



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
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RECORDER

Please stamp the County Recorder's copy of the recording sheet and return with the attached decision to City of Portland, BDS 299/5000/BDS LUR

Multnomah County Official Records J.D. Riddle, Deputy Clerk	2024-016658
	03/22/2024 03:51:03 PM
LUA-LUA Pgs=5 Stn=3 ATCG	\$96.00
\$25.00 \$11.00 \$60.00	

**FINAL FINDINGS, CONCLUSIONS AND DECISION OF THE
CITY OF PORTLAND ADJUSTMENT COMMITTEE
ON AN
APPEALED ADMINISTRATIVE DECISION
(TYPE II PROCEDURE)**

Case File Number: LU 23-092099 AD 3707 NE Columbia Blvd.

The Administrative Decision for this case was appealed by Maikalili Brummett to the City of Portland Adjustment Committee. The Adjustment Committee denied the appeal and upheld the Administrative Decision with modifications that approved the requested Adjustment(s).

GENERAL INFORMATION

Applicant: Stephen B. Lebwohl
7135 SW 34th Ave | Portland, OR 97219
Phone: 503-349-7990 | Email: steve@wildwoodplaygrounds.com

Owner: Lebwohl Tr
7135 SW 34th Ave | Portland, OR 97219

Site Address: 3707 NE COLUMBIA BLVD

Legal Description: TL 2200 0.23 ACRES, SECTION 13 1N 1E
Tax Account No.: R941132490
State ID No.: 1N1E13AD 02200
Quarter Section: 2334

Neighborhood: Sunderland, contact Lisa Larson at lisal Larson1224@gmail.com
Business District: None
District Coalition: Central Northeast Neighbors, contact Alison Stoll at alisons@cnncoalition.org

Plan District: Portland International Airport - Middle Columbia Slough Subdistrict

Zoning: IG2hk (General Industrial 2 with Aircraft Landing Overlay and a Prime Industrial Overlay zones). The site is located in the Portland International Airport Plan District and Middle Columbia Slough subdistrict.

Case Type: AD – Adjustment Review (1 Adjustment)

Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to convert the home back to a single-dwelling residence with an accessory home office and modify the parking area in front of the home to create two uncovered parking spaces to the southwest of the house. The Portland Zoning Code limits the amount of vehicle paving allowed on sites with single-dwelling homes to 40 percent of the front yard area and the proposed amount of front yard vehicle paving will equal 52 percent. The applicant proposes one Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from the maximum of 40 percent to 52 percent. As part of the project, the applicant proposes to install bollards to prevent vehicle parking in the southwest corner of the lot, remove existing fencing located within the area the two new parking spaces are proposed and install a “no parking” sign where an onsite vehicle turnaround will be located.

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.

CONCLUSIONS

The applicant proposes one Adjustment to increase the maximum allowed amount of front yard vehicle paving (the distance between the house and the street property line) from 40 percent to 52 percent. Based on the findings above which includes street classifications, zoning designations, plan district purpose statements, base zone and overlay zone purpose statements and the paving conditions of surrounding properties, this proposal meets approval criteria. Add to that, conditions of approval which require the no parking area to be signed, the installation of bollards to define the travel lane and the locations of the two surface parking spaces. Following the hearing on February 6, 2024, the Adjustment Committee found that two additional conditions of approval were necessary; the first requires visibility through the first 10 feet of lot in order to ensure better visibility of the busy freight street from surrounding driveways and sidewalks; the second to reiterate that drainage from impervious surface area must occur on the applicant’s site and cannot be drained toward neighboring properties. Based on the information contained in this report, the requested Adjustment is approved.


ADJUSTMENT COMMITTEE DECISION

Deny the appeal, and uphold the Administrative Decision with modifications, thereby approving an Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from 40 percent to 52 percent, per the approved site plan, signed and dated February 20, 2024 (Exhibit H.7), subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 23-092099 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No onsite parking is allowed other than the two vehicle parking spaces within the garage labeled as "1" and "2" on the site plan and the two surface parking spaces next to the garage labeled as "3" and "4". The back-in area for vehicle turn-around labeled on the site plan as "no parking" (no parking area) on the site plan must be signed as "no parking". Signage can consist of a posted sign stating "no parking" that is a minimum of 12" by 18" in size and posted at a height such that the bottom of the sign is no less than 5 feet above grade and within the landscaped area to the east of the no parking area. A standard "no parking" sign available online must be used. Or, "no parking" can be painted on the pavement within the no parking area. Standard stencils available online must be used and letters must be at least 12" in linear height.
- C. Bollards must be placed no more than 5 feet apart along the area shown on the site plan as "9'x18' Stall 4" and "Exist Conc." - parking space 4 and the western edge of the drive aisle. The bollards must be affixed to the paved surface. A standard vehicle or traffic bollard must be used. Bollards must be at least 3 feet in height. A minimum of 5 bollards must be used.
- D. Runoff and drainage of water from the impervious surface area must occur on the site and may not be directed to neighboring properties.
- E. No vehicle parking may occur and no structures, objects or vegetation may be more than 2 feet in height, as measured from the ground, within a 10-foot setback from the NE Columbia Blvd. property line. This condition of approval does not apply to the required bollards (Condition C) and required "no parking" sign (Condition B).

Staff Planner: Matt Wickstrom

These findings, conclusion and decision were adopted by the City of Portland Adjustment Committee on February 20, 2024.

By: 
Leslie Hamilton, Chair

Date Final Decision Effective/Mailed: February 23, 2024

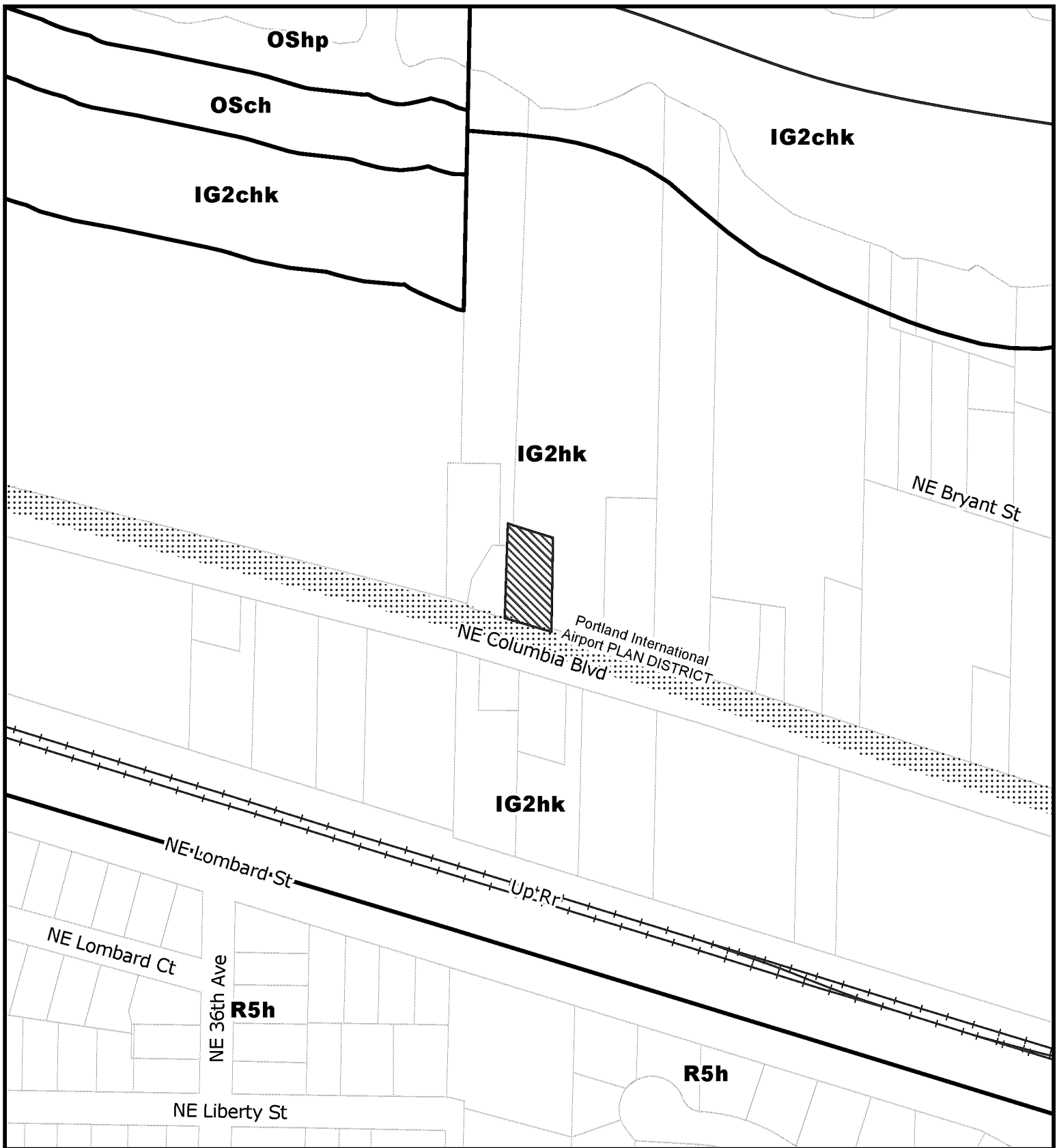
120th day date: May 11, 2024

Effective Date (if no appeal): February 26, 2024 Decision may be recorded on this date
Kimberly Tallant, Principal Planner

City of Portland
Bureau of Development Services
1900 SW Fourth Ave, #5000
Portland, OR 97201

Date: February 26, 2024


Representative



For Zoning Code in Effect Post October 1, 2022

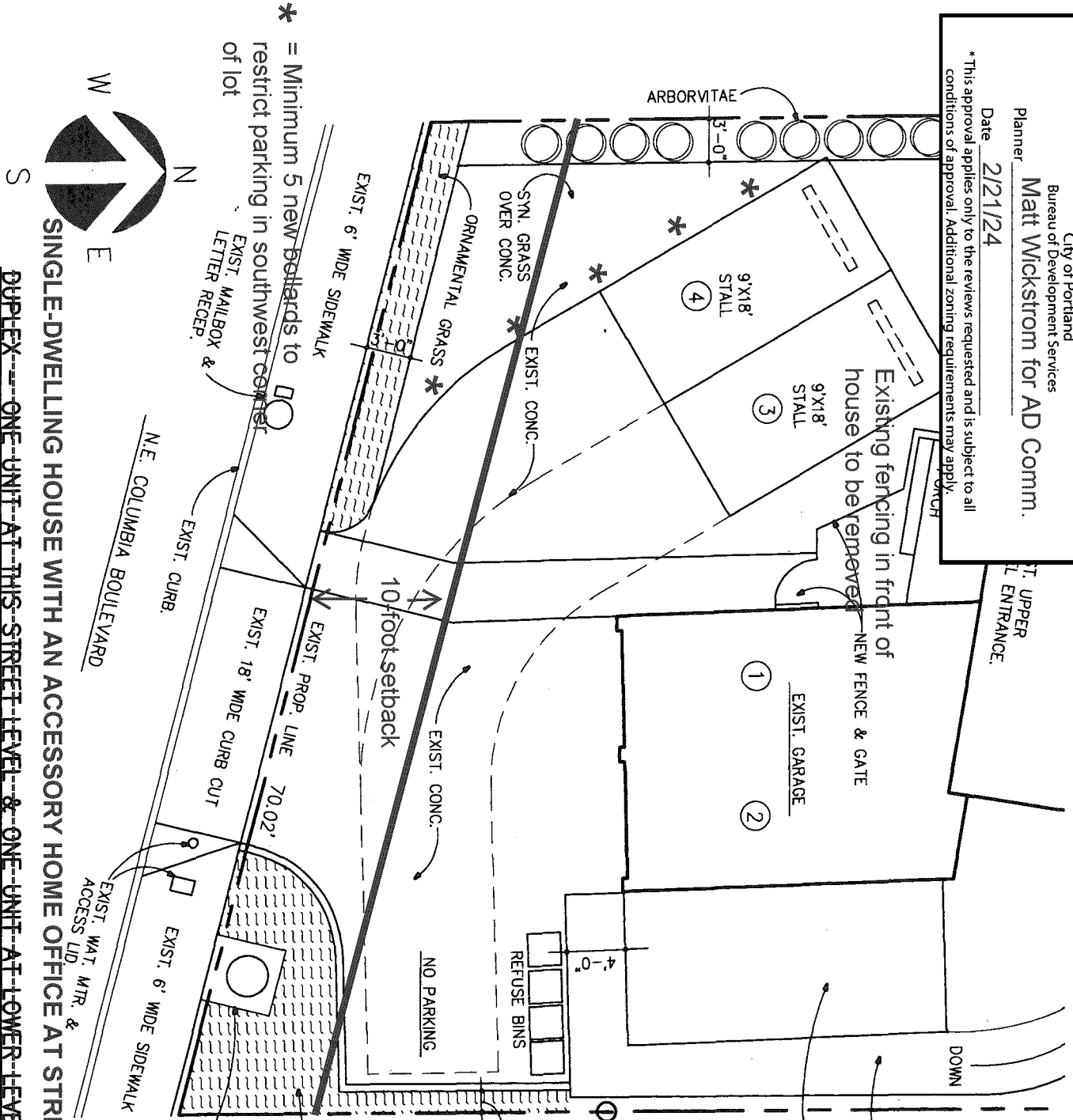
ZONING

THIS SITE LIES WITHIN THE:
 PORTLAND INTERNATIONAL AIRPORT
 PLAN DISTRICT
 MIDDLE COLUMBIA SLOUGH SUB DISTRICT

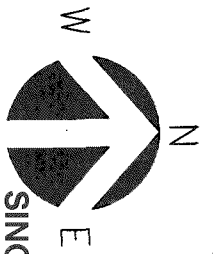
-  Site
-  Plan District
-  Stream

File No.	<u>LU 23 - 092099 AD</u>
1/4 Section	<u>2334</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E13AD 2200</u>
Exhibit	<u>B</u> <u>Oct 12, 2023</u>

Approved
 City of Portland
 Bureau of Development Services
 Planner Matt Wickstrom for AD Comm.
 Date 2/21/24
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



* = Minimum 5 new bollards to restrict parking in southwest corner of lot

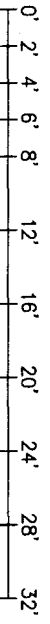


SINGLE-DWELLING HOUSE WITH AN ACCESSORY HOME OFFICE AT STREET LEVEL

~~DUPLEX - ONE UNIT AT THIS STREET LEVEL & ONE UNIT AT LOWER LEVEL~~

PRELIMINARY SITE PLAN - 3707 N.E. COLUMBIA BLVD., PORTLAND, OR

SCALE: 1/10" = 1'-0"



OCTOBER 6, 2023

LU 23-092099 AD - Exhibit H7

Vehicle parking is only allowed in four indicated parking spaces.

NEW CONC. PATH FROM GARAGE LEVEL TO LOWER LEVEL.

REMOVE EXIST. WOOD SHED. EXIST. CONC. SLAB TO REMAIN.

Runoff and drainage of water from impervious surface area must occur on site and cannot be directed to neighboring properties.

EXIST. UTIL. POLE

No parking, structures, objects or vegetation over 2 feet in height allowed in 10-foot setback except required bollards and "no parking" sign.

No parking signage required at turn-around.

GENERAL LANDSCAPING SHOWN THUS. TYPE AS REQUIRED BY C.O.P.

EXIST. TEL. M.H. COVER & CONC. COLLAR

EXIST. WAT. MTR. & ACCESS LID

EXIST. 6' WIDE SIDEWALK

EXIST. 18' WIDE CURB CUT

EXIST. PROP. LINE 70.02'

EXIST. CONC.

EXIST. CONC.

EXIST. CONC.

EXIST. CONC.

EXIST. CONC.

EXIST. CONC.

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EXIST. CONC.



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ANALYSIS

Site and Vicinity: The 9,894 square foot lot is developed with a two-story single-dwelling house with a daylight basement and a two-car garage. It was converted to a business with a basement apartment without permits. The front yard was also paved without permits and a fence structure was built in front of the house as well as an addition to the east side of the garage. Based on available aerial photographs the front yard was fully paved in the 1990s.

For the purpose of this review, the surrounding vicinity is defined as the area within 400 feet of the site. The vicinity contains a mix of development; another single-dwelling home is located to the west of the site as are several homes to the east of the site although those homes appear to have been converted to businesses. A large self-service storage facility is located immediately east of the site. The bulk of the remaining vicinity is developed with industrial uses. Excess front yard vehicle paving is very common in the vicinity; this includes the homes to the east as well as the industrial businesses located across NE Columbia Blvd from the site.

Zoning: The site is zoned IG2hk (General Industrial 2 with Aircraft Landing Overlay and a Prime Industrial Overlay zones). The site is also located in the Portland International Airport Plan District and Middle Columbia Slough subdistrict.

The IG2 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

The “h” overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport. The height limit for this site is 180 feet above the PDX airport landing strip elevation of 18 feet above sea level.

The “k” overlay protects land that has been identified as Prime Industrial, and prioritizes these areas for long-term retention. The regulations protect these areas by preventing, or requiring an off-set for, conversion of the land to another zone or use that would reduce industrial development capacity.

The Portland International Airport plan district implement elements of the Airport Futures Land Use Plan by addressing the social, economic and environmental aspects of growth and development at the Portland International Airport. The plan district provides flexibility to the Port of Portland – owner of the airport – to address a constantly changing aviation industry, while addressing the broader community impacts of operating and airport in an urban context.

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 **October 25, 2023**. The following Bureaus have responded:

- The Portland Bureau of Transportation responded with no objections to the requested Adjustment and provided information of the different street classifications (Exhibit E.1).
- The Life Safety Section of BDS responded with no objections and noted that several building code requirements may impact the overall proposal (Exhibit E.2). Water Bureau
- The Site Development Section of BDS, the Fire Bureau, the Bureau of Environmental Services, and the Water Bureau responded with no concerns (Exhibit E.3).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 25, 2023. No written responses were received from either the Neighborhood Association or notified property owners during the 3-week public comment period which ended on November 15, 2023 in response to the proposal.

The appellant (also referred to as the neighbor) sent staff an email dated November 20, 2023 which highlighted concerns about the proposal including potential removal of the neighbor’s fence, a current property line dispute with the applicant, water runoff, and visibility issues (Exhibit H.1); however the email was sent after the comment deadline and didn’t reach staff since it went to junk mail.

The neighbor filed an appeal on December 26, 2023. The appeal description stated that the Administrative Decision failed to consider a) pending lawsuit for claim of adverse possession/easement in impacted area; b) lack of visibility (16.70.800 for 3637 NE Columbia Blvd. property per AASHTO (American Association of State Highway and Transportation Officials) standards and Clear Sight Triangle (17.28.110) and; c) water run-off from concrete frontage requiring storm water review (17.38.040). A copy of the appeal statement is identified herein as Exhibit H.2.

Public Hearing: On February 6, 2024, the Adjustment Committee held a public hearing to consider the appeal of the Administrative Decision on this case, an approval of an Adjustment Review to increase the allowed amount of front yard vehicle paving from 40 percent to 52 percent with two conditions of approval. The first condition required the applicant to only park in the four identified parking spaces on site and to install a “no parking” sign at the on-site vehicle turn around. The second condition required the applicant to install 5 or more bollards to make parking in the southwest corner of the site inaccessible.

Matt Wickstrom, the BDS staff planner, made a PowerPoint presentation (Exhibit H.3) that included information on:

- The zoning of the site and vicinity;
- Background including a summary of the Code Compliance Case (23-004735 CC) information on residential and office uses in the IG2 zone, information about vehicle area regulations in the 1990s and the lack of stormwater management regulations at the time, visibility and Clear Sight Triangle implementation;
- A summary of the proposed Adjustment with site plan;
- A description of the findings and conditions of approval from the Administrative Decision;
- The three topics contained in the appeal including that the City of Portland does not get involved in private property line disputes, those disputes are handled as a Civil Court manner.

Following the staff presentation, the appellant and the applicant both testified. The appellant added written testimony (Exhibit H.4) and an aerial photo showing the location of fences between the two properties (Exhibit H.5). The Adjustment Committee also heard from Tammy Boren-King with the Portland Bureau of Transportation who explained how the Clear Sight Triangle applies to the appellant's driveway. An aerial photo showing the Clear Sight Triangle applied to the driveway was added to the record (Exhibit H.6). After their testimony and discussion with, the appellant, the applicant and City staff, the Adjustment Committee Chair asked if either the appellant or applicant would like to hold the record open for additional written testimony, both declined. The Adjustment Committee then closed the record, and deliberated on the evidence and testimony that was submitted into the record. After deliberation, the Committee voted 5-0 to deny the appeal and to add two conditions of approval to the Administrative Decision, one related to the allowed height of vegetation in the first 10 feet of the site and one related to runoff from impervious surface drainage on the site, and directed staff to prepare findings supporting its decision for consideration at the Committee's meeting on February 20, 2024. At the hearing on February 20, 2024, staff gave a brief PowerPoint presentation (Exhibit H9) and the Adjustment Committee voted 5-0 to accept the revised findings with two additional conditions of approval and a revised site plan.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose

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 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

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

Findings: The purpose of the requirement for the front yard to contain no more than 40 percent vehicle area is stated in Portland Zoning Code Section 33.266.120.A:

33.266.120. Development Standards for Houses, Duplexes, Triplexes and Fourplexes.

Purpose: The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.

Staff finds the proposal to increase the allowed amount of front yard vehicle paving from a maximum of 40 percent to 52 percent equally or better meets the purpose statement above for the following reasons:

- The size of the proposed vehicle parking area at 52 percent of the front yard is acceptable due to the location of the site in an industrial area where excessive paving is

common and even nearby homes that may have been converted to businesses have fully or almost fully paved front yards.

- Vehicles aren't allowed to back out onto NE Columbia Blvd. which therefore necessitates an onsite turn around which increases onsite paved area.
- The placement of the proposed vehicle area makes sense for the site and its location on NE Columbia Blvd. – a busy street with freight traffic. The four onsite parking spaces are located in the garage or in two surface spaces both of which are located toward the rear of the front yard. This will help ensure that parked vehicles aren't obscuring views of oncoming traffic for drivers on adjacent properties. It is also consistent with Portland Zoning Code regulations that do not allow parking within the first 10 feet of sites (as measured from the street property line) unless those parking spaces are located behind another parking space outside of the first 10 feet.
- The paving occurred in the 1990s when the Portland Zoning Code only regulated front yard vehicle area and driveways but not other impervious surface area.

In order to ensure vehicle parking on the site complies with the submitted site plan showing the proposed 52 percent vehicle area and the location of onsite parking spaces, and to ensure runoff from the impervious surface area does not drain onto neighboring properties, three conditions of approval are necessary.

The first condition states, "No onsite parking is allowed other than the two vehicle parking spaces within the garage labeled as "1" and "2" on the site plan and the two surface parking spaces next to the garage labeled as "3" and "4". The back-in area for vehicle turn-around labeled on the site plan as "no parking" (referred to herein as "no parking area") must be signed as "no parking". Signage can consist of a posted sign stating "no parking" that is a minimum of 12" by 18" in size and posted at a height such that the bottom of the sign is no less than 5 feet above grade and within the landscaped area to the east of the no parking area. A standard "no parking" sign available online must be used. Or, "no parking" can be painted on the pavement within the no parking area. Standard stencils available online must be used and letters must be at least 12" in linear height.

The second condition states, "Bollards must be placed no more than 5 feet apart along the area shown as "9'x18' Stall 4' and 'Exist Conc.'" (referred to herein as "the drive aisle and the western side of parking space 4"). A standard vehicle or traffic bollard must be used. Bollards must be at least 3 feet in height. A minimum of 5 bollards must be used".

The third condition states "runoff and drainage of water from the impervious surface area must occur on the site and may not be directed to neighboring properties". This condition is to ensure that the excess paving associated with the increase in vehicle parking area as well as the additional nonconforming front yard paving which will remain does not negatively impact adjacent properties.

Based on the information above and because the vehicle parking locations will be located toward the rear of the front yard with conditions of approval ensuring that parking will only occur in approved locations, the vehicle turnaround will be signed as "no parking", and because a condition of approval ensures that runoff from the impervious surface area must drain onsite and may not be directed to neighboring properties, this criterion is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the

proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The proposed Adjustment is consistent with the classifications of the adjacent streets and the desired character of the area.

In this location, NE Columbia Blvd. is classified as a Major City Traffic Street, Major Transit Priority, Local Service Bikeway, City Walkway, Priority Truck Street and Industrial Road. A proposal that will locate vehicle area and vehicle parking area away from the street through the installation of landscaped area, assigned parking locations, bollards and signage better serves the functions of the streets in this industrially zoned area. However, vegetation or other taller structures in proximity to the NE Columbia Blvd. frontage can obscure views of oncoming traffic for neighboring properties which can conflict with the safety along the busy transit and freight street. This concept was identified through the Adjustment Committee's conversation of Clear Sight Triangle. In order to ensure visually blocking objects and vegetation are not located in proximity to the front property line, a condition of approval is necessary. The condition reads "No vehicle parking may occur and no structures, objects or vegetation may be more than 2 feet in height, as measured from the ground, within a 10-foot setback from the NE Columbia Blvd. property line".

The "desired character" of the area is defined in the Portland Zoning Code as:

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

In this location and because the site is located in the "h" overlay zone, the "k" overlay zone and the Portland International Airport Plan District, those purpose statements are required to be met. No area plan or design guideline applies to this site.

The purpose statement for the "h" overlay zone reads:

The Aircraft Landing Overlay Zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

The proposal is a request to increase the allowed amount of vehicle area within the front yard of a home beyond the allowed 40 percent and does not relate to the height of structures, vegetation or construction equipment in such a way to impact operating conditions for aircraft.

The purpose statement for the "k" overlay zone reads:

The purposes of the Prime Industrial overlay zone are to protect land that has been identified in the Comprehensive Plan as Prime Industrial, and to prioritize these areas for long-term retention. Prime Industrial Land is suited for traded-sector and supportive industries and possesses characteristics that are difficult to replace in the region. In Portland, Prime Industrial land consists of the Portland Harbor, Columbia Corridor, and Brooklyn Yard industrial districts. These freight-hub districts include Oregon's largest seaport, rail hub, and airport. Existing and potential multimodal freight access in these districts support interregional transport, exporting industries, and associated industrial businesses and activities. The regulations protect these areas by preventing, or requiring

an off-set for, conversion of the land to another zone or use that would reduce industrial development capacity.

The proposal involves creating an approved amount of vehicle area for a residential use with or without an accessory home office use in an area developed and zoned for industrial uses. The use of the site is reviewed as residential and not within the retention of the industrial area guidelines because it is still in residential use and therefore that portion of the purpose statement as well as the remaining portion does not apply or will apply in the future if the site is no longer in a residential use.

The purpose statement for the Portland International Airport reads:

The regulations of this chapter implement elements of the Airport Futures Land Use Plan by addressing the social, economic, and environmental aspects of growth and development at Portland International Airport (PDX). PDX is a unique land use within the City and requires tailored regulations to address wildlife hazards and impacts to transportation and natural resources. The plan district provides flexibility to the Port of Portland—owner of PDX—to address a constantly changing aviation industry, while addressing the broader community impacts of operating an airport in an urban context.

The regulations of this plan district protect significant identified environmental resources consistent with the requirements of airport operations, while maintaining or enhancing the capacity of public and private infrastructure within and serving the district. Additionally, the regulations protect significant archaeological features of the area.

The plan district has two subdistricts: the Airport Subdistrict and the Middle Columbia Slough Subdistrict.

The Airport Subdistrict includes the airport passenger terminal, terminal roadway area, airfield, and other support facilities most of which are owned and operated by the Port of Portland. Also included are other airport-related uses which are generally tenants of the Port. Within the Airport Subdistrict are two unmapped areas known as airside and landside (See Chapter 33.910, Definitions). Airside includes an area defined by a perimeter security fence and the airside uses associated with the airfield which includes runways, taxiways, lighting, etc. The perimeter security fence is not mapped since the fence may move over time due to federal and operational requirements. An area outside the fence—the runway protection zone—is also part of Airside. The airfield and airside uses are also treated differently due to federal regulations. Landside includes the passenger terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangars, maintenance buildings, fire and rescue facilities, and other similar types of development. Also within the Airport Subdistrict is the SW Quadrant Subarea, shown on Map 565-1.

The remainder of the plan district is the Middle Columbia Slough Subdistrict. The primary purpose of the regulations for this subdistrict is to promote eco-industrial development on sites that transition to industrial use from golf course use.

The final sentence of the Portland International Airport Plan District purpose statement is the most important to the proposal and states that non-golf course areas within the plan district are not the intent of its regulations. The overall purpose statement talks about adoption of the Airport Futures Plan by addressing the social, economic and environmental aspects of growth and development at Portland International Airport (PDX). Policies and aspirations within the Airport Futures Plan relate to the creation of a Portland International Airport Plan District and economic, social and environmental aspects. This proposal to

increase the allowed amount of front yard vehicle area from 40 percent to 52 percent is too minor to be considered within this concept, including the economic, social, and environmental aspirations. The remainder of the policy statement underscores its irrelevance to the proposed Adjustment.

Based on this information 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 requested, therefore this criterion is not applicable.

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

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic resources or historic resources mapped on the subject site, this criterion is not applicable.

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

Findings: Impacts of the proposed Adjustment are mitigated through four conditions of approval. The first condition requires that no more than 4 vehicles be parked on site within allowed parking areas at one time. This ensures that the turn around area is not used as a parking space. The condition also requires that “no parking” signage be applied to the no parking area in the southeast corner of the site. The second condition requires bollards to be installed. This condition ensures that areas of the site that remain paved are not used for vehicle parking or maneuvering. The third condition acknowledges that existing nonconforming paved area will remain on the site as non-vehicle area and requires that runoff from impervious surface area does not drain onto neighboring properties. The fourth condition does not allow vehicle parking or vegetation, objects or structures taller than 2 feet in height within the first 10 feet of the site. This condition helps protect visibility of oncoming traffic for neighboring properties and is consistent with Clear Sight Triangle objectives.

