



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** May 3, 2013  
**To:** Interested Person  
**From:** Emily Sandy, Land Use Services  
503-823-7828 / [Emily.Sandy@portlandoregon.gov](mailto:Emily.Sandy@portlandoregon.gov)

## **NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD**

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

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on May 24, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-141115 AD, in your letter. It also is helpful to address your letter to me, Emily Sandy.

## **CASE FILE NUMBER: LU 13-141115 AD**

**Applicant:** Zalane Nunn, Portland Parks And Recreation  
1120 SW 5th Rm 1302  
Portland, OR 97204

**Owner:** Thomas E Nelson,  
Esther A Nelson,  
2753 NW Calumet Ter  
Portland, OR 97210-3307

**Site Address:** 1404 SW BROADWAY DR AND ADJACENT

**Legal Description:** S OF SW BROADWAY DRIVE EXC E 10' BLOCK K, GROVERS ADD;  
BLOCK L LOT 8&9, GROVERS ADD; BLOCK 124 INC PT VAC ST LOT  
1&6-8 LOT 2-4 INC PT VAC STS LOT 5, PORTLAND CITY HMSTD; TL  
800 8.73 ACRES, SECTION 09 1S 1E; TL 900 4.47 ACRES, SECTION  
09 1S 1E; TL 700 14.89 ACRES, SECTION 09 1S 1E

**Tax Account No.:** R346602530, R346602810, R668006910, R991090700, R991091100,  
R991091440

**State ID No.:** 1S1E04CD 11700, 1S1E04CD 11400, 1S1E09BA 01000, 1S1E09  
00800, 1S1E09BA 00900, 1S1E09 00700

**Quarter Section:** 3227

**Neighborhood:** Southwest Hills Residential League, contact Nancy Seton at 503-224-  
3840.

**Business District:** None

**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Zoning:** R5, Single-dwelling Residential 5,000 square feet.

**Case Type:** AD, Adjustment

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

**Proposal:**

A private landowner owns the lot at 1404 SW Broadway Drive. The City of Portland owns an adjacent lot, west of 1404 SW Broadway Drive. The property owners wish to pursue a Property Line Adjustment to transfer a portion of the property from 1404 SW Broadway Drive to the City of Portland for purposes of adding land area to the adjacent Marquam Nature Park to the south. The Property Line Adjustment is currently under review under a different file, 13-141092 PR. The property at 1404 SW Broadway Drive (Proposed Tract 1) is proposed to change from 28,000 square feet in area to 16,375 square feet in area. The property owned by the City of Portland (Proposed Tract 2) is proposed to change from 6,800 square feet to 21,215 square feet. In order for a Property Line Adjustment to be approved, the proposal must meet all standards in Chapter 33.667, Property Line Adjustments. Standard 33.667.300. A.1 states that a property may not move out of conformance with a regulation as a result of a Property Line Adjustment. The proposed Property Line Adjustment will result in the property owned by the City of Portland to be 21,215 square feet, which exceed the maximum lot size for lots in the R5 zone, 8,500 square feet (33.610). Consequently, an Adjustment to maximum lot size is required to be approved prior to approval of the Property Line Adjustment.

**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.

**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

**33.610.200 Lot Dimension Regulations**

*Lots in the RF through R5 zones must meet the lot dimension regulations of this section.*

**A. Purpose.** *The lot dimension regulations ensure that:*

- Each lot has enough room for a reasonably-sized house and garage;*
- Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;*
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;*
- Each lot has room for at least a small, private outdoor area;*
- Lots are compatible with existing lots;*
- Lots are wide enough to allow development to orient toward the street;*
- Lots don't narrow to an unbuildable width close to the street*
- Each lot has adequate access from the street;*
- Each lot has access for utilities and services; and*
- *Lots are not landlocked.*

- 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; 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.

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 April 18, 2013 and determined to be complete on May 1, 2013.

