



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: September 20, 2011
To: Interested Person
From: Kathleen Stokes, Land Use Services
503-823-7843 / Kathleen.Stokes@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-162204 AD

GENERAL INFORMATION

Applicant: Mihaela Ghetes
849 SE 151st Ave
Portland, OR 97233-2916

Site Address: 847-849 SE 151ST Avenue

Legal Description: LOT 29 TL 3100, LOMA AC
Tax Account No.: R505502970
State ID No.: 1S2E01BA 03100
Quarter Section: 3145

Neighborhood: Centennial, Louise Cody at 503-252-4302.
Business District: Gateway Area Business Association, Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550.

Zoning: R5a (R5,000, High Density Single-Dwelling Residential with an Alternative Design Density Overlay)

Case Type: Adjustment Review
Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal: The applicant has an existing house that has a stated building coverage of 3,325 square feet and is proposing to build an addition that would add another 384.75 square feet. Building coverage is defined as the area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves are not included in building coverage.

The Portland Zoning Code, Title 33, limits the overall building coverage on properties in the single-dwelling zones, in accordance with the size of the lot. On this 12,012 square-foot property, the maximum allowed building coverage is calculated as 2,250 square feet plus 15% of the lot area over 5,000 square feet. This works out to 3,301.8 or approximately 3,300 square

feet. The proposed addition to the rear of the house would increase the building coverage by approximately 385 square feet.

Exceptions to this requirement are approved through Adjustment Reviews if all of the relevant approval criteria are met or if the criteria can be met through conditions of approval. The applicant requests approval of an Adjustment to Code Section 33.110.225, to increase the maximum allowed building coverage from 3,300 square feet to about 3,710 square feet.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

ANALYSIS

Site and Vicinity: The applicant's site is a parcel, with approximately 12,012 square feet, that is located on the west side of SE 151st Avenue, across the street from the intersection with SE Yamhill Street. The site is developed with a large single-dwelling residence that is currently used as an adult foster care facility. The area around the site is developed with other single-dwelling residences in a wide variety of sizes and architectural styles. Some lots are built up with a high volume of building coverage while other properties have expansive open areas that incorporate a semi-rural atmosphere to the neighborhood.

Zoning: The site is zoned R5, High-Density Single-Dwelling Residential with an "a" or Alternative Design Density Overlay. The R5 zone requires an average lot area of 5,000 square feet, with a maximum allowed density of one unit per lot (generally 8.7 units per acre.) The "a" Overlay Zone allows opportunities for increased residential density in certain situations. The overlay zone does not apply to this situation.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 19, 2011**. The following Bureaus have responded with no issues or concerns:

- Environmental Services has no objection to approval and provided information regarding permit requirements for sanitary service and storm water management. Existing cesspool systems must be officially decommissioned (Exhibit E-1).
- Transportation Engineering provided an electronic response of "no concerns."
- Water Bureau noted that this site is located within the Rockwood Water People's Utility District and is not served by the Portland Water Bureau (Exhibit E-2).
- Fire Bureau stated that the applicant must verify that the existing fire flow and hydrant spacing meets the Fire Code, prior to approval of a building permit for the proposed development (Exhibit E-3).
- Site Development Section of BDS noted that the applicants must locate the existing septic system and obtain final approval of a decommissioning permit (Exhibit E-4).
- Life Safety Plan Review Section of BDS noted that a building permit is required (Exhibit E-5).
- Parks-Forestry Division provided an electronic response of "no concerns."

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 19, 2011. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose of Adjustments The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual

situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. stated below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
- D.** City-designated scenic resources and historic resources are preserved; and
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical.
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

FINDINGS AND CONCLUSIONS

The applicants' proposal meets all of the relevant approval criteria: *Building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.*

The applicants' request for an exception to the maximum building coverage standard is minimal, increasing the allowed coverage by 385 square feet for an addition to the rear of the structure. The one-story addition has a 15-foot long building wall so it will not overwhelm adjacent structures, even when combined with the existing footprint of the house. The addition is not visible from the street and the adjacent residences are located forward on their lots and so do not generally have a direct view of the addition. As noted in the description of the area, there is a mixture of development characteristics. Some lots, such as the applicant's site and the abutting lot to the north are largely built-up and are covered by either structures or paved areas. Other lots have very a low proportion of building coverage and have retained large open areas. Due to this variety, the development on the applicant's site is not out of character with the surrounding residential area. Therefore, the requested increase in the amount of building coverage equally meets the purpose of the regulation.

