



City of Portland

Bureau of Planning and Sustainability

Bureau of Development Services

ABC's of Land Use Workshop
January 31, 2018 at Kenton Firehouse



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FROM CONCEPT
TO CONSTRUCTION

Agenda

- Land Use Planning Framework
- The Community and Neighborhood System
- Equity Framework
- Basics of the Zoning Code
- Break
- Development & Land Use Reviews
- Land Use Exercise
- Maps and Code Resources
- Questions / Wrap-Up



Oregon's Land Use Planning Framework

- **State of Oregon**

Requires all jurisdictions to have a Comprehensive Plan (Comp Plan guides growth and meets state land use requirements such as the state planning goals), urban growth boundaries, implementing ordinances.

- **Portland METRO region**

Legislature empowered a regional council of governments with responsibility to coordinate land use planning for the Metropolitan area that includes Portland and 25 other cities and 3 counties.

- **City of Portland**

The city must comply with state planning rules and the Metro Urban Growth Management Functional Plan, as well as other regional mandates such as the Regional Transportation Plan and waste management rules.



Oregon Land Use Law: Senate Bill 100



- Requires comprehensive plans approved by the state
- Requires urban growth boundaries
- Department of Land Conservation and Development (DLCD) charged with the creation and adoption of state-wide planning Goals and Guidelines



Statewide Land Use Planning Goals

Nineteen goals that address:

- Citizen Involvement
- Managing urban growth
- Economic development
- Housing
- Transportation
- Natural resources
- Farm and forest lands
- Coastal areas





METRO

Portland Metropolitan Regional Government

- Voter created in 1978
- **25** cities and Clackamas, Multnomah and Washington counties
- Governed by a council president elected region wide and six councilors elected by district regional planning

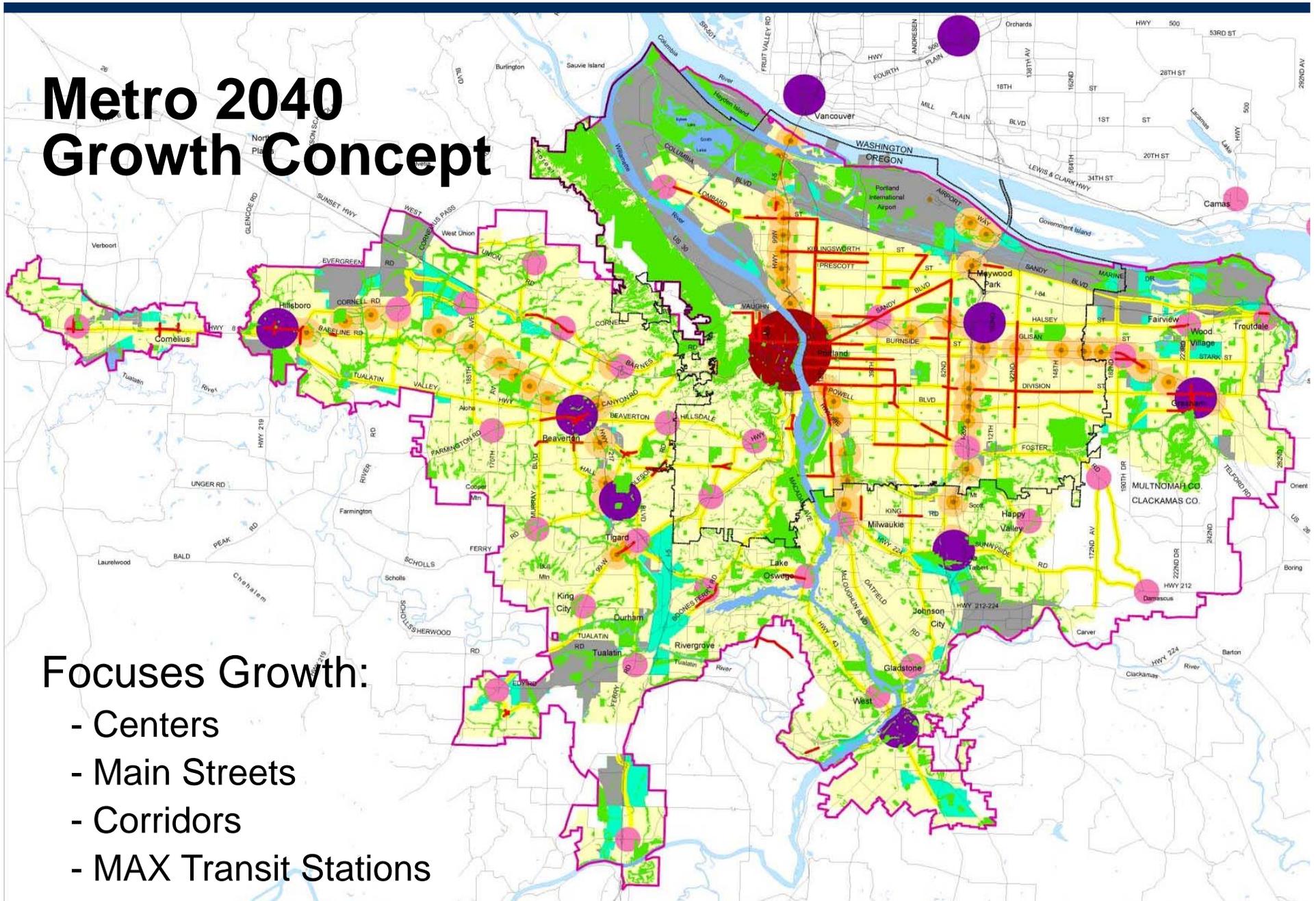


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Metro 2040 Growth Concept



Focuses Growth:

- Centers
- Main Streets
- Corridors
- MAX Transit Stations



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Planning in the City of Portland



Comprehensive Plan

District plans and projects

Planning with other City Bureaus (Transportation, Housing, Parks)

Development Review and Code Administration



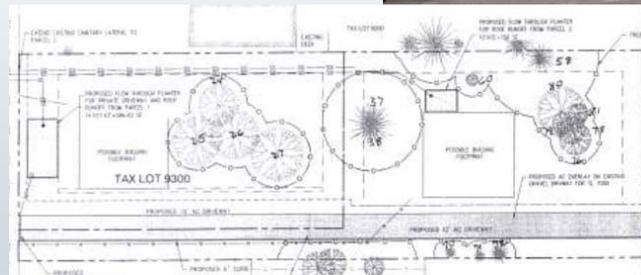
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Long-Range Planning and Land Use/Development Review

- **Long-Range Planning** involves developing policy and implementation tools (usually regulatory) to address community vision and changing conditions. Often referred to as the legislative process.
- **Land Use/Development Review** involves applying regulations and procedures to review building and land use proposals. Discretionary land use reviews follow a quasi-judicial process.



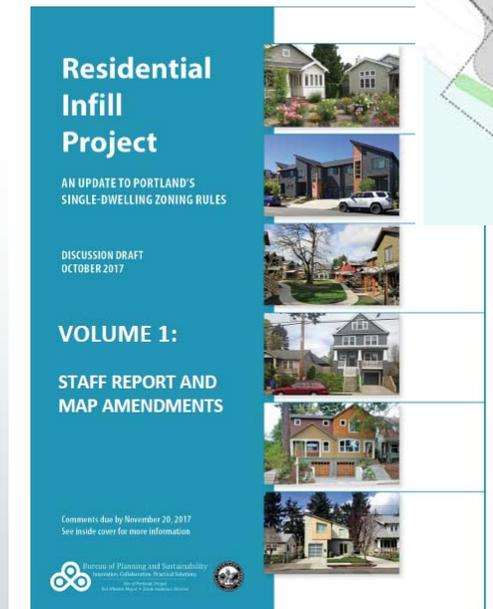
Long-Range Planning and Land Use/Development Review

- **The Bureau of Planning and Sustainability** oversees long-range planning in Portland. BPS writes the Portland Zoning Code.
- **The Bureau of Development Services** performs land use reviews and reviews building/development permits. BDS implements the Portland Zoning Code.



