



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

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Rebecca Esau, Interim Director
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Date: October 23, 2017
To: Interested Person
From: Don Kienholz, 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 mailed copy of this document is only a summary of the decision. 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 17-224013 AD

GENERAL INFORMATION

Applicant/Owner: Josh Patrick | Columbia Pacific Homes, LLC
919 NE 19th Ave #160N | Portland OR, 97232
503-384-2153 | Josh@Vnhar.Net

Site Address: 4834 N WILLIS BLVD

Legal Description: BLOCK 9 LOT 15&16, PORTSMOUTH VILLA EXTD
Tax Account No.: R670706300
State ID No.: 1N1E08CA 08900
Quarter Section: 2225

Neighborhood: Portsmouth, contact pnalandusechair@gmail.com.
Business District: University Park Business District
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

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 subject property is zoned R5 and on the southeast corner of the intersection of N. Willis Boulevard and N. Druid Avenue. It is currently under a separate review for a Lot Confirmation and Property Line Adjustment (PR 17-200264 PLA LC) that will confirm and re-establish the original underlying subdivision lots and adjust the common lot line to create two distinct and conveyable lots. Once completed, the eastern 40-feet of the subject lot will be a separate buildable lot. This new lot, shown as Tract 2 on the attached site plan, contains the detached garage and required off-street parking space associated with the existing house. Because a required parking space must be on the same lot as the house it serves, the applicant is

proposing to relocate the required parking space to the southwest corner of the new western lot with access off of N. Druid Ave.

The property line along N. Druid Avenue is, and will continue to be, Tract 1's front lot line after the Lot Confirmation and Property Line Adjustment. A replacement driveway and parking pad of 10-feet by 23-feet is proposed in the front yard area of future tract 1, off N. Druid Avenue. Parking spaces for houses are required to be 9x18-feet in size and fit on a property without encroaching into the 10-foot front building setback (33.266.120). Due to the location of the existing house, there are only 23-feet between the wall of the existing house and front property line. As such, the proposed 10x18-foot parking space will encroach 5-feet into the 10-foot required front building setback and require an Adjustment to the parking space location standards.

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 a 5,250 square foot lot in the R5 zoning district located in the southeast corner of the intersection of N. Willis Boulevard and N. Druid Avenue. The site currently consists of two original and underlying 25x105-foot subdivision lots running east to west. A current Lot Confirmation and Property Line Adjustment application is being processed to rotate the internal lot line to a north-south orientation.

The site has an existing house built in 1904 that faces N. Willis Blvd. The surrounding area is generally made up of lots between 5,000 square feet and 7,500 square feet lots with single-family dwellings built between 1900 and 1950 and a few more recent infill or replacement dwellings. The vast majority of lots in the vicinity have a single-car driveway with an attached or detached garage. On-street parking is intermittently located along the local roads in the area.

Zoning: The Residential 5,000 zone (R5), is a Single-Dwelling zone intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50-feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

Land Use History: There are no relevant completed land use cases associated with the property.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed on September 7, 2017. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Bureau of Transportation Engineering (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5); and
- Life Safety (Exhibit E.6).

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

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

Finding: The applicant is seeking an Adjustment to the parking area location standard in Zoning Code Standard 33.266.120.C.1 in order to allow the required parking space to be located within the required 10-foot front building setback. The purpose of the parking area location for houses and duplexes is outlined in 33.266.120.A:

“The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.”

Staff looked at the development pattern of the residential driveways in the local neighborhood (Exhibit G.3). In general, the development pattern of the neighborhood consists of homes with single wide driveways leading to detached or attached garages. Air photos and the staff site visit document that vehicles are routinely parked in the driveways within the front building setback at approximately 35% of the homes. Because parking within the front building setback is a normal development pattern and characteristic of the neighborhood, there would be no adverse impact to the visual appearance or aesthetics of the neighborhood if the proposed Adjustment were approved.

The development standard the applicant is seeking to adjust has a second clause that does not allow parking area within the required 5-foot side building setback on corner lots. The existing house has its main entrance and door facing N. Willis Blvd, the technical side property line, while the proposed parking space is off N. Druid Ave, the technical front property line.

