



# **City of Portland Bureau of Development Services**

Staff Presentation to  
**City Council**

**Land Use Review 13-237078 ZC LDP**



# Purpose of Hearing

**Appeal of Hearings Officer's Decision to approve a Zone Change from R5 to R2.5 in conformance with the Comprehensive Plan and 3-lot land division.**

**(Type III Zone Change and Land Division)**

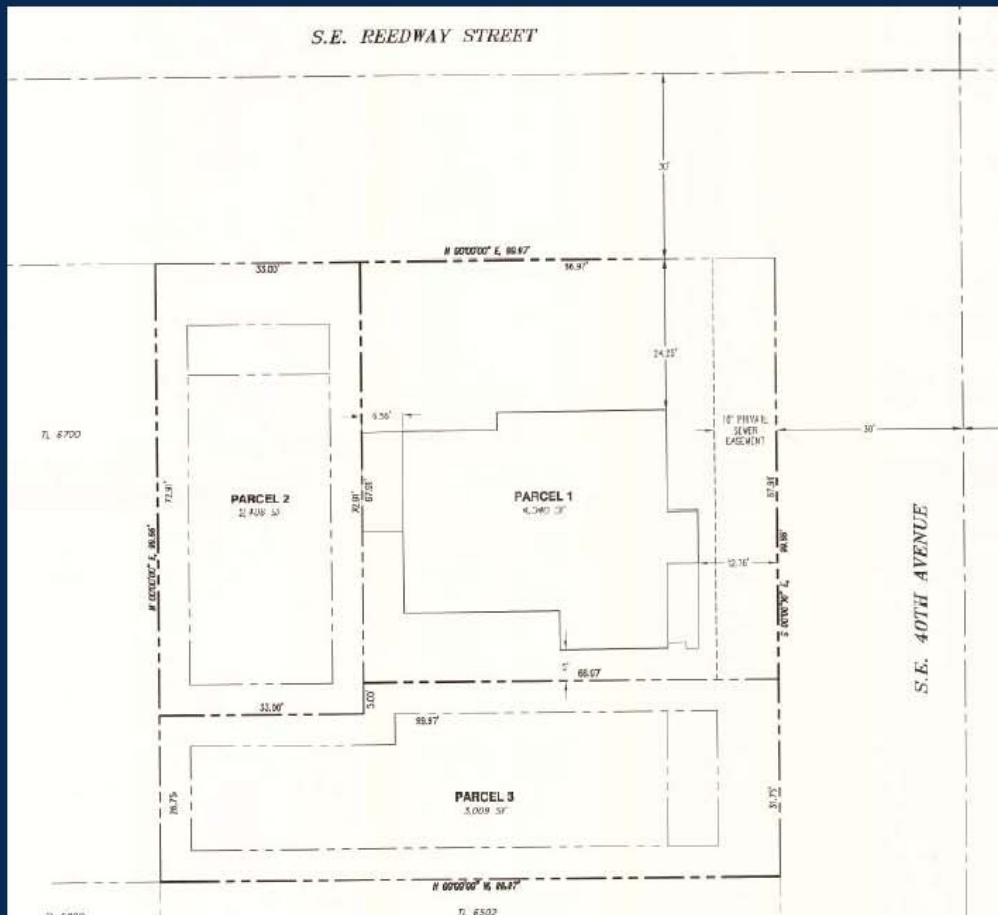
**Applicant:**

**Faster Permits representing Vic Remmers**

**Appellant:**

**Woodstock Neighborhood Association**

# Approval Criteria



- *33.855.050, Approval Criteria for Base Zone Changes.*
- *Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.*



# Summary of Appeal

- The proposal violates criterion 33.660.120.A because:

*The applicant failed to demonstrate the proposed lot widths are consistent with the regulations in Section 33.611.200(C)2, the purpose of this section [33.611.200.A] and the purpose of the Chapter [33.611.100.A].*