Long-Range Planning

- Involves regulation or policies applicable Citywide or to a specific geography
- Reviewed by Planning and Sustainability Commission and City Council
- City Council makes the final decision and adopts by resolution or ordinance
- All plans must be consistent with Comprehensive Plan goals and policies, Metro's Functional Plan and Regional Transportation Plan, and the State's Goals and Guidelines
- Follows a legislative process, not a quasi-judicial land use review



Examples of Long-Range Planning Projects

Citywide

- Portland Plan and Update
- 2035 Comprehensive Plan update

Area and Neighborhood Plans

- Cully Commercial Corridor and Local Street Plan

Regional and Town Center

- Southwest Corridor Equitable Housing Strategy
- St. Johns and Lombard Plan

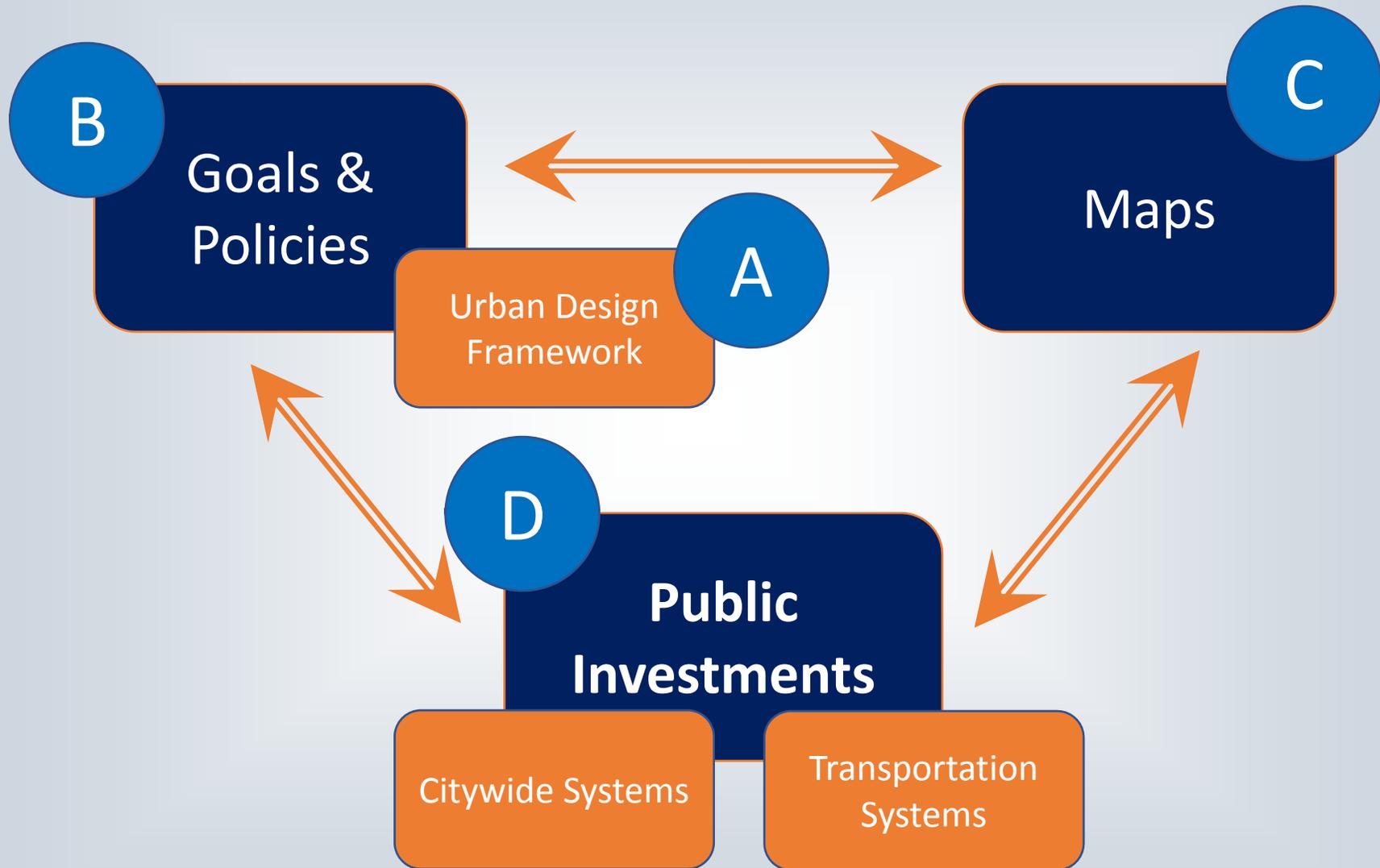


What is the Comprehensive Plan?

- State-mandated, long-range plan
- Prepare for and manage growth
- Plan and coordinate major investments
- Guide decision-making on land use, transportation, housing, parks, sewer and water systems, natural resources, and others.



Comprehensive Plan Elements



Can you name any goals of the Comprehensive Plan?

- **Community Involvement**
- **Urban Form**
- **Design and Development**
- **Housing**
- **Economic Development**
- **Environment and Watershed Health**
- **Public Facilities and Services**
- **Transportation**
- **Land Use Designations and Zoning**



Guiding principles

Not just where but HOW Portland will grow.

The Comprehensive Plan includes five Guiding Principles to recognize that implementation of this Plan must be balanced, integrated and multi-disciplinary. The influence of the Guiding Principles is seen throughout the Plan as they shape many of the individual policies and projects.



Economic Prosperity

Support a low-carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.



Human Health

Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.



Environmental Health

Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water and land.



Equity

Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland's history.



Resilience

Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

For more information on how the Guiding Principles are used, please see About the Plan and Chapter 1: The Plan.

www.portlandoregon.gov/bps/pdxcompplan | December 2016

I-7



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How the City is advancing Equity



COMPREHENSIVE PLAN UPDATE

4 Equity

EQUITY GUIDING PRINCIPLE

Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations.

Intentionally engage under-served and under-represented populations in decisions that affect them.

Recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland's history.

The graphic features a purple circle with the number '4' and the word 'Equity'. Below the circle, there are icons of people of various heights standing on boxes of different heights, symbolizing equity and leveling the playing field.



Equity concepts

Concepts

- Diversity = Variety
Diversity is necessary yet insufficient
- Equality = Sameness
- Equity = Fairness

Concepts

- Power is access to resources and decision-makers, and ability to influence others for desired outcomes
- Privilege is an unearned advantage
- Prejudice is bias against a particular group of people which you believe to be inferior or different from you.
- Racism = Power + Privilege + Prejudice



Equity Lens

Equity Lens

- **Process Equity:** Is the decision process inclusive, fair and open? Does it consider how different impacted communities can influence process?
- **Distributional Equity:** Is there fair and just distribution of benefits and burdens to all residents in the community?
- **Intergenerational Equity:** How does local history impact the current context? Do the decisions and actions today break the cycle of disparities so there is equity for future generations?



ONI Community & Neighborhood Involvement programs

- [Disability Program](#)
- [Diversity and Civic Leadership Program](#)
- [Neighborhood Program](#) - Enhancing the livability of neighborhoods through community participation by providing organizing support, leadership development, and technical assistance to Portland's 95 Neighborhood Associations and seven District Coalitions.
- [New Portlanders Program](#)
- [Public Involvement Best Practices Program](#)
- [Youth Program](#)



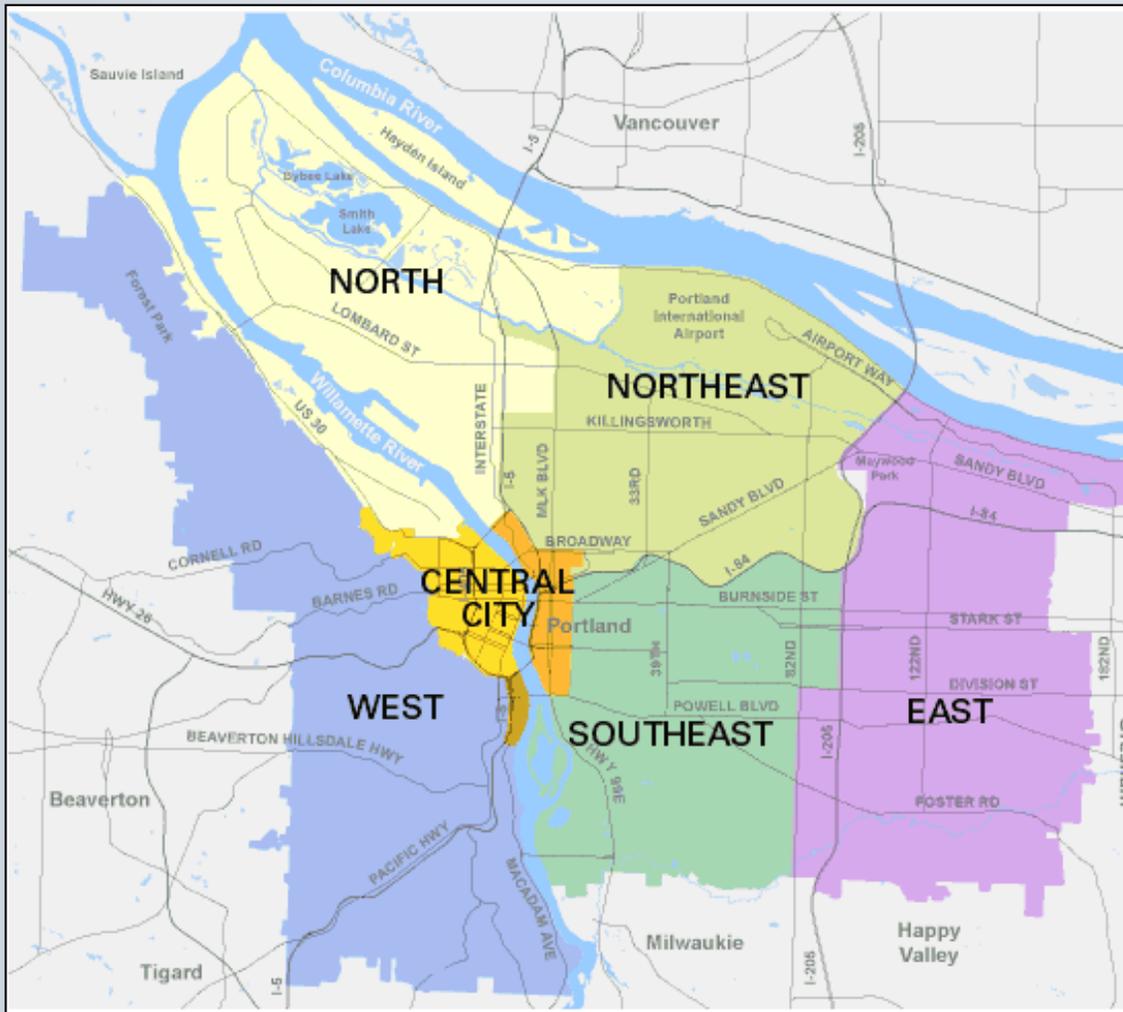
ONI Diversity and Civic Leadership (DCL) Program