A 3-foot deep planting area is proposed along the southwest NE Columbia Blvd. frontage. An additional landscaped area is proposed in the southeast corner of the site where a telephone pole is located. This provides an improved appearance of the neighborhood area. The condition of approval which limits vegetation (structures and objects) to 2 feet in height will allow for certain ornamental grasses and other small-scale vegetation which will soften the harsh landscape along this portion of NE Columbia Blvd.

With the mentioned conditions of approval and the information above, this criterion is 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;

Findings: The site is not located in an environmental zone, therefore this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to demonstrate conformance with all 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 via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant proposes one Adjustment to increase the maximum allowed amount of front yard vehicle paving (the distance between the house and the street property line) from 40 percent to 52 percent. Based on the findings above which includes street classifications, zoning designations, plan district purpose statements, base zone and overlay zone purpose statements and the paving conditions of surrounding properties, this proposal meets approval criteria. Add to that, conditions of approval which require the no parking area to be signed, the installation of bollards to define the travel lane and the locations of the two surface parking spaces. Following the hearing on February 6, 2024, the Adjustment Committee found that two additional conditions of approval were necessary; the first requires visibility through the first 10 feet of lot in order to ensure better visibility of the busy freight street from surrounding driveways and sidewalks; the second to reiterate that drainage from impervious surface area must occur on the applicant's site and cannot be drained toward neighboring properties. Based on the information contained in this report, the requested Adjustment is approved.

ADJUSTMENT COMMITTEE DECISION

Deny the appeal, and uphold the Administrative Decision with modifications, thereby approving an Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from 40 percent to 52 percent, per the approved site plan, signed and dated February 20, 2024 (Exhibit H.7), subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 23-092099 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No onsite parking is allowed other than the two vehicle parking spaces within the garage labeled as "1" and "2" on the site plan and the two surface parking spaces next to the garage labeled as "3" and "4". The back-in area for vehicle turn-around labeled on the site plan as "no parking" (no parking area) on the site plan must be signed as "no parking". Signage can consist of a posted sign stating "no parking" that is a minimum of 12" by 18" in size and posted at a height such that the bottom of the sign is no less than 5 feet above grade and within the landscaped area to the east of the no parking area. A standard "no parking" sign available online must be used. Or, "no parking" can be painted on the pavement within the no parking area. Standard stencils available online must be used and letters must be at least 12" in linear height.
- C. Bollards must be placed no more than 5 feet apart along the area shown on the site plan as "9'x18' Stall 4" and "Exist Conc." - parking space 4 and the western edge of the drive aisle. The bollards must be affixed to the paved surface. A standard vehicle or

traffic bollard must be used. Bollards must be at least 3 feet in height. A minimum of 5 bollards must be used.

- D. Runoff and drainage of water from the impervious surface area must occur on the site and may not be directed to neighboring properties.
- E. No vehicle parking may occur and no structures, objects or vegetation may be more than 2 feet in height, as measured from the ground, within a 10-foot setback from the NE Columbia Blvd. property line. This condition of approval does not apply to the required bollards (Condition C) and required “no parking” sign (Condition B).

Staff Planner: Matt Wickstrom

These findings, conclusion and decision were adopted by the City of Portland Adjustment Committee on February 20, 2024.

By: Leslie Hamilton
Leslie Hamilton, Chair

Date Final Decision Effective/Mailed: February 23, 2024
120th day date: May 11, 2024

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 October 10, 2023, and was determined to be complete on **October 20, 2023**.

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 **October 10, 2023**.

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 requested that the 120-day review period be extended by 60 days on February 5, 2024 (Exhibit H.8). Unless further extended by the applicant, **the 120 days will expire on May 11, 2024**.

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 is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a “Notice of Intent to Appeal” with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.0 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the 775 Summer Street NE, Suite 330, Salem, OR 97301 [Telephone: (503) 373-1265].

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 **February 23, 2024** 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.

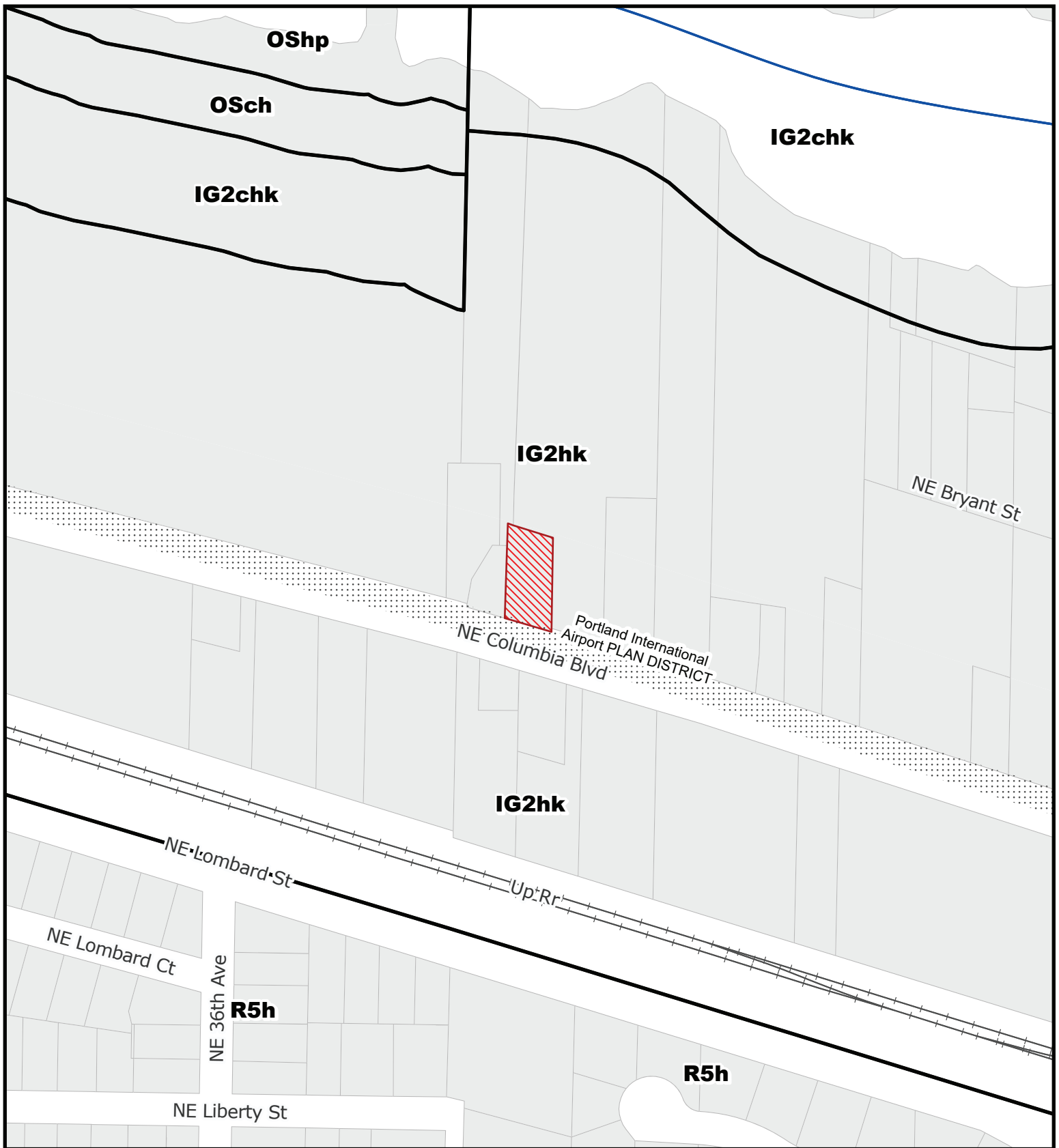
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Portland Bureau of Transportation
 - 2. Life Safety Section of BDS
 - 3. Site Development Review Section of BDS, Fire Bureau, Bureau of Environmental Services, Water Bureau
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
- H. Exhibits Received Following Issuance of Administrative Decision
 - 1. Appellant email dated November 20, 2023
 - 2. Appeal statement received December 26, 2023
 - 3. PowerPoint Presentation received February 6, 2024
 - 4. Appellant written testimony received February 6, 2024
 - 5. Appellant aerial photo received February 6, 2024
 - 6. Clear Sight Triangle aerial photo received February 6, 2024
 - 7. Revised Site Plan dated February 20, 2024 (attached)
 - 8. 120-day decision deadline extension by applicant received February 4, 2024
 - 9. PowerPoint Presentation received February 20, 2024
 - 10. Notice of Appeal Mailing List
 - 11. Notice of Appeal

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



For Zoning Code in Effect Post October 1, 2022

ZONING

THIS SITE LIES WITHIN THE:
 PORTLAND INTERNATIONAL AIRPORT
 PLAN DISTRICT
 MIDDLE COLUMBIA SLOUGH SUB DISTRICT

-  Site
-  Plan District
-  Stream

File No.	<u>LU 23 - 092099 AD</u>
1/4 Section	<u>2334</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E13AD 2200</u>
Exhibit	<u>B</u> <u>Oct 12, 2023</u>

Approved
 City of Portland
 Bureau of Development Services
 Planner **Matt Wickstrom for AD Comm.**
 Date **2/21/24**
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

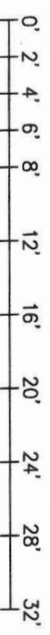


SINGLE-DWELLING HOUSE WITH AN ACCESSORY HOME OFFICE AT STREET LEVEL

~~DUPLEX - ONE UNIT AT THIS STREET LEVEL & ONE UNIT AT LOWER LEVEL~~

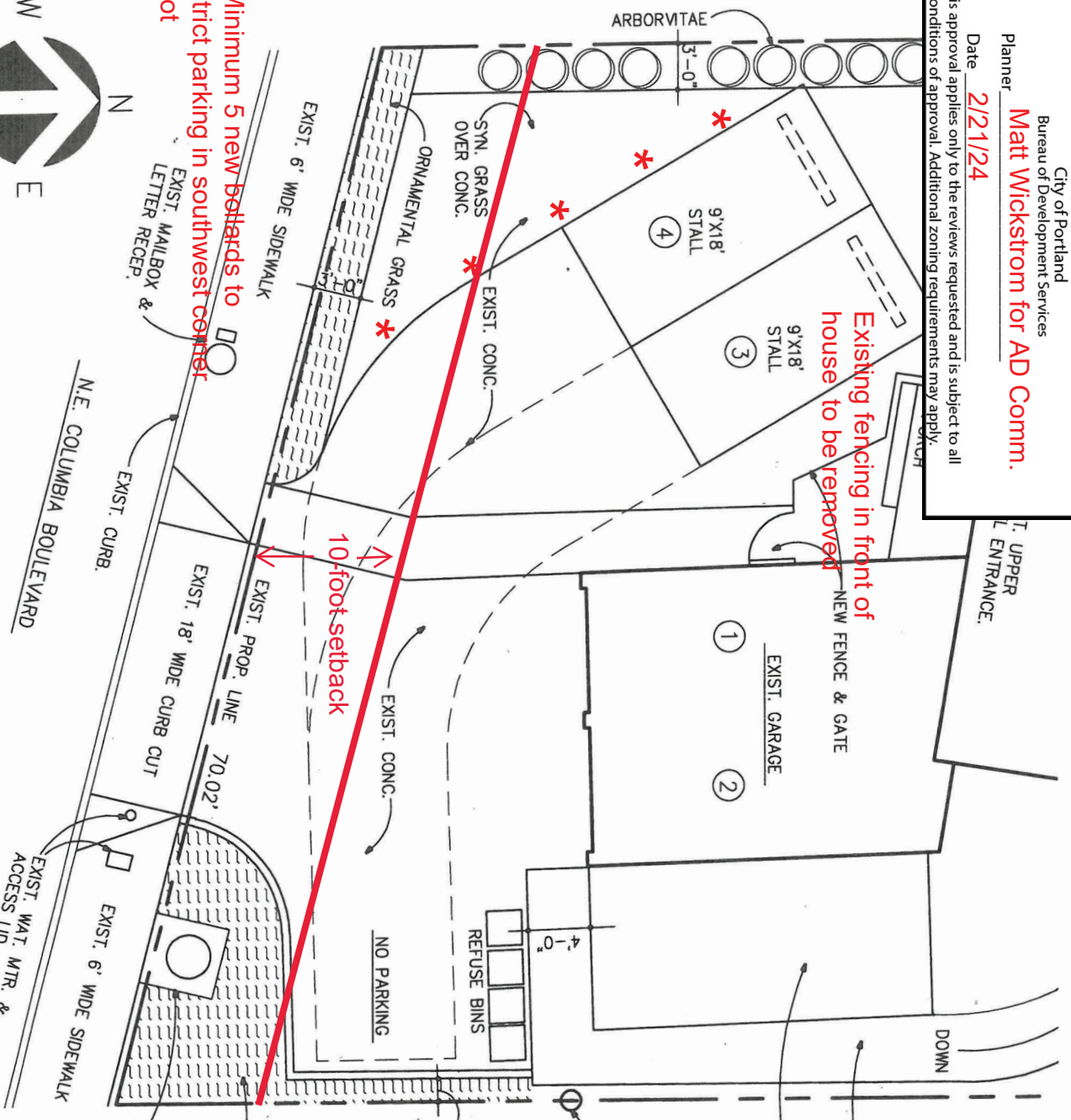
PRELIMINARY SITE PLAN - 3707 N.E. COLUMBIA BLVD., PORTLAND, OR

SCALE: 1/10" = 1'-0"



OCTOBER 6, 2023

LU 23-092099 AD - Exhibit H7



* = Minimum 5 new bollards to restrict parking in southwest corner of lot

Existing fencing in front of house to be removed

10-foot setback

Vehicle parking is only allowed in four indicated parking spaces.

NEW CONC. PATH FROM GARAGE LEVEL TO LOWER LEVEL.

REMOVE EXIST. WOOD SHED. EXIST. CONC. SLAB TO REMAIN.

Runoff and drainage of water from impervious surface area must occur on site and cannot be directed to neighboring properties

EXIST. UTIL. POLE

No parking, structures, objects or vegetation over 2 feet in height allowed in 10-foot setback except required bollards and "no parking" sign.

No parking signage required at turn-around.

GENERAL LANDSCAPING SHOWN THUS. TYPE AS REQUIRED BY C.O.P.

EXIST. TEL. M.H. COVER & CONC. COLLAR.

EXIST. WAT. MTR. & ACCESS LID.

EXIST. CURB.

EXIST. 18' WIDE CURB CUT

EXIST. PROP. LINE 70.02'

EXIST. 6' WIDE SIDEWALK

N.E. COLUMBIA BOULEVARD

EXIST. MAILBOX & LETTER RECP.

SYN. GRASS OVER CONC.

ORNAMENTAL GRASS

EXIST. CONC.

ARBORVITAE
3'-0"

9'X18' STALL (4)

9'X18' STALL (3)

(1)

(2)

EXIST. GARAGE
NEW FENCE & GATE

UPPER L ENTRANCE

DOWN

REFUSE BINS

NO PARKING

	A	B	C	D	E	F
1	ENDORSEMENT		INFO2	NAME	ADDRESS/IO ADDRESS	CITYSTATEZIP/ADDRESSEE
2	RETURN SERVICE REQUESTED	INFO1	1N1E13A 1000	MATTHEW BUSS CONSULTING LLC	11725 SW CLIFFORD ST	BEAVERTON OR 97008
3	RETURN SERVICE REQUESTED		1N1E13A 1000	PORTLAND LODGE NO 142 BPOE	PO BOX 20605	PORTLAND OR 97294
4	RETURN SERVICE REQUESTED		1N1E13A 1000	3717 NE COLUMBIA BLVD LLC	19191 S VERMONT ST #680	TORRANCE CA 90502
5	RETURN SERVICE REQUESTED	PROLOGIS NE COLUMBIA BLVD LLC	C/O PROLOGIS INC ATTN PROP TAX	COORDINATOR	1800 WAZEE ST #500	DENVER CO 80202-2526
6	RETURN SERVICE REQUESTED		1N1E13AC 100	AIRGAS USA LLC-WEST DIVISION	PO BOX 6675	RADNOR PA 19087
7	RETURN SERVICE REQUESTED		1N1E13AC 100	COMMERCIAL PROPERTIES NW LLC	23 MCFEASEY RD	GOLDENDALE WA 98620-2841
8	RETURN SERVICE REQUESTED		1N1E13AD 2400	BRUMMETT MICHAELLE	3637 NE COLUMBIA BLVD	PORTLAND OR 97211-2039
9	RETURN SERVICE REQUESTED		1N1E13AD 2500	BITAR BROS ROBERT A BITAR CORP	2929 E BURNSIDE ST	PORTLAND OR 97214-1831
10	RETURN SERVICE REQUESTED		1N1E13AD 2600	ORBIT ENTERPRISES INC	6909 NE 47TH AVE	PORTLAND OR 97218
11	RETURN SERVICE REQUESTED		1N1E13AD 2700	OUTFRONT MEDIA LLC	715 NE EVERETT ST	PORTLAND OR 97232-2724
12				CURRENT RESIDENT	3620 NE COLUMBIA BLVD	PORTLAND OR 97211
13				CURRENT RESIDENT	3632 NE COLUMBIA BLVD	PORTLAND OR 97211
14				CURRENT RESIDENT	3575 NE COLUMBIA BLVD	PORTLAND OR 97211
15				CURRENT RESIDENT	3646 NE COLUMBIA BLVD	PORTLAND OR 97211
16				CURRENT RESIDENT	3730 NE COLUMBIA BLVD	PORTLAND OR 97211
17				CURRENT RESIDENT	3509 NE COLUMBIA BLVD	PORTLAND OR 97211
18				CURRENT RESIDENT	3635 NE COLUMBIA BLVD	PORTLAND OR 97211
19				CURRENT RESIDENT	3737 NE COLUMBIA BLVD	PORTLAND OR 97211
20	RETURN SERVICE REQUESTED	OWNER	1N1E13AD 2200	LEBWOHL TR	7135 SW 34TH AVE	PORTLAND OR 97219
21	RETURN SERVICE REQUESTED		APPLICANT/OWNERS AGENT	LEBWOHL STEPHEN	3707 NE COLUMBIA BLVD	PORTLAND OR 97211
22	RETURN SERVICE REQUESTED		APPELLANT	BRUMMETT MAIKALILI	3637 NE COLUMBIA BLVD	PORTLAND OR 97211
23	RETURN SERVICE REQUESTED		CENTRAL NORTHEAST NEIGHBORS	STOLL ALISON	4415 NE 87TH AVE	PORTLAND OR 97220
24	RETURN SERVICE REQUESTED		SUNDERLAND NEIGHBORHOOD ASSOCIATION	LARSON LISA C/O CNN	4415 NE 87TH AVE	PORTLAND OR 97220
25	RETURN SERVICE REQUESTED		LAND USE CONTACT	NE COALITION OF NEIGHBORHOODS	4815 NE 7TH AVE	PORTLAND OR 97211
26	RETURN SERVICE REQUESTED		LAND USE CONTACT	COLUMBIA CORRIDOR ASSOCIATION	PO BOX 55651	PORTLAND OR 97238
27	RETURN SERVICE REQUESTED		CONCORDIA NEIGHBORHOOD ASSOCIATION	TAYLOR BEN	PO BOX 11194	PORTLAND OR 97211
28	RETURN SERVICE REQUESTED		PORTLAND METRO REGIONAL SOLUTIONS	C/O DLCDD REGIONAL REPRESENTATIVE	1600 SW FOURTH AVE #109	PORTLAND OR 97201
29	RETURN SERVICE REQUESTED		LAND USE CONTACT	PORT OF PORTLAND PLANNING	PO BOX 3529	PORTLAND OR 97208
30	RETURN SERVICE REQUESTED		LAND USE CONTACT	TRANSIT DEVELOPMENT	1800 SW FIRST AVE #300	PORTLAND OR 97201
31	RETURN SERVICE REQUESTED		MULT CO DRAINAGE DISTRICT NO 1	MCDD - LAND USE CORRESPONDENCE	1880 NE ELROD DR	PORTLAND OR 97211
32	RETURN SERVICE REQUESTED	PORTLAND INTERNATIONAL AIRPORT	PLAN DISTRICT	PORTLAND INTERNATIONAL	7218 NE SANDY BLVD #3	PORTLAND OR 97213
33				LAND USE CONTACT	PROSPER PORTLAND	129/PROSPER
34					HEARINGS CLERK	299/3100



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
TTY: 711
www.portland.gov/bds

Date: December 13, 2023
To: Interested Person
From: Matt Wickstrom, Land Use Services
503-865-6513 / Matt.Wickstrom@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 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 <https://www.portland.gov/bds/zoning-land-use/news/notices>. Enter the land use case file number in the keyword search. 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 23-092099 AD

GENERAL INFORMATION

Applicant: Stephen B. Lebwohl
3707 NE Colubia Blvd | Portland, OR 97211
Phone: 503-349-7990 | Email: steve@wildwoodplaygrounds.com

Owner: Lebwohl Tr
7135 SW 34th Ave | Portland, OR 97219

Site Address: 3707 NE COLUMBIA BLVD

Legal Description: TL 2200 0.23 ACRES, SECTION 13 1N 1E
Tax Account No.: R941132490
State ID No.: 1N1E13AD 02200
Quarter Section: 2334

Neighborhood: Sunderland, contact Lisa Larson at lisal Larson1224@gmail.com
Business District: None
District Coalition: Central Northeast Neighbors, contact Alison Stoll at alisons@cnncoalition.org

Plan District: Portland International Airport - Middle Columbia Slough Subdistrict

Zoning: IG2hk (General Industrial 2 with Aircraft Landing Overlay and a Prime Industrial Overlay zones). The site is located in the Portland International Airport Plan District and Middle Columbia Slough subdistrict.

Case Type: AD – Adjustment Review (1 Adjustment)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to convert the home back to a single-dwelling residence with an accessory home office and modify the parking area in front of the home to create two uncovered parking spaces to the southwest of the house. The Portland Zoning Code limits the amount of vehicle paving allowed on sites with single-dwelling homes to 40 percent of the front yard area and the proposed amount of front yard vehicle paving will equal 52 percent. The applicant proposes one Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from the maximum of 40 percent to 52 percent. As part of the project, the applicant proposes to install bollards to prevent vehicle parking in the southwest corner of the lot, remove existing fencing located within the area the two new parking spaces are proposed and install a “no parking” sign where an onsite vehicle turnaround will be located.

Relevant Approval Criteria:

To be approved, this proposal must comply with the Adjustment Review approval criteria in Zoning Code Section 33.805.040.A-F.

ANALYSIS

Site and Vicinity: The 9,894 square foot lot is developed with a two-story single-dwelling house with a daylight basement and a two-car garage. It was converted to a business with a basement apartment without permits. The front yard was also paved without permits and a fence structure was built in front of the house as well as an addition to the east side of the garage.

For the purpose of this review, the surrounding vicinity is defined as the area within 400 feet of the site. The vicinity contains a mix of development; another single-dwelling home is located to the west of the site as are several homes to the east of the site although those homes appear to have been converted to businesses. A large self-service storage facility is located immediately east of the site. The bulk of the remaining vicinity is developed with industrial uses. Excess front yard vehicle paving is very common in the vicinity; this includes the homes to the east as well as the industrial businesses located across NE Columbia Blvd from the site.

Zoning: The site is zoned IG2hk (General Industrial 2 with Aircraft Landing Overlay and a Prime Industrial Overlay zones). The site is also located in the Portland International Airport Plan District and Middle Columbia Slough subdistrict.

The IG2 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

The “h” overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport. The height limit for this site is 180 feet above the PDX airport landing strip elevation of 18 feet above sea level.

The “k” overlay protects land that has been identified as Prime Industrial, and prioritizes these areas for long-term retention. The regulations protect these areas by preventing, or requiring an off-set for, conversion of the land to another zone or use that would reduce industrial development capacity.

The Portland International Airport plan district implement elements of the Airport Futures Land Use Plan by addressing the social, economic and environmental aspects of growth and development at the Portland International Airport. The plan district provides flexibility to the

Port of Portland – owner of the airport – to address a constantly changing aviation industry, while addressing the broader community impacts of operating and airport in an urban context.

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 **October 25, 2023**. The following Bureaus have responded:

- The Portland Bureau of Transportation responded with no objections to the requested Adjustment and provided information of the different street classifications (Exhibit E.1).
- The Life Safety Section of BDS responded with no objections and noted that several building code requirements may impact the overall proposal (Exhibit E.2). Water Bureau
- The Site Development Section of BDS, the Fire Bureau, the Bureau of Environmental Services, and the Water Bureau responded with no concerns (Exhibit E.3).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 25, 2023. 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

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

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

Findings: The purpose of the requirement for the front yard to contain no more than 40 percent vehicle area is stated in Portland Zoning Code Section 33.266.120.A:

33.266.120. Development Standards for Houses, Duplexes, Triplexes and Fourplexes.

Purpose: The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.

Staff finds the proposal to increase the allowed amount of front yard vehicle paving from a maximum of 40 percent to 52 percent equally or better meets the purpose statement above for the following reasons:

- The size of the proposed vehicle parking area at 52 percent of the front yard is acceptable due to the location of the site in an industrial area where excessive paving is common and even nearby homes that may have been converted to businesses have fully or almost fully paved front yards.
- Vehicles aren’t allowed to back out onto NE Columbia Blvd. which therefore necessitates an onsite turn around which increases onsite paved area.
- The placement of the proposed vehicle area makes sense for the site and its location on NE Columbia Blvd. – a busy street with freight traffic. The four onsite parking spaces are located in the garage or in two surface spaces both of which are located toward the rear of the front yard. This will help ensure that parked vehicles aren’t obscuring views of oncoming traffic for drivers on adjacent properties. It is also consistent with Portland Zoning Code regulations that do not allow parking within the first 10 feet of sites (as measured from the street property line) unless those parking spaces are located behind another parking space outside of the first 10 feet.

In order to ensure vehicle parking on the site complies with the submitted site plan showing the proposed 52 percent vehicle area and the location of onsite parking spaces, two conditions of approval are necessary.

The first condition states, “No onsite parking is allowed other than the two vehicle parking spaces within the garage labeled as “1” and “2” on the site plan and the two surface parking spaces next to the garage labeled as “3” and “4”. The back-in area for vehicle turn-around labeled on the site plan as “no parking” (referred to herein as “no parking area”) must be signed as “no parking”. Signage can consist of a posted sign stating “no parking” that is a minimum of 12” by 18” in size and posted at a height such that the bottom of the sign is no less than 5 feet above grade and within the landscaped area to the east of the no parking area. A standard “no parking” sign available online must be used. Or, “no parking” can be painted on the pavement within the no parking area. Standard stencils available online must be used and letters must be at least 12” in linear height.

The second condition states, “Bollards must be placed no more than 5 feet apart along the area shown as “9’x18’ Stall 4’ and ‘Exist Conc.’” (referred to herein as “the drive aisle and the western side of parking space 4”). A standard vehicle or traffic bollard must be used. Bollards must be at least 3 feet in height. A minimum of 5 bollards must be used”.

- As viewed through a safety perspective, the appearance of the 52 percent proposed does not interfere with views of oncoming traffic due to conditions of approval that only allow onsite vehicle parking in the approved locations.
- A 3-foot deep planting area is proposed along the NE Columbia Blvd. frontage. An additional landscaped area is proposed in the southeast corner of the site where a telephone pole is located. This provides an improved appearance of the neighborhood area. The applicant proposes to plant ornamental grasses within the landscaped area which will add to the visual depth of the proposed parking area which, in turn, improves a pedestrian experience, in general.
- The proposal to increase the amount of front yard vehicle area (the area between the front lot line and the house) from 40 percent to 52 percent is a 12 percent increase in front yard vehicle paving than what is allowed by right. Considering the amount of paving on nearby lots, a 12 percent increase with the addition of landscaping along the street will result in this property having one of the nicest street frontages in the vicinity.

Based on the information above and because the vehicle parking locations will be located toward the rear of the front yard with conditions of approval ensuring that parking will only occur in approved locations, this criterion is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The proposed Adjustment is consistent with the classifications of the adjacent streets and the desired character of the area.

In this location, NE Columbia Blvd. is classified as a Major City Traffic Street, Major Transit Priority, Local Service Bikeway, City Walkway, Priority Truck Street and Industrial Road. A proposal that will locate vehicle area and vehicle parking area away from the street through the installation of landscaped area, assigned parking locations, bollards and signage better serves the functions of the streets in this industrially zoned area.

The “desired character” of the area is defined in the Portland Zoning Code as:

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

In this location and because the site is located in the “h” overlay zone, the “k” overlay zone and the Portland International Airport Plan District, those purpose statements are required to be met. No area plan or design guideline applies to this site.

The purpose statement for the “h” overlay zone reads:

The Aircraft Landing Overlay Zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

The proposal is a request to increase the allowed amount of vehicle area within the front yard of a home beyond the allowed 40 percent and does not relate to the height of structures, vegetation or construction equipment in such a way to impact operating conditions for aircraft.

The purpose statement for the “k” overlay zone reads:

The purposes of the Prime Industrial overlay zone are to protect land that has been identified in the Comprehensive Plan as Prime Industrial, and to prioritize these areas for long-term retention. Prime Industrial Land is suited for traded-sector and supportive industries and possesses characteristics that are difficult to replace in the region. In Portland, Prime Industrial land consists of the Portland Harbor, Columbia Corridor, and Brooklyn Yard industrial districts. These freight-hub districts include Oregon’s largest seaport, rail hub, and airport. Existing and potential multimodal freight access in these districts support interregional transport, exporting industries, and associated industrial businesses and activities. The regulations protect these areas by preventing, or requiring an off-set for, conversion of the land to another zone or use that would reduce industrial development capacity.

The proposal involves creating an approved amount of vehicle area for a residential use with or without an accessory home office use in an area developed and zoned for industrial uses. The use of the site is reviewed as residential and not within the retention of the industrial area guidelines because it is still in residential use and therefore that portion of the purpose statement as well as the remaining portion does not apply or will apply in the future if the site is no longer in a residential use.

