated October 7, 1981 (Planning Commission File 7137-PA), after and as a result of a duly authorized and conducted hearing held October 5, 1981, on said property, has recommended that the zone change be granted with conditions for part of but not all of the property.
5. The Hearings Officer recommended that the zone and comprehensive plan designation be changed from R1 to C2 on the south portion of the property, fronting on Beaverton-Hillsdale Highway (Tax Lots 1 and 2, Block 1, Glencullen), but recommended denial of the change on the north portion of the site (Tax Lots 400 and 28 of Section 17, 1S, 1E).
6. On October 21, 1981, the applicant/deedholder appealed the Hearings Officer's recommendation, denying C2 on the north portion, to the City Council.
7. On December 2, 1981, the City Council held a public hearing on the matter, and after considering the evidence adopted the report and recommendation of the Hearings Officer and denied the appeal of the applicant/deedholder.
8. The notice requirements for both public hearings were fulfilled according to law.

9. This rezoning constitutes an amendment to the comprehensive plan map. Based upon the facts and findings and conclusions of the Hearings Officer's Report and Recommendation, this amendment of the comprehensive plan map from R1 to C2 is found to be in accordance with the comprehensive plan goals and policies, with city zoning code standards for zoning amendments (Section 33.102.015), and Goals 5 and 15 of Land Conservation and Development Commission statewide planning goals. The Hearings Officer's decision is also consistent with LCDC statewide planning goals pertaining to housing and economic development, because the amendment makes commercial development possible without jeopardizing a significant number of housing units. The amendment is also consistent with the statewide transportation and land hazard goals because it increases the intensity of land use along an established transportation corridor; and because a special setback for buildings is required to protect Fanno Creek.
10. This rezoning is in conformance with the comprehensive plan policies for the city and is in accordance with generally accepted land use planning standards and with applicable city and state legislative enactments, as indicated in the report of the Hearings Officer.

NOW, THEREFORE, the Council directs:

- a. That the facts, findings, conclusions and recommendation of the Hearings Officer in PC File 7137-PA are adopted by City Council.
- b. Based on the facts, findings, conclusions and recommendations of the Hearings Officer in PC File 7137-PA, the zoning of Tax Lots 1 and 2, Block 1, Glencullen, located at Beaverton-Hillsdale Highway at SW 45th Avenue, is changed to C2 and the comprehensive plan map is hereby amended to conform thereto.
- c. This zone change is granted under the following conditions:
  - A. An on-site circulation, parking and access plan shall be submitted to the city Traffic Engineer and Transportation Planning Section for review and approval prior to the issuance of a building permit. This plan shall include:
    1. Only one access point on Beaverton-Hillsdale Highway, not to exceed 35 feet in width and to be placed no closer than 155 feet east of the east line of SW 45th Avenue.
    2. Not more than two driveways on SW 45th Avenue.
    3. A traffic barrier to control access on the south portion of the property.

4. Parking may not be located between the structure and the right-of-way of SW Beaverton-Hillsdale Highway.
  5. Landscaping and screening as required in Chapter 33.82 of the city zoning code.
- B. The applicant shall dedicate an additional 10 feet of right-of-way along SW Beaverton-Hillsdale Highway on Lots 1, 2 and 3 of Tax Lot 2 to facilitate further widening of the highway. The dedication from Lots 2 and 3 shall occur prior to issuance of change of occupancy or a demolition permit on the existing pizzeria building.
  - C. The applicant shall construct, at no cost to the general public, a 6-foot combination curb and sidewalk along the site's Beaverton-Hillsdale Highway frontage per the specifications of the State Engineer and in accordance with the Beaverton-Hillsdale Highway Improvement Plan.
  - D. The applicant shall construct curbs, sidewalks and street widening along SW 45th Avenue, adjacent to the site, per the specifications of the County Engineer.
  - E. On-site storm drainage facilities shall be constructed in accordance with standards prescribed by the city Sanitary Engineer.
  - F. All requirements for street trees and bicycle parking shall be met on the site.
  - G. No structures shall be constructed closer than 30 feet from a line perpendicular to the centerline of the creek as shown on city datum.
  - H. A building permit shall be obtained and all pertinent codes met, including Chapter 70 of the Uniform Building Code regulations, prior to construction and occupancy.
  - I. The applicant shall insure that the required parking lot screening and landscaping be installed prior to occupancy unless security equal to 110% of the cost of such installation shall be submitted to the city insuring such installation within six months. A list of major costs shall be filed with the security.
  - J. The landscaping shall be watered, weeded, plants pruned and diseased or dying plants replaced.
  - K. The applicant shall install an approved irrigation system to ensure the longevity of all landscaping.