DCL partners:

- Urban League of Portland
- Native American Youth and Family Center (NAYA)
- Latino Network
- Immigrant and Refugee Community Organization (IRCO)
- Center for Intercultural Organizing (CIO)



District Liaison Program



- Planners assigned to six districts
- Address planning related issues
- Liaisons work with residents, neighborhood and business associations, and community-based organizations



Neighborhood Associations' role in the land use review process

- Notices list neighborhood association and coalition contacts
- Appeal fees are waived for neighborhood associations

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

Chloe Esdaly, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-4868
www.portlandoregon.gov/bds

Date: January 23, 2017
To: Interested Person
From: Mark Moffett, City Planner
503-823-7806/Mark.Moffett@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, we need to receive your written comments by 5 p.m. on February 13, 2017. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-273727 AD, in your letter. It also is helpful to address your letter to me, Mark Moffett. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-273727 AD

Applicant: Joseph Zody,
FFA Architecture + Interiors, Inc.
520 SW Yamhill St., Suite 900
Portland, OR 97204
(503) 327-0322, jzody@ffadesign.com

Owner: North Lombard Land Partners LLC c/o Willamette Stone LLC
922 NW 11th Ave #408
Portland, OR 97209

Interested Party: Kerry Hughes, North Lombard Land Partners LLC
P.O. Box 68260
Oak Grove, OR 97268

Site Address: 6123-6129 N LOMBARD ST

Legal Description: BLOCK 5 E 0.5' OF LOT 6 LOT 7-10, WILLUMBIA
Tax Account No.: R918000980, R918000980
State ID No.: 1N1E07AC 13300, 1N1E07AC 13300
Quarter Section: 2124

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

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201



Communicating about development projects

- For some projects, developers must provide early notice - *Neighborhood Contact requirement*.
- Option to invite developers to come to a neighborhood association or other meeting.



Title 33 – Portland Zoning Code

Title 33 contains land use regulations for public and private property in Portland and Multnomah County urban pockets.



33.10.010 Purpose

The zoning code is intended to implement Portland's Comprehensive Plan and related land use plans in a manner which protects the health, safety, and general welfare of the citizens of Portland.



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Zoning Code: Basic Code Structure

100s - Base Zones

200s - Additional Use & Development Regulations

400s - Overlay Zones

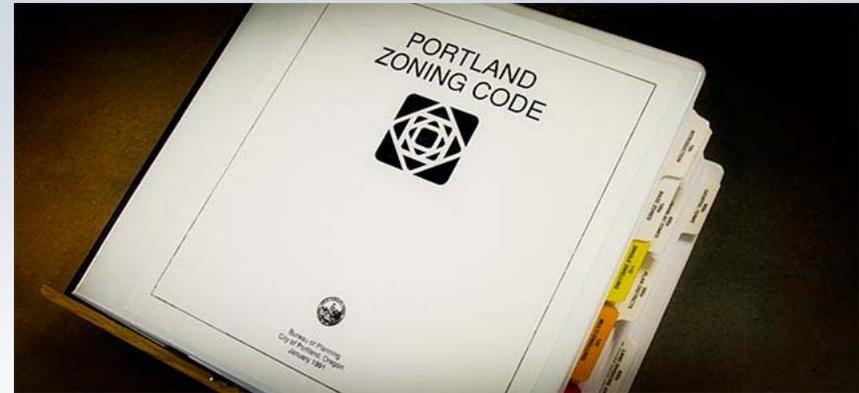
500s - Plan Districts

600s - Land Divisions & Planned Developments

700s - Code Administration & Procedures

800s - Land Use Reviews

900s - Reference



100's – Base Zones

The Base Zone chapters address the **uses** that are allowed in each zone.

The chapters also detail the **site development standards** in each zone.



100's – Base Zones

All sites in Portland (and the urban pockets) have a corresponding base zone.

33.100 Open Space zone

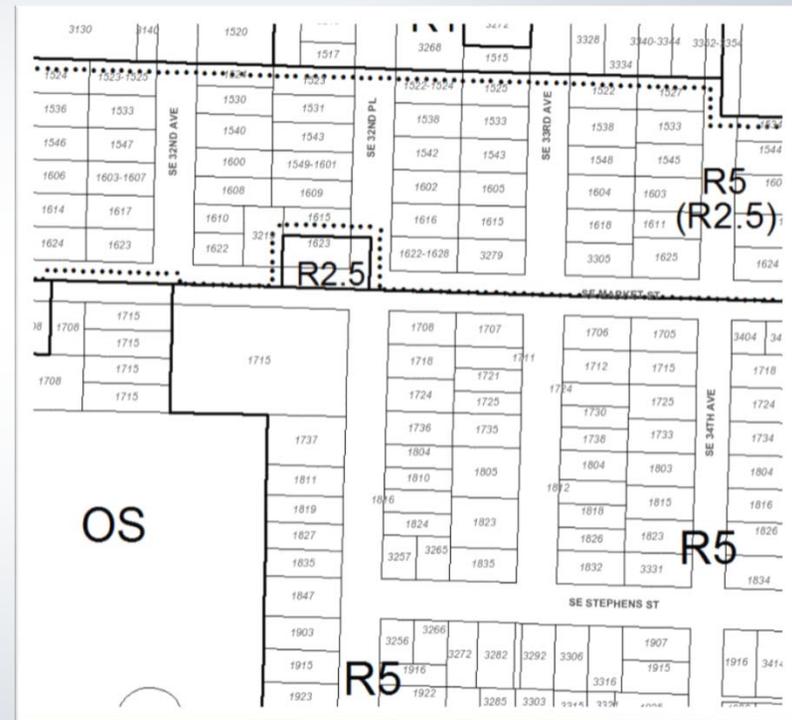
33.110 Single-dwelling zones

33.120 Multi-dwelling zones

33.130 Commercial zones

Changing to Commercial/Mixed Use 5.24.18

33.140 Employment and Industrial zones



Zoning Names and Symbols: Base Zones

| <u>Symbol</u> | <u>Full Name</u> | <u>Symbol</u> | <u>Full Name</u> |
|---------------|---------------------------------------|---------------|------------------------------|
| OS | Open Space | CN2 | Neighborhood Commercial 2 |
| RF | Residential Farm/Forest | CO1 | Office Commercial 1 |
| R20 | Residential 20,000 (sf) | CO2 | Office Commercial 2 |
| R10 | Residential 10,000 (sf) | CM | Mixed Commercial/Residential |
| R7 | Residential 7,000 (sf) | CS | Storefront Commercial |
| R5 | Residential 5,000 (sf) | CG | General Commercial |
| R2.5 | Residential 2,500 (sf) | CX | Central Commercial |
| R3 | Residential 3,000 (14.5-21 DU/Ac) | EG1 | General Employment 1 |
| R2 | Residential 2,000 (21.8 – 32 DU/Acre) | EG2 | General Employment 2 |
| R1 | Residential 1,000 (43 - 65 DU/Acre) | EX | Central Employment |
| RH | High Density Residential | IG1 | General Industrial 1 |
| RX | Central Residential | IG2 | General Industrial 2 |
| IR | Institutional Residential | IH | Heavy Industrial |
| CN1 | Neighborhood Commercial 1 | | |