Only one Adjustment has been requested. There are no scenic or historic resources on this site or in the surrounding residential area. The site is not located in an environmental zone, so the criteria related to these issues do not apply. Therefore, all of the relevant approval criteria are met and the proposal can be approved, in substantial compliance with the proposed site plan and elevation drawings.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of

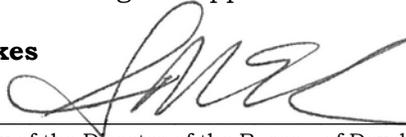
Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Code Section 33.110.225, to increase the maximum allowed building coverage from 3,300 square feet to about 3,710 square feet, in general compliance with the approved site plan and elevation drawings, Exhibits C-1 through C-2, signed and dated September 16, 2011, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-162204 AD."

Staff Planner: Kathleen Stokes

Decision rendered by:  **on September 16, 2011**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 20, 2011

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on July 28, 2011, and was determined to be complete on August 17, 2011.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on July 28, 2011.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on December 15, 2011.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review,

any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 4, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **October 5, 2011– (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

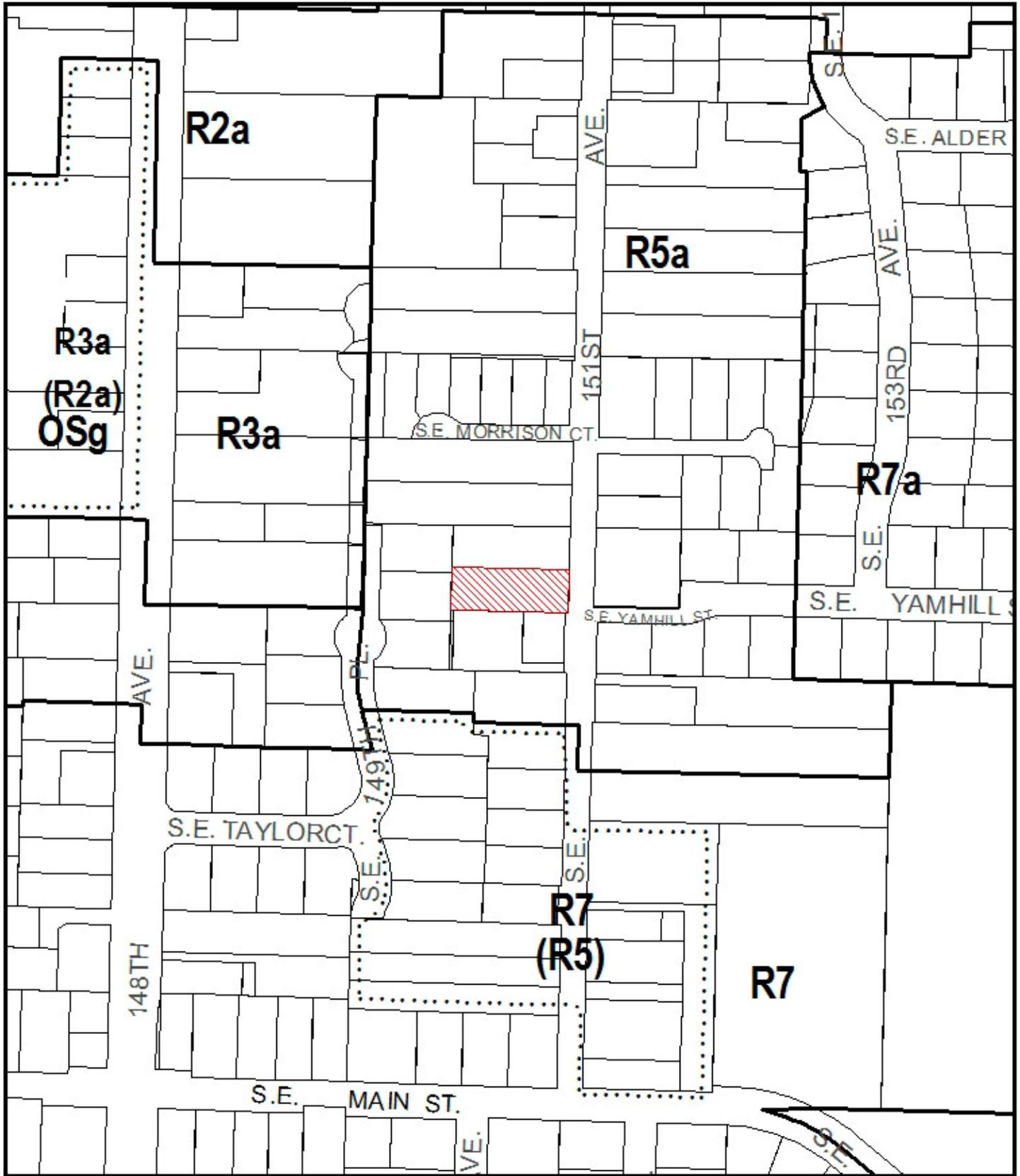
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application, narrative and original plans and drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Site Development Review Section of BDS
 - 5. Life Safety Plan Review Section of BDS
 - 6. Summary of electronic responses from City agencies
- F. Correspondence: (none received)
- G. Other:
 - 1. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