The purpose statement for the Portland International Airport reads:

The regulations of this chapter implement elements of the Airport Futures Land Use Plan by addressing the social, economic, and environmental aspects of growth and development at Portland International Airport (PDX). PDX is a unique land use within the City and requires tailored regulations to address wildlife hazards and impacts to transportation and natural resources. The plan district provides flexibility to the Port of Portland—owner of PDX—to address a constantly changing aviation industry, while addressing the broader community impacts of operating an airport in an urban context.

The regulations of this plan district protect significant identified environmental resources consistent with the requirements of airport operations, while maintaining or enhancing the capacity of public and private infrastructure within and serving the district. Additionally, the regulations protect significant archaeological features of the area.

The plan district has two subdistricts: the Airport Subdistrict and the Middle Columbia Slough Subdistrict.

The Airport Subdistrict includes the airport passenger terminal, terminal roadway area, airfield, and other support facilities most of which are owned and operated by the Port of Portland. Also included are other airport-related uses which are generally tenants of the Port. Within the Airport Subdistrict are two unmapped areas known as airside and landside (See Chapter 33.910, Definitions). Airside includes an area defined by a perimeter security fence and the airside uses associated with the airfield which includes runways, taxiways, lighting, etc. The perimeter security fence is not mapped since the fence may move over time due to federal and operational requirements. An area outside the fence—the runway protection zone—is also part of Airside. The airfield and airside uses are also treated differently due to federal regulations. Landside includes the passenger terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangars, maintenance buildings, fire and rescue facilities, and other similar types of development. Also within the Airport Subdistrict is the SW Quadrant Subarea, shown on Map 565-1.

The remainder of the plan district is the Middle Columbia Slough Subdistrict. The primary purpose of the regulations for this subdistrict is to promote eco-industrial development on sites that transition to industrial use from golf course use.

The final sentence of the Portland International Airport Plan District purpose statement is the most important to the proposal and states that non-golf course areas within the plan district are not the intent of its regulations. The overall purpose statement talks about adoption of the Airport Futures Plan by addressing the social, economic and environmental aspects of growth and development at Portland International Airport (PDX). Policies and aspirations within the Airport Futures Plan relate to the creation of a Portland International Airport Plan District and economic, social and environmental aspects. This proposal to increase the allowed amount of front yard vehicle area from 40 percent to 52 percent is too minor to be considered within this concept, including the economic, social, and environmental aspirations. The remainder of the policy statement underscores its irrelevance to the proposed Adjustment.

Based on this information 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 requested, therefore this criterion is not applicable.

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

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic resources or historic resources mapped on the subject site, this criterion is not applicable.

- E.** Any impacts resulting from the Adjustment are mitigated to the extent practical; and

Findings: Impacts of the proposed Adjustment are mitigated through two conditions of approval. The first condition requires that no more than 4 vehicles be parked on site within allowed parking areas at one time. This ensures that the turn around area is not used as a parking space. The condition also requires that “no parking” signage be applied to the no parking area in the southeast corner of the site. The second condition requires bollards to be installed. This condition ensures that areas of the site that remain paved are not use for vehicle parking or maneuvering. With the mentioned conditions of approval, this criterion is 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;

Findings: The site is not located in an environmental zone, therefore 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

The applicant proposes one Adjustment to increase the maximum allowed amount of front yard vehicle paving (the distance between the house, duplex, triplex or fourplex and the street property line) from 40 percent to 52 percent. Based on the findings above which includes street classifications, zoning designations, plan district purpose statements, overlay zone purpose statements, the paving conditions of surrounding properties and the proposal to add landscaped area along the street frontage this proposal meets approval criteria. Add to that, conditions of approval which require the no parking area to be signed and the installation of bollards to define the travel lane and locations of the two surface parking spaces. Based on the information contained in this report, the requested Adjustment is approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from 40 percent to 52 percent, per the approved site plan, signed and dated December 1, 2023, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 23-092099 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No onsite parking is allowed other than the two vehicle parking spaces within the garage labeled as "1" and "2" on the site plan and the two surface parking spaces next to the garage labeled as "3" and "4". The back-in area for vehicle turn-around labeled on the site plan as "no parking" (no parking area) on the site plan must be signed as "no parking". Signage can consist of a posted sign stating "no parking" that is a minimum of 12" by 18" in size and posted at a height such that the bottom of the sign is no less than 5 feet above grade and within the landscaped area to the east of the no parking area. A standard "no parking" sign available online must be used. Or, "no parking" can be painted on the pavement within the no parking area. Standard stencils available online must be used and letters must be at least 12" in linear height.
- C. Bollards must be placed no more than 5 feet apart along the area shown on the site plan as "9'x18' Stall 4' and 'Exist Conc.'" – parking space 4 and the western edge of the drive aisle. The bollards must be affixed to the paved surface. A standard vehicle or traffic bollard must be used. Bollards must be at least 3 feet in height. A minimum of 5 bollards must be used.

Staff Planner: Matt Wickstrom



Decision rendered by: _____ **on December 1, 2023**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 13, 2023

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 October 10, 2023, and was determined to be complete on October 20, 2023.

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 October 10, 2023.

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: February 17, 2024.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on December 27, 2023. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization’s

boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 County Recorder. *Unless appealed*, the final decision will be recorded by the Bureau of Development Services.

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:

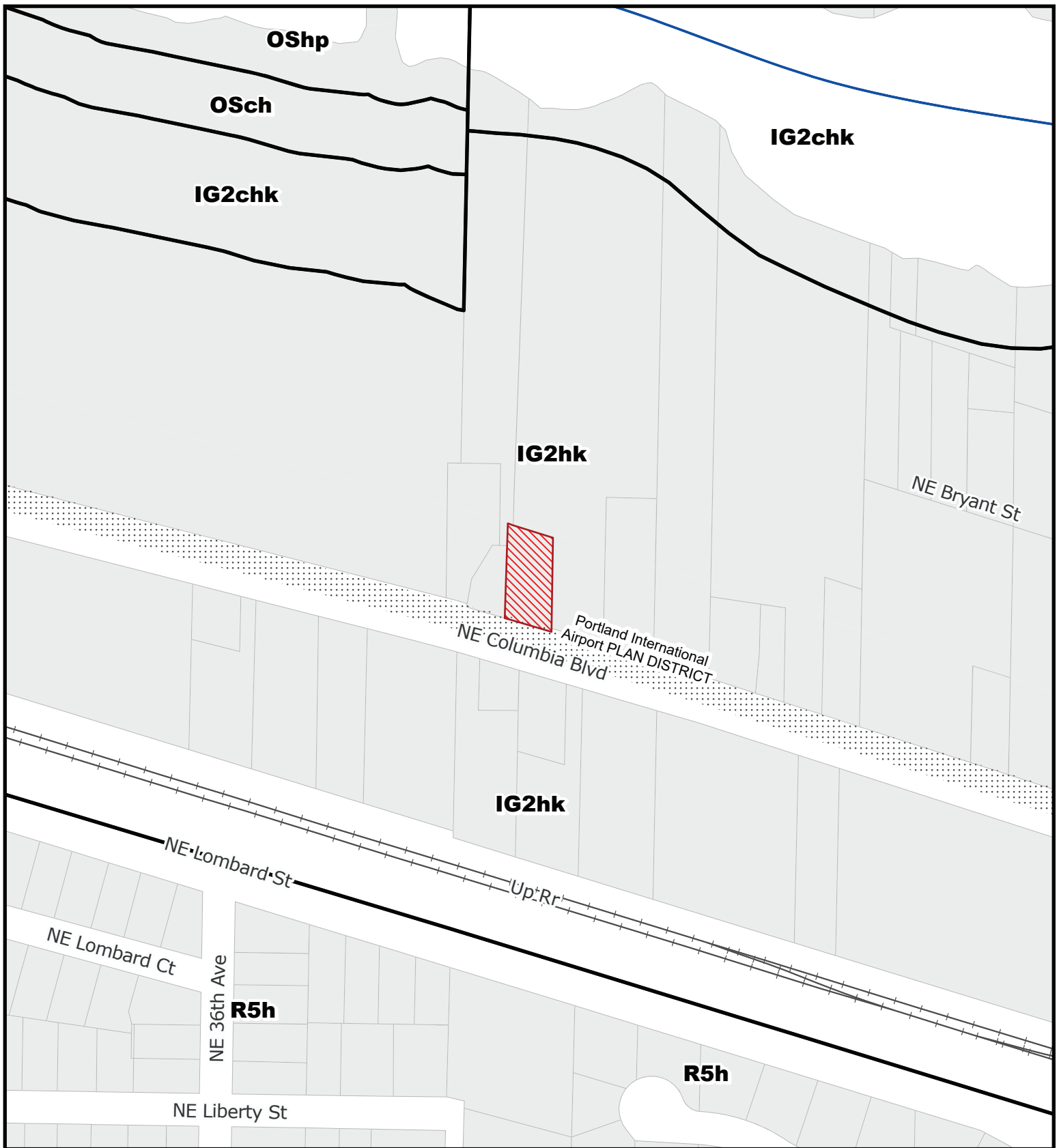
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Portland Bureau of Transportation
 - 2. Life Safety Section of BDS
 - 3. Site Development Review Section of BDS, Fire Bureau, Bureau of Environmental Services, Water Bureau
- F. Correspondence: None received
- 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).



For Zoning Code in Effect Post October 1, 2022

ZONING

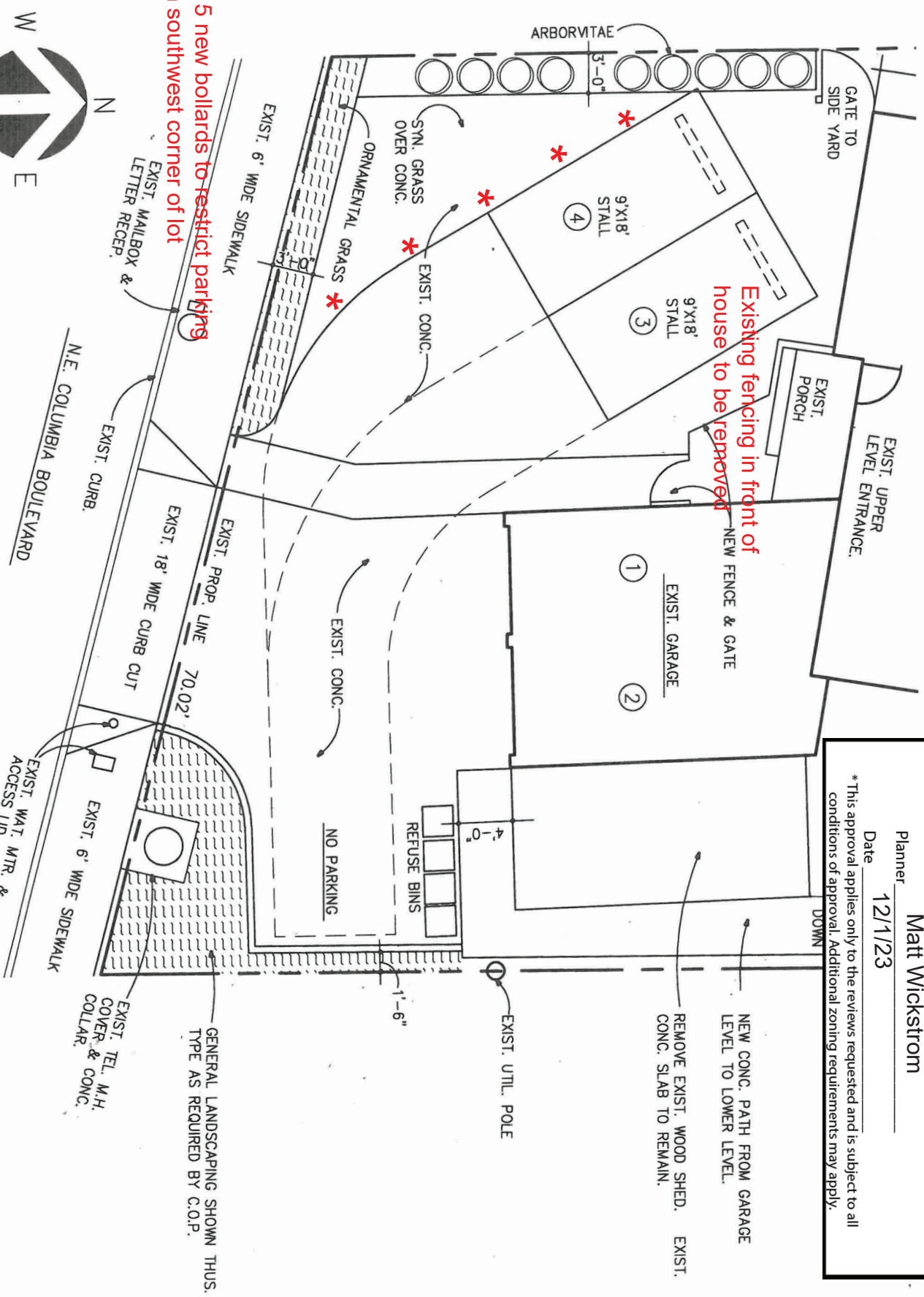
THIS SITE LIES WITHIN THE:
 PORTLAND INTERNATIONAL AIRPORT
 PLAN DISTRICT
 MIDDLE COLUMBIA SLOUGH SUB DISTRICT

-  Site
-  Plan District
-  Stream

File No.	<u>LU 23 - 092099 AD</u>
1/4 Section	<u>2334</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E13AD 2200</u>
Exhibit	<u>B</u> <u>Oct 12, 2023</u>

* Approved *
 City of Portland
 Bureau of Development Services
 Planner **Matt Wickstrom**
 Date **12/11/23**

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



* = 5 new bollards to restrict parking in southwest corner of lot

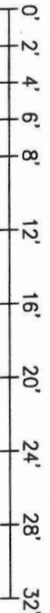
Existing fencing in front of house to be removed

SINGLE-DWELLING HOUSE WITH AN ACCESSORY HOME OFFICE AT STREET LEVEL

~~DUPLICATED ONE UNIT AT THIS STREET LEVEL & ONE UNIT AT LOWER LEVEL~~

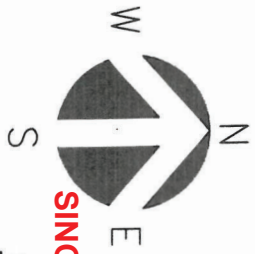
PRELIMINARY SITE PLAN - 3707 N.E. COLUMBIA BLVD., PORTLAND, OR

SCALE: 1/10" = 1'-0"



OCTOBER 6, 2023

LU 23-092099 AD - Exhibit C1



	A	B	C	D	E	F
1	ENDORSEMENT	INFO1	INFO2	NAME	ADDRESS/IO ADDRESS	CITYSTATEZIP/ADDRESSEE
2	RETURN SERVICE REQUESTED		1N1E13A 1000	MATTHEW BUSS CONSULTING LLC	11725 SW CLIFFORD ST	BEAVERTON OR 97008
3	RETURN SERVICE REQUESTED		1N1E13A 1000	PORTLAND LODGE NO 142 BPOE	PO BOX 20605	PORTLAND OR 97294
4	RETURN SERVICE REQUESTED		1N1E13A 1000	3717 NE COLUMBIA BLVD LLC	19191 S VERMONT ST #680	TORRANCE CA 90502
5	RETURN SERVICE REQUESTED	PROLOGIS NE COLUMBIA BLVD LLC	C/O PROLOGIS INC ATTN PROP TAX	COORDINATOR	1800 WAZEE ST #500	DENVER CO 80202-2526
6	RETURN SERVICE REQUESTED		1N1E13AC 100	AIRGAS USA LLC-WEST DIVISION	PO BOX 6675	RADNOR PA 19087
7	RETURN SERVICE REQUESTED		1N1E13AC 100	COMMERCIAL PROPERTIES NW LLC	23 MCFEASEY RD	GOLDENDALE WA 98620-2841
8	RETURN SERVICE REQUESTED		1N1E13AD 2400	BRUMMETT MICHAELLE	3637 NE COLUMBIA BLVD	PORTLAND OR 97211-2039
9	RETURN SERVICE REQUESTED		1N1E13AD 2500	BITAR BROS ROBERT A BITAR CORP	2929 E BURNSIDE ST	PORTLAND OR 97214-1831
10	RETURN SERVICE REQUESTED		1N1E13AD 2600	ORBIT ENTERPRISES INC	6909 NE 47TH AVE	PORTLAND OR 97218
11	RETURN SERVICE REQUESTED		1N1E13AD 2700	OUTFRONT MEDIA LLC	715 NE EVERETT ST	PORTLAND OR 97232-2724
12				CURRENT RESIDENT	3620 NE COLUMBIA BLVD	PORTLAND OR 97211
13				CURRENT RESIDENT	3632 NE COLUMBIA BLVD	PORTLAND OR 97211
14				CURRENT RESIDENT	3575 NE COLUMBIA BLVD	PORTLAND OR 97211
15				CURRENT RESIDENT	3646 NE COLUMBIA BLVD	PORTLAND OR 97211
16				CURRENT RESIDENT	3730 NE COLUMBIA BLVD	PORTLAND OR 97211
17				CURRENT RESIDENT	3509 NE COLUMBIA BLVD	PORTLAND OR 97211
18				CURRENT RESIDENT	3635 NE COLUMBIA BLVD	PORTLAND OR 97211
19				CURRENT RESIDENT	3737 NE COLUMBIA BLVD	PORTLAND OR 97211
20	RETURN SERVICE REQUESTED	OWNER	1N1E13AD 2200	LEBWOHL TR	7135 SW 34TH AVE	PORTLAND OR 97219
21	RETURN SERVICE REQUESTED		APPLICANT/OWNERS AGENT	LEBWOHL STEPHEN	3707 NE COLUMBIA BLVD	PORTLAND OR 97211
22	RETURN SERVICE REQUESTED		CENTRAL NORTHEAST NEIGHBORS	STOLL ALISON	4415 NE 87TH AVE	PORTLAND OR 97220
23	RETURN SERVICE REQUESTED		SUNDERLAND NEIGHBORHOOD ASSOCIATION	LARSON LISA C/O CNN	4415 NE 87TH AVE	PORTLAND OR 97220
24	RETURN SERVICE REQUESTED		LAND USE CONTACT	NE COALITION OF NEIGHBORHOODS	4815 NE 7TH AVE	PORTLAND OR 97211
25	RETURN SERVICE REQUESTED		LAND USE CONTACT	COLUMBIA CORRIDOR ASSOCIATION	PO BOX 55651	PORTLAND OR 97238
26	RETURN SERVICE REQUESTED		CONCORDIA NEIGHBORHOOD ASSOCIATION	TAYLOR BEN	PO BOX 11194	PORTLAND OR 97211
27	RETURN SERVICE REQUESTED		PORTLAND METRO REGIONAL SOLUTIONS	C/O DLCD REGIONAL REPRESENTATIVE	1600 SW FOURTH AVE #109	PORTLAND OR 97201
28	RETURN SERVICE REQUESTED		LAND USE CONTACT	PORT OF PORTLAND PLANNING	PO BOX 3529	PORTLAND OR 97208
29	RETURN SERVICE REQUESTED		LAND USE CONTACT	TRANSIT DEVELOPMENT	1800 SW FIRST AVE #300	PORTLAND OR 97201
30	RETURN SERVICE REQUESTED		MULT CO DRAINAGE DISTRICT NO 1	MCDD - LAND USE CORRESPONDENCE	1880 NE ELROD DR	PORTLAND OR 97211
31	RETURN SERVICE REQUESTED	PORTLAND INTERNATIONAL AIRPORT	PLAN DISTRICT	PORTLAND INTERNATIONAL	7218 NE SANDY BLVD #3	PORTLAND OR 97213
32				LAND USE CONTACT	PROSPER PORTLAND	129/PROSPER
33					DAWN KRANTZ	B299/R5000



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue · Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/bds



Land Use Review Application

File Number: LU 23-092099 AD

FOR INTAKE, STAFF USE ONLY

Date Rec 10/10/23 by EW

Type I Type Ix Type II Type Iix Type III Type IV ELD

LU Reviews AD

[Y] Unincorporated MC

[Y] [N] Flood Hazard Area (LD & PD only)

[Y] [N] Potential Landslide Hazard Area (LD & PD only)

[Y] 100-year Flood Plain [Y] DOGAMI

Qtr Sec Map(s) 2334 Zoning IG2hk

Plan District Portland Int'l Airport - Middle Columbia Slough

Historic and/or Design District None

Neighborhood Sunderland

District Coalition CNEN

Business Assoc Columbia Corridor

Related File # CC 23-004735

**APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.
Email this application and supporting documents to: LandUseIntake@portlandoregon.gov**

Development Site Address or Location 3707 NE COLUMBIA BLVD Portland, Or 97211
Cross Street 37th AVE (NOT A STREET) + Columbia Sq. ft./Acreage 9894 SF

Site tax account number(s)

R 315347 R R
R R R

Describe project (attach additional page if necessary)

SEE ATTACHED

Describe proposed stormwater disposal methods

ON SITE

Identify requested land use reviews

PARKING ADJUSTMENT

• Design & Historic Reviews - For new development, provide project valuation.

For renovation, provide exterior alteration value.

AND provide total project valuation.

\$ _____
\$ 17,000
\$ _____

• Land Divisions - Identify number of lots (include lots for existing development).

New street (public or private)?

1

yes no

yes no N/A

• Affordable Housing - For buildings containing five or more dwelling units, will 50% or more of the units be affordable to households with incomes equal to or less than 60% of the median family income for the county or state, whichever is greater?

continued / over

1

Applicant Information

- Identify the primary contact person, applicant, property owner and contract purchaser. Include any person that has an interest in your property or anyone you want to be notified. Information provided, including telephone numbers and e-mail addresses, will be included in public notices.
- For all reviews, the applicant must sign the Responsibility Statement.
- For land divisions, all property owners must sign the application.

PRIMARY CONTACT:

Typed Full Name STEPHEN B. LEBWOHL I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address 3707 NE COLUMBIA BLVD,

City PORTLAND State OR Zip Code 97211

Day Phone 503 349 7990 FAX _____ email steve@wildwoodplaygrounds.com

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

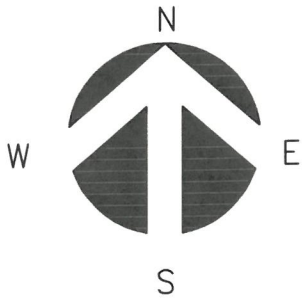
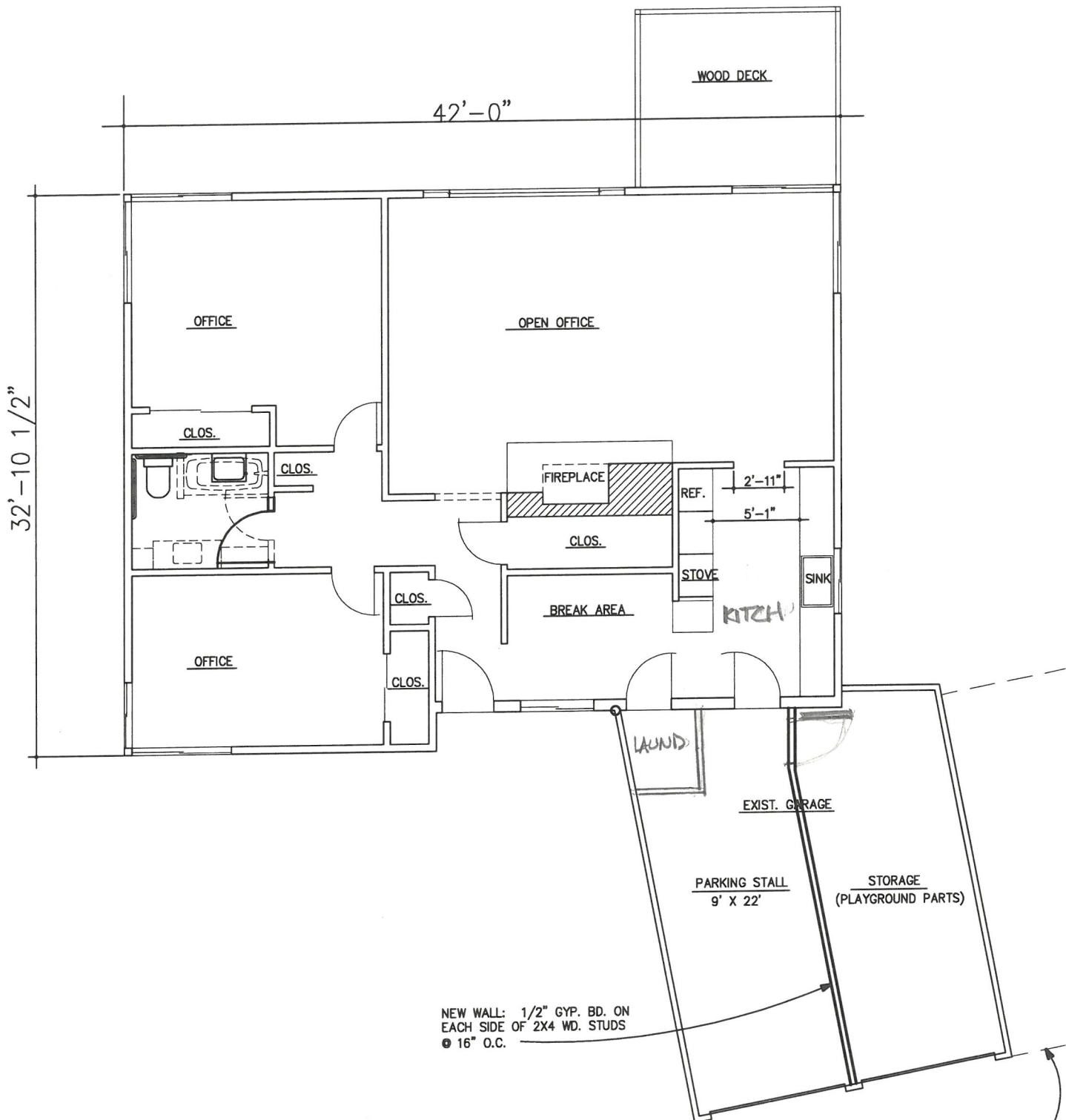
Responsibility Statement As the applicant submitting this application for a land use review, I am responsible for the accuracy of the information submitted. The information being submitted includes a description of the site conditions. I am also responsible for gaining the permission of the owner(s) of the property listed above in order to apply for this review and for reviewing the responsibility statement with them. If the proposal is approved, the decision and any conditions of the approval must be recorded in the County Deed Records for the property. The City of Portland is not liable if any of these actions are taken without the consent of the owner(s) of the property. In order to process this review, City staff may visit the site, photograph the property, or otherwise document the site as part of the review. I understand that the completeness of this application is determined by the Director. By my signature, I indicate my understanding and agreement to the Responsibility Statement.

Name of person submitting this application agrees to the above Responsibility Statement and acknowledges typed name as signature:

Stephen B Lewohl Date: 10/10/23

Phone number: 503 349 7990 Email this application and supporting documents to LandUseIntake@portlandoregon.gov | Submittal of locked or password protected documents will delay intake of your application. 2

503 288 5797 OFFICE

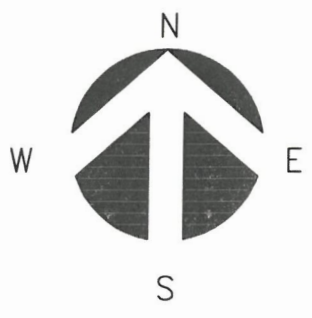
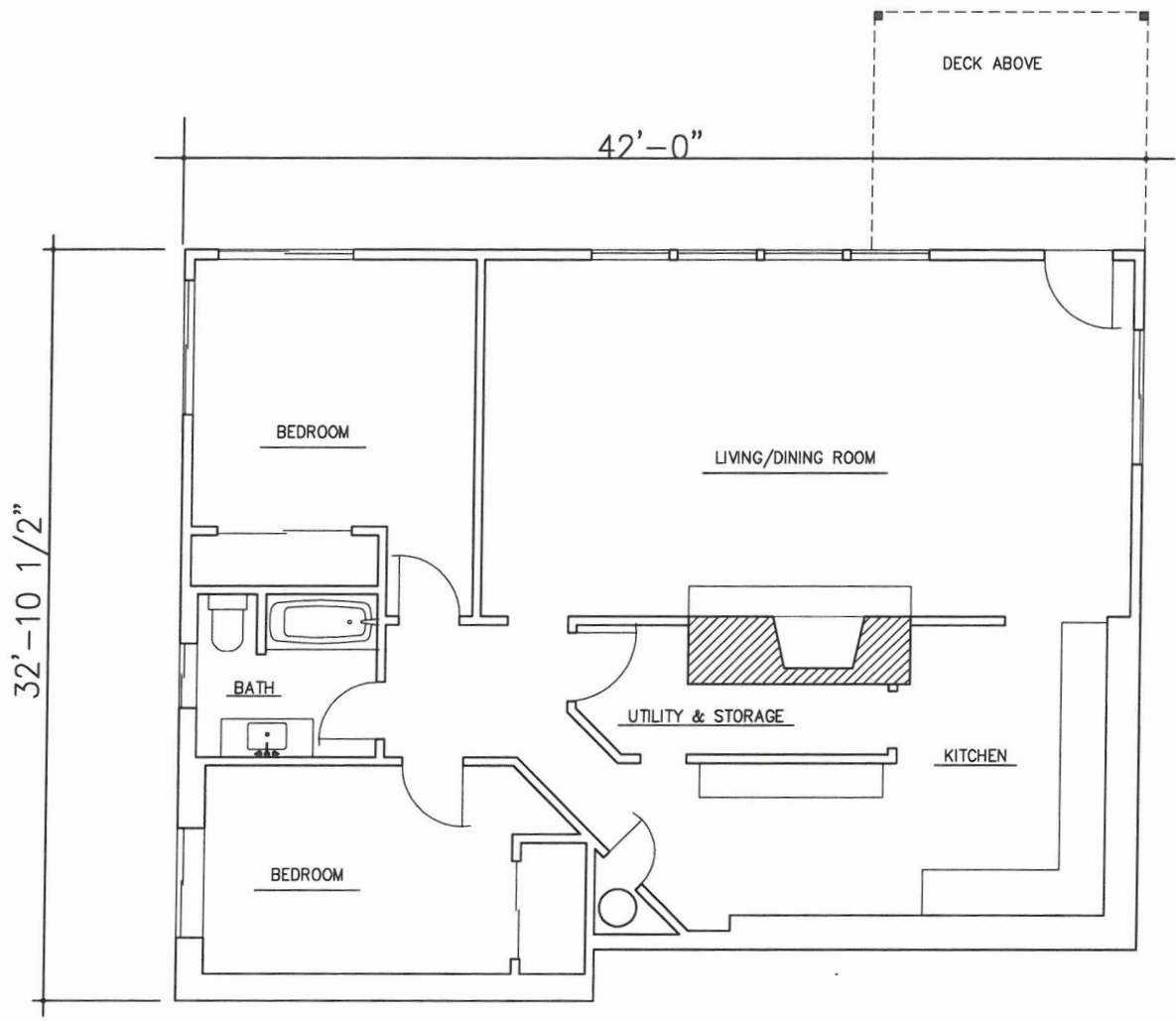


GROSS FLOOR AREA, EXCL. GARAGE = 1,431 S.F.
 GROSS FLOOR AREA OF GARAGE = 500 S.F.

