City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: December 28, 2012
To: Interested Person
From: Sheila Frugoli, Land Use Services
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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 the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-205170 AD

GENERAL INFORMATION

Applicant/Owner: Kathryn Honl
2415 N Blandena St / Portland OR 97217

Site Address: 2415 N Blandena St

Legal Description: BLOCK 6 LOT 21 E 10' OF LOT 22, GAY TRACT;
Tax Account No.: R308600170
State ID No.: 1N1E21AC 10400
Quarter Section: 2528
Neighborhood: Overlook, contact Tammy Maher at 503-490-5352.
Business District: Interstate Corridor Bus Assoc, Alexsandra Johnson at 503-735-4420.
District Coalition: North Portland Neighborhood Serv, Mary Jaron Kelley at 503-823-4099.
Plan District: Albina Community
Zoning: R5, Single-Dwelling Residential 5,000
Case Type: AD, Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: The applicant has submitted an application for a Property Line Adjustment (12-100251 PR) between the subject site and the western abutting lot at 2425 N Blandena. The western lot will be reduced in size, from 15,500 to 11,800 square feet. The subject site will get larger, with an increase from 6,000 to 9,700 square feet. Because the lot will exceed the R5 zone maximum lot area allowance of 8,500 square feet, the applicant is requesting an Adjustment to this standard.

The attached site plan identifies the subject site as "Tract 1". The western abutting site is identified as "Tract 2".

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria have been met.

ANALYSIS

Site and Vicinity: The subject site is in single-dwelling residential area that is located at the upper crest of the Overlook bluff. There are seven homes on the westernmost portion of N. Blandena. The homes have access via a 20 foot wide north-south street off of N. Wygant. Most of the properties have lots, or a combination of lots, that are larger than 10,000 square feet in size. The larger lots give the properties an open, rural-like character. The seven homes are located near heavily vegetated open areas that are zoned as Open Space. To the west, is Madrona Park, also zoned Open Space, which separates the residences from N. Greeley and the Swan Island industrial area. To the south is a steeply sloped hillside that separates the homes from NE Going St, which is designated as a Major City Traffic Street.

Zoning: The zoning at the site is Residential 5,000 (R5). The R5 zone is intended to preserve land for housing and to provide housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

Land Use History: As described above, the applicant and abutting property owner have submitted an application for a Property Line Adjustment (12-100251 PR).

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 27, 2012**. The following Bureaus have responded with no issues or concerns:
- Water Bureau (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.4)
- Urban Forestry, Bureau of Parks (Exhibit E.4)

The **Bureau of Environmental Services** stated it has no objections to the requested Adjustment. The following comments are included as courtesy to the applicant and are intended to be informational as they relate to a future public sewer extensions and future development of the site:

SANITARY SERVICE

1. *Existing Sanitary Infrastructure*:
   a. There is an existing 96-inch monolithic sewer that runs from north to south along the western property line of lot 24 (BES project #2-2214). It is located within a 15-foot wide easement granted to the City of Portland.
   b. There is an 8-inch combined sewer (that varies in pipe material) in N Wygant Street (BES project #2-0657).
   c. There are various private sewer easements on the subject property and adjacent properties that appear to have been established to provide access to the public sanitary sewer system located within N Wygant Street.
   d. There are two existing cesspools located on the east side of Lot 23 (2425 N Blandena Street) that were identified under the review for PLA #12-100251-PR. A public sewer extension will be constructed in N Blandena Street to provide sanitary services. At the time the sewer is constructed, property owners that are required to connect will be contacted by the BES Mandatory Sewer Connection Program. Sewer connection fees will be assessed at the time of connection. For more information contact the BES Nonconforming Sewer Program at 503-823-7869 and refer to TRACS folder #08-183082-PP and #08-183085-PS.
2. *Private Easements*: Be aware, for future development, if private utility easements are required at the time of development review they must be no less than 10 feet

wide. Please refer to the BDS Private Sewer Easements Code Guide for more information. A successful plumbing code appeal is required before an easement of lesser width will be accepted. See the BDS appeals page for more information, including an online appeals form. Questions regarding private easements and plumbing code appeals may be directed to McKenzie James, BDS Senior Plumbing Inspector, at (503) 823-7317. (Exhibit E.1)