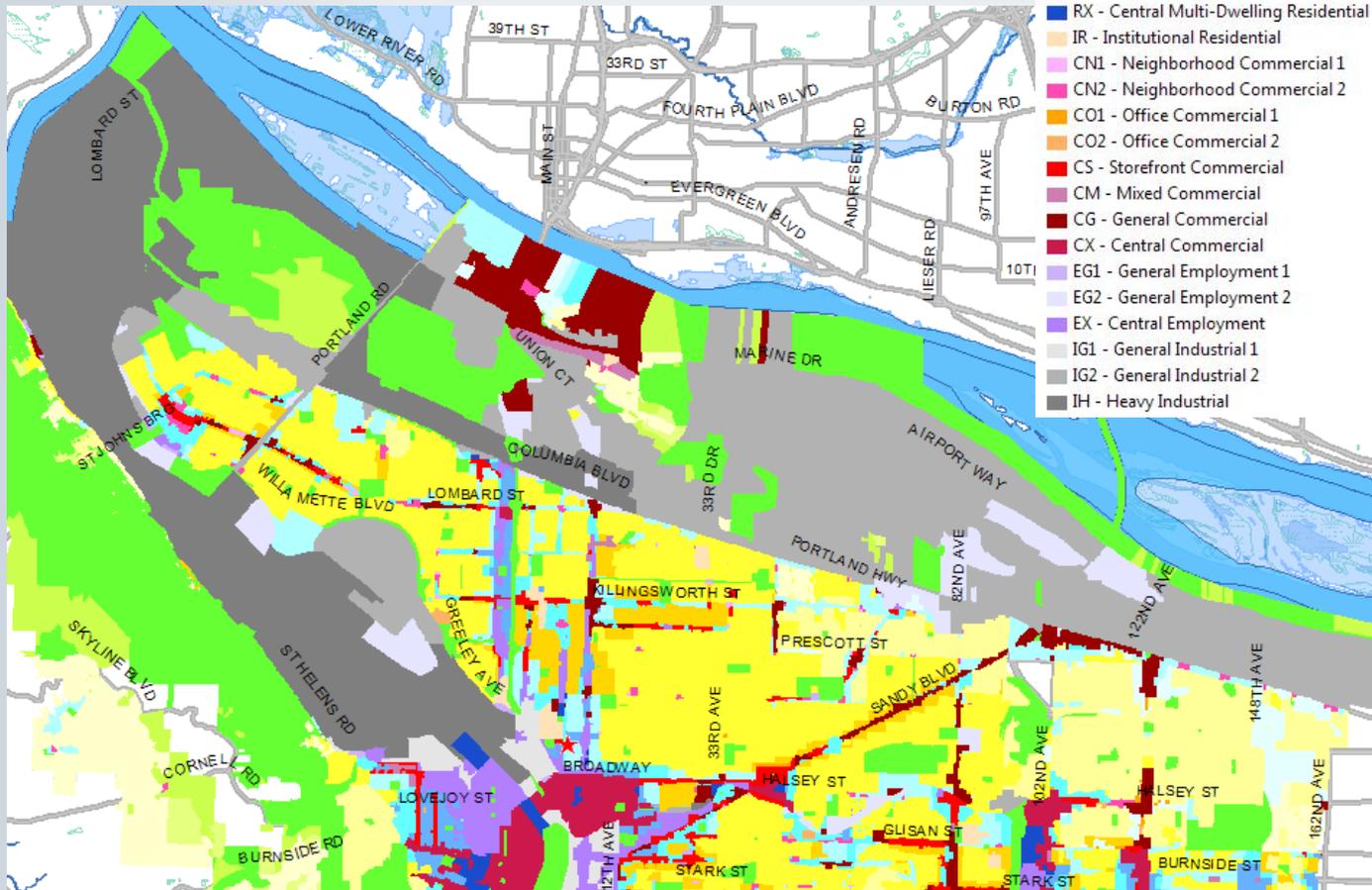
New Mixed Use zones

| | Current Zone | | | | | | |
|--------------------------|--------------|--------------------------------------|-----|-----|-------------------------------------|-----|-----|
| Comp Plan Designation | CN1/2 | CO1/2 | CM | CS | CG | EX | CX |
| Mixed Use Dispersed | CM1 | CM1 | CM1 | CM1 | CM1 [#] CE [#] | CM1 | n/a |
| Mixed Use Neighborhood | CM1 | CM1 ⁺ CM2 ⁺ | CM2 | CM2 | CM2 [#] CE [#] | CM2 | n/a |
| Mixed Use Civic Corridor | CM1 | CM1 ⁺ CM2 ⁺ | CM2 | CM2 | CM2 [#] CE [#] | CM3 | CM3 |
| Mixed Use Urban Center | CM1 | CM1 ⁺ CM2 ⁺ | CM2 | CM2 | CM2 [#] CE [#] | CM3 | CM3 |



Zoning Names and Symbols: Base Zones

- OS - Open Space
- RF - Residential Farming
- R20 - Single Dwelling Residential 20,000
- R10 - Single Dwelling Residential 10,000
- R7 - Single Dwelling Residential 7,000
- R5 - Single Dwelling Residential 5,000
- R2.5 - Single Dwelling Residential 2,500
- R3 - Multi-Dwelling Residential 3,000
- R2 - Low Density Multi-Dwelling Residential 2,000
- R1 - Medium Density Multi-Dwelling Residential 1,000
- RH - High Density Multi-Dwelling Residential
- RX - Central Multi-Dwelling Residential
- IR - Institutional Residential
- CN1 - Neighborhood Commercial 1
- CN2 - Neighborhood Commercial 2
- CO1 - Office Commercial 1
- CO2 - Office Commercial 2
- CS - Storefront Commercial
- CM - Mixed Commercial
- CG - General Commercial
- CX - Central Commercial
- EG1 - General Employment 1
- EG2 - General Employment 2
- EX - Central Employment
- IG1 - General Industrial 1
- IG2 - General Industrial 2
- IH - Heavy Industrial



200's – Additional Use and Development Regulations

- Development standards and review requirements for specific situations regardless of zone.
- Common application of regulations in this section:
 - Accessory Dwelling Units (33.205)
 - Landscaping and Screening (33.248)
 - Parking and Loading (33.266)



400's – Overlay Zones

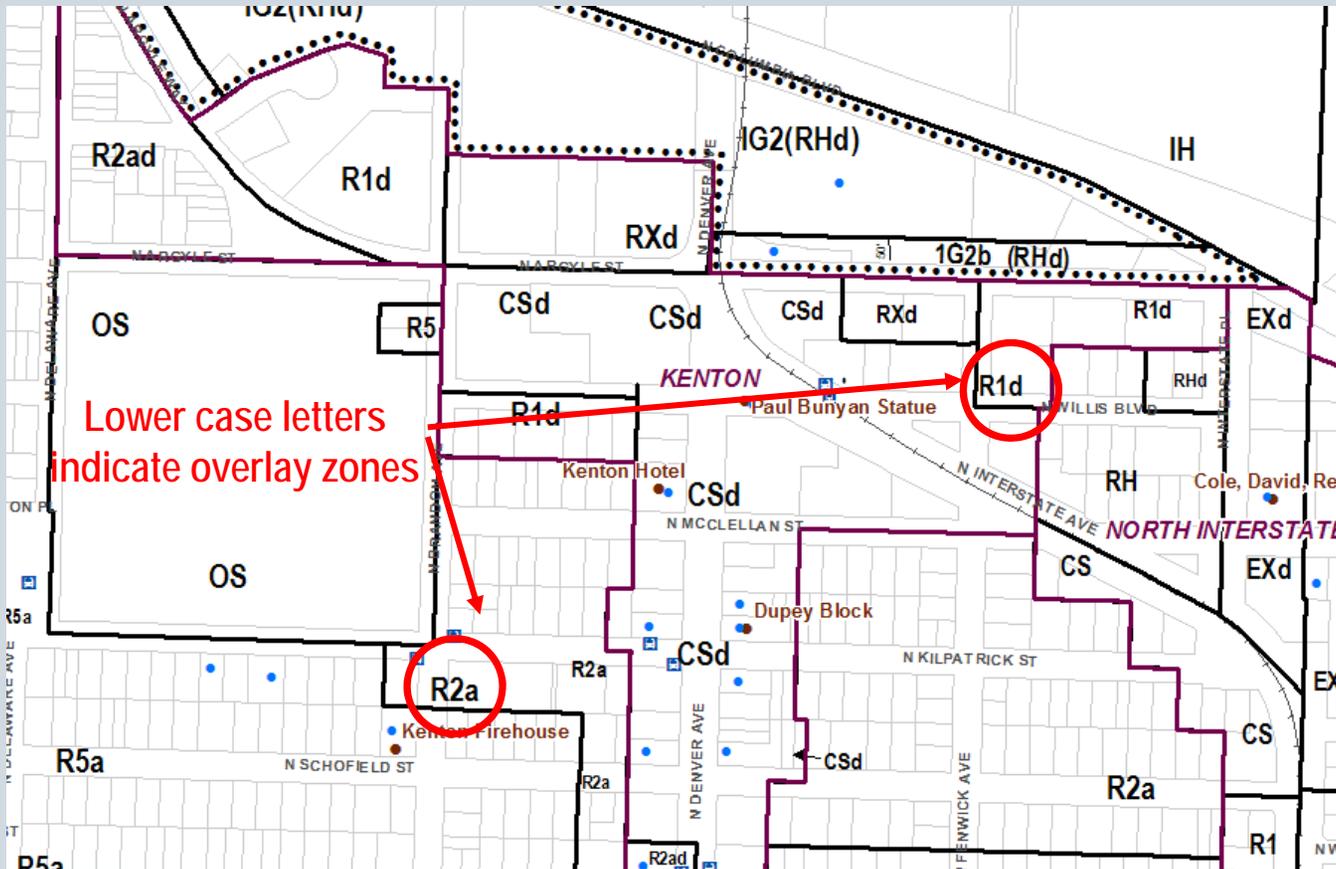
- Applied in some areas, in addition to the base zones
- Used in areas with specific characteristics that require special regulations to:
 - preserve the character of the area
 - protect specific attributes
 - reduce or mitigate projected impacts on adjacent areas



Zoning Names and Symbols: Overlay Zones

| <u>Symbol</u> | <u>Full Name</u> | <u>Symbol</u> | <u>Full Name</u> |
|---------------|------------------------------|---------------|---|
| a | Alternative Design Density | c | Environmental Conservation |
| b | Buffer | p | Environmental Protection |
| d | Design | j | Main Street Node |
| g | Greenway River General | m | Main Street Corridor |
| i | Greenway River Industrial | h | Aircraft Landing |
| n | Greenway River Natural | x | Portland International Airport Noise Impact |
| q | Greenway River Water Quality | s | Scenic Resource |
| r | Greenway River Recreation | t | Light Rail Transit Station |
| f | Future Urban | No Symbol | Historic Resource Protection |