**ORDINANCE No.**

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

Passed by the Council, APR 14 1982

Introduced by Order of Council  
D. Warren/jlu  
March 24, 1982

Attest:

  
Auditor of the City of Portland

CLAIM RELEASE - DAMAGES

153094

RECEIVED

(Individual)

JUN 11 2 55 PM 1982

City of Portland, Oregon

CLERK OF THE CITY AUDITOR  
CITY OF PORTLAND, ORE.

KNOW ALL MEN, THAT I, STEVE J. LARSEN,  
living and residing at 7214 N. Philadelphia, Portland 97203,  
in consideration of the sum of \$ 35.45, lawful money of the United  
States heretofore paid to me by the City of Portland, Oregon, the receipt  
whereof is hereby acknowledged, do hereby remise, release and forever  
discharge the said City of Portland, its officers, agents and employees of  
and from all, and all manner of, action and actions, cause and causes of  
action, suits, debts, sums of money, claims and demands whatsoever, in law  
or in equity against the said City of Portland, its officers, agents and  
employees, that I, the undersigned, ever had, now have, or that my heirs,  
executors, or administrators hereafter can or may have by reason of any  
matter, cause or thing whatsoever in anywise arising out of the incidents,  
matters, or things mentioned and referred to in Ordinance No. 153094,  
of April 14, 19 82, a copy of which is hereto annexed.

It is understood and agreed that this settlement is the compromise of  
a doubtful and disputed claim, and that the payment made is not to be  
construed as an admission of liability on the part of the parties hereby  
released, and that said releasee(s) denies/deny liability therefore and  
intend(s) merely to avoid litigation and buy peace thereby.

THE UNDERSIGNED HAS READ THE FOREGOING PROPERTY CLAIM RELEASE, fully  
understands that no other consideration or payment will be given and that  
this Property Claim Release contains the entire agreement between the  
parties hereto and that there is no other agreement, promise or inducement  
for this payment other than as expressed by this Agreement.

IN WITNESS WHEREOF, I have hereunto caused this release to be executed  
in the City of Portland, Multnomah County, Oregon, on this 10<sup>th</sup> day of  
June, 19 82.

Steve J. Larsen (Seal)  
Steve J. Larsen

\_\_\_\_\_  
(Seal)  
7214 N. Philadelphia Portland 97203  
Address

WITNESS:

[Signature]  
7214 N. Philadelphia  
Address

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney [Signature]

ORDINANCE No.

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

Passed by the Council, APR 14 1982  
Introduced by Order of Council  
D. Warren/jlu  
March 24, 1982

Attest:

*George Guilford*  
Auditor of the City of Portland

RECEIVED

ACCEPTANCE

APR 21 8 43 AM 1982

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

Portland, Oregon, April 14, 1982

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. 153093, passed by Council April 14, 1982, changing the zoning of Tax Lots 1 and 2, Block 1, Glencullen, from R1 to C2; located at SW Beaverton-Hillsdale Highway at SW 45th Avenue, requiring a Comprehensive Plan Map amendment, 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,

*Elmer L. Reho*

Elmer L. Reho

*Edith M. Reho*

Edith M. Reho

9069 SW 35th, Portland, OR 97219

Address

[CORPORATE SEAL]

APPROVED AS TO FORM

Approved as to form:

*Christopher P. Thomas*

CITY ATTORNEY  
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.

Calendar No. **966**

**ORDINANCE No. 153093**

**Title**

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed APR 8 1982

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By *Godon* Deputy

INTRODUCED BY
Order of Council

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Planning
Prepared By: D. Warren/jlu Date: 3/24/82
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>Terry Sandblast</i> Terry Sandblast

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

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