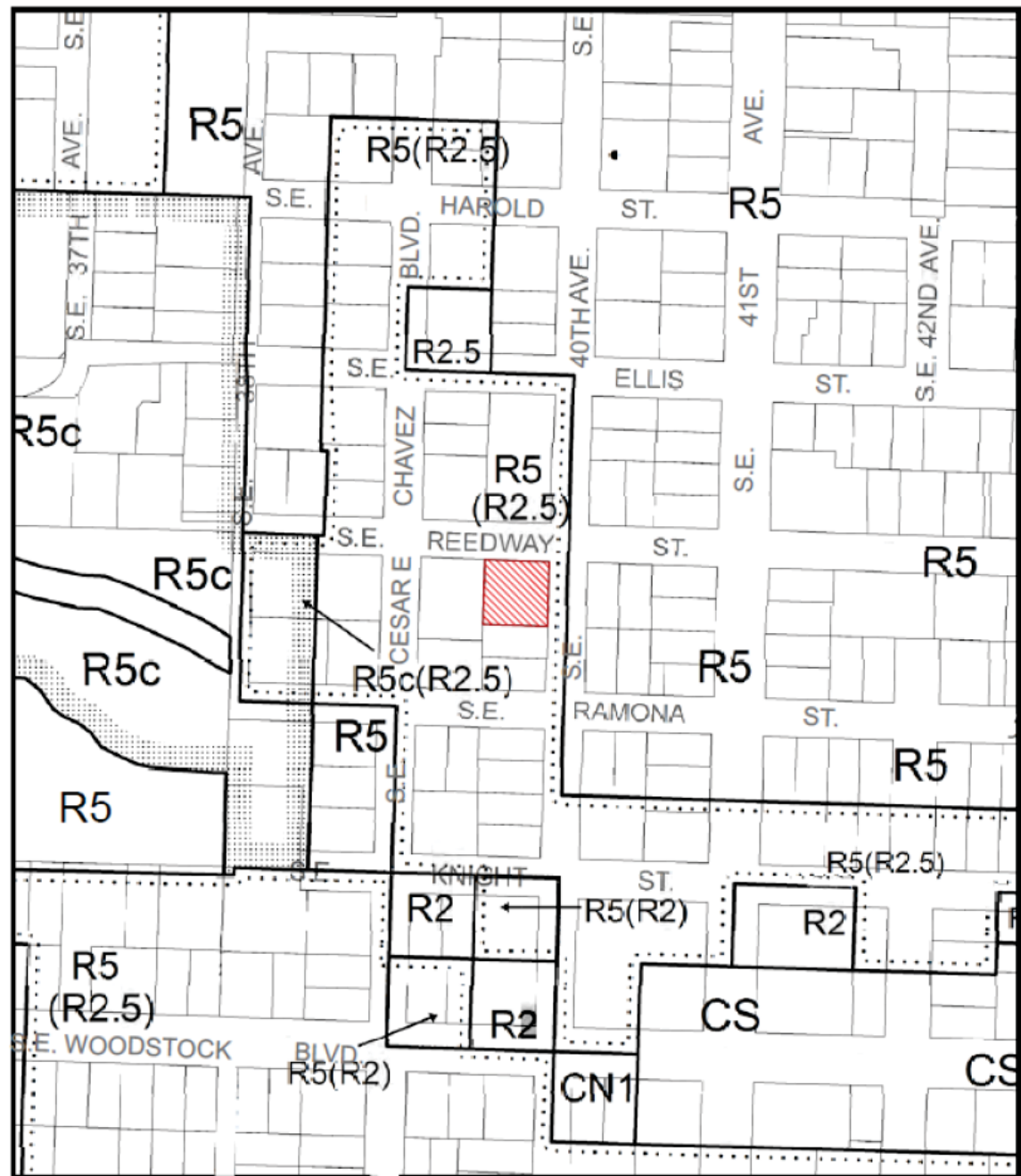
- The proposal violates criterion 33.660.120.I because:

*The overall purpose statement for the Chapter [33.611.100.A] notes that the chapter is intended to work in conjunction with other chapters within Title 33. Reducing the lot widths is inconsistent with the intent of Chapter 33.639, as the resulting lots will not provide adequate solar access to the adjacent or proposed properties.*

# Zoning Map

Current Zoning:  
Residential 5,000 (R5)

Comprehensive Plan:  
Residential 2,500 (R2.5)



## EXISTING ZONING



NORTH



Site

File No. LU 13-237078 ZC,LDP  
1/4 Section 3634  
Scale 1 inch = 200 feet  
State\_Id 1S1E13DA 5600  
Exhibit B.2 (May 15, 2014)

# Aerial Photo



# Land Division

The lot dimensions required and proposed are shown in the following table:

	<b>Min. Lot Area (square feet)</b>	<b>Max. Lot Area (square feet)</b>	<b>Min. Lot Width* (feet)</b>	<b>Min. Depth (feet)</b>	<b>Min. Front Lot Line (feet)</b>
<b>R2.5 Zone</b>	1,600	NA	36	40	30
Parcel 1	4,548		66.97	67.91	66.97
Parcel 2	2,464		33	74.66	33
Parcel 3	3,009		31.75	99.97	31.75

On balance, the proposed lots will have dimensions that are consistent with the purpose of the section.