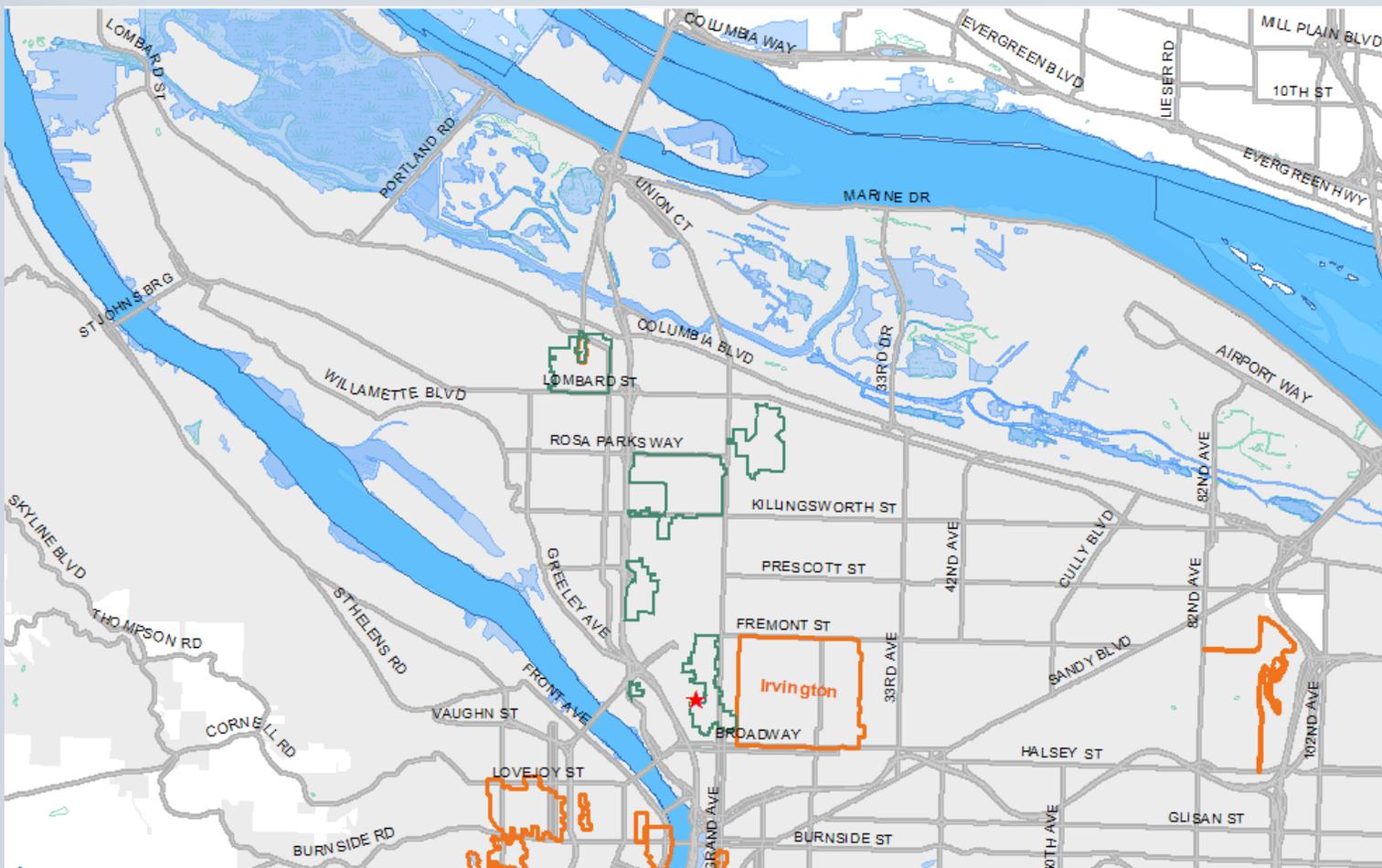




Overlay Zones: design(d), alternative design density (a)



N/NE Historic or Conservation Districts



Orange = Historic District
Green = Conservation District



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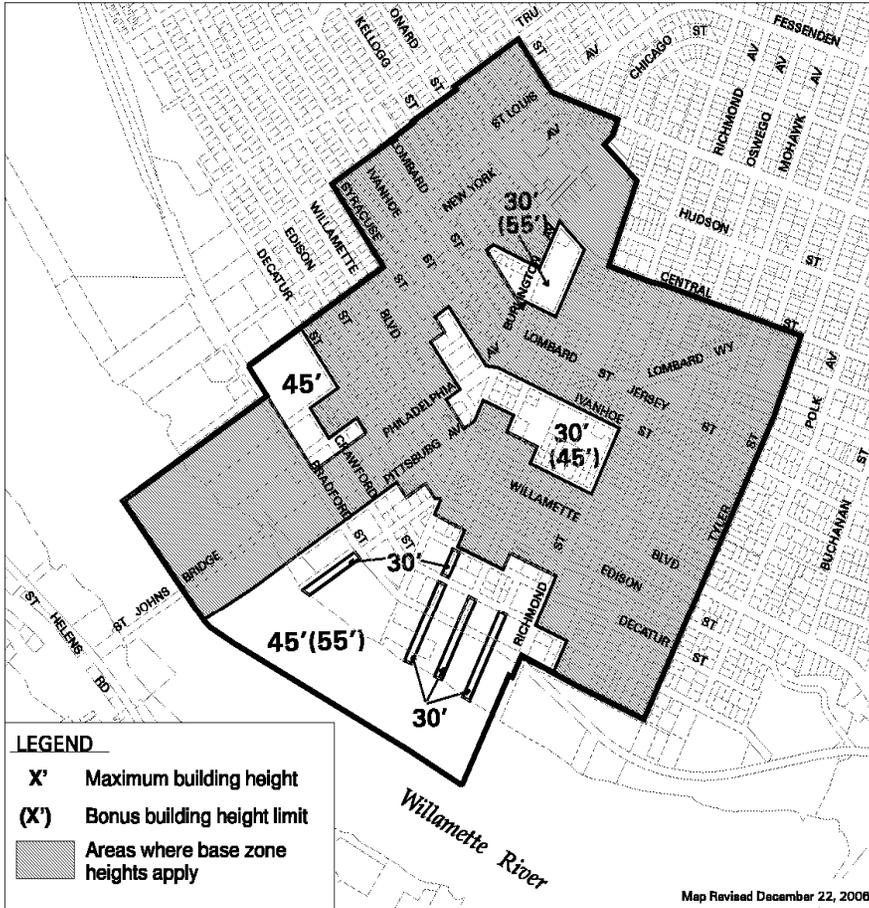
500's – Plan Districts

Specifically defined geographic areas with unique characteristics that are preserved and/or promoted through the standards and incentives of the plan district

Including:

- Albina Plan District
- Interstate Plan District
- St Johns Plan District





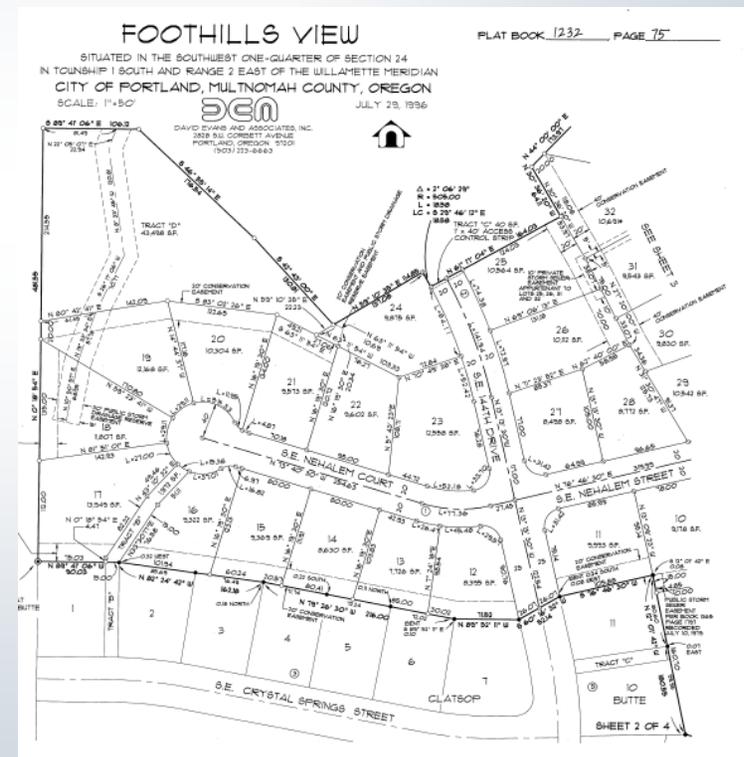
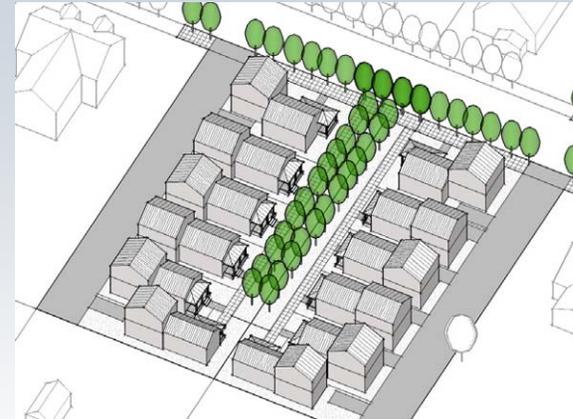
Map 583-2

St Johns Plan District Maximum Heights

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600's – Land Divisions and Planned Developments

- Land Division regulations govern proposals for the division of parcels of land into smaller parcels or lots.
- Planned Development regulations allow flexibility of development standards for innovative and creative development



700's – Code Administration and Procedures

The rules and regulations for administering the Code including:

- Descriptions of the different review types
- Details concerning application requirements, staff-level processing, review bodies, public hearings and appeals.