The **Portland Bureau of Transportation(PBOT)** responded that it has no objections to the proposed Adjustment since there are no transportation-related approval criteria for consideration. The PBOT response states, "As the project includes no development at this time, there will be no frontage improvements or property dedication requirements. The applicant is advised that in the event of future development/redevelopment of the subject site, frontage improvements and/or property dedication may be required." (Exhibit E.2)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 27, 2012. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The purpose statement for Lot Dimension standards in the single-dwelling zones, found in Section 33.610.200 of the Zoning Code, ensure that:

- *Each lot has enough room for a reasonably-sized house and garage;*
- *Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;*
- *Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;*
- *Each lot has room for at least a small, private outdoor area;*
- *Lots are compatible with existing lots;*
- *Lots are wide enough to allow development to orient toward the street;*
- *Lots don't narrow to an unbuildable width close to the street*
- *Each lot has adequate access from the street;*
- *Each lot has access for utilities and services; and*
- *Lots are not landlocked.*

The proposed change is to increase lot area of Tract 1 to 9,700 square feet, which exceeds the maximum lot size of 8,500 square feet for sites zoned R5. The property identified as Tract 2 will decrease to 11,800 sq. ft. The Adjustment request to allow the currently conforming Tract 1 to exceed the maximum lot size standard. An Adjustment is not needed for Tract 2 as the change will make the lot move closer to conformance with the standard. The Adjustment for Tract 1 must be approved before the Property Line Adjustment can be completed.

Both Tract 1 and Tract 2 are developed with single-dwelling residences. The reshaped lots, after the approved PLA, will be of a size and configuration where the development standards for setbacks, building coverage, outdoor area, and on-site parking will still be maintained for the existing houses. As explained in the Analysis section above, the other properties in the immediate area are larger lots that reflect a more open character. The Adjustment request to Tract 1 will allow the resizing of a lot to match the adjacent lots but will not allow the property to be further divided in the future that would exceed the current combined maximum allowed density of Tract 1 and Tract 2. Each Tract will have access to City services. As noted above,

the Bureau of Environmental Services will require property owners to connect to the new public sewer extension, once it is installed in N. Blandena.

For all the reasons stated above, this criterion is met.

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

Findings: This proposed Adjustment and Property Line Adjustment will result in both Tract 1 and 2 being similar to each other and similar to nearby lots that range in size from 8,000 to 15,000 square feet. The livability or appearance of the area will not be affected as there is no new development proposed on the two lots. This criterion is met.

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

Findings: Only one adjustment is being requested, therefore this criterion is not applicable.

D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no city-designated scenic resources or historic resources on the site, so this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: No impacts are expected to result from the Adjustment, so no mitigation is warranted. This criterion is not applicable.

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: The subject property is not located in an environmental zone. This criterion is not applicable.

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.

CONCLUSIONS

As explained in the findings above, this request meets the relevant Adjustment criteria and should therefore be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the maximum lot size (33.610.200) to allow Tract 1 to be reconfigured to a size of 9,700 square feet as a result of a Property Line Adjustment—12-100251 PR, as indicated on the approved site plan, Exhibits C.1.

Staff Planner: Sheila Frugoli

Decision rendered by: _____ on December 26, 2012
By authority of the Director of the Bureau of Development Services

Decision mailed: December 28, 2012

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 November 14, 2012, and was determined to be complete on **November 21, 2012**.

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 November 14, 2012.

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.

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 January 11, 2013** 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 **January 14, 2013.**
- 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.