UPPER LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"

JUNE 18, 2023



LOWER LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"

JUNE 18, 2023

3707 NE COLUMBIA BLVD. PARKING TO ACCOMMODATE FOUR AUTOMOBILES AND HAVE FORWARD FACING ENTRY AND EXIT USING DRIVEWAY ADJUSTMENT APPLICATION



Proposal:

This is an existing residential structure, built in 1955, with a long-time use of residential and office. The owner has discovered that his purchase of the property did not come with legal occupancy for office use per the building code. Current parking landscaping standards are not met: The building currently has parking between the structure and NE Columbia Boulevard.

Relevant Approval Criteria:

I am asking for a parking adjustment for residential use. Since the house was built in 1954, the city has removed all on street parking in front of our building and at least 7 blocks in all directions. The city now allows a front in-backing out to Columbia Blvd situation. Our goal is to still be able to park four cars where the drivers will be able to pull in forward, turn around on site, and exit forward as city and state law require. We are abandoning the building as an office because it is too expensive to meet city codes. The site and building will be residential only.

The following analysis and drawings indicated why our adjustment should be approved.

33.266.120.C.1.b. is the applicable rule for our situation. The standard allows for up to 40% of auto use from the property line to line drawn at the front of the building (our garage) and drawn parallel to our property line.



Site: The 9,894 SF site is developed with a house built in 1954. The area between the house and street is paved and used for office staff parking at this time. The area between the house and the rear (north) property line is unimproved and vegetated except for one detached accessory dwelling on the west property line.

Vicinity: The current lot configuration is the result of a property line adjustment approved in 2022. As a result, to the east the subject site now abuts a 3.48-acre new development, a mini storage facility. This site is landscaped with a 22-ft. by 29 ft. area directly adjacent on the subject site's east property line.



To the west is one of the last remaining residential structures built along NE Columbia. An access drive extends along the subject site's west property line. Farther to the west is the former Broadmoor golf course now being developed as a 275,000 sq. ft. spec project, Prologis, slated to be finished in 2024. In general, this stretch of NE Columbia is a mix of older post-war development and few new projects. NE Columbia generally lacks landscaping and recent right-of-way pedestrian standards.

ZONING

The Site is zoned IG2hk and lies within the PA – Portland International Airport Plan District, Middle Columbia Slough Subdistrict. [The Comprehensive Plan designation is Industrial Sanctuary]

- General Industrial. The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may be located, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.
General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.
- The h, Aircraft Landing Overlay Zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.
- The purposes of the k, Prime Industrial overlay zone, are to protect land that has been identified in the Comprehensive Plan as Prime Industrial, and to prioritize these areas for long-term retention. Prime Industrial Land is suited for traded-sector and supportive industries and possesses characteristics that are difficult to replace in the region. In Portland, Prime Industrial land consists of the Portland Harbor, Columbia Corridor, and Brooklyn Yard industrial districts. These freight-hub districts include Oregon’s largest seaport, rail hub, and airport. Existing and potential multimodal freight access in these districts support interregional transport, exporting industries, and associated industrial businesses and activities. The regulations protect these areas by preventing, or requiring an off-set for, conversion of the land to another zone or use that would reduce industrial development capacity.

The following is my argument for allowing our parking adjustment: I am giving arguments for 33.266.120 Development Standards for Houses, Duplexes, Triplexes and Fourplexes. Of lines A-E , only A and C.b are applicable for adjustment. All other items will be met.

Item A.: Purpose.

We are creating space for four automobiles that follow city and state law for entry forward and exit forward. There will be landscaping between the sidewalk and parking area to enhance the appearance from the street by passing cars and sidewalk pedestrians and bikers. Trees, low bushes and ornamental grasses will be added. The low bushes and ornamental grasses will create a barrier between the sidewalk and parking for passersby.

Item C.b

The code says only 40% of land between the front lot line and the front building line may be paved or used for vehicle areas. Our drawing with square footage calculations shows we are asking to use 51.13% of the area between the front property line and a parallel line that touches the SW corner of the garage. This is necessary to allow four automobiles (two residents and two guests) to use the site. The adjustment will add low, medium, and large vegetation and trees, which will shade the concrete and visually soften the whole site. We have just planted a 1200 sq ft lawn behind the house and the site will be 60% landscaping, which will benefit the neighborhood and the earth.

5

This plan is the only way we can meet the city's setbacks, the city and state's safety rules, and provide a minimal number of parking spots since there is no on-street parking.

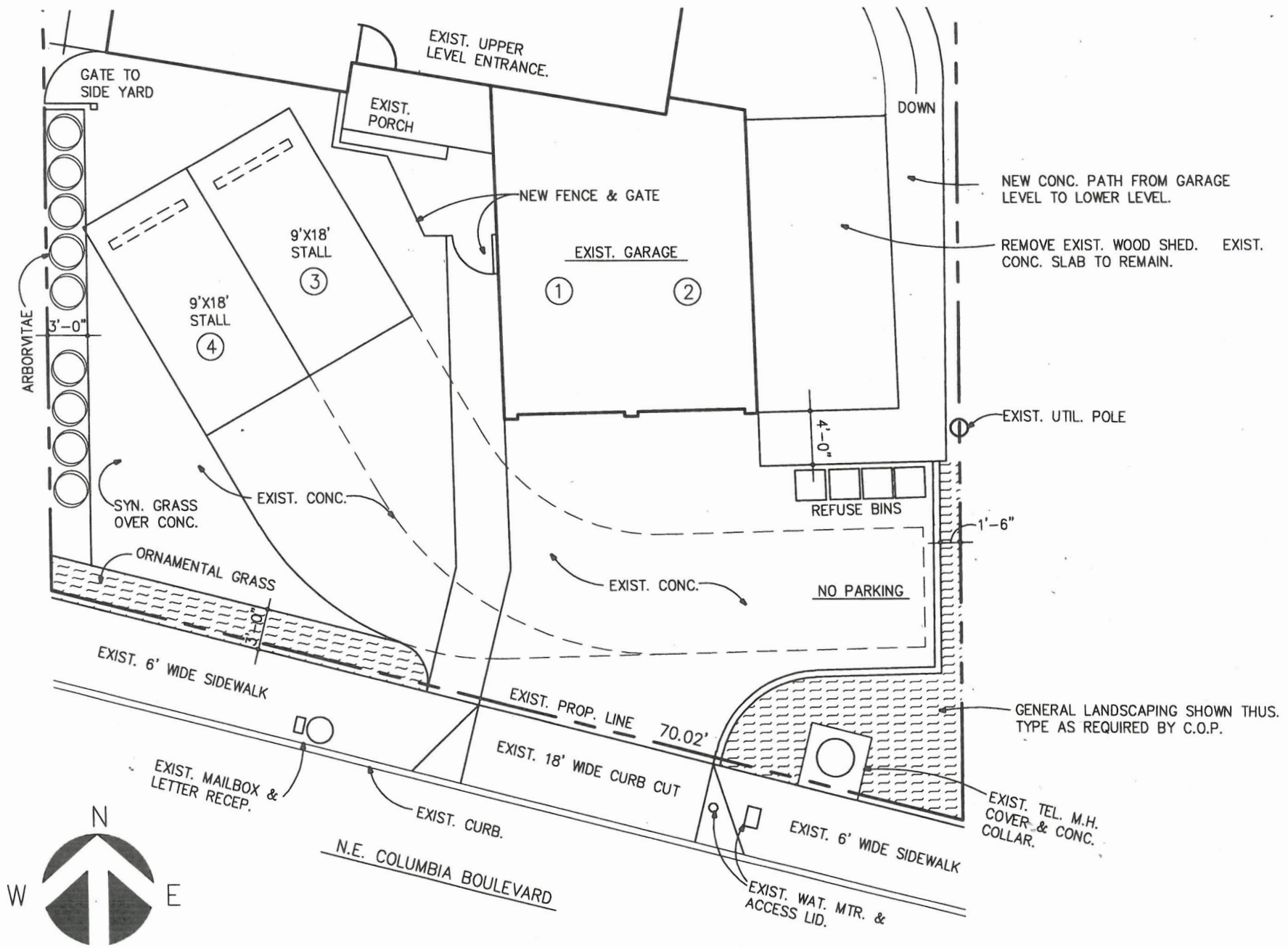
Thank you for considering these ideas. I will be out of the area from October 11th through November 2nd. Please let me know what the fee is.

Thank you,

Steve Lebwohl

Stephen B. Lebwohl
10/10/23

6



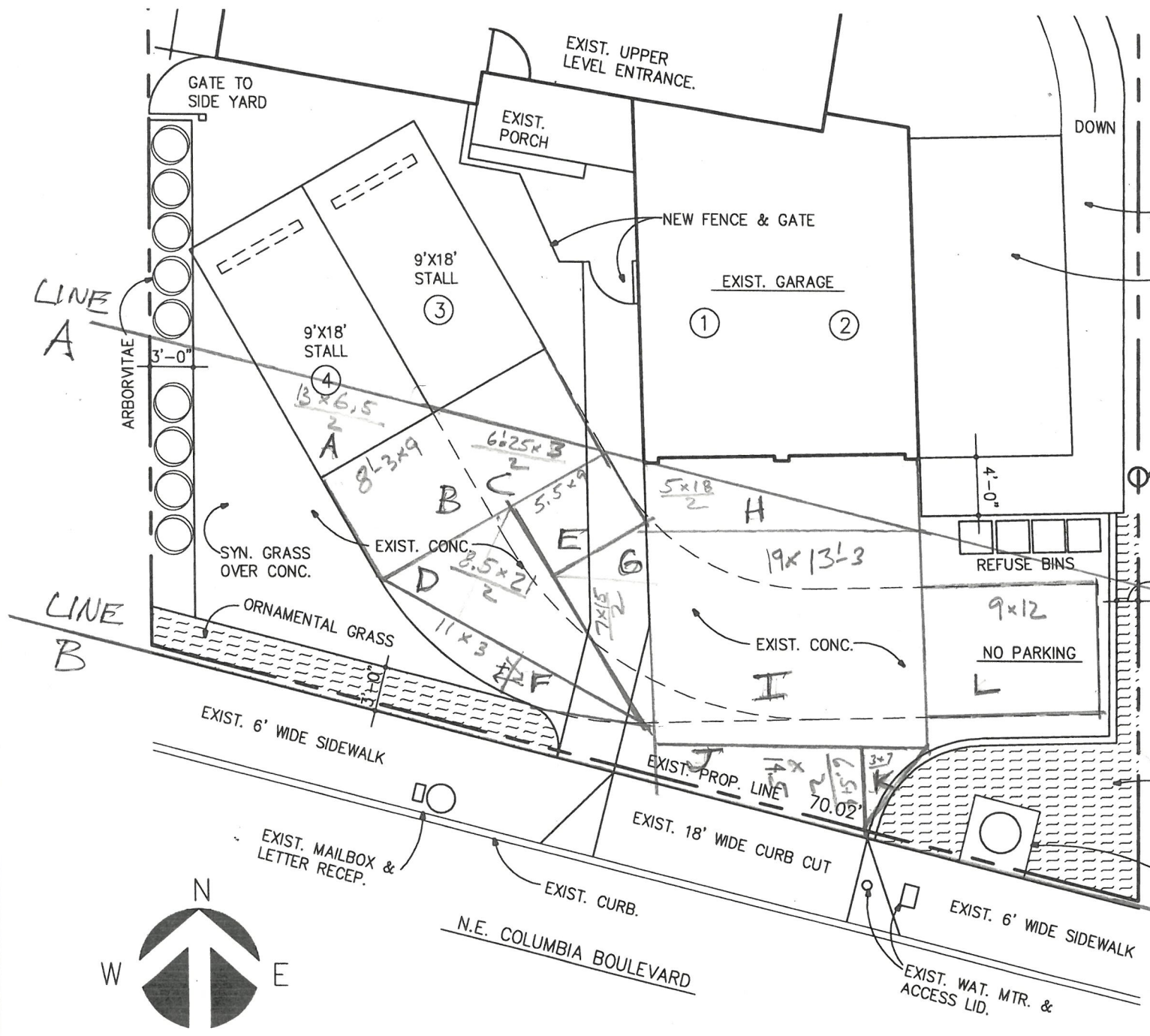
DUPLEX - ONE UNIT AT THIS STREET LEVEL & ONE UNIT AT LOWER LEVEL

PRELIMINARY SITE PLAN - 3707 N.E. COLUMBIA BLVD., PORTLAND, OR

SCALE: 1/10" = 1'-0" 0' 2' 4' 6' 8' 12' 16' 20' 24' 28' 32'

OCTOBER 6, 2002 23-092099 AD - Exhibit A

$1680 \times .4 = 672$
 ↑ 40% AUTO AREA
 SF BETWEEN LINE A & LINE B



NEW CONC. PATH FROM GARAGE LEVEL TO LOWER LEVEL.

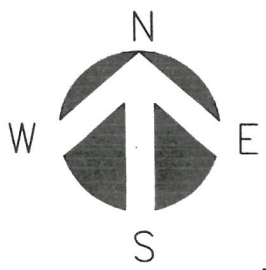
REMOVE EXIST. WOOD SHED. EXIST. CONC. SLAB TO REMAIN.

A	-	426.25
B	-	302.5
C	-	422.5
D	-	892.5
E	-	495.0
F	-	660.0
G	-	525.0
H	-	450.0
I	-	251.75
J	-	725.0
K	-	105.0
L	-	1080.0

EXIST. UTIL. POLE

GENERAL LANDSCAPING SHOWN THUS. TYPE AS REQUIRED BY C.O.P.

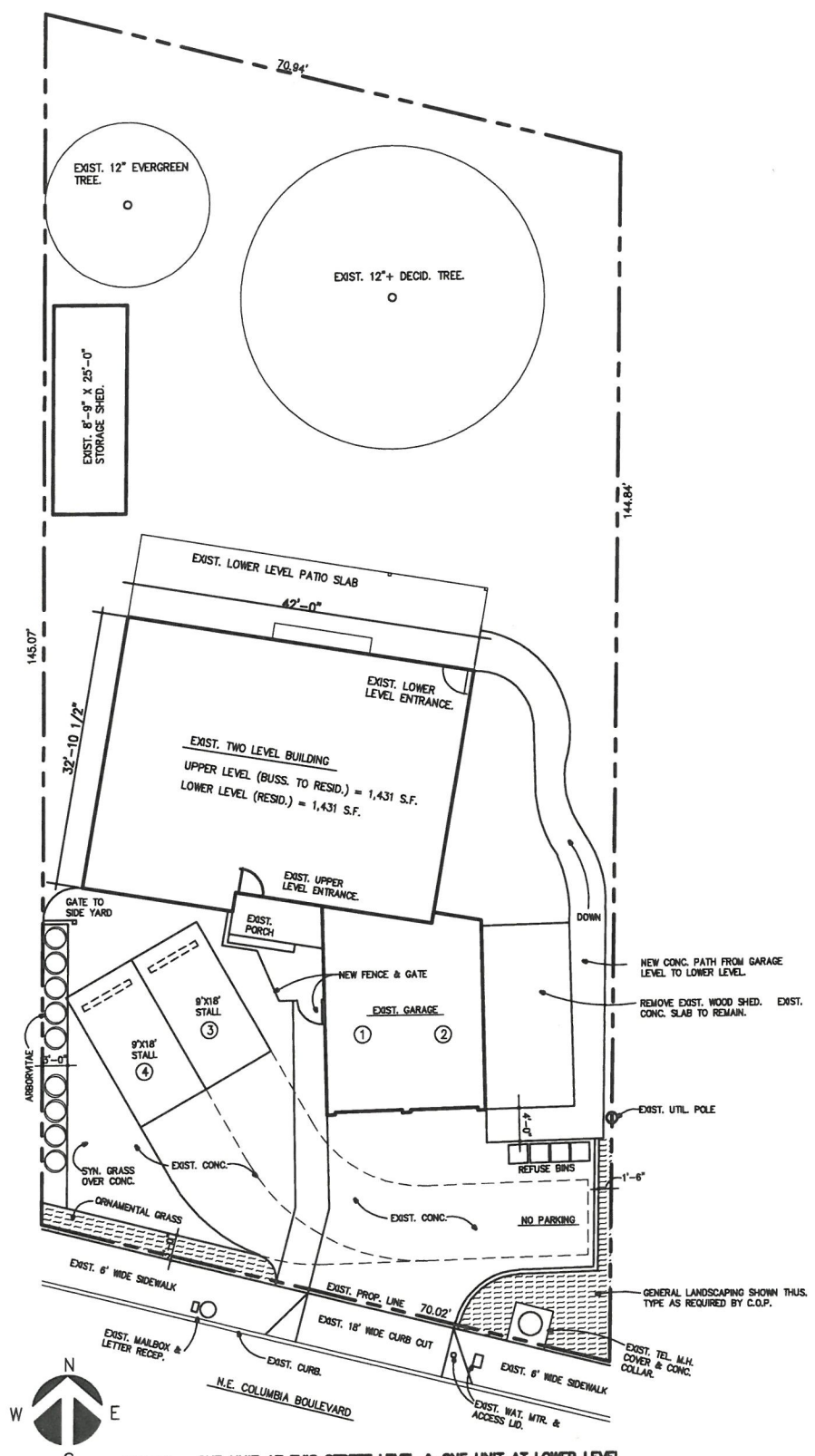
859.50 SF
 AREA WE
 NEED
 BETWEEN LINE
 A
 & LINE
 B



DUPLEX - ONE UNIT AT THIS STREET LEVEL & ONE UNIT AT LOWER LEVEL

PRELIMINARY SITE PLAN - 3707 N.E. COLUMBIA BLVD., PORTLAND, OR





DUPLIX - ONE UNIT AT THIS STREET LEVEL & ONE UNIT AT LOWER LEVEL
PRELIMINARY SITE PLAN - 3707 N.E. COLUMBIA BLVD., PORTLAND, OR

SCALE: 1/20" = 1'-0" 0' 2' 4' 6' 8' 12' 16' 20' 24' 28' 32'

OCTOBER 6, 2023

11

PROPERTY LINE ADJUSTMENT SURVEY

MULTNOMAH COUNTY SURVEY RECORDS

MATCH

FOR DOWL
LOCATED IN THE NORTHEAST QUARTER OF SECTION 13,
TOWNSHIP 1 NORTH, RANGE 1 EAST
OF THE WILLAMETTE MERIDIAN
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
NOVEMBER 23, 2021

DATE FILED
REGISTER NUMBER

SURVEY REFERENCES:

- (1) S.N. 4874
- (2) S.N. 5217
- (3) S.N. 12458
- (4) S.N. 26475
- (5) S.N. 43992
- (6) S.N. 52772
- (7) S.N. 62237
- (8) S.N. 64961
- (9) BT BOOK G, PG 722
- (10) BT BOOK H, PG 776
- (11) J8/16 - RD3824

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO RETRACE THE BOUNDARIES OF THE LAND DESCRIBED IN PARCEL II, BOOK 1970, PAGE 332 (RECORDED JAN. 2, 1987) AND THE LAND DESCRIBED IN INSTRUMENT NO. 2021-136195, MULTNOMAH COUNTY DEED RECORDS, AND MONUMENT A PROPERTY LINE ADJUSTMENT AS SHOWN AND AS APPROVED UNDER CITY OF PORTLAND PLANNING APPROVAL NUMBER 21-080672 PR. THE PROPERTY IS LOCATED IN THE NORTHEAST 1/4 OF SECTION 13. THE BOUNDARIES WERE RETRACED AS SHOWN, AND AS DESCRIBED BELOW.

SURVEY SN 64961 DID AN EXTENSIVE RETRACEMENT IN THIS AREA, AND THAT SURVEY'S RETRACEMENT WAS HELD AS SHOWN. THERE IS A SIGNIFICANT AMOUNT OF ENCROACHMENT OF OCCUPATION LINES VERSUS DEED LINES IN THIS AREA, WHICH HAS BEEN NOTED BY MANY PAST SURVEYS, INCLUDING SN 4874, SN 5217, SN 12458, SN 26475, SN 52772, AND SN 64961. AS SN 12458 NOTES, THE SOURCE OF THE DIFFERENCE APPEARS TO BE LANDOWNERS OR UNKNOWN SURVEYORS MISTAKING A ROAD PI MONUMENT AS BEING ON THE WEST LINE OF DLC 66. THIS PROPERTY LINE ADJUSTMENT SURVEY, IS INTENDED TO ADDRESS SOME OF THE OCCUPATION ISSUES IN THIS AREA.

THE SOUTH LINE OF THE PROPERTY IS ALONG THE NORTH RIGHT-OF-WAY LINE OF COLUMBIA BLVD. COUNTY ROAD MAPS FOR RD3824 WERE USED FOR THE CENTERLINE AND RIGHT-OF-WAY RETRACEMENT, AND MONUMENTS FROM SN62237 WERE HELD FOR CALCULATING THE ROAD PIS AT STATION 174+32.16 RD 3824 (#133-140), AND STATION 170+23.51 (#901-902).

THE WEST LINE OF PARCEL II, BOOK 1970, PAGE 332 IS ALONG THE WEST LINE OF THE WILLIAM HALL DLC 66, WHICH WE HELD BASED ON TIES TO THE NORTHWEST (#120) AND SOUTHWEST (#110) CORNERS OF THE DLC, AS MONUMENTED BY MULTNOMAH COUNTY. THE CURRENT DEED FOR THE PROPERTY IS DOC. NO. 2020-145150, AND THE DESCRIPTION IN THAT DEED DIRECTLY REFERENCES BOOK 1970, PAGE 332.

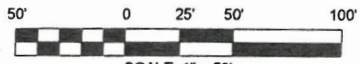
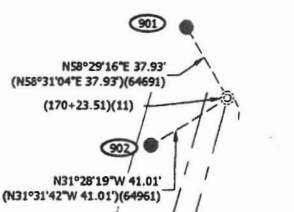
THE EAST AND NORTH LINES OF THE LEBWOHL TRACT WERE RETRACED BY HOLDING THE RECORD DISTANCES AND DEFLECTION ANGLES FROM SURVEY NUMBER 43992 AS SHOWN, BASED ON TIES TO THE CENTERLINE MONUMENTS RECOVERED FROM THE REFERENCE MONUMENTS SHOWN. THE IRON PIPES FOUND NEAR THE SOUTHEAST AND NORTHEAST CORNERS OF THE PROPERTY WERE NOT HELD BECAUSE THEY ARE NOT OF RECORD, AND DISTURBED. SURVEYS 43992 AND 26475 BOTH SHOW IRON RODS BEING SET, NOT PIPES. THE ORIGINAL WEST LINE OF THE LEBWOHL TRACT WAS RETRACED USING SN 64961 AS A BASIS, HOLDING THE DISTANCE OF 92.58 FEET FROM THE DLC LINE ON THE NORTH END AND THE 10.33 FEET FROM THE SOUTHEAST CORNER OF THE BRUMMETT TRACT. THE TIES TO THE CENTERLINE MONUMENTS AND DLC CORNERS WERE HELD OVERALL IN RETRACING SN 64961.

BASIS OF BEARINGS ARE FROM STATIC GPS OBSERVATIONS PROCESSED THROUGH OPUS, ON THE OREGON COORDINATE REFERENCE SYSTEM, PORTLAND ZONE, AS MEASURED BETWEEN THE DLC MONUMENTS #120 AND #110, WITH A BEARING OF NORTH 0°26'28" WEST 5774.96 FEET.

POINT	NORTHING	EASTING	DESCRIPTION	SURVEY
110	189114.36	359963.51	FD 4.25" BRASS DISC IN MOX BOX SET IN CONCRETE, GOOD CONDITION, DOWN 0.5'	BT BOOK H, PAGE 776
120	194889.15	359919.04	FD 3" BRASS DISC, 2.5 SOUTH OF WITNESS POST, "T1N R1E NW COR. W.M., HALL DLC 1962", DOWN 0.5'	BT BOOK G, PAGE 722
123	190851.75	360013.73	FD 5/8" IR W/YPC "RAJ LS 2725", DOWN 0.02'	SN 64961
124	190851.14	359933.41	FD 5/8" IR W/YPC "RAJ LS 2725", FLUSH IN AC	SN 64961
125	190635.81	359951.80	FD 5/8" IR W/YPC "RAJ LS 2725", FLUSH IN AC	SN 64961
129	190632.08	359966.13	FD 5/8" IR W/YPC "RAJ LS 2725", DOWN 0.3'	SN 64961
130	190806.10	360022.00	FD 5/8" IR, DOWN 1.0', S10°11'29"E 46.38'	SN 26475
131	190764.81	360024.27	FD 5/8" IR, DOWN 0.7', N8°22'52"E 2.86' FROM SET MON	SN 26475
134	190626.17	359961.57	FD 1-3/16" BRASS DISC "C.O.P. 2 SURVEY"	SN 62237
136	190640.93	359898.76	FD 1-3/16" BRASS DISC "C.O.P. 2 SURVEY"	SN 62237
138	190578.82	359917.54	FD 1-3/16" BRASS DISC "C.O.P. 2 SURVEY"	SN 62237
139	190562.04	359983.66	FD 1-3/16" BRASS DISC "C.O.P. 2 SURVEY"	SN 62237
140	190556.95	360002.72	FD 1-3/16" BRASS DISC "C.O.P. 1 SURVEY"	SN 62237
150	190702.82	359964.26	FD 1/2" IP, DOWN 0.2'	J8/16 - RD3824
151	190729.66	359996.01	FD 1/2" IP, DOWN 0.3', N70°30'15"W 8.08' FROM #155	SN 5217
153	190808.29	360024.59	FD 5/8" IR, DOWN 0.5', S13°57'25"E 44.79' FROM #123	UNKNOWN ORIGIN
154	190882.45	360014.62	FD 5/8" IR, DOWN 0.1', N1°33'22"E 30.71' FROM #123	SN 4874
155	190726.96	360003.63	FD 5/8" IR W/YPC "RAJ LS 2725", FLUSH, N36°35'18"W 0.16'	SN 64961
900	190600.72	360092.20	FD IP UNDER SIDEWALK, DOWN 0.8', N34°48'22"E 2.09'	UNKNOWN ORIGIN
901	190518.18	360367.18	FD BRASS DISC "C.O.P. SURVEY"	SN 62237
902	190533.33	360313.43	FD BRASS DISC "C.O.P. SURVEY"	SN 62237
903	190744.54	360092.37	FD 1" IP, BENT NORTHERLY, TIED SPIN, N5°18'22"W 0.70'	UNKNOWN ORIGIN

APPROVED
PROPERTY LINE ADJUSTMENT
CITY OF PORTLAND
BUREAU OF DEVELOPMENT SERVICES

PR 21-080682, 1/11/22,
Shawn Burgett

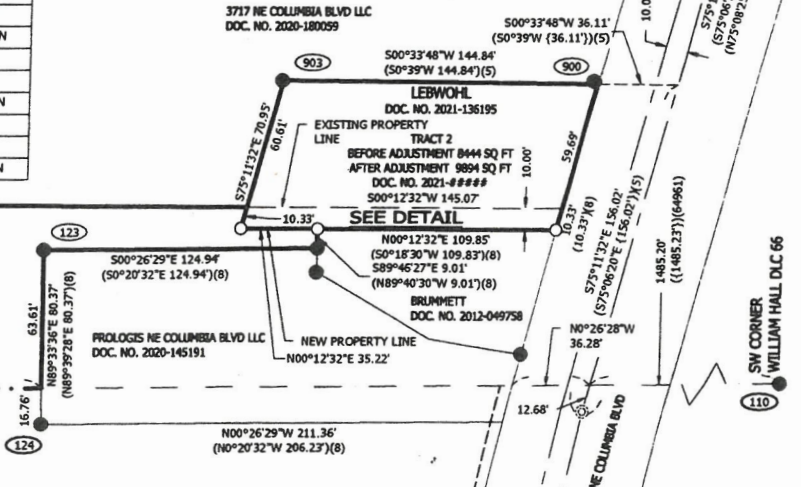


SCALE: 1" = 50'

BEFORE ADJUSTMENT 70039 SQ FT
AFTER ADJUSTMENT 68589 SQ FT
DOC. NO. 2021-####

BASIS OF BEARINGS
N00°26'28"W 5774.96' OR 87.50 CHAINS
(S0°20'32"E 5775.03')(8)
(S00°19'30"E 5775.16')(SN 54002)
(N0°22'15"W)(6)
(SOUTH 87.50 CHAINS)(GLO VOL OR-D0016, PG 681)