800's – Land Use Reviews

Procedural requirements and approval criteria for the most common land use reviews, including:

- Adjustments
- Conditional Use Reviews
- Conditional Use Master Plans
- Design Reviews
- Historic Reviews
- Zoning Map Amendments



900's – General Terms

Section of the Zoning Code which provides references for understanding Code language and applications of Code requirements to specific situations, including:

- List of Terms
- Definitions
- Use Categories
- Measurements



How Do I Access the Zoning Code Online?

- Portland Maps

www.portlandmaps.com

Under the “Zoning” tab

Live links to base zone,
overlay zones and plan district

- City Website

www.portlandoregon.gov/zoningcode

The screenshot shows the Portland Maps Advanced website interface. The 'Land Use' tab is highlighted in the top navigation bar. The 'Land Use Review' category is selected in the left-hand filter panel. A red arrow points from the text 'Under the “Zoning” tab' to the 'Land Use' tab. Another red arrow points from the text 'Live links to base zone, overlay zones and plan district' to the 'Land Use Review' dropdown menu. Below the filter panel is a map of a city block with street names like SW Madison St, SW Jefferson St, SW 4th Ave, SW 5th Ave, and SW Columbia St. At the bottom of the page, there is a table with the following data:

| IVR NUMBER | APPLICATION NUMBER | PERMIT | DESCRIPTION | STATUS | WORK | NEIGH |
|------------|-----------------------|-----------------|-------------|----------|----------------------------|-------|
| 606556 | 2000-006556-000-00-LU | Land Use Review | | Recorded | DZ - Design Review | |
| 606557 | 2000-006557-000-00-LU | Land Use Review | | Recorded | AD - Adjustment | |
| 606558 | 2000-006558-000-00-LU | Land Use Review | | Recorded | GW - Greenway | |
| 606559 | 2000-006559-000-00-LU | Land Use Review | | Approved | (Old) MP - Minor Partition | |



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Development & Land Use Reviews

Implementation of Zoning Code = Development Review (by BDS Land Use Services Section)

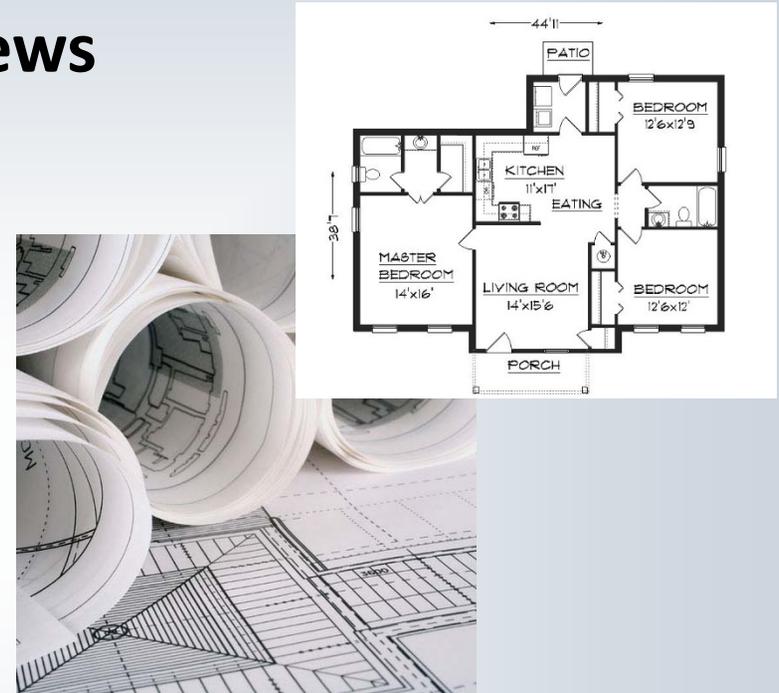
1. Non-Discretionary Review = Building Permit
 - Based on *clear and objective standards*
2. Discretionary Review = Land Use Review
 - Based on *approval criteria*



Non-Discretionary Reviews

Types of Non-Discretionary Reviews

- Permits
 - Building Permits
 - Mechanical Permits
 - Zoning Permits
 - Demolition Permits
 - Site Development Permits
- Zoning Confirmation Letters
- Lot Confirmations and Property Line Adjustments
- Documenting Nonconforming Situations Using Standard Evidence



Discretionary Land Use Reviews

Discretionary Review = Quasi-judicial Review

- Adjustments
- Conditional Uses
- Design/Historic Review
- Environmental Review
- Land Divisions
- Zone Changes



Land Use Reviews

Procedure Types

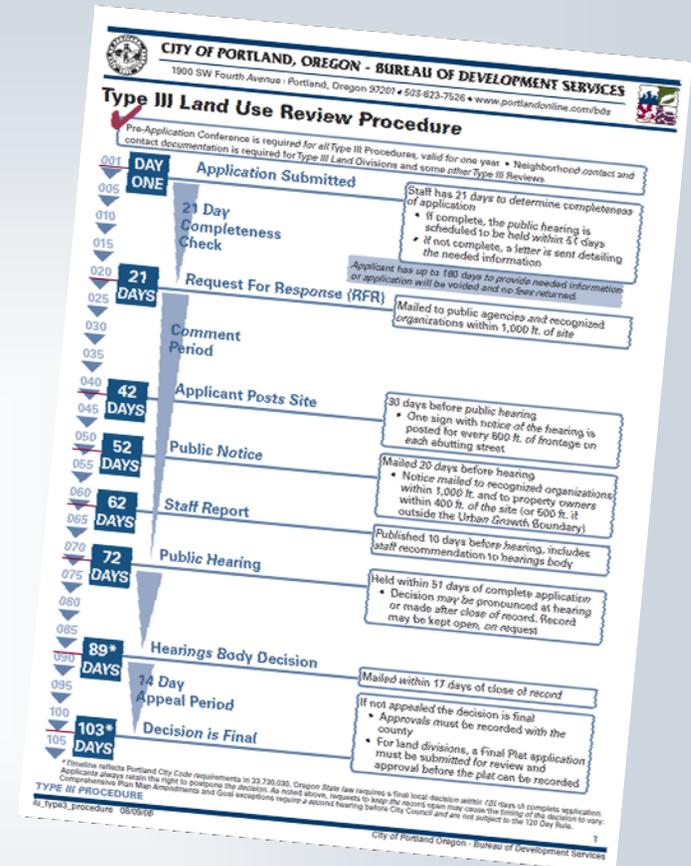
| PROCESS TYPE based on level of discretion and potential impacts | I | II | IIx | III | IV | Comprehensive Plan Map Amendment & Goal Exception |
|--|--------------------------|-----------------------|-----------------------|--|--|---|
| Neighborhood notice required before application | | ★ ₁ | ★ ₂ | ★ ₂ | | |
| Pre-application conference required | | | | ★ | ★ | ★ |
| Public notice required, opportunity to comment | ★ | ★ | ★ | ★ | ★ | ★ |
| Notice to property owners, distance from site (in feet) | 100 | 150 | 150 | 400 | 400 | 400 |
| Notice to recognized organizations distance from site (in feet) | Within proximity of site | 400 | 400 | 1,000 | 1,000 | 1,000 |
| Length of comment period (in days) | 30 | 21 | 30 | 21 ₃ | | |
| 120-day review period applies | ★ | ★ | ★ | ★ | ★ | |
| Decision by case planner | ★ | ★ | ★ | | | |
| Decision by hearings body or City Council (public hearing required) | | | | ★ planner recommends to hearings body | ★ City Council makes final decision | ★ hearings body recommends to City Council |
| Estimated timeframe, (given complete application, without appeal, in months) | 2 ½ | 2 | 3 | 4 | 3 ½ | 5 |
| Opportunity for local appeal | | ★ to hearings body | ★ to hearings body | ★ to City Council | | |

1 For some design reviews
 2 For land divisions, planned developments, and some design reviews
 3 Comment period may be longer, as comments are accepted up to and at time of hearing.



Land Use Review Steps....

- Application submitted to City
- Proposal deemed complete for processing
- Public notice/comment period
- Planner prepares decision or recommendation:
 - Applicant's statement
 - Responses received
 - Public Comments
 - Agency Comments
 - Zoning Code Approval Criteria
- Appeal Period



The decision provides a narrative analysis in “findings” that address each of the relevant Approval Criteria and state a nexus for any conditions of approval.



Approval Criteria...

Approval criteria are the 'rules' against which a land use review proposal is weighed. The criteria are specific by review type and form the basis for the land use decision.

Examples:

Adjustment Review:

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

Greenway Review:

There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback.



Findings....

Written explanation of how the proposal does or does not meet the approval criteria. The findings will state that the criterion is met, not met, or can be met with conditions.



Conditions of Approval...

Conditions placed on the approval intended to ensure that the proposal meets the approval criteria. These conditions may also mitigate the impacts that might be expected to occur. In order to justify these conditions there must be a legal nexus.

Example condition of approval:

The applicant must construct a right-out only turn lane from the parking lot to best handle internal traffic congestion.



