

Subject: PSC Comprehensive Plan Testimony

RE: Re-zoning residential land on the Linnton Hillside.  
November 11th, 2014

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Purpose:

To convey alternative solutions to counterintuitive rezoning for those interested in preventing problems that can arise and or currently exist on a limited infrastructure within residential areas on the Linnton Hillside.

I have a concern about rezoning on the Linnton Hillside. Rezoning R7 lots to R20 is not at all an answer to improving or limiting overuse on the hillside. In fact, it could make things more unmanageable. The Linnton Neighborhood Association (LNA) is concerned about the limited road and sewage infrastructure on the Linnton Hillside. My personal concern is exactly the same. Currently, the primary problem lies in what is happening on more than one existing R20 lot on the Linnton Hillside that has a direct negative impact on livability in the area.

According to the latest LNA newsletter, it was interpreted that changes in zoning were in response to residents concerns about hilly terrain and inadequate road and sewer infrastructure. Whitwood Court in particular, over the last several years has been impacted by over use of existing infrastructure by at least one R20 property owner. For those that are serious about curtailing negative impact on that infrastructure, it would be more beneficial to work toward finding solutions that would end the misuse of R20 lots, or up zone them so that it best suites the way in which some are currently being used.

Questions to be asked at the LNA land use meeting on Nov.12th:

- 1) What precise criteria went into the decision by LNA to advocate property rezoning on the Linnton Hillside and do any of these concerned residents live in Whitwood Court?
- 2) Was the decision to advocate zone changes for Linnton residents a collaboration within the LNA or was this a request from the City? Did anyone involved in these decisions live in Whitwwod Court?
- 3) How and or why was LNA involved years ago, in having the Linnton Hillside designated as a "Forest Park exemption" from city mandated installation of city sewage and road upgrades?

I am not opposed to that decision, however general rules regarding usage of limited infrastructure should have been clearly spelled out to Hillside residents at that time to prevent the misuse of the larger R20 lots that we are now seeing.

4) Has anyone in Whitwood Court complained to LNA about heavy traffic and a couple of accidents on the NW Mills Street between Bridge Road and Whitney Street as a result of too much activity going on at the top of the hill?

To whom it may concern,

The Linnton Hillside which includes Whitwood Court, is one of the most unique groups of neighborhoods in Portland. This is because of its proximity to Forest Park, and the beautiful, natural surroundings facilitated by lack of infrastructure. In many ways, it is a blessing that this area was excluded from vast infrastructure improvements. For other reasons however, it would have been helpful to have a better functioning infrastructure. This very peaceful environment is a special area within city limits of Portland. This endeared environment unfortunately has been violated by some, that have little regard for how their actions affect others within close proximity to them, let alone the Linnton community as a whole.

Rezoning of any privately owned property on the Linnton Hillside is refutable and counterintuitive. This transition does not work to balance environmental impact on the Linnton Hillside. In fact, it will work directly against safety and environmental concerns because of the misuse of larger properties that are currently zoned R20. The re-zoning of R7 property to R20 on the hill will actually make matters worse.

Currently zoned R20 lots are not working in favor of the environment in Whitwood Court as I will make very clear in this presentation.

There are three neighbors within one block of my home that rent auxiliary housing structures. Only one of them is an approved unit. I have confirmed that one home owner directly across from my residence has no designated auxiliary housing units but can apparently rent rooms in the main home. This land owner has at one time, and or is currently renting a poorly converted garage, a basement in their home, an extra bedroom in their home, a yurt on the property and even an old converted chicken coupe. They are on an R20 lot which also happens to be an environmental zone. Since they can only have one septic system on their R20 lot, all of these rentals use the same septic system. I know this to be a problem because I have witnessed 3 times in the last 6 months, a septic pumping truck empty their tank. I also hear a warning buzzer that frequently goes off when their septic system is overfilled. The over use of this system can cause raw sewage to drain onto the gravel road at the bottom of their property and into my front yard during heavy rains. There is also a gray water system for the converted garage that does not work well and also leaks when it rains or is over used. Had they been allowed to build a legal auxiliary structure with its own septic system, there would not be such a problem. Sewage management in this case would be better facilitated by R7 zoning. A newer system was installed a few years ago by the owner, but it obviously can't handle the volume of people using it. These violations had been reported to the city by another concerned neighbor a few years ago, but the problem still exists.

Renters may not know what type of sewage system they are using nor are they likely understand about how a septic system works, or the outcome of its misuse. Obviously this is true about some unknowing homeowners as well. With concern about invasive species and negative environmental impact from overuse in the area, homeowners share a responsibility to protect it. Renters are often not as concerned about the environment in which they reside since their stay is generally temporary. Inhabitants in areas with limited infrastructure should understand the use of private sewage disposal systems and prevent their overuse. Education along these lines would be much more helpful than re-zoning. Keeping large group functions and summer camps out of the area would also help tremendously.

Primary violations of common sense rules with regard to limited infrastructure in Whitwood Court and near my home are many. They include past and present multiple rentals, large scale and unapproved child day care, a lack of respect for inadequate road and sewage infrastructure which include over usage by 2 week long 4H camps every summer. Functions that should be held on a large open farm or ranch, not in a city neighborhood, let alone one with limited infrastructure. These camps consist of several dozen attendees, faculty and counselors for 2 weeks on private land on the hillside. This activity greatly impacts the area by bringing heavy traffic and overuse of limited facilities to the neighborhood. The hillside can not handle this. Only after I complained about the situation, did the land owner provide one portable toilet facility for these large functions.

I was told by this same land owner that the LNA was behind her organizing the 4H events. With circumstances that exists about rezoning concerns, this seems hypocritical. Certainly a single land owner in violation of common sense rules, has no room to request changes to zoning in the area. To avoid extreme impact on our limited infrastructure and to insure the health and safety of residents, it would be helpful if the the LNA no longer condone such activity on the Linnton Hillside.

Over usage from rentals and high attendance activities on R20 lots creates negative environmental concerns far beyond that which rezoning can correct. R20 zoning of existing R7 lots could create environmental concerns much greater than if things were left as is. Rental units in general on R20 property, do not have proper avenues to take with regard to constructing adequate sanitary conditions. R7 zoned lots would not be as vulnerable to this problem because adequate additional systems could be built.

Rezoning in Whitwood Court is not the answer. Any re-zoning would need to include statutes preventing rentals of any auxiliary structure within the boundaries of any individually owned R20 property. It should also limit use of properties for large functions that crate environmental issues as well as congestion on underdeveloped, single lane, switchback ladened roads.

I personally am the only one that maintains the gravel road in front of my home. I also am the one homeowner that causes the least amount of impact on the condition of that road. This maintenance needs to be done annually because of runoff that is not properly diverted coming off of the hill across the street from my residence. I have offered to help this neighbor correct the situation without luck.

Properly constructed septic systems on R20 or R7 property have little or no environmental impact unless they too fall victim to improper or over usage. I plan to be more active with the LNA so that problems that I am aware of can be better resolved.

Thank you for your concern,

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