PROLOGIS NE COLUMBIA BLVD LLC
DOC. NO. 2020-145150
DEED PARCEL II OF BOOK 1970, PAGE 332



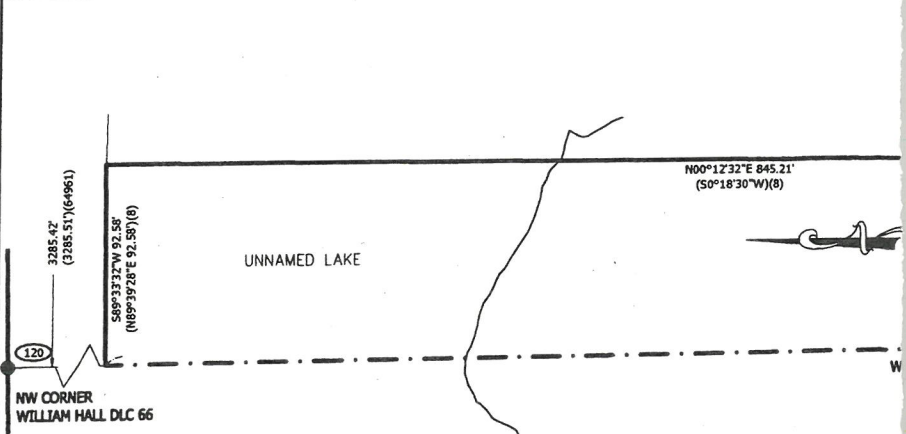
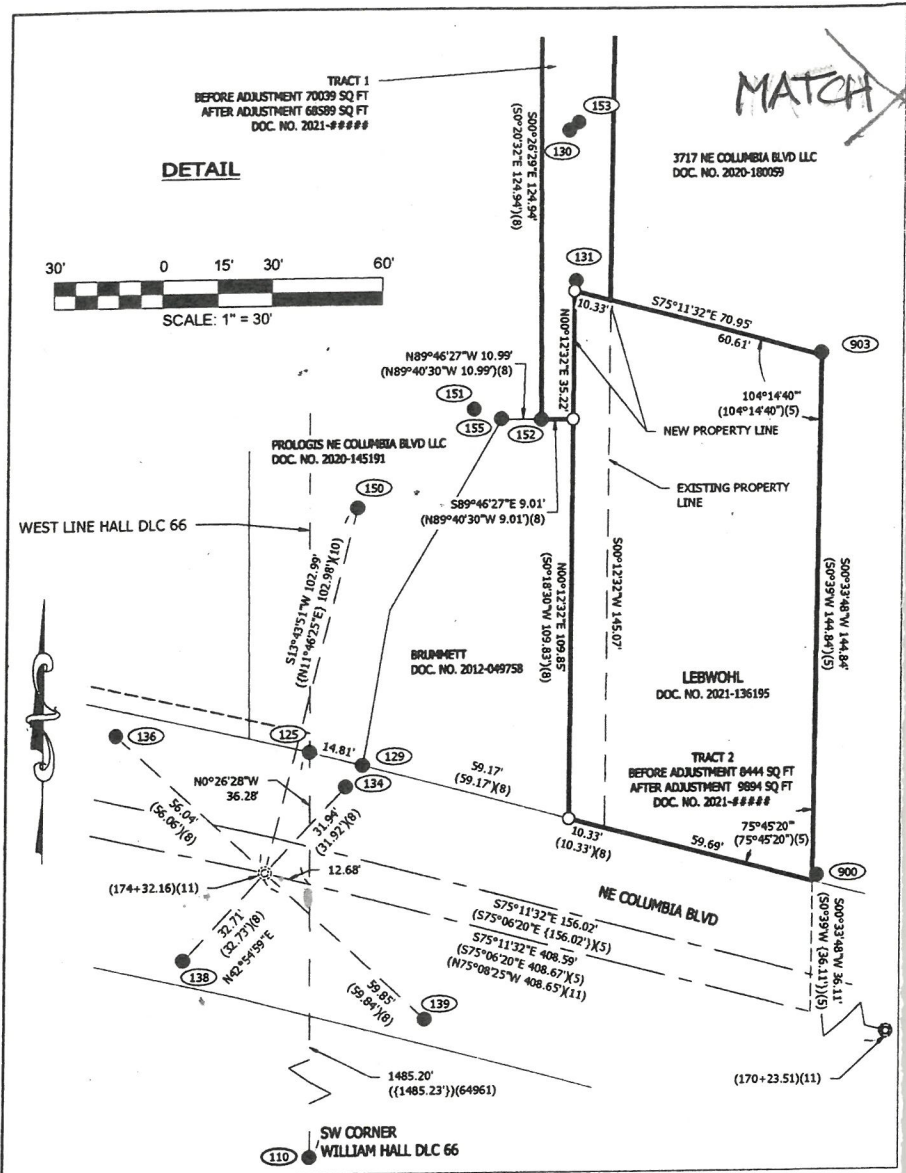
S&F Land Services
PORTLAND, VANCOUVER, BEND, SEASIDE
4858 SW SCHOLLS FERRY RD, STE A,
PORTLAND, OR 97225
(503) 345-0328

WWW.SFLANDS.COM
EMAIL: INFO@SFLANDS.COM

DATE	JOB NO.	FIELD	DRAWN	CHECKED
NOV. 23, 2021	2019-014-43	AM/BV	AJP	AJP

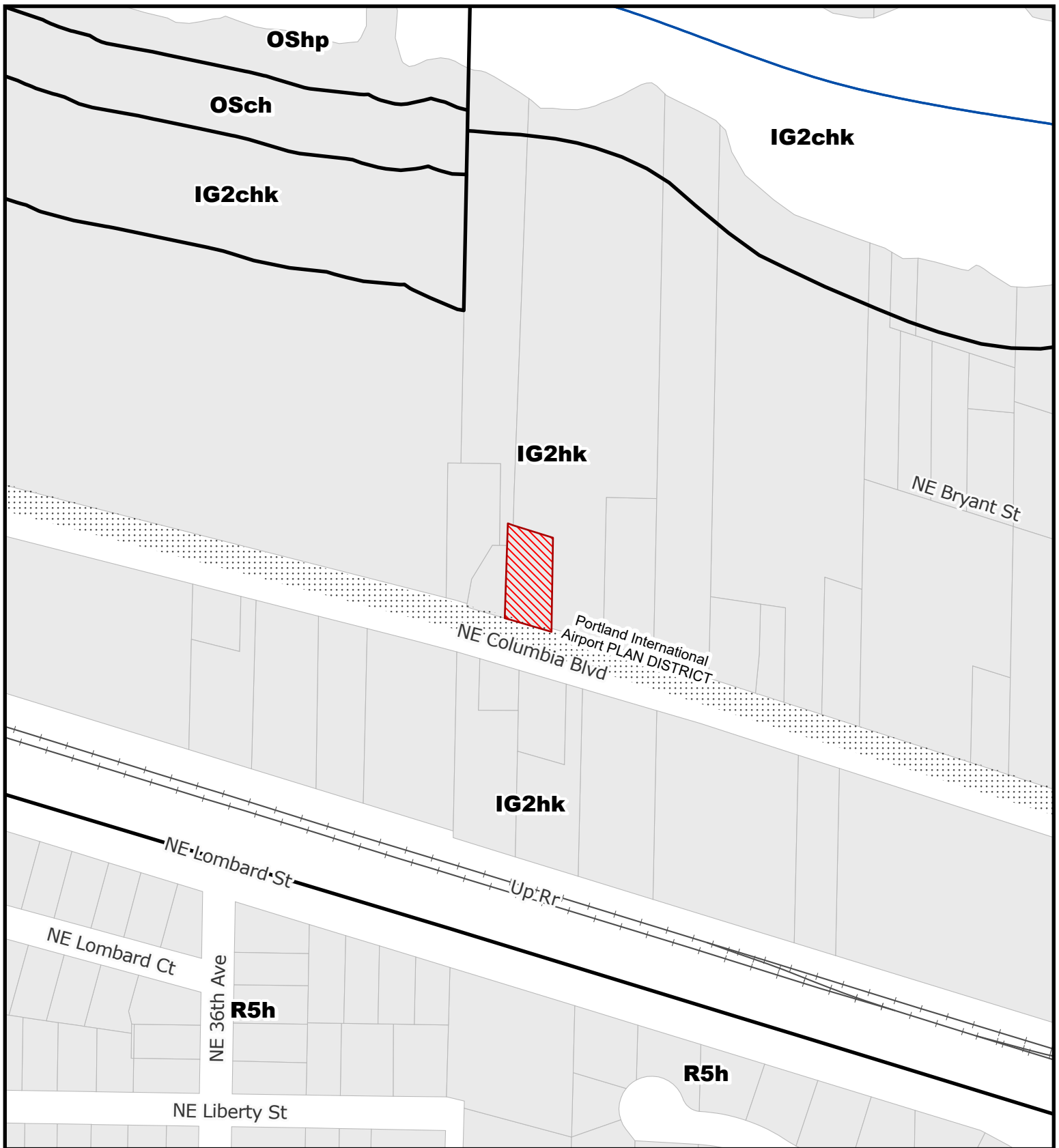
PROPERTY LINE ADJUSTMENT SURVEY FOR:
DOWL
BROADMOOR GOLF COURSE
NE1/4 SEC. 13, T1N, R1E, W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
Andrew John Plett
OREGON
DECEMBER 30, 2010
ANDREW JOHN PLETT
78538PLS
RENEWS 12/31/22



LEGEND:

- FOUND MONUMENT - SEE POINT TABLE
 - SET 5/8" X 30" REBAR WITH YELLOW PLASTIC CAP MARKED "S8F LAND SERVICES". SET ON DECEMBER ##, 2021.
 - ⊗ CALCULATED POINT.
 - ⊗ MONUMENT NUMBER.
 - () RECORD VALUE PER REFERENCED SURVEY.
- | |
|--|
| <ul style="list-style-type: none"> W/YPC WITH YELLOW PLASTIC CAP SN MULTINOMAH COUNTY SURVEY NUM IP IRON PIPE IR IRON ROD AC ALUMINUM CAP FD FOUND |
|--|



For Zoning Code in Effect Post October 1, 2022

ZONING

THIS SITE LIES WITHIN THE:
 PORTLAND INTERNATIONAL AIRPORT
 PLAN DISTRICT
 MIDDLE COLUMBIA SLOUGH SUB DISTRICT

-  Site
-  Plan District
-  Stream

File No.	<u>LU 23 - 092099 AD</u>
1/4 Section	<u>2334</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E13AD 2200</u>
Exhibit	<u>B</u> <u>Oct 12, 2023</u>

	A	B	C	D	E	F
1	ENDORSEMENT	INFO1	INFO2	NAME	ADDRESS/IO ADDRESS	CITYSTATEZIP/ADDRESSEE
2	RETURN SERVICE REQUESTED		1N1E13A 1000	MATTHEW BUSS CONSULTING LLC	11725 SW CLIFFORD ST	BEAVERTON OR 97008
3	RETURN SERVICE REQUESTED		1N1E13A 1000	PORTLAND LODGE NO 142 BPOE	PO BOX 20605	PORTLAND OR 97294
4	RETURN SERVICE REQUESTED		1N1E13A 1000	3717 NE COLUMBIA BLVD LLC	19191 S VERMONT ST #680	TORRANCE CA 90502
5	RETURN SERVICE REQUESTED	PROLOGIS NE COLUMBIA BLVD LLC	C/O PROLOGIS INC ATTN PROP TAX	COORDINATOR	1800 WAZEE ST #500	DENVER CO 80202-2526
6	RETURN SERVICE REQUESTED		1N1E13AC 100	AIRGAS USA LLC-WEST DIVISION	PO BOX 6675	RADNOR PA 19087
7	RETURN SERVICE REQUESTED		1N1E13AC 100	COMMERCIAL PROPERTIES NW LLC	23 MCFEASEY RD	GOLDENDALE WA 98620-2841
8	RETURN SERVICE REQUESTED		1N1E13AD 2400	BRUMMETT MICHAELLE	3637 NE COLUMBIA BLVD	PORTLAND OR 97211-2039
9	RETURN SERVICE REQUESTED		1N1E13AD 2500	BITAR BROS ROBERT A BITAR CORP	2929 E BURNSIDE ST	PORTLAND OR 97214-1831
10	RETURN SERVICE REQUESTED		1N1E13AD 2600	ORBIT ENTERPRISES INC	6909 NE 47TH AVE	PORTLAND OR 97218
11	RETURN SERVICE REQUESTED		1N1E13AD 2700	OUTFRONT MEDIA LLC	715 NE EVERETT ST	PORTLAND OR 97232-2724
12				CURRENT RESIDENT	3620 NE COLUMBIA BLVD	PORTLAND OR 97211
13				CURRENT RESIDENT	3632 NE COLUMBIA BLVD	PORTLAND OR 97211
14				CURRENT RESIDENT	3575 NE COLUMBIA BLVD	PORTLAND OR 97211
15				CURRENT RESIDENT	3646 NE COLUMBIA BLVD	PORTLAND OR 97211
16				CURRENT RESIDENT	3730 NE COLUMBIA BLVD	PORTLAND OR 97211
17				CURRENT RESIDENT	3509 NE COLUMBIA BLVD	PORTLAND OR 97211
18				CURRENT RESIDENT	3635 NE COLUMBIA BLVD	PORTLAND OR 97211
19				CURRENT RESIDENT	3737 NE COLUMBIA BLVD	PORTLAND OR 97211
20	RETURN SERVICE REQUESTED	OWNER	1N1E13AD 2200	LEBWOHL TR	7135 SW 34TH AVE	PORTLAND OR 97219
21	RETURN SERVICE REQUESTED		APPLICANT/OWNERS AGENT	LEBWOHL STEPHEN	3707 NE COLUMBIA BLVD	PORTLAND OR 97211
22	RETURN SERVICE REQUESTED		CENTRAL NORTHEAST NEIGHBORS	STOLL ALISON	4415 NE 87TH AVE	PORTLAND OR 97220
23	RETURN SERVICE REQUESTED		SUNDERLAND NEIGHBORHOOD ASSOCIATION	LARSON LISA C/O CNN	4415 NE 87TH AVE	PORTLAND OR 97220
24	RETURN SERVICE REQUESTED		LAND USE CONTACT	NE COALITION OF NEIGHBORHOODS	4815 NE 7TH AVE	PORTLAND OR 97211
25	RETURN SERVICE REQUESTED		LAND USE CONTACT	COLUMBIA CORRIDOR ASSOCIATION	PO BOX 55651	PORTLAND OR 97238
26	RETURN SERVICE REQUESTED		CONCORDIA NEIGHBORHOOD ASSOCIATION	TAYLOR BEN	PO BOX 11194	PORTLAND OR 97211
27	RETURN SERVICE REQUESTED		PORTLAND METRO REGIONAL SOLUTIONS	C/O DLCD REGIONAL REPRESENTATIVE	1600 SW FOURTH AVE #109	PORTLAND OR 97201
28	RETURN SERVICE REQUESTED		LAND USE CONTACT	FORT OF PORTLAND PLANNING	PO BOX 3529	PORTLAND OR 97208
29	RETURN SERVICE REQUESTED		LAND USE CONTACT	TRANSIT DEVELOPMENT	1800 SW FIRST AVE #300	PORTLAND OR 97201
30	RETURN SERVICE REQUESTED		MULT CO DRAINAGE DISTRICT NO 1	MCDD - LAND USE CORRESPONDENCE	1880 NE ELROD DR	PORTLAND OR 97211
31	RETURN SERVICE REQUESTED	PORTLAND INTERNATIONAL AIRPORT	FLAN DISTRICT	PORTLAND INTERNATIONAL	7218 NE SANDY BLVD #3	PORTLAND OR 97213
32				LAND USE CONTACT	PROSPER PORTLAND	129/FROSPER
33					DAWN KRANTZ	B299/R5000

Date: October 25, 2023
To: Interested Person
From: Matt Wickstrom, Land Use Services
503-865-6513/Matt.Wickstrom@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 development 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.

Public comments must be received within 21 days of the mail date of this notice. If you would like to submit written comments, they must be received by 5 p.m. on November 15, 2023. Your comments must be emailed to the assigned planner listed above; please include the Case File Number, LU 23-092099 AD, in your email. If you do not have access to email, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 23-092099 AD

Applicant: Stephen B. Lebwohl
3707 NE Colubia Blvd | Portland, OR 97211
Phone: 503-349-7990 | Email: steve@wildwoodplaygrounds.com

Owner: Lebwohl Tr
7135 SW 34th Ave | Portland, OR 97219

Site Address: 3707 NE COLUMBIA BLVD

Legal Description: TL 2200 0.23 ACRES, SECTION 13 1N 1E
Tax Account No.: R941132490
State ID No.: 1N1E13AD 02200
Quarter Section: 2334

Neighborhood: Sunderland, contact Lisa Larson at lisal Larson66@yahoo.com
Business District: None
District Coalition: Central Northeast Neighbors, contact Alison Stoll at alisons@cnncoalition.org

Plan District: Portland International Airport - Middle Columbia Slough Subdistrict

Zoning: IG2hk (General Industrial 2 with Aircraft Landing Overlay and a Prime Industrial Overlay zones). The site is located in the Portland International Airport Plan District and Middle Columbia Slough subdistrict.

Case Type: AD – Adjustment Review (1 Adjustment)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to convert the home back to a single-dwelling residence with an accessory home office and modify the parking area in front of the home to create two uncovered parking spaces to the southwest of the house. The Portland Zoning Code limits the amount of vehicle paving allowed on sites with single-dwelling homes to 40 percent of the front yard area and the proposed amount of front yard vehicle paving will equal 52 percent. The applicant proposes one Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from 40 percent to 52 percent. As part of the project, the applicant proposes to install bollards to prevent vehicle parking in the southwest corner of the lot and to remove existing fencing located within the area the two new parking spaces are proposed.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. 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, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 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 *(not applicable)*
- D.** City-designated scenic resources and historic resources are preserved; *(not applicable)*
- 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; *(not applicable)*

The Portland Zoning Code is available online at <https://www.portland.gov/code/33>.

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 October 10, 2023 and determined to be complete on October 20, 2023.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. After we consider your comments, we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- 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.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

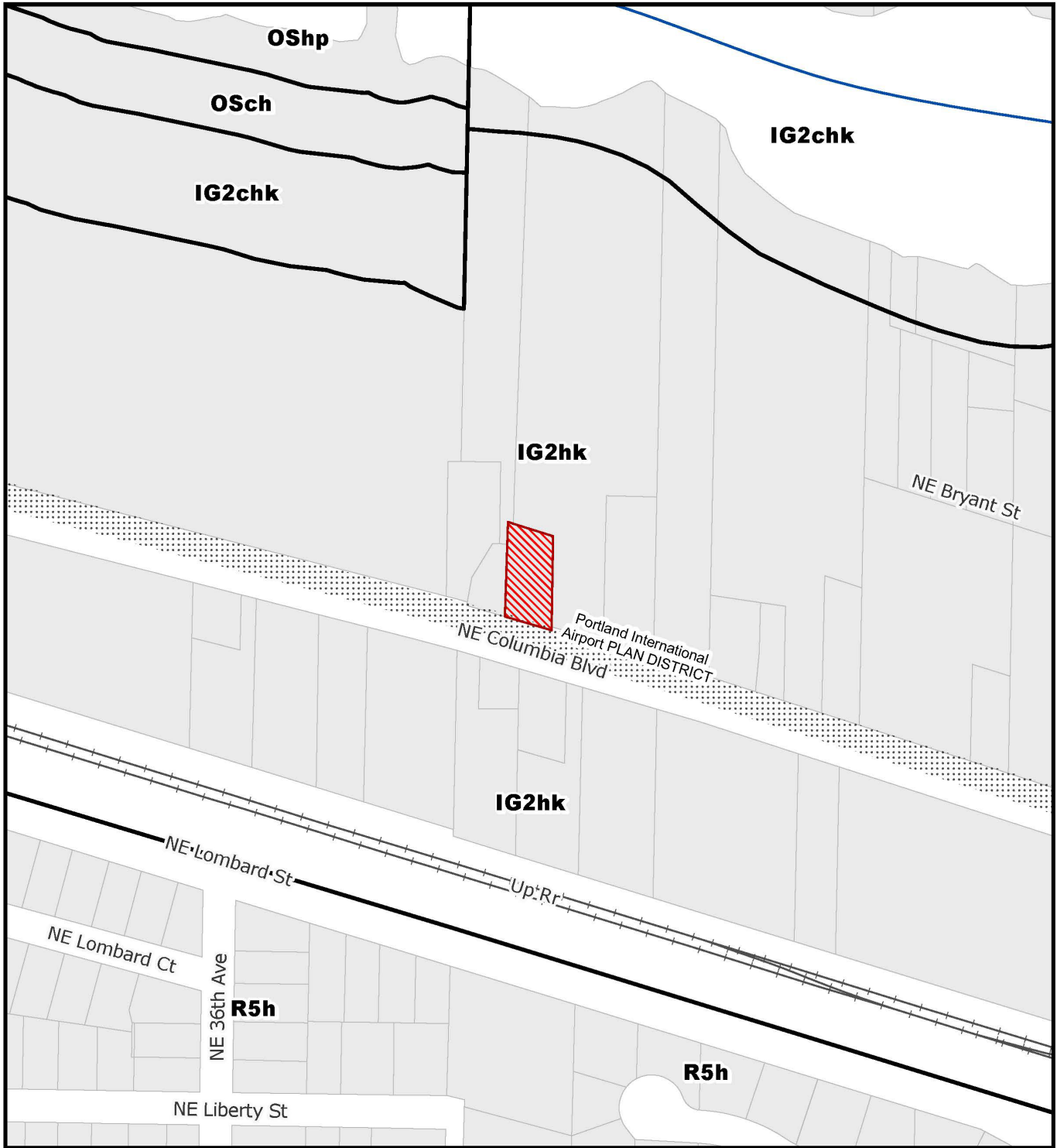
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

Zoning Map
Site Plan



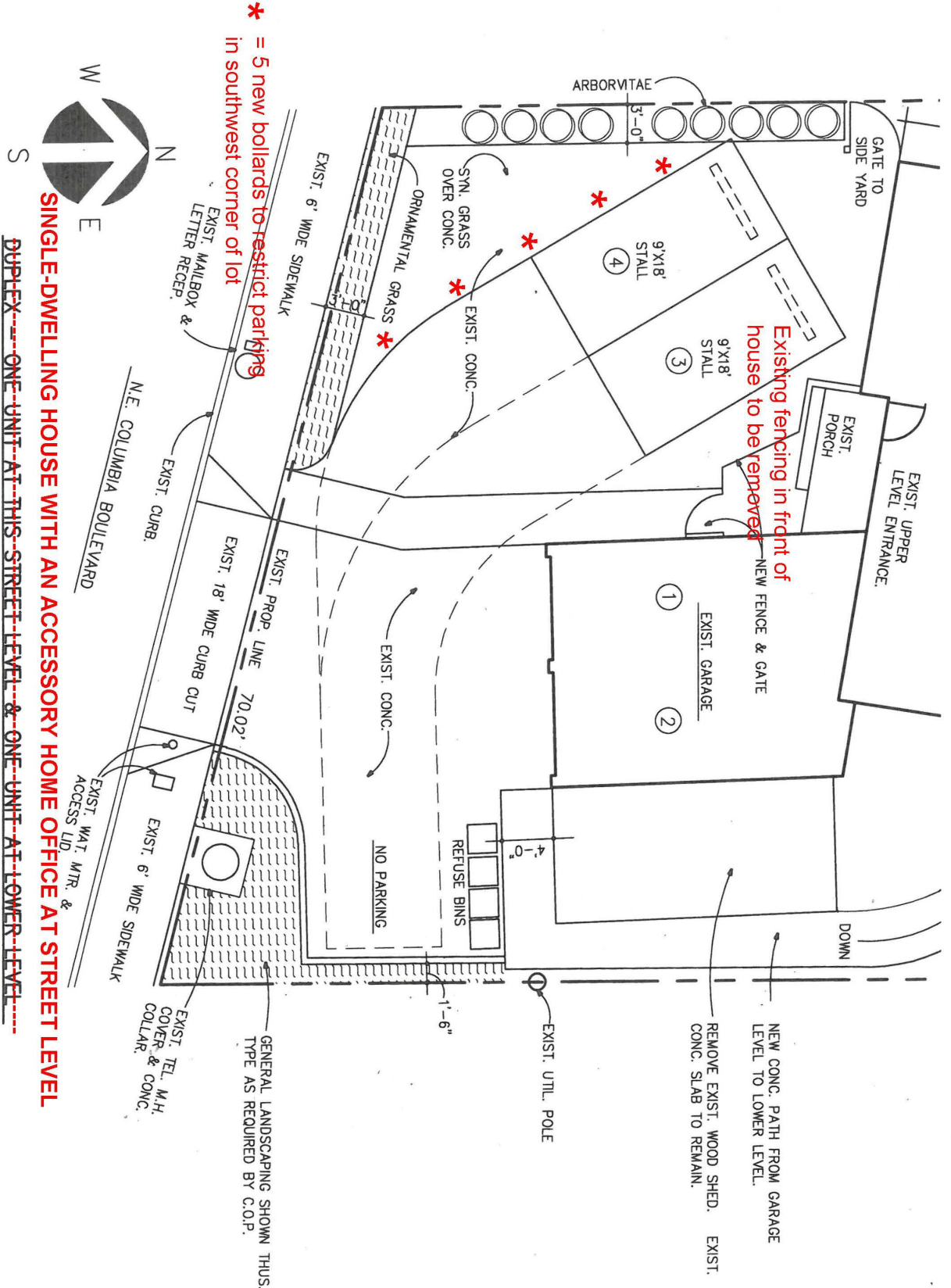
For Zoning Code in Effect Post October 1, 2022

ZONING

THIS SITE LIES WITHIN THE:
 PORTLAND INTERNATIONAL AIRPORT
 PLAN DISTRICT
 MIDDLE COLUMBIA SLOUGH SUB DISTRICT

-  Site
-  Plan District
-  Stream

File No.	<u>LU 23 - 092099 AD</u>
1/4 Section	<u>2334</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E13AD 2200</u>
Exhibit	<u>B Oct 12, 2023</u>



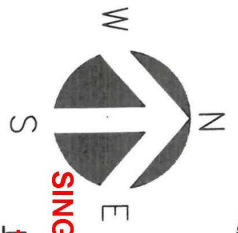
SINGLE-DWELLING HOUSE WITH AN ACCESSORY HOME OFFICE AT STREET LEVEL
DUPLEX - ONE UNIT AT THIS STREET LEVEL & ONE UNIT AT LOWER LEVEL

PRELIMINARY SITE PLAN - 3707 N.E. COLUMBIA BLVD., PORTLAND, OR

SCALE: 1/10" = 1'-0"

0' 2' 4' 6' 8' 12' 16' 20' 24' 28' 32'

OCTOBER 6, 2023





PORTLAND BUREAU OF TRANSPORTATION

1900 SW Fourth Ave., Suite 5000 Portland, OR 97201 503-823-5185
Fax 503-823-7576 TTY 503-823-6868 www.portlandoregon.gov/transportation

Mingus Mapps Commissioner Millicent Williams Director

**RESPONSE TO THE BUREAU OF DEVELOPMENT SERVICES
LAND USE REVIEW REQUEST**

LU: 23-092099-000-00-LU Date: November 3, 2023
To: Matt Wickstrom, Bureau of Development Services, B299/R5000
From: Tammy Boren-King, B106/800, 503-823-2948, tammy.boren-king@portlandoregon.gov
Applicant: Stephen Lebwohl
3707 NE COLUMBIA BLVD
PORTLAND OR 97211
USA
Location: 3707 NE COLUMBIA BLVD
TYPE OF REQUEST: Type 2 procedure AD - Adjustment

DESCRIPTION OF PROJECT

The applicant proposes to convert the home back to a single-dwelling residence with an accessory home office and modify the parking area in front of the home to create two uncovered parking spaces to the southwest of the house. The Portland Zoning Code limits the amount of vehicle paving allowed on sites with single-dwelling homes to 40 percent of the front yard area and the proposed amount of front yard vehicle paving will equal 52 percent. The applicant proposes one Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from 40 percent to 52 percent. As part of the project, the applicant proposes to install bollards to prevent vehicle parking in the southwest corner of the lot and to remove existing fencing located within the area the two new parking spaces are proposed.

RESPONSE

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

Adjustment Approval Criteria - 33.805.040.A

The applicable approval criteria related to the requested adjustment that needs to be addressed by PBOT is noted in Code Section 33.805.040.A - 33.805.040.B, and is stated as follows:

*“A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified.
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.”*

The purpose statement of the regulation being modified reads as follows (33.266.120)

*33.266.120 Development Standards for Houses, Duplexes, Triplexes, and Fourplexes
A. Purpose. The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.*

The purpose statement for this regulation does not have any specific Transportation-related approval criteria. In an effort to prevent an applicant from having to repeat the land use review process, PBOT is performing a review for other city standards, such as the driveway code (TRN 10.40) that will apply at the time of permit. TRN 10.40.D.4 requires forward motion ingress and egress for a roadway with a traffic classification other than local service. NE Columbia Blvd. has a traffic classification of Major City Traffic Street, meaning forward motion is required. The applicant's proposal includes an onsite turnaround sufficient to allow the exiting garage and the surface parking spaces to support entering and exiting in a forward motion. The existing curb cut to remain is shown as 18-feet wide, which is within the width allowance for a double wide parking area at a house per TRN 10.40.E.1.a(1).

Therefore, PBOT has no objections to the requested adjustment.

Street Classification & Code/Title 17 Requirements

1. **TSP Classifications:** At this location, the City's Transportation System Plan (TSP) classifies the abutting rights-of-way as follows:
NE Columbia Blvd: Major City Traffic Street, Major Transit Priority, Local Service Bikeway, City Walkway, Priority Truck Street, Industrial Road
2. **Existing Improvements:**
NE Columbia Blvd. at this location is mapped as being improved with a 56-ft paved roadway within a 70-foot right-of-way (ROW). The sidewalk corridor is mapped as being a 6-ft curb tight sidewalk.
3. **Standard Improvements:** The site frontage is not eligible for consideration under TRN 1.22 due to the presence of utility poles within the 6-ft sidewalk corridor. The standard sidewalk corridor for an IG2 zoned lot on a Industrial Road outside of a Pedestrian District is a total of 12-feet consisting of a 0.5-ft curb, 5-ft furnishing zone, 6-ft sidewalk, and 0.5-ft frontage zone.
4. **Required Improvements:**
The proposal is to address a compliance case (23-004735-CC) and put the property back to the last recorded legal use of being a single-dwelling residence. No increase in trips is anticipated. It is also not anticipated that the permit value for the work will exceed 35% of the assessed value of improvements on the site. It is not anticipated that either trigger for requiring improvements or dedication will be met by this project.