Nexus.....

- Legal term used to describe a direct connection between a condition of approval and the impact created by the proposal
- The nexus must be related to the Approval Criteria and must be explained in the findings
- The nexus must also show that the requirement of the condition is of the same weight as the expected impact



Burden of Proof.....

- Burden of proof is the measure that shows whether the approval criteria have been met or can be met with conditions of approval.
- The burden of proof is on the applicant to show that the approval criteria are met.



What Counts.....

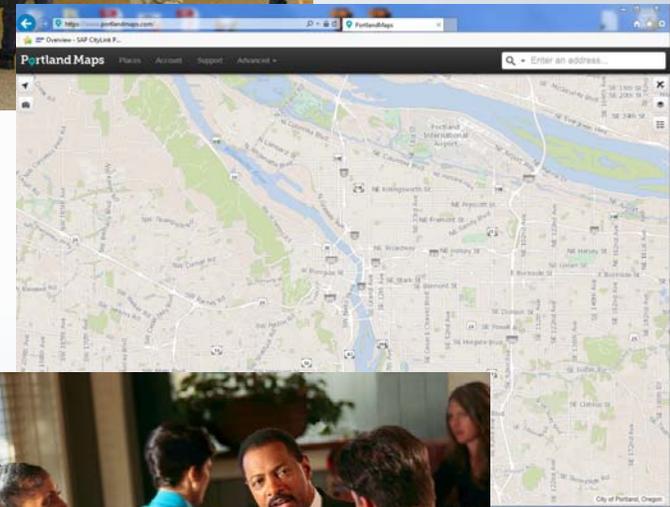
- Decisions are based on whether the proposal does or does not meet the relevant **Approval Criteria**
- The applicant has to provide information that shows that the proposal meets the burden of proof required by the Approval Criteria
- Comments on the proposal have to address the Approval Criteria



Opportunities for Public Participation

Permits/Non-Discretionary Reviews

- If Neighborhood Contact is Required – Attend Meeting
- Track Permits Online
- Review Plans
- Direct Questions to Assigned Reviewers
- Contact Your Neighborhood Representative(s)
- Appeal to LUBA



Opportunities for Public Participation

Land Use Reviews

- Read and Understand the Notice
- Examine the Proposal Against Approval Criteria
- Direct Questions to Assigned Reviewers
- Contact Your Neighborhood Representative(s)
- Review the Case File
- Provide Written Comments*
- Attend/Testify at the Hearing (if applicable)
- Appeal the Decision



Opportunities for Public Participation

Long-Range Planning

- Track Projects Online
- Review Project Materials
- Participate in Public Workshops
- Provide Written Comments*
- Follow on Social Media
- Read and Understand the Notice
- Attend/Testify at the Hearing



Guidelines for Effective Comments

- **Put It In Writing**

- **Be Timely**

You must respond by the deadline listed in the notice if you want your comments to be considered.

- **Address The Approval Criteria**

Only issues that are related to the approval criteria can be considered in the decision-making process.

- **Identify The Connection (Nexus)**

If changes to the proposal are suggested, these changes, or conditions, must be directly related to the approval criteria, and be reasonable, given the expected impacts of the proposal.



Guidelines for Effective Comments

Types of Comments to Avoid:

- **Vague or General Comments**

“We are opposed to this request.”

- **Personally-Oriented Comments**

“We don’t want renters in our neighborhood.”

- **Out of Proportion Requests (think Nexus)**

“If they want permission to build one more house on this street, they should be required to install a traffic signal, a bus shelter, and a community garden.”



Resources

DEVELOPMENT SERVICES CENTER

First Floor, 1900 SW 4th Avenue
Monday, Tuesday, Wednesday and Friday
– 7:30 AM to 3:00 PM. Thursdays 7:30 AM
– 12:00 PM; 5:00 PM to 7:30 PM.

ZONING INFORMATION HOTLINE

(503) 823-PLAN (7526)

ZONING MAPS

www.portlandmaps.com

ZONING CODE REGULATIONS

www.portlandoregon.gov/zoningcode

(or follow links through portlandmaps)

State Dept of Land Conservation and Development (DLCD):

<http://www.oregon.gov/lcd/pages/index.aspx>



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.



Bureau of
Development
Services
FROM CONCEPT
TO CONSTRUCTION

Land Use Exercise

LU 17-128386 AD

- Public Notice
- Approval Criteria
- Decision



Understanding the Notice

Assigned Case Planner:
Your point of contact

Public Comments Due Date:
Comments received after this date
cannot be considered

Case Reference Number:
All correspondence should reference the
land use case by this number

Neighborhood Contact Info:
Your neighborhood representatives

Site Zoning and Procedural
Information

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

Chloe Eudaly, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 21, 2017
To: Interested Person
From: Kathleen Stokes, Land Use Services
503-823-7843/Kathleen.Stokes@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood that requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. Copies of the site plan, ADU floor plans, elevation drawings and zoning map are attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Since we must publish our decision within 28 days, we need to receive your written comments by 5 p.m. on April 11, 2017. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-128386 AD, in your letter. It also is helpful to address your letter to me, Kathleen Stokes. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-128386 AD

Applicant: Chris Davis, Chris Davis Design Architecture and Interiors
4605 NE Fremont St, Ste 202
Portland, OR 97213

Owners: Howard and Barbara F Ginsberg
41 Commonwealth Ave
San Francisco, CA 94118

Site Address: 6105 NE 28TH AVE

Legal Description: BLOCK 28 LOT 18&20, IRVINGTON PK
Tax Account No.: R421308620, R421308620
State ID No.: 1N1E13CB 08800, 1N1E13CB 08800
Quarter Section: 2433

Neighborhood: Concordia, Garlynn Woodsong at 503-936-9873.
Business District: North-Northeast Business Assoc, contact at chair@mnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, Jessica Rojas at 503-388-5030.

Zoning: R5a, h (Residential 5,000, High Density Single-Dwelling, with Alternative Design Density and Aircraft Landing Overlay Zones)

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

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201

Understanding the Notice

Description of the Proposal:
What this review is about

Relevant Approval Criteria:
Details of approval criteria are available online at www.portlandoregon.gov/zoningcode

Proposal: The applicant is proposing construction of an Accessory Dwelling Unit (ADU), which would be located in the southwest corner of the property. The garage that is currently located in this area would be removed and parking would occur on the existing driveway. The proposed structure would be located two feet from the south side property line and would be zero feet from the west or rear property line, which abuts a public alley. The Portland Zoning Code generally requires structures to be located a minimum of five feet from side and rear property lines. The regulations allow some smaller structures to be exempt from the setback requirement. There is no setback required along a property line that abuts an alley. The proposed structure does not meet all of the thresholds that would allow it to be located within the south side setback on this site, without approval through an Adjustment Review. Exceptions to the regulations are approved through Adjustment Review, when all of the relevant approval criteria are met or when the criteria can be met through reasonable conditions of approval. Therefore, the applicant is requesting approval of an Adjustment to Code Section 33.110.220 B, to reduce the minimum setback from the south side property line from five feet to two feet for the proposed accessory structure.

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

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

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. This application was submitted on March 1, 2017 and determined to be complete on March 16, 2017.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.