To the average person, the orientation of the house to N. Willis Blvd. effectively switches the front and side property lines. If the property line along N. Druid Ave were in fact the side property line, as it effectively appears, then the proposed parking space would not encroach into the 5-foot setback because there is 23-feet available for the 18-foot long parking space.

Because parking of vehicles within the front building setback is a common development pattern in the neighborhood, the proposed parking space would be 7-feet from the sidewalk and the orientation of the existing house is effectively switches the front and side property lines, staff finds allowing the parking space to encroach into the front building setback equally meets the purpose of the development standard to enhance the appearance of the neighborhood.

Criterion 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

Finding: The subject property is located in the R5 zone, a residential zoning district, so the proposal is evaluated to ensure it will not significantly detract from the livability or appearance of the residential area. As discussed in Finding A above, the proposal was found to not detract from the livability or appearance of the residential area.

Criterion 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

Finding: The proposal only includes a request for one Adjustment.

Criterion not applicable.

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

Finding: City-designated scenic resources are identified on the Official Zoning Maps with a lower case “s,” while historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. The subject property is not within a City-designated ‘s’ overlay zone nor within an Historic or Conservation District. Considering the lack of proximity to city-designated scenic and historic resources, staff finds the proposal will not adversely impact scenic or historic resources and they will be preserved.

Criterion met.

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

Finding: As found in staff responses to criteria A and B, the requested adjustment equally meets the purpose of the parking space location standards and does not adversely impact the livability or appearance of the residential neighborhood. Staff finds there are no adverse impacts resulting from the Adjustment and as such no mitigation is required.

Criterion met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Finding: There are no environmental zones within 1,500-feet of the subject site. The proposed Adjustment will have no detrimental impacts on protected resources.

Criterion met

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


The applicant has demonstrated that the applicable approval criteria have been met for the requested Adjustment. The Adjustment equally meets the purpose of the Parking Area Location standards found in the Development Standards for Houses and Duplexes (33.266.120.C), will not significantly detract from the livability or appearance of the residential area, and has no impact on historic resources.

ADMINISTRATIVE DECISION

Approval of an Adjustment to allow a parking space within 5-feet of the front building setback (33.266.120.C.1.a) per the approved site plan, Exhibit C.1 signed and dated October 18, 2017, 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 Exhibit C.1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 17-224013 AD. No field changes allowed."

Staff Planner: Don Kienholz

Decision rendered by:  **on October 18, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 23, 2017

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 August 15, 2017, and was determined to be complete on September 1, 2017.

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 August 15, 2017.

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 further extended by the applicant, **the 120 days will expire on: December 30, 2017.**

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 November 6, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 6, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