Driveways and Curb Cuts (Section 17.28)

The property contains an existing driveway connection to the right-of-way. No changes to that connection are proposed or required as described above.

RECOMMENDATION

PBOT has no objection to the request.



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/bds



To: Matt Wickstrom
From: Ayush Vaidya, Life Safety Plans Examiner
Date: November 13, 2023
RE: 3707 NE COLUMBIA BLVD, 23-092099-LU

LIFE SAFETY PLAN REVIEW RESPONSE

The following comments are based on the plans and documents provided to the Life Safety Plan reviewer. They are intended to provide the applicant with preliminary Building Code information that could affect the Land Use Review, Public Records request and/or future Building Permit reviews. The comments may not identify all conflicts between the Land Use proposal and the Building Codes. A complete Life Safety plan review will be provided at the time of Building Permit submittal at which time any additional Building Code issues will be noted. The comments are based on the Oregon Structural Specialty Code (OSSC), the International Existing Building Code (IEBC), the Oregon Mechanical Specialty Code (OMSC), or the Oregon Residential Specialty Code (ORSC).

RESPONSE SUMMARY

- Life Safety Plan Review does not object to the approval of this proposal. The applicant should be aware that several building code requirements may impact the final design of this building. For information regarding future compliance, see the **GENERAL LIFE SAFETY COMMENTS** below.
- Life Safety Plan Review does not object to the approval of this proposal. This approval is conditional on the finalization of the property line adjustment approved through this LUR/PR. If this public record is not finalized, a Covenant Not to Sell the Properties Separately must be established for this project. For information regarding future compliance, see the **GENERAL LIFE SAFETY COMMENTS** below.
- Life Safety Plan Review does not object to the approval of this proposal. Prior to Life Safety approval of the final plat or Land Use proposal, the applicant must address the Building Code issues listed as part of the **GENERAL LIFE SAFETY COMMENTS** below.
- Life Safety Plan Review cannot support approval of the current Land Use proposal. Prior to Life Safety approval of the final plat, the applicant must address the Building Code issues listed as part of the **GENERAL LIFE SAFETY COMMENTS** below.

Item #	GENERAL LIFE SAFETY COMMENTS
1	Life Safety Plan Review does not object to the approval of this proposal. Based on the information provided, there appears to be no conflicts between the proposal and applicable building codes.

Browser: Calyera AMANDA 7 | URL: https://abo.portlandoregon.gov/backoffice/core/home.zhtml

Folder: Property(1) | People(3) | Info(5) | Fee(0) | **Access(1)** | Document(3) | File | Comment(1) | Attachment(5) | Correspondence(8)

2023 092099 000 00 LU Land Use Review **Pending** [Collapse All Sections](#) [Options](#)

Task	Status	Created	Updated	Completed	Assigned To	
<input type="checkbox"/> Verify Completeness*	Completed	10/10/2023	10/20/2023	10/20/2023	LAND USE REVIEW	
<input type="checkbox"/> Prepare Notice*	Completed	10/20/2023	10/25/2023	10/25/2023	LAND USE REVIEW	
<input type="checkbox"/> Finalize Decision Report*	Open	10/25/2023			LAND USE REVIEW	
Site Development (1)						
<input type="checkbox"/> Site Dev Review - LU	No concerns	10/25/2023	11/15/2023	10/25/2023	10/25/2023	SITE DEVELOPMENT
Life Safety (1)						
<input type="checkbox"/> Life Safety Review - LU	Response Sen...	10/25/2023	11/15/2023	11/13/2023	11/13/2023	Vaidya,Ayush
Fire Bureau (1)						
<input type="checkbox"/> Fire Review - LU	No concerns	10/25/2023	11/15/2023	11/15/2023	11/15/2023	Krantz,Dawn
Environmental Services (1)						
<input type="checkbox"/> BES Dev Srv - LU	No concerns	10/25/2023	11/15/2023	11/15/2023	11/15/2023	Carmak,Abigail
Transportation (1)						
<input type="checkbox"/> PDOT Review - LU	Response Sen...	10/25/2023	11/15/2023	11/03/2023	11/03/2023	Boren-King,Tammy
Water Bureau Review (1)						
<input type="checkbox"/> Water Review - LU	No concerns	10/25/2023	11/15/2023	11/13/2023	11/13/2023	Puckett,Michael
Status Change (2)						
<input type="checkbox"/> Status Change	Closed	10/10/2023	10/10/2023	10/10/2023	10/10/2023	Wilson,Emily
<input type="checkbox"/> Status Change	Closed	10/10/2023	10/10/2023	10/10/2023	10/10/2023	Wilson,Emily



City of Portland, Oregon - Bureau of Development Services

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1

Land Use Review Application

File Number: LU 23-092099 AD

FOR INTAKE, STAFF USE ONLY

Date Rec 10/10/23 by EW

Type I Type Ix Type II Type Iix Type III Type IV ELD

LU Reviews AD

[Y] Unincorporated MC

[Y] [N] Flood Hazard Area (LD & PD only)

[Y] [N] Potential Landslide Hazard Area (LD & PD only)

[Y] 100-year Flood Plain [Y] DOGAMI

Qtr Sec Map(s) 2334 Zoning IG2hk

Plan District Portland Int'l Airport - Middle Columbia Slough

Historic and/or Design District None

Neighborhood Sunderland

District Coalition CNEN

Business Assoc Columbia Corridor

Related File # CC 23-004735

**APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.
Email this application and supporting documents to: LandUseIntake@portlandoregon.gov**

Development Site Address or Location 3707 NE COLUMBIA BLVD Portland, Or 97211
Cross Street 37th AVE (NOT A STREET) + Columbia Sq. ft./Acreage 9894 SF

Site tax account number(s)

R 315347 R R
R R R

Describe project (attach additional page if necessary)

SEE ATTACHED

Describe proposed stormwater disposal methods

ON SITE

Identify requested land use reviews

PARKING ADJUSTMENT

• Design & Historic Reviews - For new development, provide project valuation.

For renovation, provide exterior alteration value.

AND provide total project valuation.

• Land Divisions - Identify number of lots (include lots for existing development).

New street (public or private)?

• Affordable Housing - For buildings containing five or more dwelling units, will 50% or more of the units be affordable to households with incomes equal to or less than 60% of the median family income for the county or state, whichever is greater?

\$ _____
\$ 17,000
\$ _____
1

yes no
 yes no N/A

continued / over

Applicant Information

- Identify the primary contact person, applicant, property owner and contract purchaser. Include any person that has an interest in your property or anyone you want to be notified. Information provided, including telephone numbers and e-mail addresses, will be included in public notices.
- For all reviews, the applicant must sign the Responsibility Statement.
- For land divisions, all property owners must sign the application.

PRIMARY CONTACT:

Typed Full Name STEPHEN B. LEBWOHL I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address 3707 NE COLUMBIA BLVD,

City PORTLAND State OR Zip Code 97211

Day Phone 503 349 7990 FAX _____ email steve@wildwoodplaygrounds.com

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Typed Full Name _____ I acknowledge this typed name as my signature

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other

Responsibility Statement As the applicant submitting this application for a land use review, I am responsible for the accuracy of the information submitted. The information being submitted includes a description of the site conditions. I am also responsible for gaining the permission of the owner(s) of the property listed above in order to apply for this review and for reviewing the responsibility statement with them. If the proposal is approved, the decision and any conditions of the approval must be recorded in the County Deed Records for the property. The City of Portland is not liable if any of these actions are taken without the consent of the owner(s) of the property. In order to process this review, City staff may visit the site, photograph the property, or otherwise document the site as part of the review. I understand that the completeness of this application is determined by the Director. By my signature, I indicate my understanding and agreement to the Responsibility Statement.

Name of person submitting this application agrees to the above Responsibility Statement and acknowledges typed name as signature:

Stephen B Lewohl Date: 10/10/23

Phone number: 503 349 7990 Email this application and supporting documents to LandUseIntake@portlandoregon.gov | Submittal of locked or password protected documents will delay intake of your application. 2

503 288 5797 OFFICE

[User Approved] RE: LU 23-092099 AD

David Aman <david@amanlawpdx.com>

Tue 12/26/2023 11:02 AM

To: Maika Warrior Brummett <303warrior@gmail.com>; Wickstrom, Matt <Matt.Wickstrom@portlandoregon.gov>

From: Maika Warrior Brummett <303warrior@gmail.com>**Sent:** Monday, November 20, 2023 10:12 AM**To:** David Aman <david@amanlawpdx.com>; matt.wickstrom@portlandoregon.gov**Subject:** LU 23-092099 AD

Hello and good day Matt Wickstrom, I hope you are doing well. My name is Maika Brummett, I am the owner/resident of 3637 NE Columbia Blvd which is next door to 3707 NE Columbia Blvd.

I have been away on business and just returned home Saturday November 18th. I checked my mail and received the document regarding case file number LU 23-092099 AD. I am reviewing, but would like to request more time to do so, but will object to anything that interferes with my rights/claims as asserted in the lawsuit with Mr. Lebwohl.

Based on my initial review, it looks like in the proposal they are planning to remove my fence and use land that has been part of my driveway/property for over 70 years. We have an active boundary line dispute going and he does not have my permission to do either. My driveway is already very narrow and I need every inch of it to reside at my home. The strip of property in dispute has never physically been part of his parcel (he just recently gained the deed to the disputed strip of land) and he doesn't need it. I can clearly see on his diagram that his parking spaces can move over to the east 1-2' and it would not affect his proposal. Can you please confirm if his proposal is still possible with the physical boundary line being 1.3' - 1.97' further east?

In the SW corner of the diagram it is drawn that the existing concrete would be covered with synthetic grass. At this time all his frontage water run off currently runs down my driveway/property and is causing property damages. I want to ensure all his water run off stays on his property, as he has even tried to divert his roof water run off down my property in the past (I obviously told him no, not to that and that is not ok...).

I am not sure if you are aware of the visibility issues Mr. Lebwohl has intentionally created in a way that endangers my life. It looks like the arborvitae area is starting a few feet (6' or so?) further north than the current planters with trees causing so many safety issues. Is there a way to ensure it doesn't pass a certain area (as the trees grow etc) to ensure safety to the area and make sure I can safely back vehicles up from my property with clear visibility of the oncoming traffic in the future? And to make sure he doesn't put trees (or tall bushes etc) in that six or so feet north of the sidewalk? Also, in the Southeast corner of his property where it is listed as general landscaping, can we ensure he doesn't plant things to intentionally block visibility (e.g., trees

and/or bushes) to ensure safety for all parties leaving my property and traveling along Columbia Blvd? To keep the visibility triangle clearly visible and safe?

Thank you very kindly for your time and considerations,

-Maika W. Brummett
702-237-0244
303warrior@gmail.com



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue · Portland, Oregon 97201 | 503-823-7300 | www.portlandoregon.gov/bds



Type II and IIX Decision Appeal Form LU Number: _____

FOR INTAKE, STAFF USE ONLY

Date/Time Received _____	<input type="checkbox"/> Action Attached _____
Received By _____	Fee Amount _____
Appeal Deadline Date _____	Y N Fee Waived
<input type="checkbox"/> Entered in Appeal Log _____	Bill # _____
<input type="checkbox"/> Notice to Dev. Review _____	Neighborhood _____

APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS _____ DEADLINE OF APPEAL _____

Name _____

Address _____ City _____ State/Zip Code _____

Day Phone _____ Email _____ Fax _____

Interest in proposal (applicant, neighbor, etc.) _____

Identify the specific approval criteria at the source of the appeal

Zoning Code Section 33. _____ . _____ Zoning Code Section 33. _____ . _____

Zoning Code Section 33. _____ . _____ Zoning Code Section 33. _____ . _____

Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:

Appellant's Name _____

I acknowledge this typed name as my signature

FILE THE APPEAL - Submit the following:

- This completed appeal form
- A copy of the Type II or IIX Decision being appealed
- An appeal fee as follows:
 - \$250, payable to City of Portland
 - No appeal fee is charged when appeal is filed by Civic Life recognized organizations for properties within organization's boundaries
 - Fee waiver request letter for low income individual is signed and attached
 - Fee waiver request letter for Unincorporated Multnomah County recognized organizations is signed and attached

Email this application and supporting documents to: LandUseIntake@portlandoregon.gov

To file the appeal, this completed application form and any supporting documentation must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of the Decision. To be valid, the City must receive the appeal by 4:30 p.m. on the deadline listed in the Decision. Once the completed appeal application form is received, a Land Use Services Technician will contact you with instructions on how to pay the fee.

A public hearing on the appeal will be held. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

Information about the appeal hearing procedure and fee waivers is on the back of this form.

Type II and IIX Appeal Procedure

For land use review applications that follow a Type II and IIX procedure, the Bureau of Development Services makes the decision on the application. This decision is called the Administrative Decision and may be appealed. The applicant and/or an interested person who does not agree with the Administrative Decision may appeal it by using the Type II and IIX Decision Appeal Form and submitting an appeal fee. No appeal fee is charged for Type II and IIX appeals when filed by a Civic Life recognized organization; the appeal must be for property located within the organization's boundaries, and the vote to appeal must be in accordance with the organization's bylaws. An appeal of a decision triggers an initial hearing before a City review body.

There is a 14-day appeal period that starts the day that the decision is mailed. The last day to appeal is stated in the decision. If appealed, a specific review body hears the case and makes the final City decision. These review bodies include:

- The Hearings Officer
- The Design Commission
- The Portland Historic Landmarks Commission
- The Adjustment Committee

Type II and IIX Appeal Hearing

When a decision is appealed, the Bureau of Development Services schedules a public hearing and sends out a notice within five days of receiving the appeal. The hearing is held at least 21 days from the mailing of the notice.

At the hearing, everyone attending is allowed to speak to the review body. The testimony must address whether or not the proposal meets the approval criteria as described in the Administrative Decision or how the City erred procedurally. Written testimony is also accepted prior to or at the hearing. This may include additional information submitted by the applicant and/or appellant.

If a committee reviews the appeal, a decision is made at the hearing. If the Hearings Officer is the review body, they may make a decision at the hearing, or make a decision later. Both the Hearings Officer and the committee must make a written decision and send notice of the decision within 17 days after the hearing. The decision is mailed to the appellant, applicant, and to anyone who submits oral or written testimony at the hearing.

The review body may adopt, modify, or overturn the Administrative Decision based on the information presented at the hearing and in the case record.

Appeal Fees

An appeal of a land use decision must include an appeal fee. There is a \$250 fee charged for appealing a Type II and IIX decision. This fee is refunded if the decision-maker grants the appeal; i.e. agrees with the appellant.

In order for an appeal to be valid, an appeal fee must accompany the appeal form or a fee waiver request must be approved before the appeal deadline as stated in the specific land use decision (Section 33.730.020 of the Portland Zoning Code). See below for fee waiver eligibility information.

Low Income Fee Waiver

The appeal fee may be waived for low income applicants who appeal a land use decision on the site of their primary residence in which they have an ownership interest. In addition, the appeal fee may be waived for low income individuals who have resided for at least 60 days within the required notification area for the land use review. Low income individuals requesting a fee waiver will be required to certify their annual gross income and household size. The appeal fee will only be waived for households with a gross annual income of less than 50 percent of the area median income as established and adjusted for household size by the federal Department of Housing and Urban Development (HUD). All financial information submitted to request a fee waiver is confidential. Fee waiver requests must be approved prior to appeal deadline to be considered for a fee waiver.

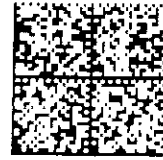
Information is subject to change



16

CITY OF PORTLAND
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201 P524
Land Use Decision Enclosed
Case # LU 23-092099 AD

FIRST-CLASS
AUTO LETTER



US POSTAGE

ZIP CODE 97211
POSTAGE \$ 000.49

RETURN SERVICE REQUESTED

1N1E13AD 2400
BRUMMETT MICHAELLE
3637 NE COLUMBIA BLVD
PORTLAND OR 97211-2039

98 LRAMNSB 97211



City of Portland, Oregon | Bureau of Development Services | 1900 SW Fourth Avenue, Portland, Oregon 97201 | www.portlandoregon.gov/bds



The City of Portland is committed to providing meaningful access. For accommodations, modifications, translation or other services, please call 503-823-7300, the TTY at 503-823-6868 or the Oregon Relay Service at 711.

www.PortlandOregon.gov/bds/translated



BDS@PortlandOregon.gov



503-823-7300



Traducción e interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译
Turjumida ama Fasiraadda | 翻訳または通訳 | Письменный или устный перевод
Traducere sau Interpretare | 번역 및 통역 | الشفوية أو الشفوية التفسيرية أو الترجمة
Tammucsuwaaq to tammucsuwaaq | Письмовий або усний переклад



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
TTY: 711
www.portland.gov/bds

Date: December 13, 2023
To: Interested Person
From: Matt Wickstrom, Land Use Services
503-865-6513 / Matt.Wickstrom@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 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 <https://www.portland.gov/bds/zoning-land-use/news/notices>. Enter the land use case file number in the keyword search. 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 23-092099 AD

GENERAL INFORMATION

Applicant: Stephen B. Lebwohl
3707 NE Colubia Blvd | Portland, OR 97211
Phone: 503-349-7990 | Email: steve@wildwoodplaygrounds.com

Owner: Lebwohl Tr
7135 SW 34th Ave | Portland, OR 97219

Site Address: 3707 NE COLUMBIA BLVD

Legal Description: TL 2200 0.23 ACRES, SECTION 13 1N 1E
Tax Account No.: R941132490
State ID No.: 1N1E13AD 02200
Quarter Section: 2334

Neighborhood: Sunderland, contact Lisa Larson at lisalarson1224@gmail.com
Business District: None
District Coalition: Central Northeast Neighbors, contact Alison Stoll at alisons@cnncoalition.org

Plan District: Portland International Airport - Middle Columbia Slough Subdistrict

Zoning: IG2hk (General Industrial 2 with Aircraft Landing Overlay and a Prime Industrial Overlay zones). The site is located in the Portland International Airport Plan District and Middle Columbia Slough subdistrict.

Case Type: AD – Adjustment Review (1 Adjustment)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to convert the home back to a single-dwelling residence with an accessory home office and modify the parking area in front of the home to create two uncovered parking spaces to the southwest of the house. The Portland Zoning Code limits the amount of vehicle paving allowed on sites with single-dwelling homes to 40 percent of the front yard area and the proposed amount of front yard vehicle paving will equal 52 percent. The applicant proposes one Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from the maximum of 40 percent to 52 percent. As part of the project, the applicant proposes to install bollards to prevent vehicle parking in the southwest corner of the lot, remove existing fencing located within the area the two new parking spaces are proposed and install a "no parking" sign where an onsite vehicle turnaround will be located.

Relevant Approval Criteria:

To be approved, this proposal must comply with the Adjustment Review approval criteria in Zoning Code Section 33.805.040.A-F.

CONCLUSIONS

The applicant proposes one Adjustment to increase the maximum allowed amount of front yard vehicle paving (the distance between the house, duplex, triplex or fourplex and the street property line) from 40 percent to 52 percent. Based on the findings above which includes street classifications, zoning designations, plan district purpose statements, overlay zone purpose statements, the paving conditions of surrounding properties and the proposal to add landscaped area along the street frontage this proposal meets approval criteria. Add to that, conditions of approval which require the no parking area to be signed and the installation of bollards to define the travel lane and locations of the two surface parking spaces. Based on the information contained in this report, the requested Adjustment is approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from 40 percent to 52 percent, per the approved site plan, signed and dated December 1, 2023, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 23-092099 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No onsite parking is allowed other than the two vehicle parking spaces within the garage labeled as "1" and "2" on the site plan and the two surface parking spaces next to the garage labeled as "3" and "4". The back-in area for vehicle turn-around labeled on the site plan as "no parking" (no parking area) on the site plan must be signed as "no parking". Signage can consist of a posted sign stating "no parking" that is a minimum of 12" by 18" in size and posted at a height such that the bottom of the sign is no less than 5 feet above grade and within the landscaped area to the east of the no parking area. A standard "no parking" sign available online must be used. Or, "no parking" can be painted on the pavement within the no parking area. Standard stencils available online must be used and letters must be at least 12" in linear height.
- C. Bollards must be placed no more than 5 feet apart along the area shown on the site plan as "9'x18' Stall 4' and 'Exist Conc.'" - parking space 4 and the western edge of the drive aisle. The bollards must be affixed to the paved surface. A standard vehicle or traffic bollard must be used. Bollards must be at least 3 feet in height. A minimum of 5 bollards must be used.

Staff Planner: Matt Wickstrom



Decision rendered by: _____ **on December 1, 2023**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 13, 2023

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 October 10, 2023, and was determined to be complete on October 20, 2023.

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 October 10, 2023.

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: February 17, 2024.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on December 27, 2023. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded

if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 County Recorder. *Unless appealed*, the final decision will be recorded by the Bureau of Development Services.

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.

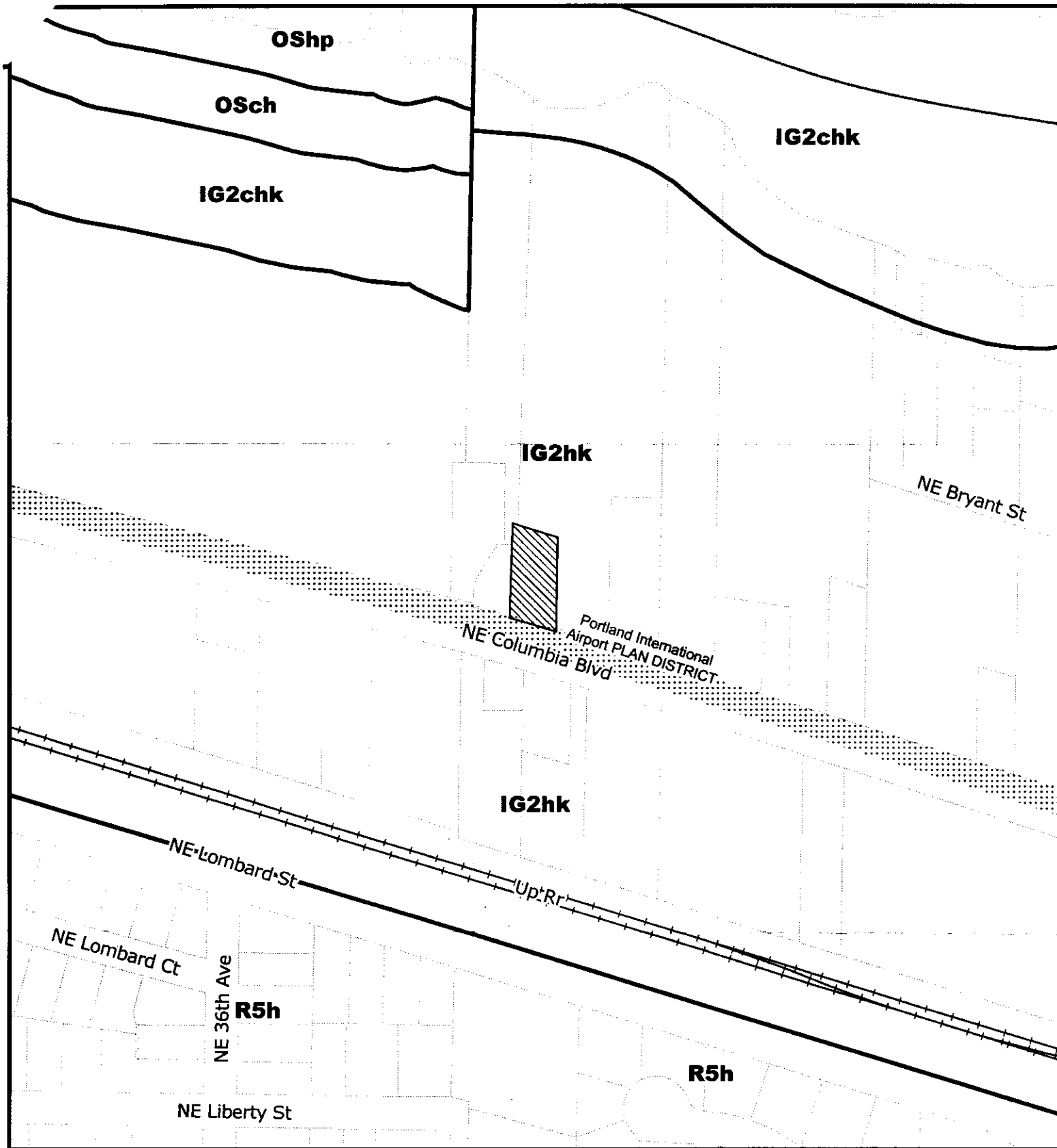
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Portland Bureau of Transportation
 - 2. Life Safety Section of BDS
 - 3. Site Development Review Section of BDS, Fire Bureau, Bureau of Environmental Services, Water Bureau
- F. Correspondence: None received
- 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).



For Zoning Code in Effect Post October 1, 2022

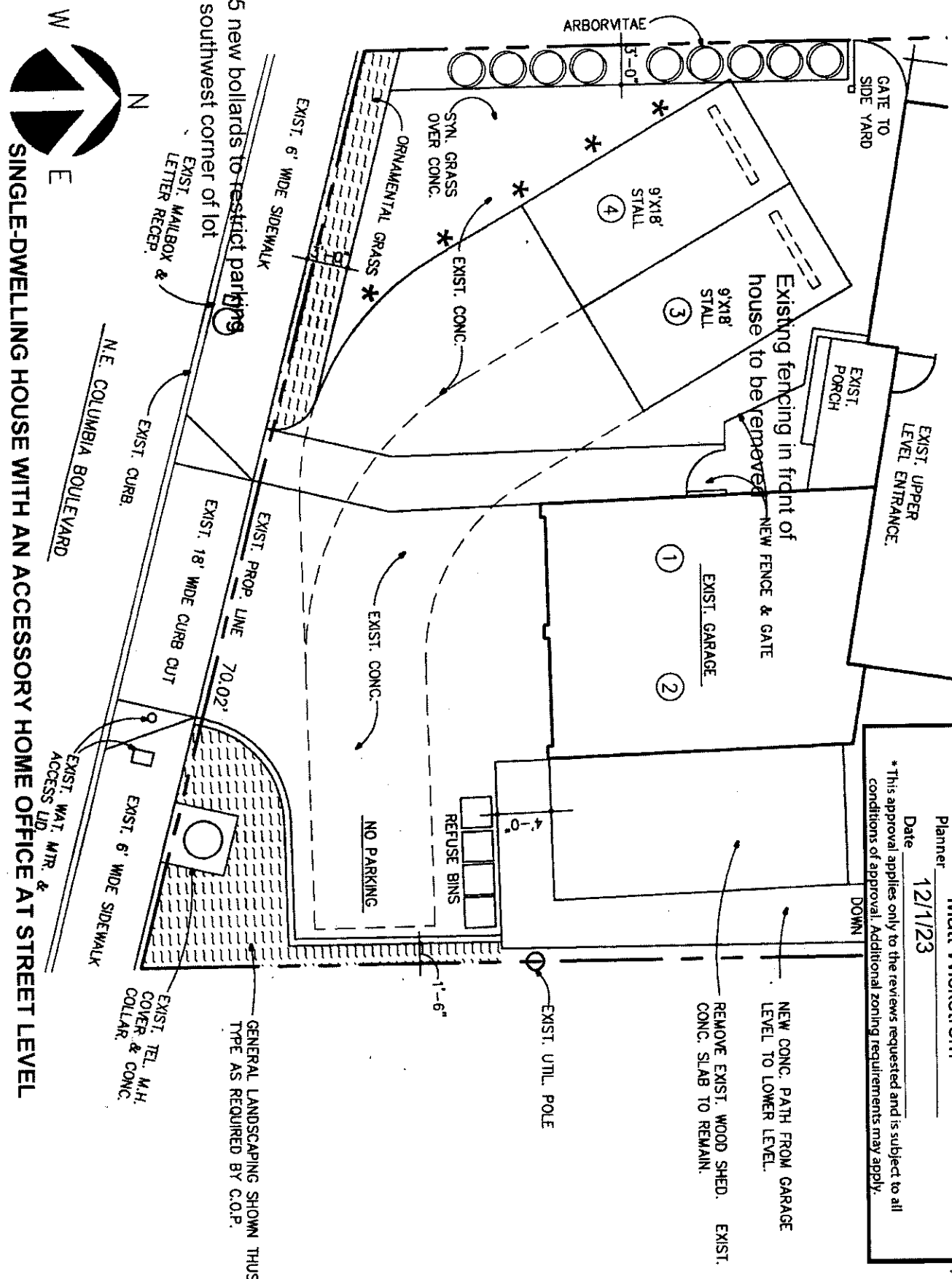
ZONING

THIS SITE LIES WITHIN THE:
 PORTLAND INTERNATIONAL AIRPORT
 PLAN DISTRICT
 MIDDLE COLUMBIA SLOUGH SUB DISTRICT

-  Site
-  Plan District
-  Stream

File No. LU 23 - 092099 AD
 1/4 Section 2334
 Scale 1 inch = 200 feet
 State ID 1N1E13AD 2200
 Exhibit B Oct 12, 2023

Approved
 City of Portland
 Bureau of Development Services
Matt Wickstrom
 Planner
 Date 12/1/23
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



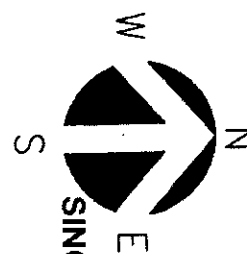
* = 5 new bollards to restrict parking in southwest corner of lot

PRELIMINARY SITE PLAN - 3707 N.E. COLUMBIA BLVD., PORTLAND, OR

SCALE: 1/10" = 1'-0"

0' 2' 4' 6' 8' 12' 16' 20' 24' 28' 32'

OCTOBER 6, 2023
 LU 23-092099 AD - Exhibit C1



SINGLE-DWELLING HOUSE WITH AN ACCESSORY HOME OFFICE AT STREET LEVEL

~~DUPLEX - ONE UNIT AT THIS STREET LEVEL & ONE UNIT AT LOWER LEVEL~~

NE COLUMBIA BOULEVARD

W
E

GENERAL LANDSCAPING SHOWN THUS TYPE AS REQUIRED BY C.O.P.