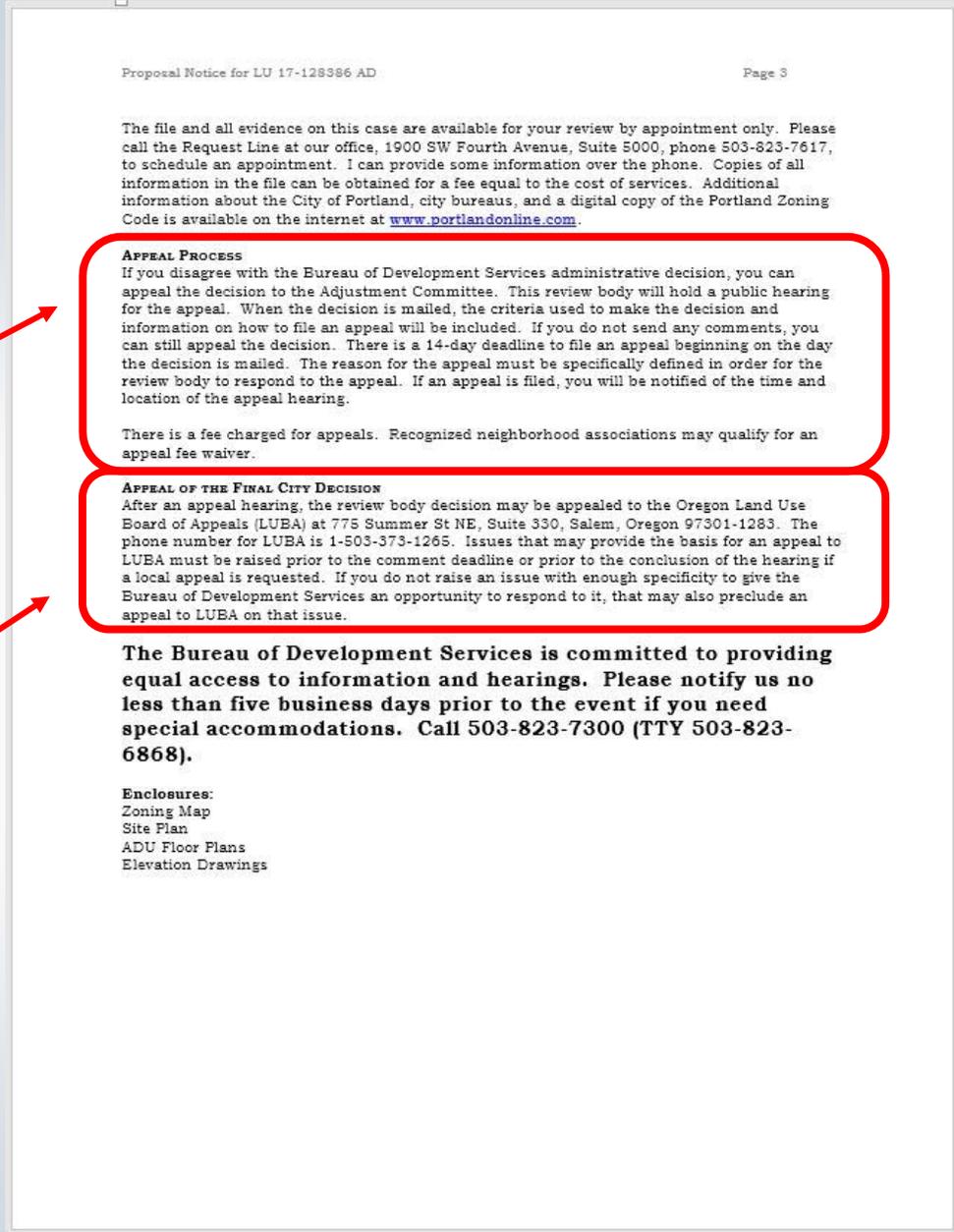
Understanding the Notice

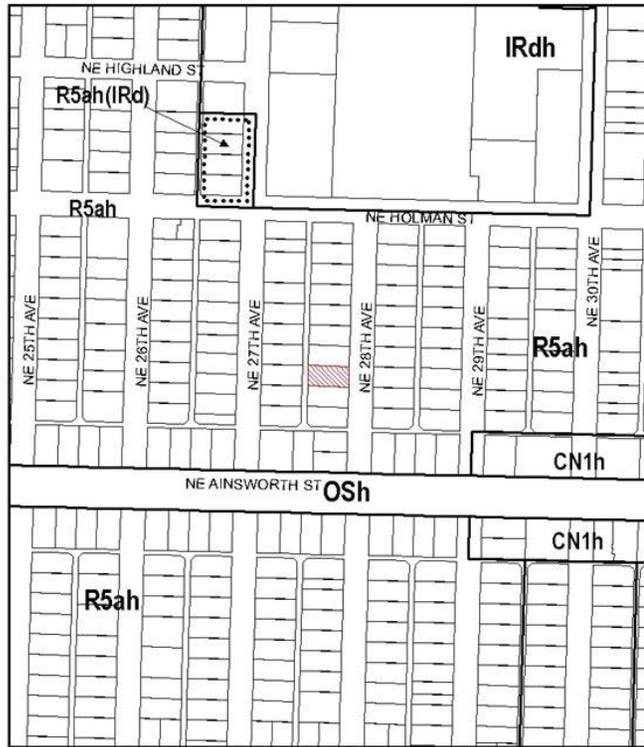
Local Appeal Process/Rights continued:

Describes how to appeal the decision. The proposal cannot be appealed until the decision has been rendered

LUBA Appeal Process/Rights:

Describes how to appeal the City's final decision. The proposal cannot be appealed to LUBA until all local appeal options are exhausted



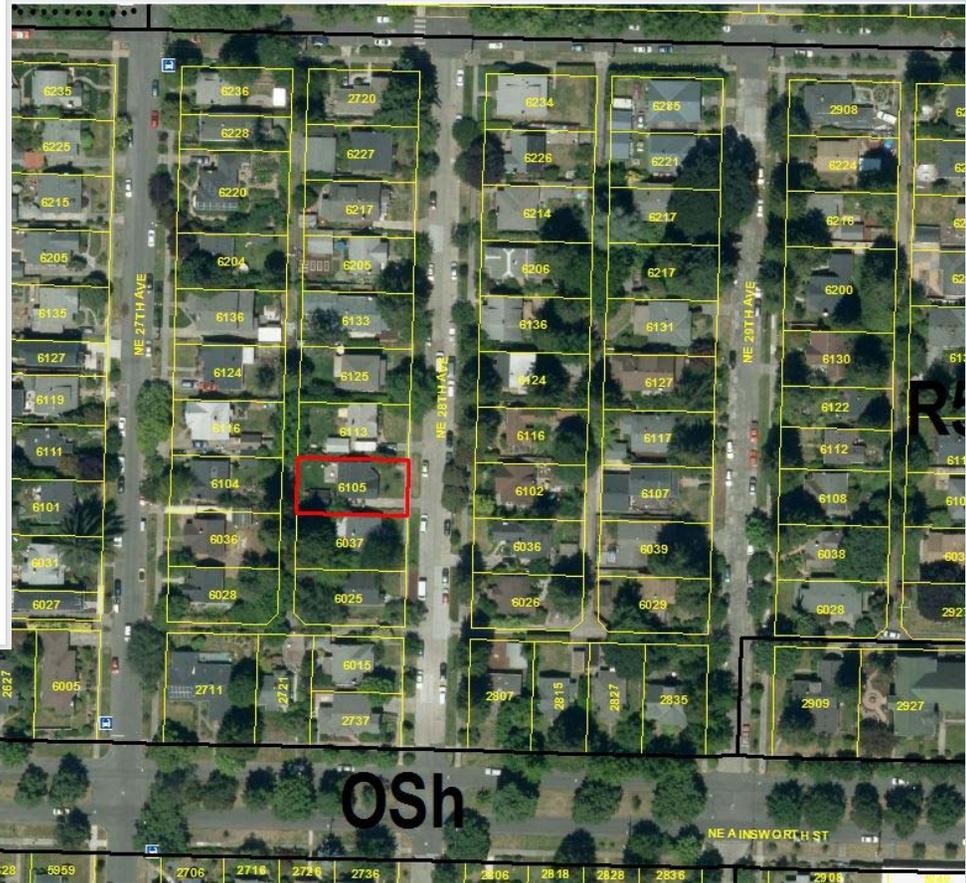


ZONING

Site



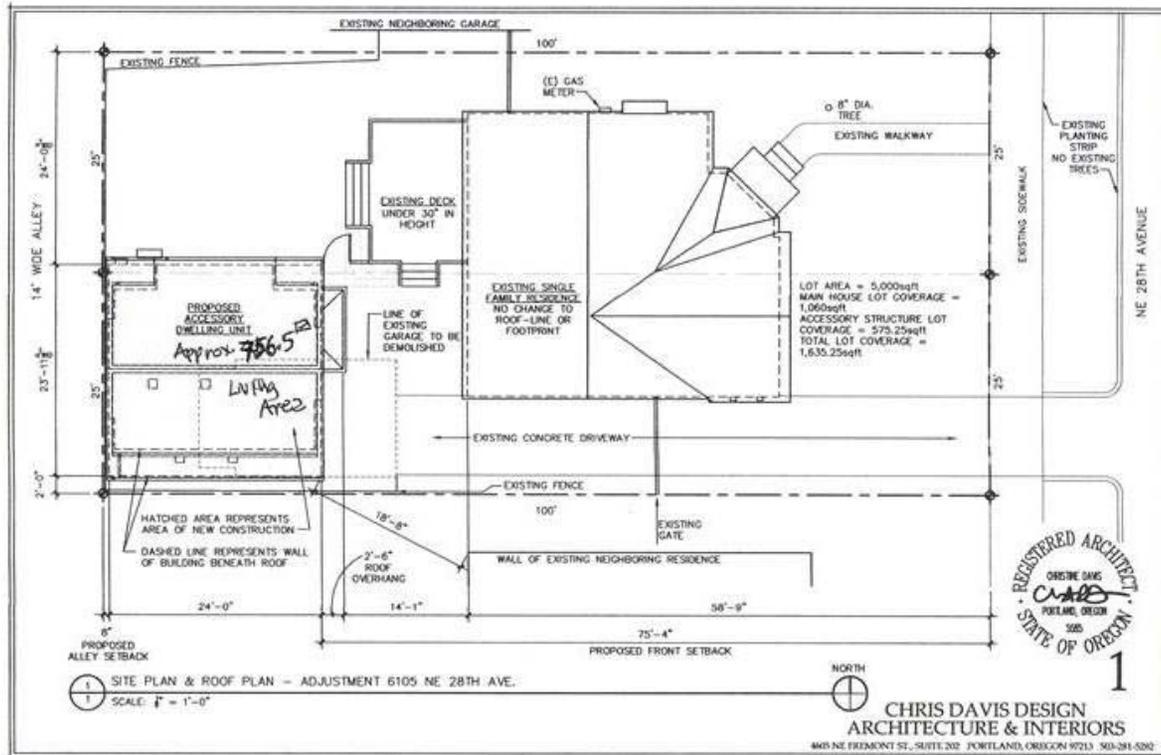
File No. LU 17-128386 AD
 1/4 Section 2433
 Scale 1 inch = 200 feet
 State_Id IN1E13CB 8800
 Exhibit B (Mar 06, 2017)



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 Development
 Services
 FROM CONCEPT
 TO CONSTRUCTION



LU 17-128386 AD

