

ORDINANCE NO. **151426**

An Ordinance establishing R10 zoning in the recently annexed Tax Lots 34, 43, 49 and 73, Section 31, T1N, R1E; located north of West Burnside Road and 48th Avenue, east and west of N.W. Hilltop Drive, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Tax Lots 34, 43, 49 and 73, Section 31, T1N, R1E; located north of West Burnside Road and 48th Avenue, east and west of N.W. Hilltop Drive, have been annexed to the City.
2. In accordance with Title 33, Planning and Zoning, of the Code of the City of Portland, said area retains the zoning regulations of the former jurisdiction, Multnomah County, until City zoning is established.
3. The City's Hearings Officer, by Report and Recommendation dated February 5, 1981 (Planning Commission File No. 6973), after and as a result of a duly authorized and conducted public hearing concluded on January 26, 1981, has recommended adoption of R10 zoning in said annexed area.
4. On February 20, 1981, the City Auditor received an appeal submitted by Peter Hoffman against the establishment of city R10 zoning.
5. The Planning Commission members were sent a copy of the Hearings Officer's Decision and the appeal. No requests for Planning Commission review were received.
6. On April 1, 1981, the City Council considered and denied the appeal of Peter Hoffman.
7. The notice requirements for the public hearings before the Hearings Officer and before the City Council were fulfilled according to law.
8. The Zoning Code requires the initiation of City zoning on annexed property within six months of the annexation in order that all appropriate and pertinent City codes should become applicable to such property.
9. City policy is to establish City zoning that is equivalent to existing County zoning whenever possible, in accordance with existing land uses and the adjacent City zoning pattern.

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10. This action, in essence a transition between County and City zones because of annexation, may be considered not to be a "rezoning" in the usually accepted sense, but rather the application of a City zoning consistent with the pre-existing zoning scheme of the City of Portland.
11. The City Council finds that there is a public need to affix this City zoning designation to the property in order to conform to the Code of the City of Portland and assure that appropriate and pertinent planning, zoning and building regulations of the City shall apply. The zoning designation is in accordance with generally accepted land-use planning standards in that it reflects the zoning which the property has previously carried and is consistent with the pre-existing zoning scheme of the City of Portland.
12. The City Council, after due deliberation in open session, adopted the Hearings Officer's Report.

NOW, THEREFORE, the Council directs:


- a. That the facts, findings and recommendation of the Hearings Officer in P.C. File No. 6973 are adopted by City Council.
- b. The recently annexed Tax Lots 34, 43, 49 and 73, Section 31, T1N, R1E; located north of West Burnside Road and 48th Avenue, east and west of N.W. Hilltop Drive, hereby is zoned R10, as set forth on the map attached hereto and incorporated herein by this reference and thereby made a part of this ordinance.
- c. The City Auditor shall file a certified copy of this ordinance in the appropriate record file of the County in which said annexed property is located. The City Auditor shall enter the property zoned, as set forth in Section 1 hereof, in the zoning maps of the City. Establishment of said zone classification is for the benefit of the public and the requirement of acceptance of this ordinance by the property owners is hereby waived.

Section 2. The Council declares that an emergency exists because there should be no delay in the establishment of zone for the annexed area; therefore, this ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council, **APR 22 1981**

Commissioner Mildred Schwab
R. Austin:ht
April 13, 1981

Attest:


Auditor of the City of Portland

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	—
SCHWAB	
STRACHAN	
IVANCIE	

Calendar No. 1222

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Title

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Filed APR 16 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By

Deputy

INTRODUCED BY
Commissioner Schwab

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau: Bureau of Planning	
Prepared By: R. Austin:ht	Date: 4/13/81
Budget Impact Review:	
<input type="checkbox"/> Completed	<input checked="" type="checkbox"/> Not required
Bureau Head: Terry Sandblast, Acting Director	

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

NOTED BY
City Attorney K. Beaumont
City Auditor
City Engineer