

4-26-1932

To Harold W. Doty

Ormond R. Bean

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April 26, 1932

Mr. Harold W. Doty,
President, Oregon Chapter, A. I. A.,
1041 Pacific building,
Portland, Oregon.

Dear Sir:-

Replying to your communication asking that no permits be issued for new buildings in the waterfront area, same being Council Document No. 2193 - referred to the Department of Public Works by the Council on April 13, 1932, would advise that this matter has been considered by the Bureau of Buildings and while we believe no buildings should be erected in that section without set-back lines in accordance with petitions now on file in this department, we have no actual power to enforce this rule as the property belongs to the owner and under the Building Code he has the right to erect a building on his own property if he so desires.

No set-back line has been established on this street as yet. However, I believe the Bartholomew plan contemplates a one-hundred foot street for Front street but until the plan is adopted by the City of Portland and made a part of the Charter of the City, the City is not in a position to compel builders to comply with any set-back rule that might be created by the Bartholomew plan.

Personally I do not anticipate there will be any great amount of building being done along Front street. The property owners at this time are not thinking of building, - they are thinking of disposing of their property in some way---probably to the City.

It is my understanding that the Bartholomew plan will sooner or later be submitted to the people, and if adopted the set-back lines as proposed under the plan will be automatically established. Of course, set-back lines may be created by the City Council but under the provisions of the ordinance regulating set-back lines, it will be necessary for a petition representing 40% of the property fronting on the street to be filed with the Council.

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Front St.

Under the circumstances, I am of the opinion the City has no authority to refuse a permit to erect buildings on Front street. The matter has been up several times and we have always been advised by the City Attorney that unless a set-back line is established we cannot control the location of buildings, and as long as the builders comply with the Building Code, this department has no authority to withhold building permits.

If the property owners in that district are anxious to create set-back lines along the street, the procedure would be to file a petition with the Council containing a representation of 40% of the frontage along the street. The City can then pass an ordinance creating set-back lines. However, as stated above, there is absolutely no law at the present time under which we can prevent property owners from erecting a building in the area in question that complies with the Building Code.

Yours very truly,

COMMISSIONER OF PUBLIC WORKS

ALB:G

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