Hearing agenda

AGENDA:

1. ADJUSTMENT COMMITTEE CHAIR INTRO
2. BDS STAFF INTRODUCTIONS
3. STAFF PRESENTATION
4. APPELLANT
5. SUPPORTER OF APPELLANT
6. PRINCIPAL OPPONENT OF THE APPEAL (ADJUSTMENT REVIEW APPLICANT)
7. OTHER OPPONENTS OF THE APPEAL
8. APPELLANT REBUTTAL
9. ADJUSTMENT COMMITTEE DISCUSSION
10. CLOSE THE RECORD TO ORAL AND WRITTEN TESTIMONY
11. TENTATIVE DECISION
12. NEXT HEARING AND PROCESS



Adjustment Review Appeal Hearing

LU 23-092099 AD

STAFF PRESENTATION TO THE ADJUSTMENT COMMITTEE

FEBRUARY 6, 2024

Presentation Summary

1. Zoning
2. Proposal
3. Background
4. Photos of Site
5. Approval Criteria
6. Staff Decision
7. Appeal



Zoning

3707 NE Columbia Blvd.

Base Zone:

IG2 – General Industrial 2

Overlay Zones:

“h” overlay – Aircraft Landing Zone

“k” overlay – Prime Industrial

Plan District:

Portland International Airport, Middle Columbia Slough subdistrict

Existing Development:

Single-dwelling house (unpermitted office with basement residential use)



Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Zoning



Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Background: Code Compliance Complaint

- A Code Compliance complaint (23-004735 CC) was received in January 2023. The complaint addressed:
 - Running a business on a residential property;
 - Parking in front of the house in such a way that it creates a traffic hazard; and
 - Paving of the front yard without a permit.

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal

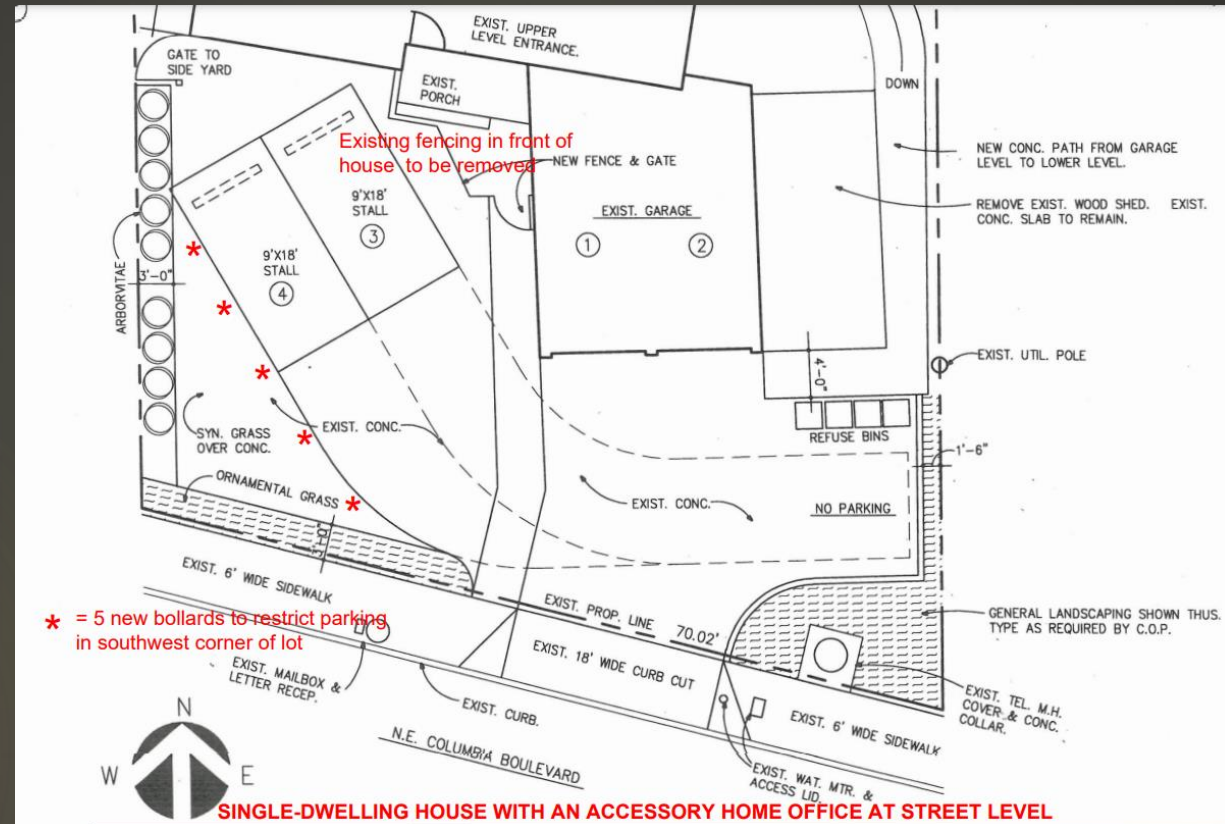


Proposal

Front Yard Vehicle Paving Adjustment to increase the allowed amount from 40 percent to 52 percent.

As part of the project, the applicant proposes to:

- Install bollards to prevent vehicle parking in the southwest corner; and
- Remove existing fencing located in the area where two new parking spaces are proposed.



Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Background: Homes and Offices in IG2hk

- New residential development is prohibited in the IG2 zone.
- Home offices with one nonresident employee and up to 8 customers per day are allowed in all zones.
- Office uses are allowed up to 3,000 square feet in square footage in the IG2 zone.

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Background: Vehicle area and front yard paving

- The front yard was paved in the early 1990s.
- At that time, the Portland Zoning Code only regulated the amount of front yard “paving for parking and driveway purposes”. Other paving was allowed by right.
- The Adjustment Review decision defines the allowed amount of vehicle paving area. The non-vehicle area will remain as existing nonconforming development.
- Bureau of Environmental Services Stormwater Management Manual didn't exist in the 1990s. General drainage rules applied.

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Background: Visibility and Clear Sight Triangle

- Section 16.17.800 states that it is the property owner's responsibility to make sure vegetation doesn't block visibility for drivers, bicyclists and pedestrians in a way that presents a safety hazard.
- Section 17.28.110 includes a regulation related to driveways to ensure driveway locations promote the safe and orderly flow of pedestrians, bicycles, and vehicular traffic. It also refers to an administrative code that covers Clear Sight Triangle.

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Background: Property Line Disputes

- The City of Portland does not get involved in private property line disputes.
- Property line disputes are a civil matter between the property owners.
- The pending lawsuit does not impact the ability of the Adjustment Committee to make a decision on the proposal.

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal





Adjustment Review

Zoning

Proposal

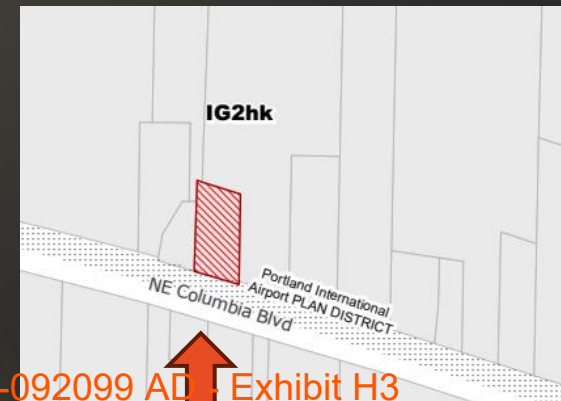
Background

Photos

Approval Criteria

Staff Decision

Appeal



LU 23-092099 AD - Exhibit H3



Adjustment Review

Zoning

Proposal

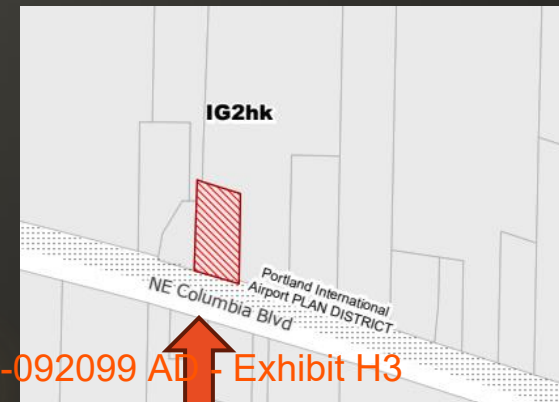
Background

Photos

Approval Criteria

Staff Decision

Appeal



LU 23-092099 AD - Exhibit H3

Adjustment Review Approval Criteria

33.805.040

- A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified;
- B. The proposal will be consistent with the classifications of the adjacent streets and the desired character of the area;
- C. The cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone;
- D. City-designated scenic 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 impacts on the resource as practicable.

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Adjustment Review Approval Criteria

33.805.040

- A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified;
- B. The proposal will be consistent with the classifications of the adjacent streets and the desired character of the area;
- ~~C. The cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone;~~
- ~~D. City designated scenic 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 impacts on the resource as practicable.~~

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Adjustment Review Approval Criteria

33.805.040

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

Purpose. The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Adjustment Review Approval Criteria

33.805.040

B. If in an Industrial zone, the proposal will be consistent with the classification of adjacent streets and the desired character of the area;

Desired character: The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Adjustment Review Approval Criteria

33.805.040

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

Mitigation:

- No more than 4 vehicles at a time may be parked on site and only in designated locations;
- No parking sign located at vehicle back-in turn around to ensure no parking occurs in the southeast corner of the site; and
- Bollards installed to ensure no parking occurs in the southwest corner of the site.

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Staff Decision

Approval to increase the allowed amount of front yard vehicle paving from 40 percent to 52 percent (33.266.120.C.1.b) subject to two conditions:

- *No onsite parking is allowed other than the two vehicle parking spaces within the garage labeled as “1” and “2” on the site plan and the two surface parking spaces next to the garage labeled as “3” and “4”. The back-in area for vehicle turn-around labeled on the site plan as “no parking” (no parking area) on the site plan must be signed as “no parking”. Signage can consist of a posted sign stating “no parking” that is a minimum of 12” by 18” in size and posted at a height such that the bottom of the sign is no less than 5 feet above grade and within the landscaped area to the east of the no parking area. A standard “no parking” sign available online must be used. Or, “no parking” can be painted on the pavement within the no parking area. Standard stencils available online must be used and letters must be at least 12” in linear height.*

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Staff Decision

Approval to increase the allowed amount of front yard vehicle paving from 40 percent to 52 percent (33.266.120.C.1.b) subject to two conditions:

- *Bollards must be placed no more than 5 feet apart along the area shown on the site plan as “‘9’x18’ Stall 4’ and ‘Exist Conc.’” – parking space 4 and the western edge of the drive aisle. The bollards must be affixed to the paved surface. A standard vehicle or traffic bollard must be used. Bollards must be at least 3 feet in height. A minimum of 5 bollards must be used.*

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Appeal:

- The appeal included three topics:
 - Pending lawsuit related to adverse possession/easement;
 - Lack of visibility (16.70.800) related to AASHTO and Clear Sight Triangle (17.28.110); and
 - Water runoff from concrete frontage (17.38.040).

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Adjustment Review

LU 23-092099 AD

STAFF DECISION:

- APPROVAL OF ADJUSTMENT TO INCREASE ALLOWED FRONT YARD VEHICLE PAVING FROM 40 PERCENT TO 52 PERCENT

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Important dates:

- If request to hold hearing open:
 - Feb. 13 – additional submittal from anyone
 - Feb. 20 – anyone can respond to additional evidence
 - Feb. 27 – appellant can respond to final written arguments
- New hearing dates: 1st and 3rd Tuesdays

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Potential Condition of Approval: Vegetation along NE Columbia Blvd.

- Finding in Criterion B: Vegetation in proximity to the NE Columbia Blvd. frontage can obscure views of oncoming traffic for neighboring properties which can conflict with the safety along the busy transit and freight street.
- Condition of approval: No vegetation, as measured from ground level, may be more than 3 feet high for a setback of 10 feet from the NE Columbia Blvd. front property line.
- No vehicle parking occur and no vegetation, as measured from the ground level, may be more than 2 feet in height for a setback of 10 feet from the NE Columbia Blvd. front property line.
- All drainage from impervious surface must be managed on site.

Adjustment Review

Zoning

Proposal

Background

Photos

Approval Criteria

Staff Decision

Appeal



Maikalili Brummett
3637 NE Columbia Boulevard
Portland, OR 97211

February 6th, 2024

To

The City of Portland, Oregon
City Hall 1221 SW 4th Avenue
Portland, OR 97204

Portland Bureau of Transportation
1120 SW 5th Avenue #100
Portland, OR 97204

Portland Bureau of Developmental Services
1900 SW 4TH Avenue 5th floor
Portland, OR 97201

Case File Number: LU 23-092099AD

Dear City of Portland, Portland Bureau of Transportation, Portland Bureau of Developmental Services, Committee members of this appeal, city record and to whom all it may concern,

My name is Maika Brummett, I am the homeowner and resident of 3637 NE Columbia Blvd., living next door to the address of this site plan appeal, of 3707 NE Columbia Blvd.

I would like to start off by thanking everyone for being here today. There have been some visibility issues intentionally caused by the owner of the property at 3707 NE Columbia Blvd. that are creating serious risks and life endangerment both to myself, as well as public safety for those traveling along Columbia Blvd. The owner, Mr. Lebwohl is well aware by blocking visibility he is putting lives and safety in imminent danger and is well aware that blocking

visibility is in violation of multiple city codes, yet he continues too deliberately do so. I have been working with the city this past year in effort to restore safety to the area and am very grateful for everyone's time and attention to the concerns at hand today. Thank you all very kindly for your time and attention these matters.

1.) Visibility:

I request an exception to the clear sight triangle height standard. A residential clear sight triangle is between 42" and 10'. Columbia Blvd. is not a residential street. Due to the high traffic volume, speed of traffic including fast moving semis, downhill slope of my driveway and downhill direction of oncoming traffic coming from east, moving westbound towards my property, the angle of the road at this location, and the fact I have an older vehicle parked in my carport (at the north end of my driveway) where my eye level sits below 42", any foliage at this height would still certainly block all visibility. Mr. Lebwohl typically hires yard maintenance personnel to do their yard work once per year and typically lets the weeds and vegetation take over the rest of the time. The city should not rely on any promises from him to keep shrubs or trees trimmed to a specific height and maintained. I request that it be written and enforced that any landscaping be **ground cover only inside this clear sight/visibility triangle** to ensure visibility and safety to the area and safety for the public traveling along Columbia Blvd. When these codes were established, they were written for driveways in low volume residential streets with low traffic flow, Columbia Blvd is none of the above and this exception is necessary for safety to the area. Also, I note that with the future completion of the Prologis warehouse next door, vs Broadmoor Golf course next

door to the properties, there will be an increase of traffic flow and semis in the area.

I also request that this **visibility triangle be enforced immediately** and that both the trees and boat inside this clear sight/visibility triangle that are currently and actively blocking visibility and clear sight as we speak be removed within the next 48 hours, as they are blocking visibility to both neighboring properties. (That is, both my property to the west, as well as the ‘Self Storage’ public storage facility to the east of the Lebwohl property). By blocking visibility, these items are **actively putting lives and public safety in immediate danger. Immediate action and enforcement is necessary for safety to be restored and lives not to be put at further risk.** The clear sight/visibility triangle should remain clear during all Lebwohl code violation corrections and any construction i.e.: the clear sight triangle to remain clear at all times. This may entail the need for further signage and/or markings?

2.)Perimeter fencing:

This site plan is incomplete as it does not include my existing perimeter fencing. My fencing is back-to-back with the old wooden fence line/shed line/cobblestone retaining wall line of the Lebwohl property – which is the historical boundary line between the two properties that has existed for the better part of the past century and is still the physical boundary between the two properties today. My fence needs to be included on these site plans as it will not be being removed for the code violation corrections and construction at the Lebwohl premises. Any site corrections should not be allowed to disturb or cause harm of any kind to my existing fencing and driveway in full, including on, above and below ground levels.

In particular, any work performed on the Lebwohl property should not and cannot damage any portions of my fence, above and below ground levels, my driveway including surfaces and supports of (i.e.; asphalt, pavement, dirt, ground etc., and the space needed to maneuver vehicles within said driveway), my carport(s) in their entirety, and any vehicles on my property, at any time, for any reasons.

3.)Stormwater:

The entire frontage of the Lebwohl property was turned into a concrete pad without permitting and against city code. Not only has the concrete pad been creating safety and visibility issues for the neighboring properties and drivers along Columbia Blvd., but it has also led several drivers traveling west along Columbia Blvd. to run into the Lebwohl property, likely due to the lack of landscaping making it easily mistaken for a continuation of the road. This unpermitted, not to code concrete also overlaps on top of my asphalt driveway creating a seamless downhill path for water flow and ensures all the water run-off from the unpermitted concrete runs down my driveway/on to my property. A few years ago, Mr. Lebwohl was trying to divert all his roof water runoff onto my property as well, which I had to put a stop to. I am aware if this concrete were allowed by code and had been permitted it would have undergone storm water review, which would have redirected the water run-off and saved my property from the damages and erosions issues of.

Any stormwater drainage plans and approvals must be appropriately distanced from my existing fencing and driveway to avoid causing damage and/or erosions of the existing driveway and fencing ground supports etc. I request that any

stormwater piping and/or grating be a minimum of 3' away from my existing fencing/fence line to help protect it. I believe the city code includes a 5' setback from property lines for this kind of stormwater drainage. Requiring a 3' setback from the existing fencing and driveway is more than reasonable – I am willing to accept any stormwater run-off of this 3' strip on to my property if necessary.

Additionally, any concrete removal adjacent to my fence should have a minimum of 6" of concrete and undisturbed ground remain, so as to not cause damage to the existing fence supports and integrity as a whole.

Additional Safety Note:

There is also a gas line in this area not far from the Lebwohl's western physical boundary, and a gas service cap that Mr. Lebwohl currently has covered with the tree planters (that are currently blocking visibility and putting public lives at risk) that should probably be included on the site plan, and probably should be taken into consideration with and any future stormwater drainage plans and/or trees/roots, fence/gate posts etc. that may be installed near it. It's a bit of a safety concern that should be taken into consideration.

Again, I would like to thank you all for time and consideration to the matters at hand and for being here today. Thank you all very kindly. Please again note the seriousness of the visibility issues, in that it is a serious risk to public safety to block visibility in this area and these are city codes that need to be enforced in this matter immediately, and in a manner that can be effectively enforced everyday moving forward. Thank you all.

Sincerely,

Maika Brummett



Property Search

Owner Name:

Site Address:

State ID:

Account #:

Geocode Addresses As Needed
 Search Active Field Only
 Hide Personal Property Accounts
 Show Taxlot Details Window

Navigate Results

Address	Address Type
3707 NE COLUMBIA BLVD	Primary

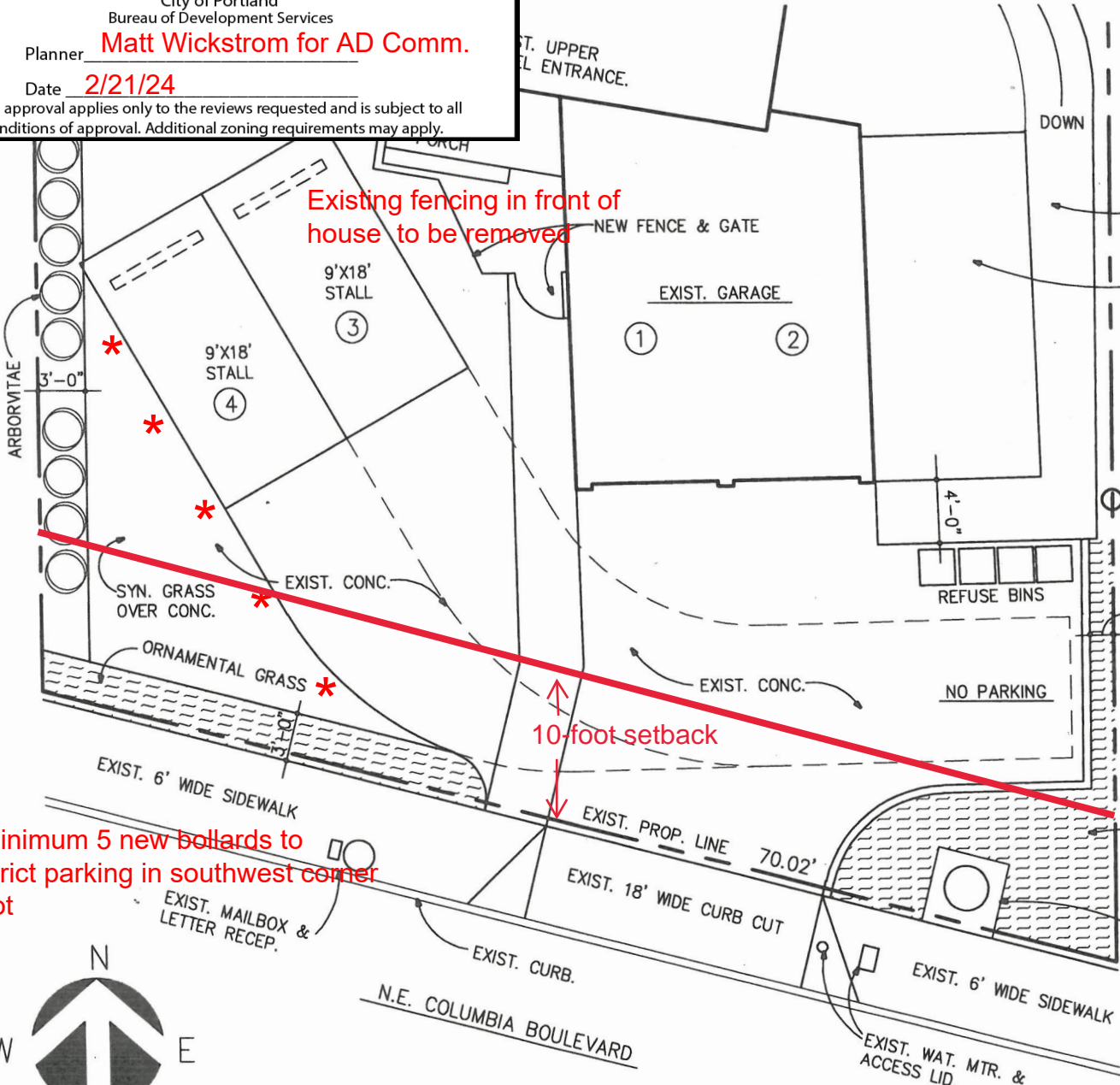
Measure Distance

Current measured distance: 389.9 feet. Total measured distance: 795 feet.



6

Approved
 City of Portland
 Bureau of Development Services
 Planner **Matt Wickstrom for AD Comm.**
 Date **2/21/24**
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Vehicle parking is only allowed in four indicated parking spaces.

NEW CONC. PATH FROM GARAGE LEVEL TO LOWER LEVEL.

REMOVE EXIST. WOOD SHED. EXIST. CONC. SLAB TO REMAIN.

Runoff and drainage of water from impervious surface area must occur on site and cannot be directed to neighboring properties.

EXIST. UTIL. POLE

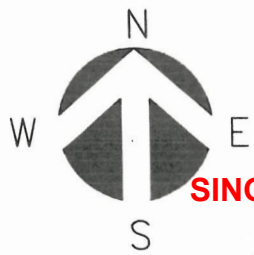
No parking, structures, objects or vegetation over 2 feet in height allowed in 10-foot setback except required bollards and "no parking" sign.

No parking signage required at turn-around.

GENERAL LANDSCAPING SHOWN THUS. TYPE AS REQUIRED BY C.O.P.

EXIST. TEL. M.H. COVER & CONC. COLLAR.

* = Minimum 5 new bollards to restrict parking in southwest corner of lot



SINGLE-DWELLING HOUSE WITH AN ACCESSORY HOME OFFICE AT STREET LEVEL

~~DUPLEX - ONE UNIT AT THIS STREET LEVEL & ONE UNIT AT LOWER LEVEL~~

PRELIMINARY SITE PLAN - 3707 N.E. COLUMBIA BLVD., PORTLAND, OR

SCALE: 1/10" = 1'-0" 0' 2' 4' 6' 8' 12' 16' 20' 24' 28' 32'

OCTOBER 6, 2023

LU 23-092099 AD - Exhibit H7



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630

Request for Extension of 120-Day Review Period

State law requires the City to issue a final decision on land use reviews within 120 days of receiving a complete application. State law also allows the applicant to request in writing an extension of the 120-day review period for up to an additional 245 days. When extensions are requested, it is important to ensure that there is adequate time to accommodate the required public review, drafting the decision, and any required hearings (including appeals) within the extended review period. Generally, a final decision must be rendered approximately 60 days prior to the end of the review period in order to accommodate appeals.

If requesting an extension of the 120-day review period, please sign this form and return it to the Bureau of Development Services (BDS) planner assigned to your case.

Case Information

- 1. Applicant Name: LEBWOHL TRUST
- 2. Land Use Case Number: LU # 23-092099 AD
- 3. BDS Planner Name: MATT WICKSTROM

Extension Request

Please check one of the following:

- Extend the 120-day review period for an additional 60 (insert number) days.
- Maximum allowed extension: 245 days

The total number of extensions requested cannot exceed 245 days.

By signing this form, I acknowledge that the 120-day review period for my land use review application will be extended for the number of days specified.

Applicant Signature: Stephen B. Lebrohl Date 2/5/24
AGENT-
OWNER



Adjustment Review Appeal Hearing

LU 23-092099 AD

2ND HEARING

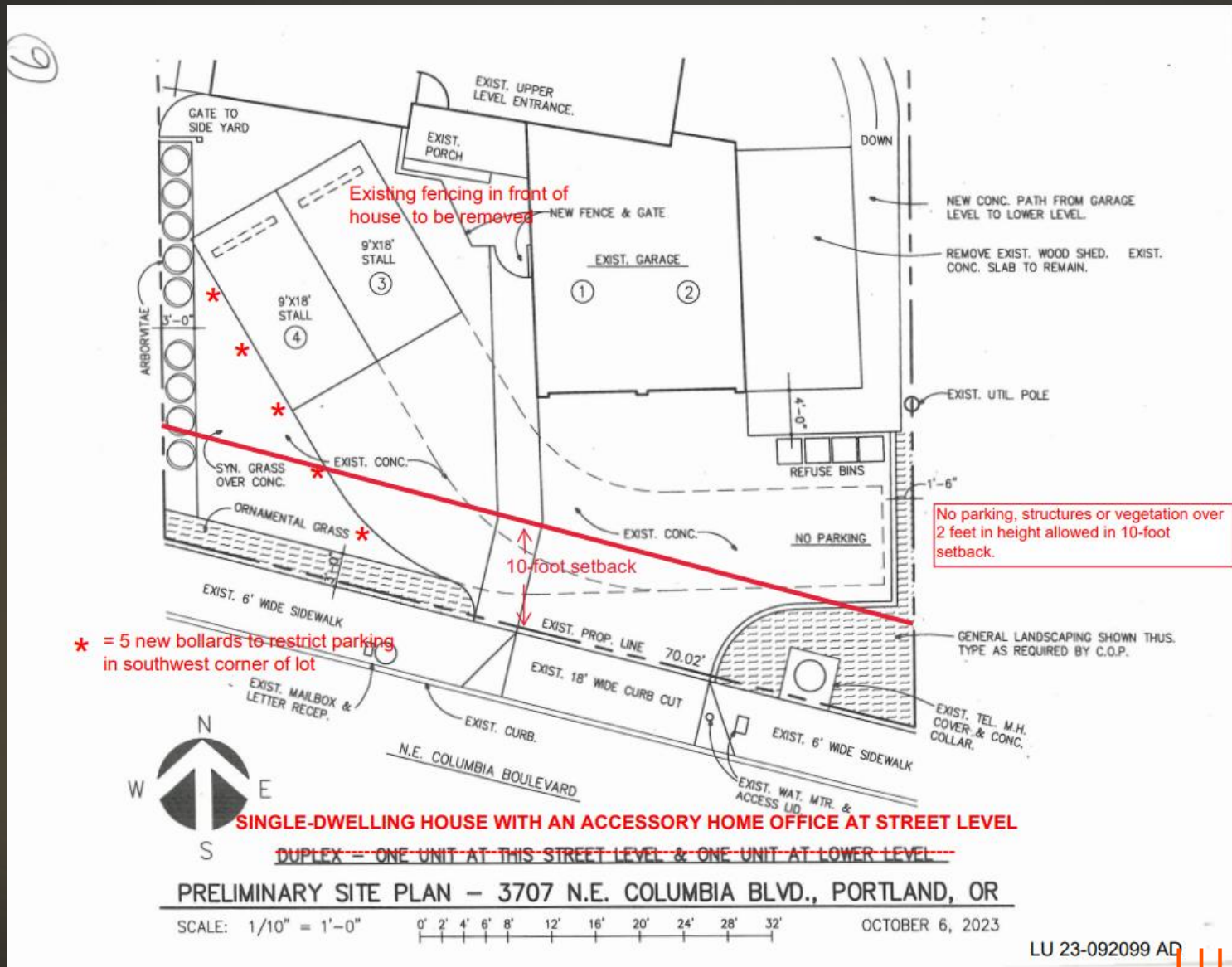
FEBRUARY 20, 2024

New Conditions of Approval

- Runoff and drainage of water from the impervious surface area must occur on the site and may not be directed to neighboring properties.
- No vehicle parking may occur and no structures, objects or vegetation may be more than 2 feet in height, as measured from the ground, within a 10-foot setback from the NE Columbia Blvd. property line. This condition of approval does not apply to the required “no parking” sign (Condition B) and the required bollards (Condition C).