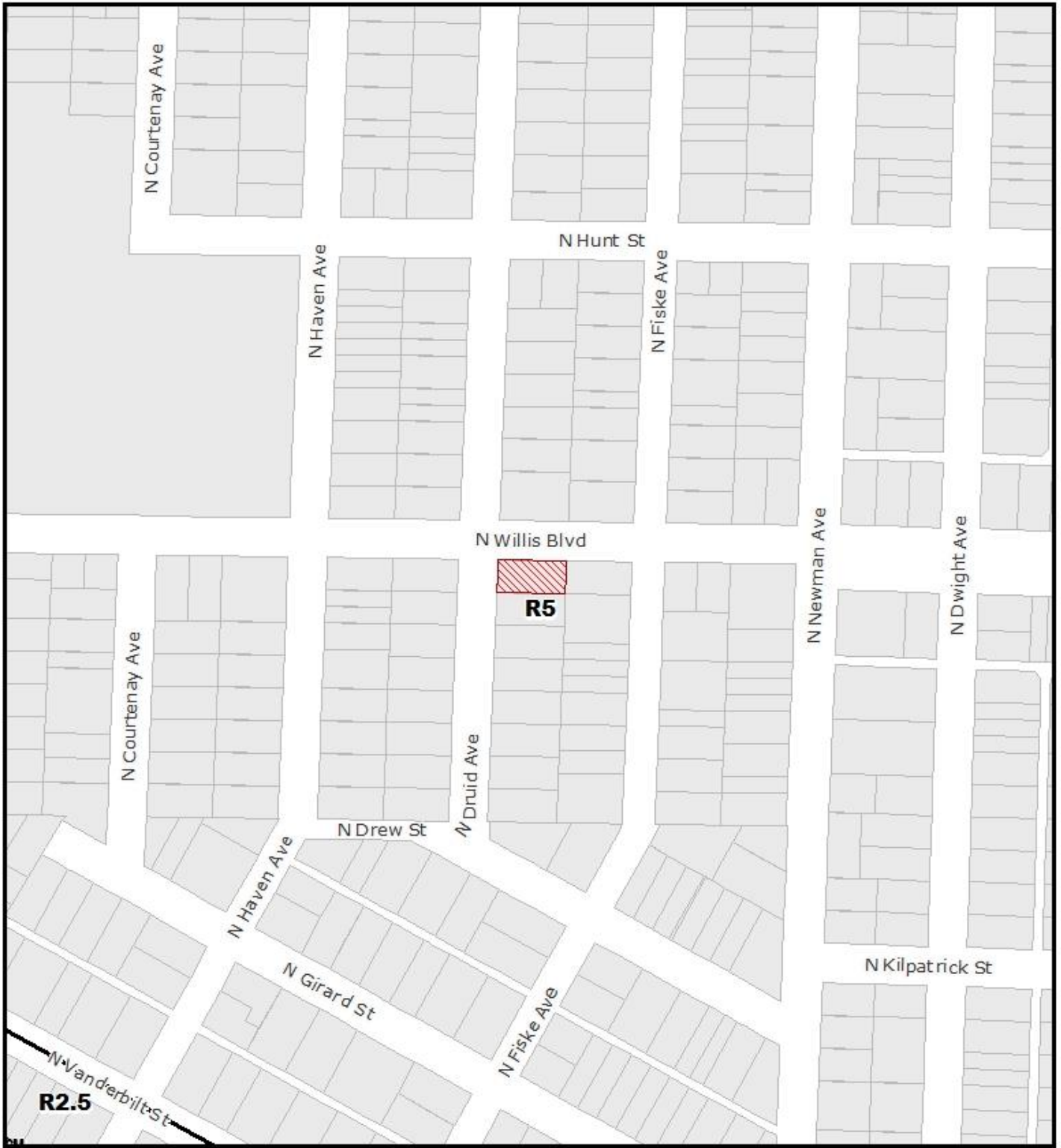
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Materials
 - 1. Applicant's Narrative
 - 2. Copy of Applicant's Checksheet for Property Line Adjustment Case 17-200264 PR
- B. Zoning Map (Attached)
- C. Plans/Drawings:
 - 1. Site Plan (Attached)
- D. Notification information:
 - 1. Mailing List
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Receipt of Payment
 - 3. Development Pattern of Area

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  NORTH

 Site

File No.	LU 17-224013 AD
1/4 Section	2225
Scale	1 inch = 200 feet
State ID	1N1E08CA 8900
Exhibit	B Aug 16, 2017