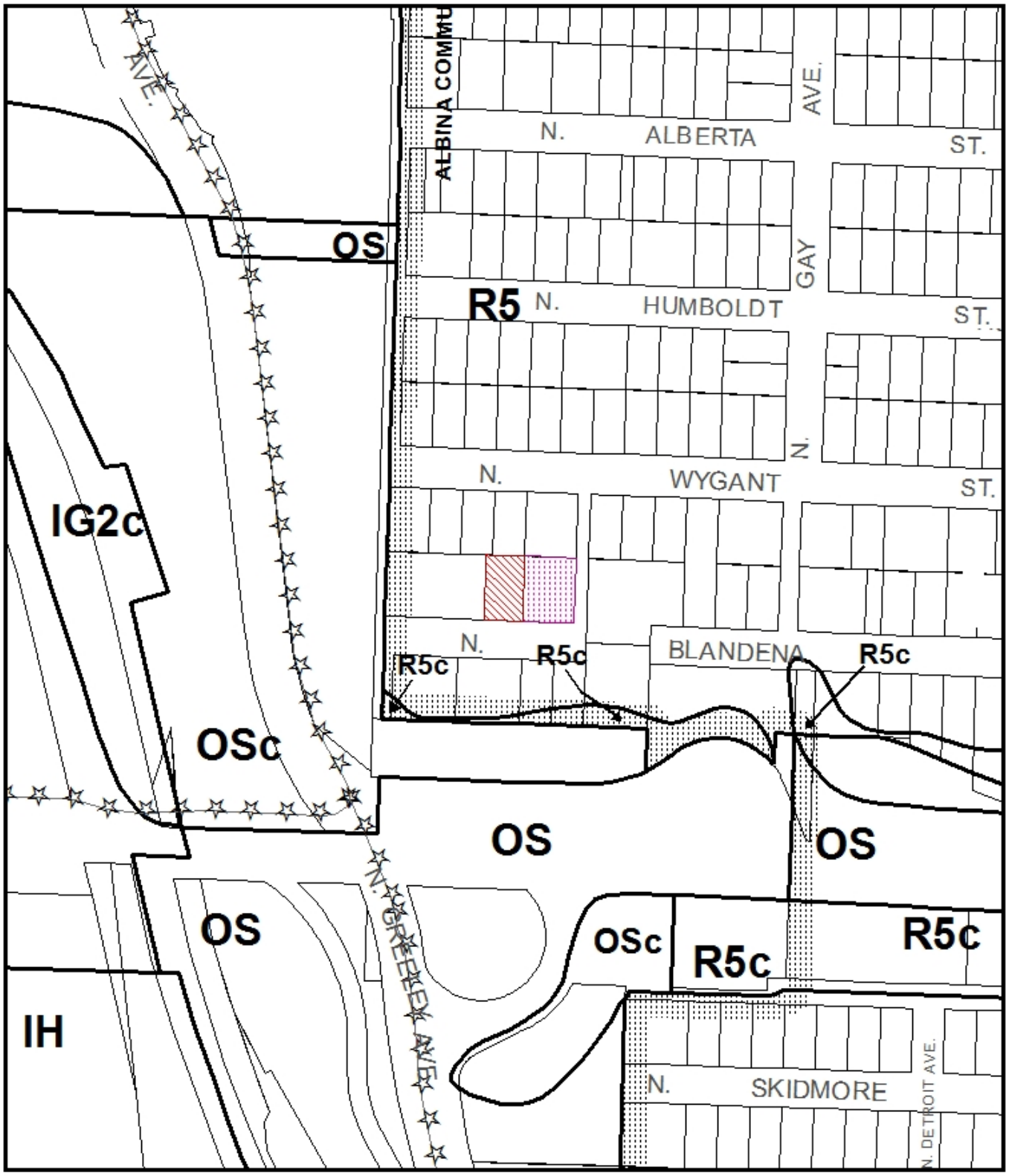
Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the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

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
B. Zoning Map (attached)
C. Plans/Drawings:
    1. Site Plan (attached)
    2. Record of Survey
D. Notification information:
    1. Mailing list
    2. Mailed notice
E. Agency Responses:
    1. Bureau of Environmental Services
    2. Bureau of Transportation
    3. Water Bureau
    4. TRACS Print-Out Showing "No Concerns" Response from Site Development, Life Safety Review, Fire Bureau and Urban Forestry
F. Correspondence: NONE
G. Other:
    1. Original LU Application