# Compatible Lots

## **PCC 33. 611.200.A:**

- Lots are compatible with existing lots while also considering the purpose of this chapter.

## **PCC 33.611.010:**

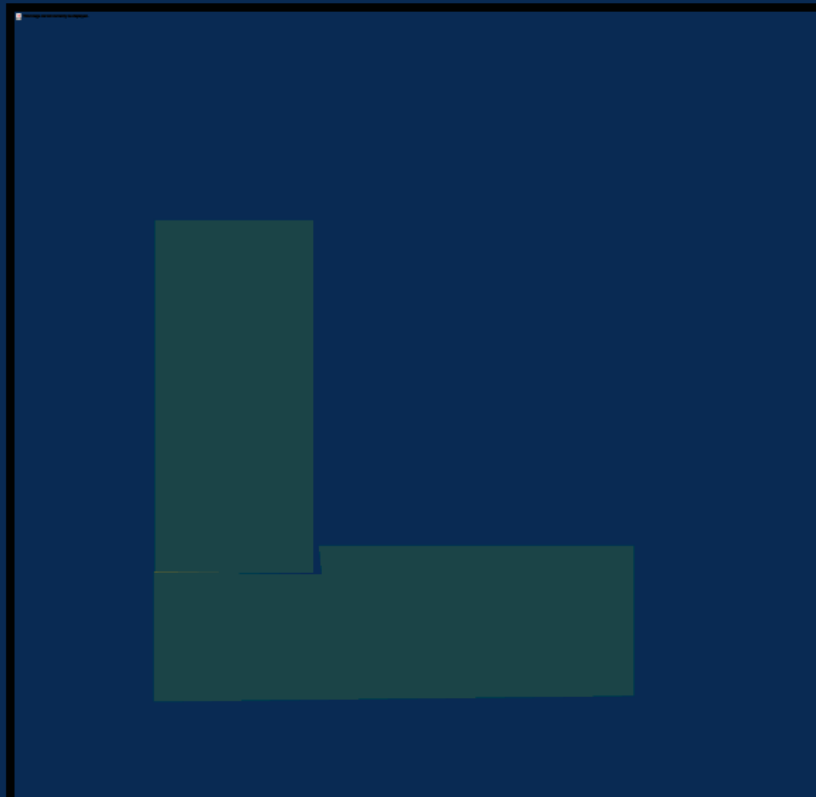
- These requirements ensure that lots are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate structures in accordance with the planned intensity of the R2.5 zone.



# Compatible Lots

## Staff found:

- The planned intensity is respected;
- Minimum lot size can't be met, even for vacant site; and
- Keeping the existing house precludes any redevelopment that meets minimum lot width.