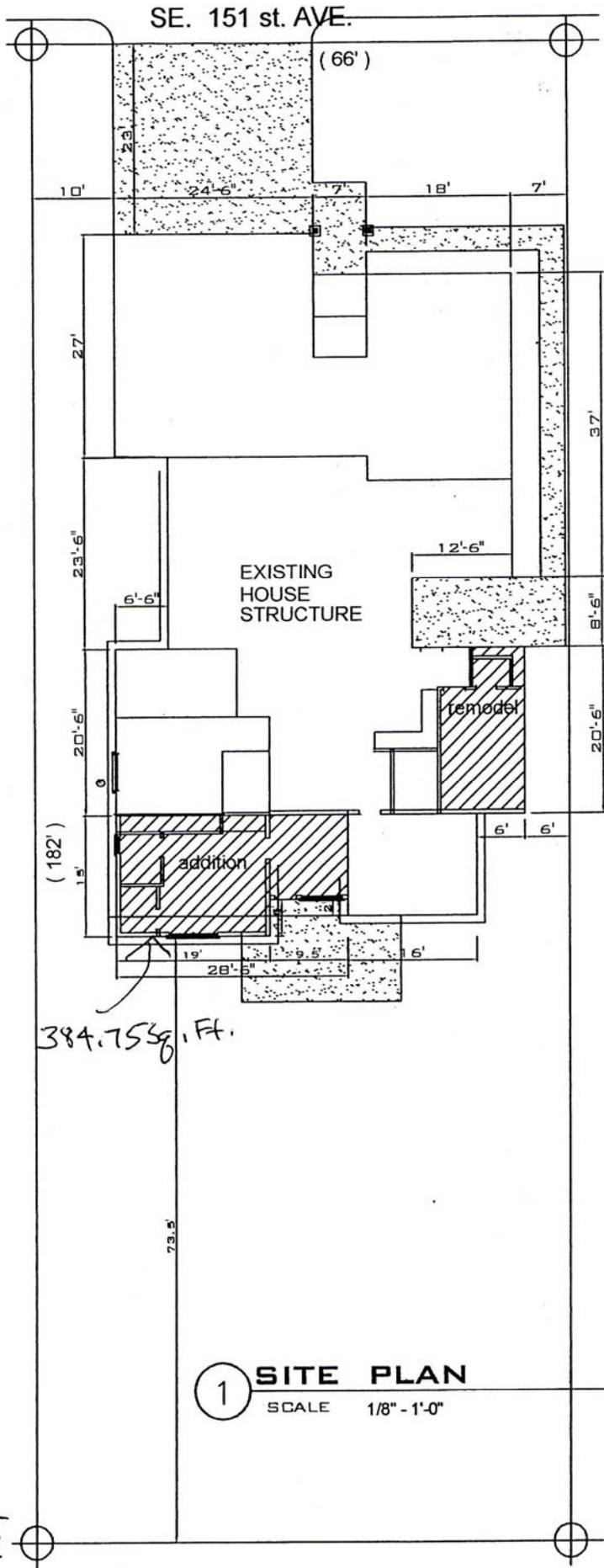
ZONING

 Site



NORTH

File No.	LU 11-162204 AD
1/4 Section	3145
Scale	1 inch = 200 feet
State_Id	1S2E01BA 3100
Exhibit	B (Jul 29, 2011)