Updated Site Plan Option 1

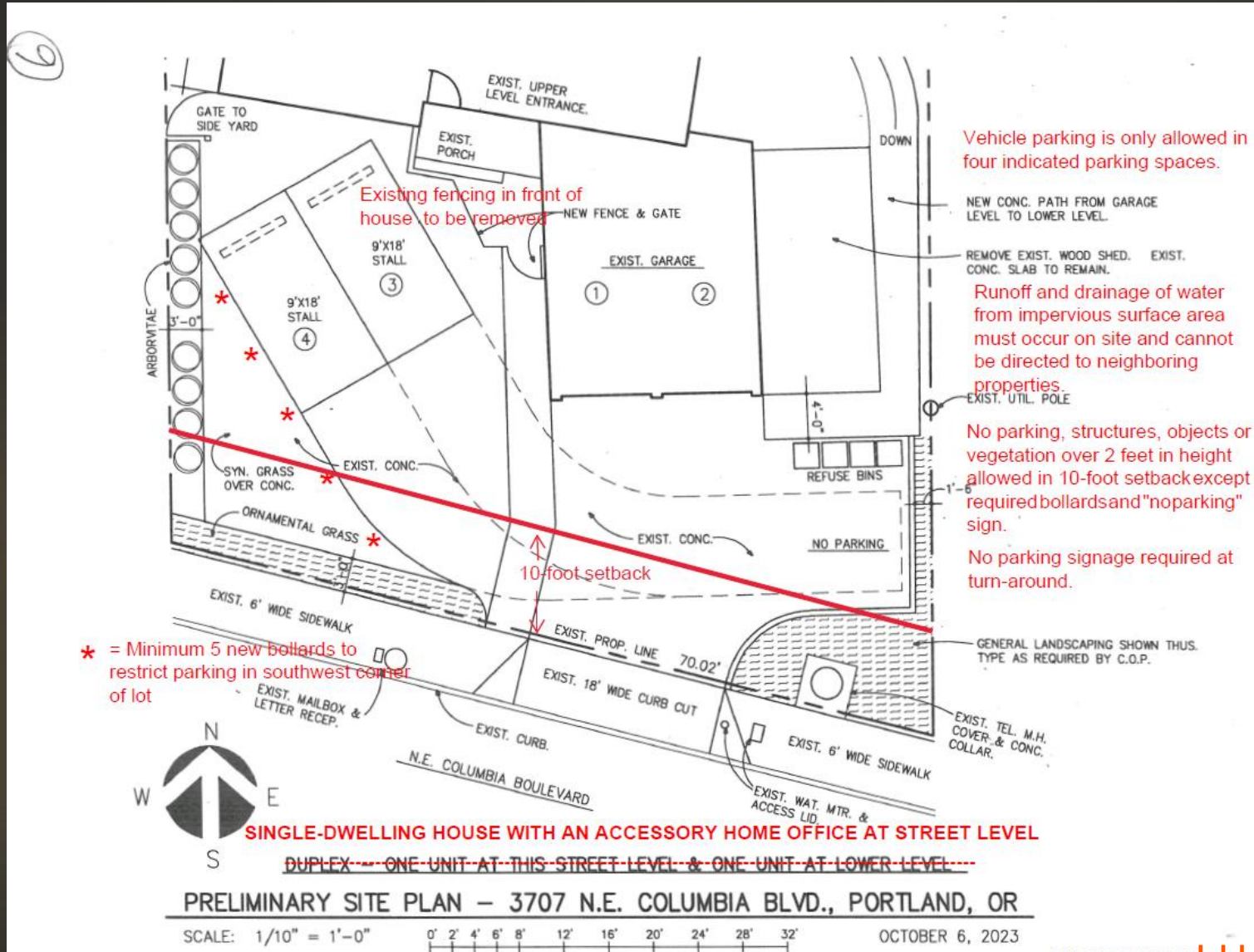


LU 23-092099 AD

LU 23-092099 AD - Exhibit H9



Updated Site Plan Option 2



Adjustment Review

LU 23-092099 AD

ADJUSTMENT COMMITTEE DECISION:

- APPROVAL OF ADJUSTMENT TO INCREASE ALLOWED FRONT YARD VEHICLE PAVING FROM 40 PERCENT TO 52 PERCENT WITH CONDITIONS OF APPROVAL

Adjustment Review



LU 23-092099 AD - Exhibit H9

	A	B	C	D	E	F
1	ENDORSEMENT	INFO1	INFO2	NAME	ADDRESS/IO ADDRESS	CITYSTATEZIP/ADDRESSEE
2	RETURN SERVICE REQUESTED		1N1E13A 1000	MATTHEW BUSS CONSULTING LLC	11725 SW CLIFFORD ST	BEAVERTON OR 97008
3	RETURN SERVICE REQUESTED		1N1E13A 1000	PORTLAND LODGE NO 142 BPOE	PO BOX 20605	PORTLAND OR 97294
4	RETURN SERVICE REQUESTED		1N1E13A 1000	3717 NE COLUMBIA BLVD LLC	19191 S VERMONT ST #680	TORRANCE CA 90502
5	RETURN SERVICE REQUESTED	PROLOGIS NE COLUMBIA BLVD LLC	C/O PROLOGIS INC ATTN PROP TAX	COORDINATOR	1800 WAZEE ST #500	DENVER CO 80202-2526
6	RETURN SERVICE REQUESTED		1N1E13AC 100	AIRGAS USA LLC-WEST DIVISION	PO BOX 6675	RADNOR PA 19087
7	RETURN SERVICE REQUESTED		1N1E13AC 100	COMMERCIAL PROPERTIES NW LLC	23 MCFEASEY RD	GOLDENDALE WA 98620-2841
8	RETURN SERVICE REQUESTED		1N1E13AD 2400	BRUMMETT MICHAELLE	3637 NE COLUMBIA BLVD	PORTLAND OR 97211-2039
9	RETURN SERVICE REQUESTED		1N1E13AD 2500	BITAR BROS ROBERT A BITAR CORP	2929 E BURNSIDE ST	PORTLAND OR 97214-1831
10	RETURN SERVICE REQUESTED		1N1E13AD 2600	ORBIT ENTERPRISES INC	6909 NE 47TH AVE	PORTLAND OR 97218
11	RETURN SERVICE REQUESTED		1N1E13AD 2700	OUTFRONT MEDIA LLC	715 NE EVERETT ST	PORTLAND OR 97232-2724
12				CURRENT RESIDENT	3620 NE COLUMBIA BLVD	PORTLAND OR 97211
13				CURRENT RESIDENT	3632 NE COLUMBIA BLVD	PORTLAND OR 97211
14				CURRENT RESIDENT	3575 NE COLUMBIA BLVD	PORTLAND OR 97211
15				CURRENT RESIDENT	3646 NE COLUMBIA BLVD	PORTLAND OR 97211
16				CURRENT RESIDENT	3730 NE COLUMBIA BLVD	PORTLAND OR 97211
17				CURRENT RESIDENT	3509 NE COLUMBIA BLVD	PORTLAND OR 97211
18				CURRENT RESIDENT	3635 NE COLUMBIA BLVD	PORTLAND OR 97211
19				CURRENT RESIDENT	3737 NE COLUMBIA BLVD	PORTLAND OR 97211
20	RETURN SERVICE REQUESTED	OWNER	1N1E13AD 2200	LEBWOHL TR	7135 SW 34TH AVE	PORTLAND OR 97219
21	RETURN SERVICE REQUESTED		APPLICANT/OWNERS AGENT	LEBWOHL STEPHEN	3707 NE COLUMBIA BLVD	PORTLAND OR 97211
22	RETURN SERVICE REQUESTED		CENTRAL NORTHEAST NEIGHBORS	STOLL ALISON	4415 NE 87TH AVE	PORTLAND OR 97220
23	RETURN SERVICE REQUESTED		SUNDERLAND NEIGHBORHOOD ASSOCIATION	LARSON LISA C/O CNN	4415 NE 87TH AVE	PORTLAND OR 97220
24	RETURN SERVICE REQUESTED		LAND USE CONTACT	NE COALITION OF NEIGHBORHOODS	4815 NE 7TH AVE	PORTLAND OR 97211
25	RETURN SERVICE REQUESTED		LAND USE CONTACT	COLUMBIA CORRIDOR ASSOCIATION	PO BOX 55651	PORTLAND OR 97238
26	RETURN SERVICE REQUESTED		CONCORDIA NEIGHBORHOOD ASSOCIATION	TAYLOR BEN	PO BOX 11194	PORTLAND OR 97211
27	RETURN SERVICE REQUESTED		PORTLAND METRO REGIONAL SOLUTIONS	C/O DLCD REGIONAL REPRESENTATIVE	1600 SW FOURTH AVE #109	PORTLAND OR 97201
28	RETURN SERVICE REQUESTED		LAND USE CONTACT	PORT OF PORTLAND PLANNING	PO BOX 3529	PORTLAND OR 97208
29	RETURN SERVICE REQUESTED		LAND USE CONTACT	TRANSIT DEVELOPMENT	1800 SW FIRST AVE #300	PORTLAND OR 97201
30	RETURN SERVICE REQUESTED		MULT CO DRAINAGE DISTRICT NO 1	MCDD - LAND USE CORRESPONDENCE	1880 NE ELROD DR	PORTLAND OR 97211
31	RETURN SERVICE REQUESTED	PORTLAND INTERNATIONAL AIRPORT	PLAN DISTRICT	PORTLAND INTERNATIONAL	7218 NE SANDY BLVD #3	PORTLAND OR 97213
32				LAND USE CONTACT	PROSPER PORTLAND	129/PROSPER
33					DAWN KRANTZ	B299/R5000



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
TTY: 711
www.portland.gov/bds

Date: December 13, 2023
To: Interested Person
From: Matt Wickstrom, Land Use Services
503-865-6513 / Matt.Wickstrom@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 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 <https://www.portland.gov/bds/zoning-land-use/news/notices>. Enter the land use case file number in the keyword search. 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 23-092099 AD

GENERAL INFORMATION

Applicant: Stephen B. Lebwohl
3707 NE Colubia Blvd | Portland, OR 97211
Phone: 503-349-7990 | Email: steve@wildwoodplaygrounds.com

Owner: Lebwohl Tr
7135 SW 34th Ave | Portland, OR 97219

Site Address: 3707 NE COLUMBIA BLVD

Legal Description: TL 2200 0.23 ACRES, SECTION 13 1N 1E
Tax Account No.: R941132490
State ID No.: 1N1E13AD 02200
Quarter Section: 2334

Neighborhood: Sunderland, contact Lisa Larson at lisal Larson1224@gmail.com
Business District: None
District Coalition: Central Northeast Neighbors, contact Alison Stoll at alisons@cnncoalition.org

Plan District: Portland International Airport - Middle Columbia Slough Subdistrict

Zoning: IG2hk (General Industrial 2 with Aircraft Landing Overlay and a Prime Industrial Overlay zones). The site is located in the Portland International Airport Plan District and Middle Columbia Slough subdistrict.

Case Type: AD – Adjustment Review (1 Adjustment)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to convert the home back to a single-dwelling residence with an accessory home office and modify the parking area in front of the home to create two uncovered parking spaces to the southwest of the house. The Portland Zoning Code limits the amount of vehicle paving allowed on sites with single-dwelling homes to 40 percent of the front yard area and the proposed amount of front yard vehicle paving will equal 52 percent. The applicant proposes one Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from the maximum of 40 percent to 52 percent. As part of the project, the applicant proposes to install bollards to prevent vehicle parking in the southwest corner of the lot, remove existing fencing located within the area the two new parking spaces are proposed and install a “no parking” sign where an onsite vehicle turnaround will be located.

Relevant Approval Criteria:

To be approved, this proposal must comply with the Adjustment Review approval criteria in Zoning Code Section 33.805.040.A-F.

ANALYSIS

Site and Vicinity: The 9,894 square foot lot is developed with a two-story single-dwelling house with a daylight basement and a two-car garage. It was converted to a business with a basement apartment without permits. The front yard was also paved without permits and a fence structure was built in front of the house as well as an addition to the east side of the garage.

For the purpose of this review, the surrounding vicinity is defined as the area within 400 feet of the site. The vicinity contains a mix of development; another single-dwelling home is located to the west of the site as are several homes to the east of the site although those homes appear to have been converted to businesses. A large self-service storage facility is located immediately east of the site. The bulk of the remaining vicinity is developed with industrial uses. Excess front yard vehicle paving is very common in the vicinity; this includes the homes to the east as well as the industrial businesses located across NE Columbia Blvd from the site.

Zoning: The site is zoned IG2hk (General Industrial 2 with Aircraft Landing Overlay and a Prime Industrial Overlay zones). The site is also located in the Portland International Airport Plan District and Middle Columbia Slough subdistrict.

The IG2 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

The “h” overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport. The height limit for this site is 180 feet above the PDX airport landing strip elevation of 18 feet above sea level.

The “k” overlay protects land that has been identified as Prime Industrial, and prioritizes these areas for long-term retention. The regulations protect these areas by preventing, or requiring an off-set for, conversion of the land to another zone or use that would reduce industrial development capacity.

The Portland International Airport plan district implement elements of the Airport Futures Land Use Plan by addressing the social, economic and environmental aspects of growth and development at the Portland International Airport. The plan district provides flexibility to the

Port of Portland – owner of the airport – to address a constantly changing aviation industry, while addressing the broader community impacts of operating and airport in an urban context.

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 **October 25, 2023**. The following Bureaus have responded:

- The Portland Bureau of Transportation responded with no objections to the requested Adjustment and provided information of the different street classifications (Exhibit E.1).
- The Life Safety Section of BDS responded with no objections and noted that several building code requirements may impact the overall proposal (Exhibit E.2). Water Bureau
- The Site Development Section of BDS, the Fire Bureau, the Bureau of Environmental Services, and the Water Bureau responded with no concerns (Exhibit E.3).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 25, 2023. 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

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

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

Findings: The purpose of the requirement for the front yard to contain no more than 40 percent vehicle area is stated in Portland Zoning Code Section 33.266.120.A:

33.266.120. Development Standards for Houses, Duplexes, Triplexes and Fourplexes.

Purpose: The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.

Staff finds the proposal to increase the allowed amount of front yard vehicle paving from a maximum of 40 percent to 52 percent equally or better meets the purpose statement above for the following reasons:

- The size of the proposed vehicle parking area at 52 percent of the front yard is acceptable due to the location of the site in an industrial area where excessive paving is common and even nearby homes that may have been converted to businesses have fully or almost fully paved front yards.
- Vehicles aren’t allowed to back out onto NE Columbia Blvd. which therefore necessitates an onsite turn around which increases onsite paved area.
- The placement of the proposed vehicle area makes sense for the site and its location on NE Columbia Blvd. – a busy street with freight traffic. The four onsite parking spaces are located in the garage or in two surface spaces both of which are located toward the rear of the front yard. This will help ensure that parked vehicles aren’t obscuring views of oncoming traffic for drivers on adjacent properties. It is also consistent with Portland Zoning Code regulations that do not allow parking within the first 10 feet of sites (as measured from the street property line) unless those parking spaces are located behind another parking space outside of the first 10 feet.

In order to ensure vehicle parking on the site complies with the submitted site plan showing the proposed 52 percent vehicle area and the location of onsite parking spaces, two conditions of approval are necessary.

The first condition states, “No onsite parking is allowed other than the two vehicle parking spaces within the garage labeled as “1” and “2” on the site plan and the two surface parking spaces next to the garage labeled as “3” and “4”. The back-in area for vehicle turn-around labeled on the site plan as “no parking” (referred to herein as “no parking area”) must be signed as “no parking”. Signage can consist of a posted sign stating “no parking” that is a minimum of 12” by 18” in size and posted at a height such that the bottom of the sign is no less than 5 feet above grade and within the landscaped area to the east of the no parking area. A standard “no parking” sign available online must be used. Or, “no parking” can be painted on the pavement within the no parking area. Standard stencils available online must be used and letters must be at least 12” in linear height.

The second condition states, “Bollards must be placed no more than 5 feet apart along the area shown as “9’x18’ Stall 4’ and ‘Exist Conc.’” (referred to herein as “the drive aisle and the western side of parking space 4”). A standard vehicle or traffic bollard must be used. Bollards must be at least 3 feet in height. A minimum of 5 bollards must be used”.

- As viewed through a safety perspective, the appearance of the 52 percent proposed does not interfere with views of oncoming traffic due to conditions of approval that only allow onsite vehicle parking in the approved locations.
- A 3-foot deep planting area is proposed along the NE Columbia Blvd. frontage. An additional landscaped area is proposed in the southeast corner of the site where a telephone pole is located. This provides an improved appearance of the neighborhood area. The applicant proposes to plant ornamental grasses within the landscaped area which will add to the visual depth of the proposed parking area which, in turn, improves a pedestrian experience, in general.
- The proposal to increase the amount of front yard vehicle area (the area between the front lot line and the house) from 40 percent to 52 percent is a 12 percent increase in front yard vehicle paving than what is allowed by right. Considering the amount of paving on nearby lots, a 12 percent increase with the addition of landscaping along the street will result in this property having one of the nicest street frontages in the vicinity.

Based on the information above and because the vehicle parking locations will be located toward the rear of the front yard with conditions of approval ensuring that parking will only occur in approved locations, this criterion is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The proposed Adjustment is consistent with the classifications of the adjacent streets and the desired character of the area.

In this location, NE Columbia Blvd. is classified as a Major City Traffic Street, Major Transit Priority, Local Service Bikeway, City Walkway, Priority Truck Street and Industrial Road. A proposal that will locate vehicle area and vehicle parking area away from the street through the installation of landscaped area, assigned parking locations, bollards and signage better serves the functions of the streets in this industrially zoned area.

The “desired character” of the area is defined in the Portland Zoning Code as:

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

In this location and because the site is located in the “h” overlay zone, the “k” overlay zone and the Portland International Airport Plan District, those purpose statements are required to be met. No area plan or design guideline applies to this site.

The purpose statement for the “h” overlay zone reads:

The Aircraft Landing Overlay Zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

The proposal is a request to increase the allowed amount of vehicle area within the front yard of a home beyond the allowed 40 percent and does not relate to the height of structures, vegetation or construction equipment in such a way to impact operating conditions for aircraft.

The purpose statement for the “k” overlay zone reads:

The purposes of the Prime Industrial overlay zone are to protect land that has been identified in the Comprehensive Plan as Prime Industrial, and to prioritize these areas for long-term retention. Prime Industrial Land is suited for traded-sector and supportive industries and possesses characteristics that are difficult to replace in the region. In Portland, Prime Industrial land consists of the Portland Harbor, Columbia Corridor, and Brooklyn Yard industrial districts. These freight-hub districts include Oregon’s largest seaport, rail hub, and airport. Existing and potential multimodal freight access in these districts support interregional transport, exporting industries, and associated industrial businesses and activities. The regulations protect these areas by preventing, or requiring an off-set for, conversion of the land to another zone or use that would reduce industrial development capacity.

The proposal involves creating an approved amount of vehicle area for a residential use with or without an accessory home office use in an area developed and zoned for industrial uses. The use of the site is reviewed as residential and not within the retention of the industrial area guidelines because it is still in residential use and therefore that portion of the purpose statement as well as the remaining portion does not apply or will apply in the future if the site is no longer in a residential use.

The purpose statement for the Portland International Airport reads:

The regulations of this chapter implement elements of the Airport Futures Land Use Plan by addressing the social, economic, and environmental aspects of growth and development at Portland International Airport (PDX). PDX is a unique land use within the City and requires tailored regulations to address wildlife hazards and impacts to transportation and natural resources. The plan district provides flexibility to the Port of Portland—owner of PDX—to address a constantly changing aviation industry, while addressing the broader community impacts of operating an airport in an urban context.

The regulations of this plan district protect significant identified environmental resources consistent with the requirements of airport operations, while maintaining or enhancing the capacity of public and private infrastructure within and serving the district. Additionally, the regulations protect significant archaeological features of the area.

The plan district has two subdistricts: the Airport Subdistrict and the Middle Columbia Slough Subdistrict.

The Airport Subdistrict includes the airport passenger terminal, terminal roadway area, airfield, and other support facilities most of which are owned and operated by the Port of Portland. Also included are other airport-related uses which are generally tenants of the Port. Within the Airport Subdistrict are two unmapped areas known as airside and landside (See Chapter 33.910, Definitions). Airside includes an area defined by a perimeter security fence and the airside uses associated with the airfield which includes runways, taxiways, lighting, etc. The perimeter security fence is not mapped since the fence may move over time due to federal and operational requirements. An area outside the fence—the runway protection zone—is also part of Airside. The airfield and airside uses are also treated differently due to federal regulations. Landside includes the passenger terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangars, maintenance buildings, fire and rescue facilities, and other similar types of development. Also within the Airport Subdistrict is the SW Quadrant Subarea, shown on Map 565-1.

The remainder of the plan district is the Middle Columbia Slough Subdistrict. The primary purpose of the regulations for this subdistrict is to promote eco-industrial development on sites that transition to industrial use from golf course use.

The final sentence of the Portland International Airport Plan District purpose statement is the most important to the proposal and states that non-golf course areas within the plan district are not the intent of its regulations. The overall purpose statement talks about adoption of the Airport Futures Plan by addressing the social, economic and environmental aspects of growth and development at Portland International Airport (PDX). Policies and aspirations within the Airport Futures Plan relate to the creation of a Portland International Airport Plan District and economic, social and environmental aspects. This proposal to increase the allowed amount of front yard vehicle area from 40 percent to 52 percent is too minor to be considered within this concept, including the economic, social, and environmental aspirations. The remainder of the policy statement underscores its irrelevance to the proposed Adjustment.

Based on this information 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 requested, therefore this criterion is not applicable.

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

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic resources or historic resources mapped on the subject site, this criterion is not applicable.

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

Findings: Impacts of the proposed Adjustment are mitigated through two conditions of approval. The first condition requires that no more than 4 vehicles be parked on site within allowed parking areas at one time. This ensures that the turn around area is not used as a parking space. The condition also requires that “no parking” signage be applied to the no parking area in the southeast corner of the site. The second condition requires bollards to be installed. This condition ensures that areas of the site that remain paved are not use for vehicle parking or maneuvering. With the mentioned conditions of approval, this criterion is 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;

Findings: The site is not located in an environmental zone, therefore 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

The applicant proposes one Adjustment to increase the maximum allowed amount of front yard vehicle paving (the distance between the house, duplex, triplex or fourplex and the street property line) from 40 percent to 52 percent. Based on the findings above which includes street classifications, zoning designations, plan district purpose statements, overlay zone purpose statements, the paving conditions of surrounding properties and the proposal to add landscaped area along the street frontage this proposal meets approval criteria. Add to that, conditions of approval which require the no parking area to be signed and the installation of bollards to define the travel lane and locations of the two surface parking spaces. Based on the information contained in this report, the requested Adjustment is approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Portland Zoning Code standard 33.266.120.C.1.b to increase the allowed amount of front yard vehicle paving from 40 percent to 52 percent, per the approved site plan, signed and dated December 1, 2023, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 23-092099 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No onsite parking is allowed other than the two vehicle parking spaces within the garage labeled as "1" and "2" on the site plan and the two surface parking spaces next to the garage labeled as "3" and "4". The back-in area for vehicle turn-around labeled on the site plan as "no parking" (no parking area) on the site plan must be signed as "no parking". Signage can consist of a posted sign stating "no parking" that is a minimum of 12" by 18" in size and posted at a height such that the bottom of the sign is no less than 5 feet above grade and within the landscaped area to the east of the no parking area. A standard "no parking" sign available online must be used. Or, "no parking" can be painted on the pavement within the no parking area. Standard stencils available online must be used and letters must be at least 12" in linear height.
- C. Bollards must be placed no more than 5 feet apart along the area shown on the site plan as "9'x18' Stall 4' and 'Exist Conc.'" – parking space 4 and the western edge of the drive aisle. The bollards must be affixed to the paved surface. A standard vehicle or traffic bollard must be used. Bollards must be at least 3 feet in height. A minimum of 5 bollards must be used.

Staff Planner: Matt Wickstrom



Decision rendered by: _____ **on December 1, 2023**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 13, 2023

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 October 10, 2023, and was determined to be complete on October 20, 2023.

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 October 10, 2023.

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: February 17, 2024.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on December 27, 2023. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization’s

boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 County Recorder. *Unless appealed*, the final decision will be recorded by the Bureau of Development Services.

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:

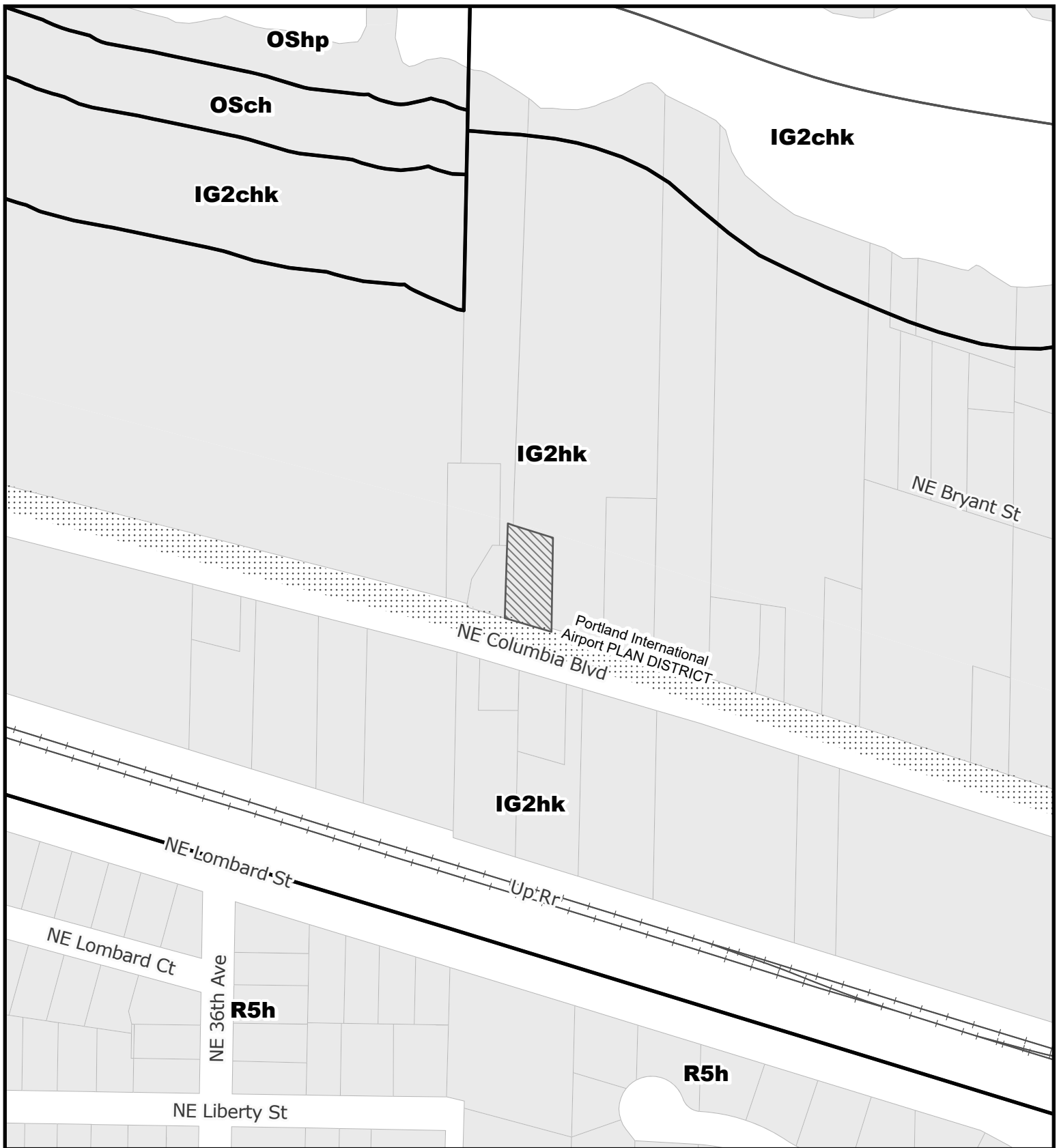
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Portland Bureau of Transportation
 - 2. Life Safety Section of BDS
 - 3. Site Development Review Section of BDS, Fire Bureau, Bureau of Environmental Services, Water Bureau
- F. Correspondence: None received
- 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).



For Zoning Code in Effect Post October 1, 2022

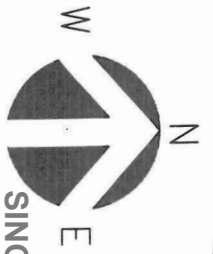
ZONING

THIS SITE LIES WITHIN THE:
 PORTLAND INTERNATIONAL AIRPORT
 PLAN DISTRICT
 MIDDLE COLUMBIA SLOUGH SUB DISTRICT

-  Site
-  Plan District
-  Stream

File No. LU 23 - 092099 AD
 1/4 Section 2334
 Scale 1 inch = 200 feet
 State ID 1N1E13AD 2200
 Exhibit B Oct 12, 2023
 LU 23-092099 AD - Exhibit H11

* Approved *
 City of Portland
 Bureau of Development Services
 Planner **Matt Wickstrom**
 Date **12/11/23**
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

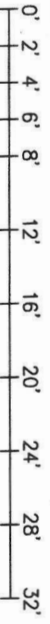


SINGLE-DWELLING HOUSE WITH AN ACCESSORY HOME OFFICE AT STREET LEVEL

~~DUPLICATE ONE UNIT AT THIS STREET LEVEL & ONE UNIT AT LOWER LEVEL~~

PRELIMINARY SITE PLAN - 3707 N.E. COLUMBIA BLVD., PORTLAND, OR

SCALE: 1/10" = 1'-0"



OCTOBER 6, 2023

LU 23-092099 AD - Exhibit C1