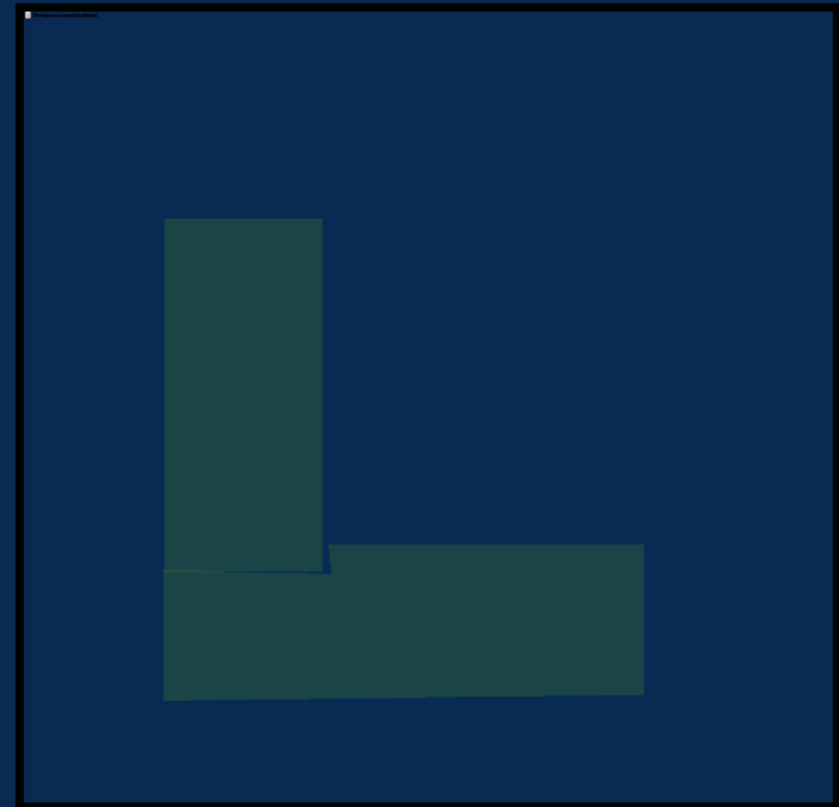




# Compatible Lots

## Hearings Officer found:

- Compatible is defined by Webster's as "capable of existing together without discord or disharmony;"
- Lots do not need to be "identical", "similar", or "consistent with" surrounding lots;
- If that was the intent, then the purpose statement would so read (ORS 174.010); and
- Meeting the compatibility purpose statement does not require that the proposal is the "best" option.



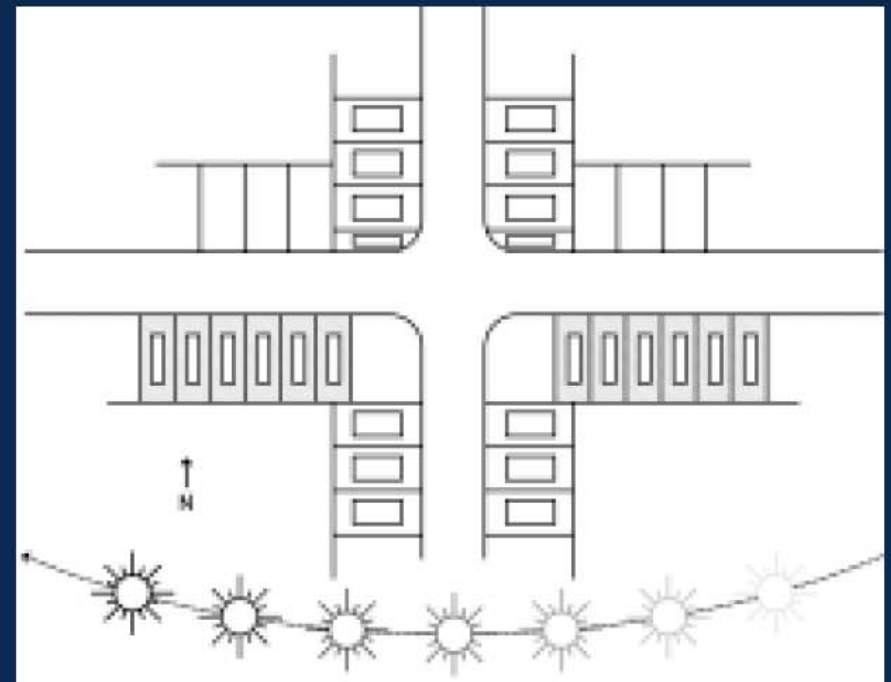
# Solar Access

## Staff found:

- Parcel 2 is a north-facing interior lot and should be less wide than Parcel 1
- Parcel 3 is the only lot oriented towards a north-south street – there is no preference

## Hearings Officer found:

- Upheld staff testimony that the criteria are “prescriptive”
- Lot configuration is not prohibited;
- Code does not forbid future development from casting shade





# Conditions of Approval

- Sanitary sewer easement for the benefit of Parcel 3;
- Upsize water line in SE 40<sup>th</sup> Avenue;
- Demolition of accessory structures;
- Fire Bureau requirements at time of development;
- Stormwater disposal for the existing house; and
- Attached garage restriction for Parcel 3.



# Council Alternatives

## **Appeal of Hearings Officer's Decision to approve a zone change and land division.**

- Deny the appeal. Uphold Hearings Officer decision for approval of the proposal.
- Uphold the appeal, thereby overturning the Hearings Officer's decision and deny all or part of the application.



# **City of Portland Bureau of Development Services**

Staff Presentation to  
**City Council**

Land Use Review 13-237078 ZC LDP