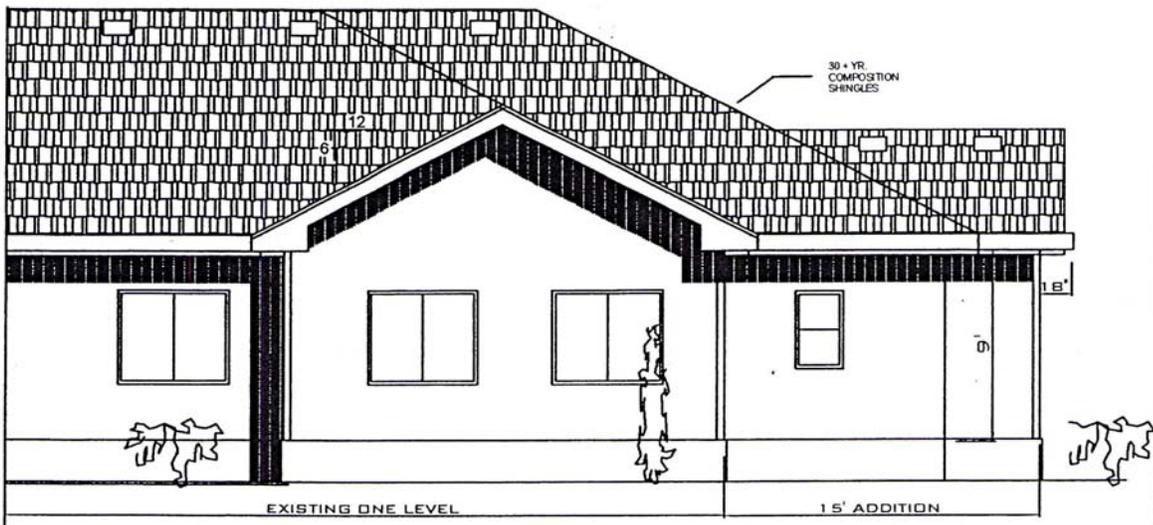
384.75 Sq. Ft.

1 SITE PLAN
SCALE 1/8" = 1'-0"

Approved
 City of Portland - Bureau of Development Services
 Planner Kathleen A. Stoker Date September 16, 2011
 This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

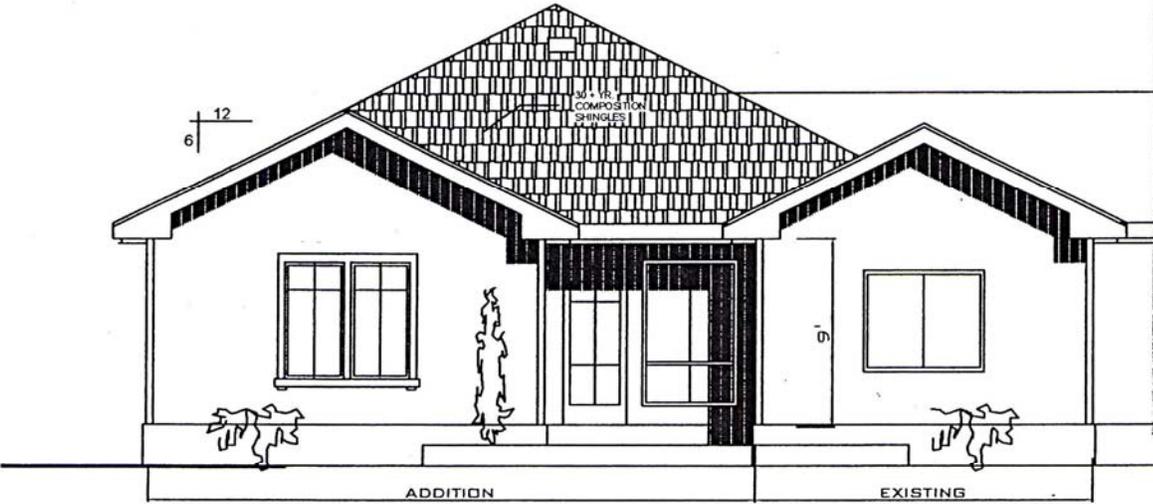
Lot Area - 12,012 Sq. Ft.
 Allowed Bldg Cug, per
 Code Section 33.110.225 -
 3,301.8 Sq. Ft.
 Existing Bldg Cug. 3,325 Sq. Ft.
 Proposed Bldg Cug. approx.
 3,710 Sq. Ft.

Exhibit C-1
 LU 11-162204 AD



2 NORTH SIDE ELEVATION

SCALE 1/4" - 1'-0"



3 WEST REAR ELEVATION

SCALE 1/4" - 1'-0"



4 SOUTH SIDE ELEVATION

SCALE 1/4" - 1'-0"

Approved
 City of Portland - Bureau of Development Services
 Planner: *Kathleen A. Stokes* Date: *September 16, 2011*
 # The applicant agrees only to the reviews requested and is subject to the terms of approval. Additional zoning requirements may apply.

PLAT:
 NOTE:
 ZONING:
 NOTE:

note.

LOT SI
 EXIST;
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 BLDG.

Exhibit C-2
 LU 11-162204 AD