

## ORDINANCE No. 182236

\*Amend the Comprehensive Plan Map designations and change zoning at vacant lot abutting 11330 SW 64<sup>th</sup> Ave at the request of Mike and Pat Hartmann (Ordinance; LU 08-103595 CP ZC)

The City of Portland ordains:

Section 1. The Council finds:

1. The Applicant seeks, in the vicinity of vacant lot abutting 11330 SW 64<sup>th</sup> Avenue, the following:
  - a. a Comprehensive Plan Map Amendment to an area identified as Lots 10 and 23, Block 7, PASADENA, in the City of Portland, County of Multnomah and State of Oregon, excepting therefrom the northerly 10 feet thereof (State ID 1S1E31BC 00600), from Low Density Residential to General Commercial; and
  - b. a Zoning Map Amendment to an area identified Lots 10 and 23, Block 7, PASADENA, in the City of Portland, County of Multnomah and State of Oregon, excepting therefrom the northerly 10 feet thereof (State ID 1S1E31BC 00600), from R2, Multi-Dwelling Residential 2,000 to CG, General Commercial.
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendment of the Comprehensive Plan Map and Zoning Map has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on July 16, 2008 and a Recommendation was issued on August 22, 2008 (BDS File No. LU 08-103595 CP ZC). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment and Zoning Map Amendment with conditions.
4. The requested amendment to the Comprehensive Plan and Zoning Map Amendment, based on the findings contained in the Recommendation of the Hearings Officer, are found to be in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.
5. In addition to the amendments for Lots 10 and 23 described above in Finding 1, the Recommendation of the Hearings Officer erroneously includes a recommendation to amend the Comprehensive Plan Map and Zoning Map for additional property described as State ID No. 1S1E31BC 0500 (Tax Lot 500) which is located immediately south of Lots 10 and 23. Subsequent to issuing his recommendation, the Hearings Officer reviewed legal descriptions of properties and determined that Tax Lot 500 was already designated General Commercial on the Comprehensive Plan Map and zoned CG. As a result, only the Comprehensive Plan Map and Zoning Map

designations for Tax Lots 10 and 23, as described in Finding 1, need to be amended. The maps attached as Exhibits B-1 and B-2 to the Recommendation of the Hearings Officer correctly depict the area proposed for rezoning.

NOW THEREFORE, the Council directs:

- a. City Council adopts the facts, findings, conclusions and recommendations of the Hearings Officer in BDS File No. LU 08-103595 CP ZC except that the Council does not adopt the Hearings Officer's recommendation to amend the Comprehensive Plan Map and Zoning Map for Tax Lot 500 (State ID No. 1S1E31BC 00500) because that property already has the General Commercial Comprehensive Plan Map designation and the CG zoning desired by the applicant.
- b. The Comprehensive Plan Map Amendment and Zoning Map Amendment are approved as follows:
  1. Comprehensive Plan Map Amendment to an area identified Lots 10 and 23, Block 7, PASADENA, in the City of Portland, County of Multnomah and State of Oregon, excepting therefrom the northerly 10 feet thereof (State ID 1S1E31BC 00600), which is currently designated Low Density Residential to General Commercial; and
  2. Zoning Map Amendment to an area identified Lots 10 and 23, Block 7, PASADENA, in the City of Portland, County of Multnomah and State of Oregon, excepting therefrom the northerly 10 feet thereof (State ID 1S1E31BC 00600), which is currently designated as R2, Multi-Dwelling Residential 2,000 to CG, General Commercial: and
  3. The Comprehensive Plan Map and Zoning amendments are subject to Conditions A. and B. below. Any violation of these conditions shall be subject to the enforcement procedures in the City Code, but will not void the Comprehensive Plan Map and Zoning Map amendments:
    - A. The proposed sidewalk improvements shall be completed prior to the final approval of development on the Subject Site.
    - B. Because on-site infiltration is not feasible, stormwater will be managed via an engineered system that will include a stormwater planter that overflows into an open drainage ditch system in SW Palatine Street. Specific details of the engineered system and potential upgrades to the ditch capacity will be reviewed at the time of building permit submittal and applicant will submit information, as set forth in paragraph Exhibit H-10, to BES.

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

OFFICE OF THE CITY AUDITOR

Passed by the Council: **OCT 02 2008**  
Introduced by City Auditor Gary Blackmer  
Gregory J. Frank/cb: September 17, 2008

**GARY BLACKMER**  
Auditor of the City of Portland  
By *Susan Parsons*  
Deputy