

ORDINANCE No. 183855

*Authorize a waiver of certain Zoning Code standards for replacement parcels to facilitate land exchange agreements for the East Lents Floodplain Restoration project. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The East Lents Floodplain Restoration project helps implement the Portland Watershed Management Plan and the Johnson Creek Restoration Plan which calls for improving water quality, restoring fish and wildlife habitat and reducing damage from nuisance flood events that occur about every 10 years.
2. Johnson Creek historically floods SE Foster Rd. on average every other year. During flood events, 25,000 one-way car trips are impacted. Minimizing the duration of flooding on Foster Rd. reduces risks to public health and safety, disruption to businesses, and access for residents and commuters.
3. The East Lents Floodplain Restoration project is needed to help the City meet regulatory water quality requirements by reducing stream bank erosion, reducing stream temperature and pollutant loads to Johnson Creek, increasing and enhancing habitat, and reducing property damage from nuisance flooding.
4. The Johnson Creek Willing Seller Program provides land acquisition in support of the *Johnson Creek Restoration Plan*, adopted by City Council in 2001. The program purchases flood prone properties within four target locations, allowing property owners to move out of harms way while increasing the Bureau's ability to restore historic floodplain, reduce flooding and increase habitat for Endangered Species Act (ESA) listed species.
5. In the East Lents target area, Purchase and Sale Agreements provide for a property exchange of privately owned floodplain property for city-owned, non-floodplain land. The Purchase and Sale Agreements stipulate that sellers will relocate existing development onto Replacement Parcels listed below:

Existing parcels	Property ID
6531 SE 108th Avenue	R798000700
6622 SE 108 th Avenue	R798000200
Replacement parcels	Property ID
6830 SE 108 th Avenue	R649611010
6926 SE 108 th Avenue	R798000510

6. The Replacement parcels are located in R7 and R10 single-dwelling residential zones and are also in the South Sub-district of the Johnson Creek Basin Plan District.
7. Regulations of Title 33 (Zoning Code) that apply to the site include the Single-Dwelling Residential Zone (33.110), Accessory Dwelling Units (33.205), Parking and Loading (33.266) and Johnson Creek Basin Plan District Regulations (33.537).

8. Title 33 treats moved structures on new sites as “new development”, therefore, design-related Zoning Code standards can be difficult to meet without making cost-prohibitive alterations to structures proposed to-be moved.
9. To meet the East Lents Floodplain Restoration construction schedule, permits must be issued expediently to facilitate house moves out of the project area.
10. With the exception of the authorizations provided by City Council requested here, the requirements of all other applicable codes will be met.
11. As stipulated in the Purchase and Sale Agreements, development on Replacement parcels is restricted to single-dwelling development and land divisions are prohibited in perpetuity. Therefore, no present or future detrimental impacts will result on neighborhood livability or character.
12. Given the unique land sale negotiations to construct the East Lents Floodplain Restoration Project, the lack of detrimental impacts on neighborhood livability and character, it is in the City’s best interest to waive the application of certain City regulations in this particular situation. Given the unique circumstances, the City Council action is not a precedent for any future action.

NOW, THEREFORE, the council directs:

- a. Waive two garage-related Base Zone Design Standards (PCC 33.110.253.E - 50% Garage Wall and PCC 33.110.253.F - Street Lot Line Setbacks) to allow garages to be closer to the street than the longest street-facing wall of the dwelling unit and to allow the width of the garage wall to be greater than 50% the total façade.
- b. Waive ADU design related standards (PCC 33.205.030.C.7-11) to allow the ADU have different design elements (trim, roof pitch, etc) than the house.
- c. Waive PCC 33.205.030.D.1 to allow the ADU to be placed in front of the house and approximately 20 feet from the front lot line.
- d. Waive PCC 33.205.030.D.2 to allow the ADU to be taller than 18 feet.

Section 2. The Council declares that an emergency exists to fulfill the obligations set forth in the sales agreements and to ensure that timelines are coordinated with East Lents Floodplain Restoration project. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

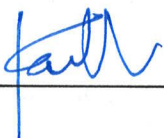
Passed by the Council, **JUN 09 2010**
Mayor Sam Adams

LaVonne Griffin-Valade
Auditor of the City of Portland

By 
Deputy

Agenda No.
ORDINANCE NO. 183855
 Title

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<p>INTRODUCED BY Commissioner/Auditor: <u>Mayor Sam Adams</u></p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - <u>Adams</u></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Bureau Head:</p> <p>Prepared by: Date Prepared:</p> <p>Financial Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Council Meeting Date</p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>JUN 04 2010</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u></u> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	