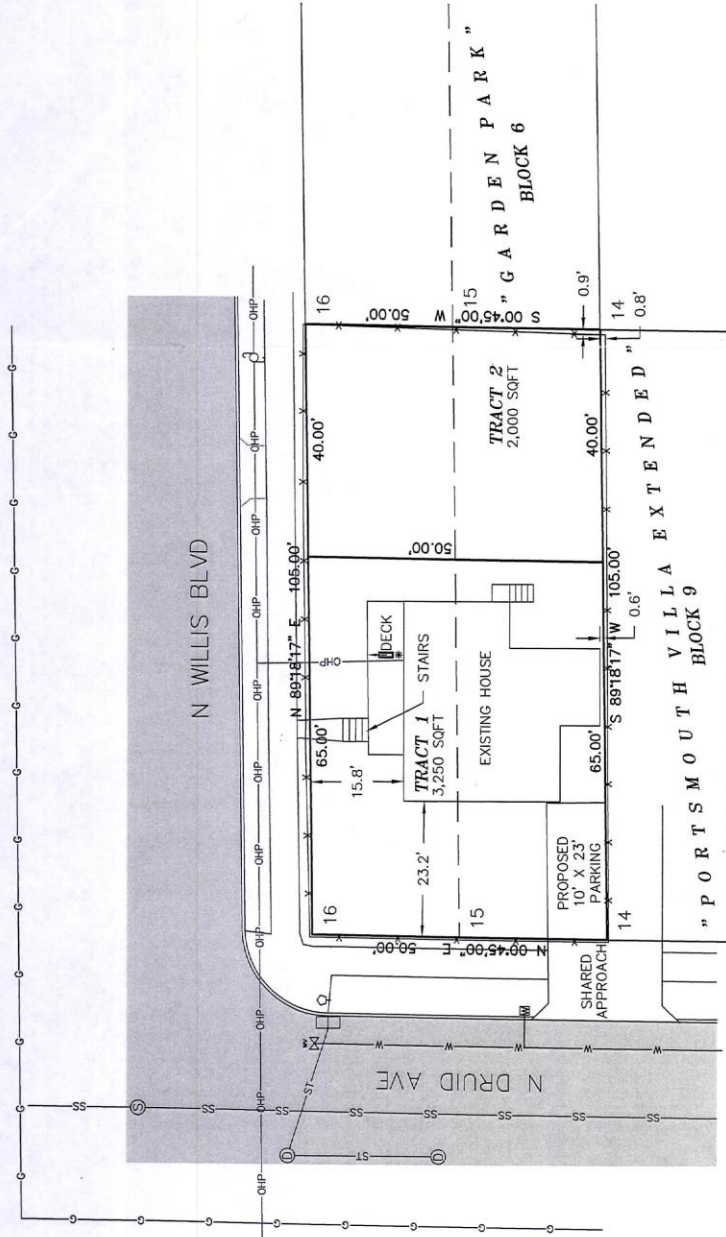
17-224013 AD
 CASE NO. 5.1
 EXHIBIT



SCALE 1" = 20'

LEGEND

- ◊ EXISTING SIGN
- ⊙ EXISTING POWER POLE
- OHP— EXISTING OVERHEAD POWER LINES
- ⊞ EXISTING WATER METER
- ⊞ EXISTING WATER VALVE
- W— EXISTING UNDERGROUND WATER
- G— EXISTING UNDERGROUND GAS LINE
- EXISTING CATCH BASIN
- ⊙ EXISTING COMBINATION SEWER MANHOLE
- ⊙ EXISTING STORM MANHOLE
- EXISTING CLEANOUT
- SS— EXISTING COMBINATION SEWER LINE
- ST— EXISTING STORM SEWER LINE
- D— EXISTING DOWN SPOUT
- X— EXISTING FENCE
- ▒ EXISTING CONCRETE
- ▒ EXISTING ASPHALT



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 12, 2005
 SHAUN P. FIDLER
 50.333

RENEWAL DATE DECEMBER 31, 2017

Approved
 City of Portland
 Bureau of Development Services
 Planner *Jan Kurland*
 Date 10/18/17

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NOTES

1. THE PURPOSE OF THIS MAP WAS TO SHOW THE EXISTING CONDITIONS FOR 4834 N WILLIS BLVD.
2. THE BASIS OF BEARINGS WAS PER THE PLAT OF "PORTSMOUTH VILLA EXTENDED" MULTNOMAH COUNTY RECORDS.
3. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF COLUMBIA PACIFIC HOMES.
4. THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, AND FIELD MEASUREMENTS. A RECORDED PROPERTY LINE ADJUSTMENT SURVEY WILL BE FILED AT A DATE TO BE DETERMINED.

EXHIBIT	4834 N WILLIS BLVD
SW 1/4 SEC 8, TIN, RTE, W.M.	
CITY OF PORTLAND MULTNOMAH COUNTY, OREGON	
JUNE 14, 2017	
DRAWN: DMR CHECKED: SPF	
SCALE 1"=20' ACCOUNT # 196	
Z:\196-072\DWG\196072BASE	



CMT SURVEYING AND CONSULTING
 9136 SE ST HELENS ST, SUITE J
 CLACKAMAS, OR 97015
 PHONE (503) 850-4672 FAX (503) 850-4590

LU 17-224013 AD

Exhibit C.1