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

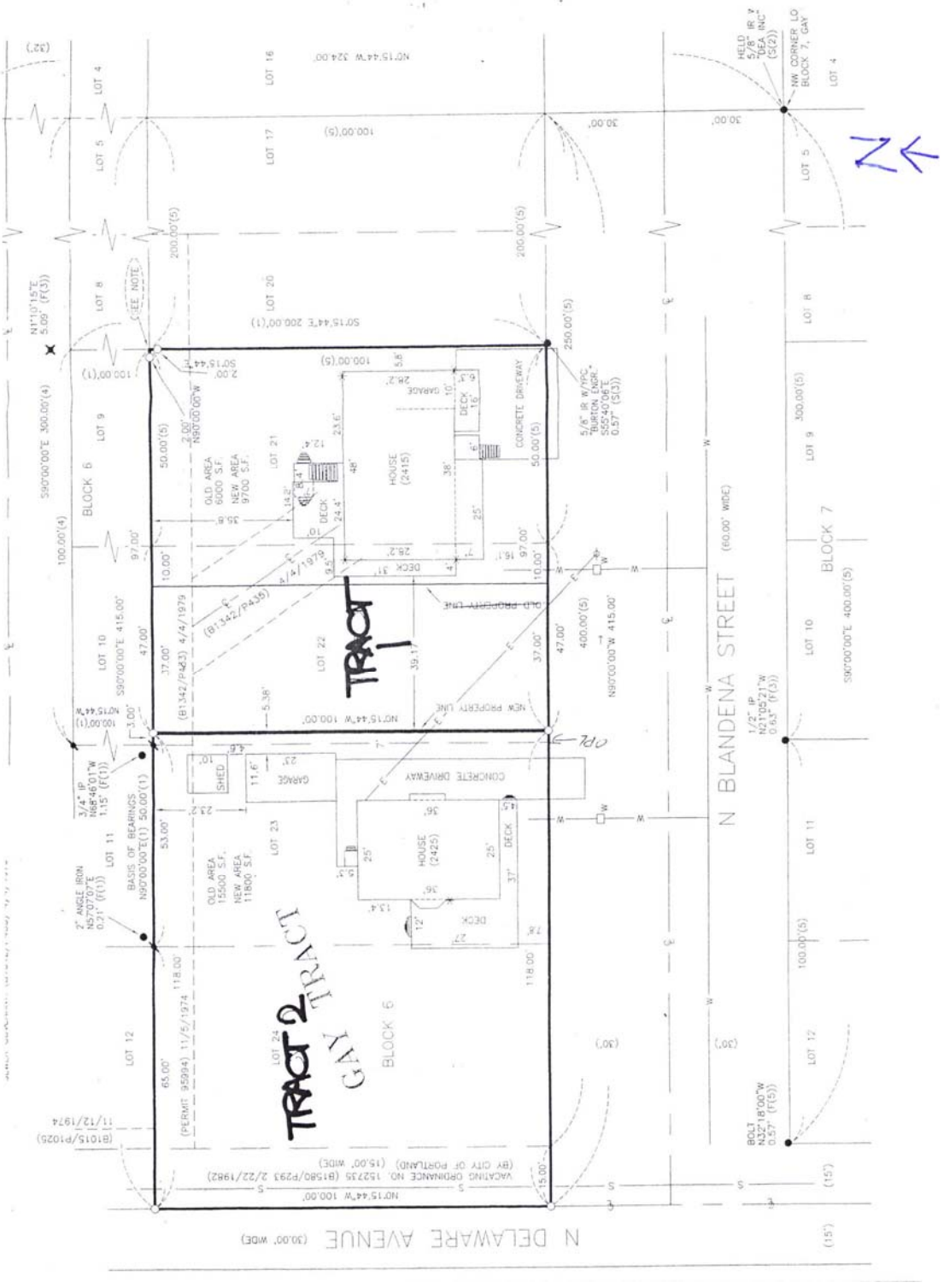
Site

Also Owned

NORTH

This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No. LU 12-205170 AD
1/4 Section 2528
Scale 1 inch = 200 feet
State_Id 1N1E21AC 10400
Exhibit B (Nov 26,2012)

Exhibit C.1
LU 12-205170 AD

"Approved"
City of Portland - Bureau of Development Services
Planner Sheila Frugoli Date Dec. 26, 2013
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.