#### **DECISION MAKING PROCESS**

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

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

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

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

#### **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**

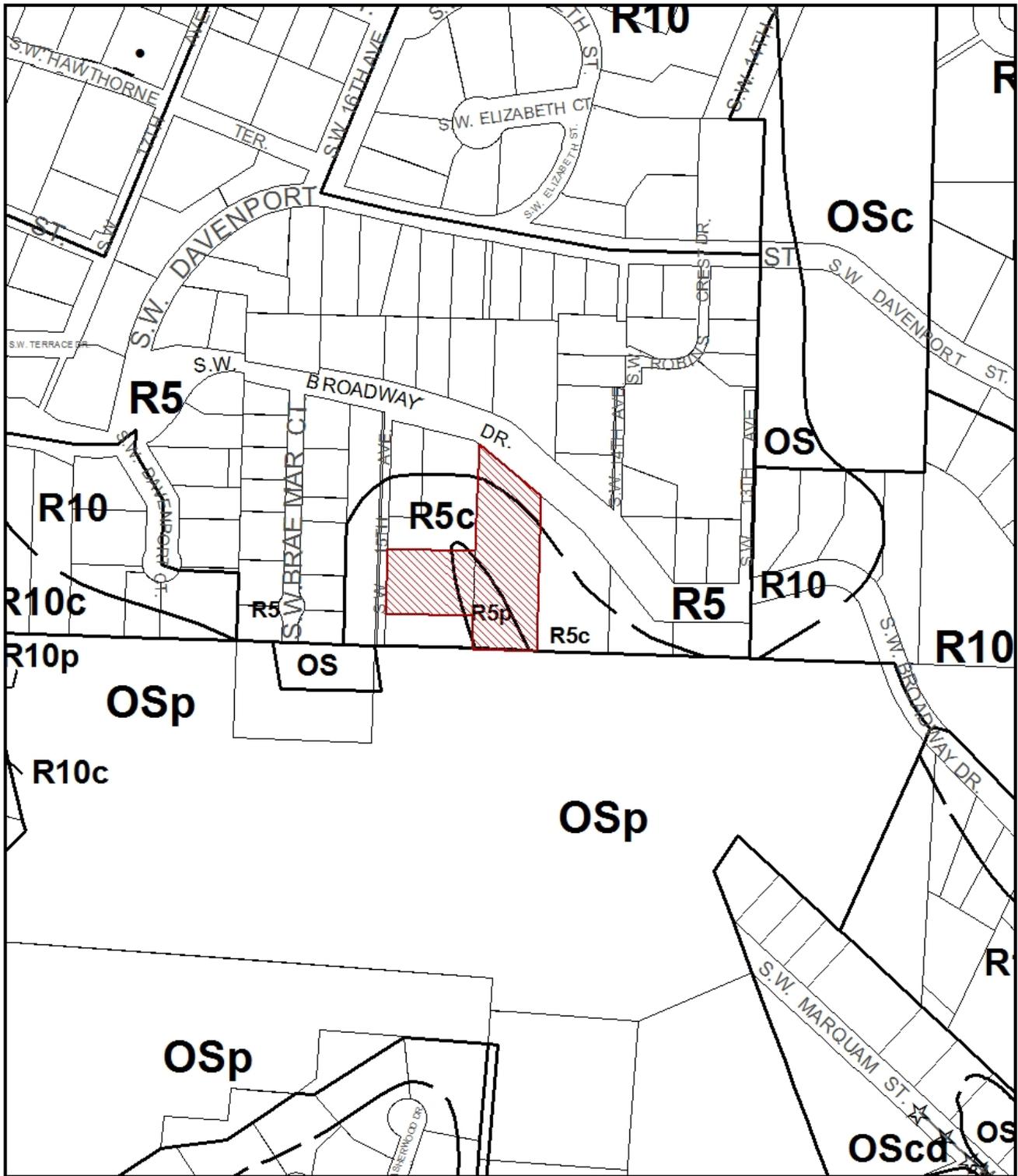
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone

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



# ZONING



File No.	LU 13-141115 AD
1/4 Section	3227
Scale	1 inch = 200 feet
State_Id	1S1E04CD 11400
Exhibit	B (Apr 23, 2013)

**EXISTING CONDITIONS SURVEY**  
 FOR A PROPERTY LINE ADJUSTMENT  
 SITUATED IN THE S.W. 1/4 OF  
 SECTION 4, T.1S, R.1E., W.M.  
 CITY OF PORTLAND,  
 MULTNOMAH COUNTY, OREGON

PROPOSED TRACT 1:  
 16,375 square feet

PROPOSED TRACT 2:  
 21,215 square feet

**LEGEND:**

● FOUND MONUMENT	■ STORMWATER CATCH BASIN
○ POWER POLE	▨ STORMWATER CURB INLET
○ WATER METER	● STORMWATER CLEANOUT
○ GAS METER	● STORMWATER DRAIN
⊙ STORMWATER MANHOLE	
✱ SPOT GRADE	

—	SUBJECT PROPERTY
- - - - -	EDGE OF GRAVEL
—	ROCK RETAINING WALL
- - - - -	EASEMENT
—	CENTERLINE
—	DITCHLINE
—	FENCELINE
- - - - -	2' CONTOUR INTERVAL
- - - - -	10' CONTOUR INTERVAL
—	GAS LINE
—	WATER LINE
—	OVERHEAD POWER LINE
—	SANITARY SEWER LINE
—	STORM LINE
▨	BUILDING
—	CONCRETE SURFACE
—	PAVEMENT SURFACE

**NOTES:**

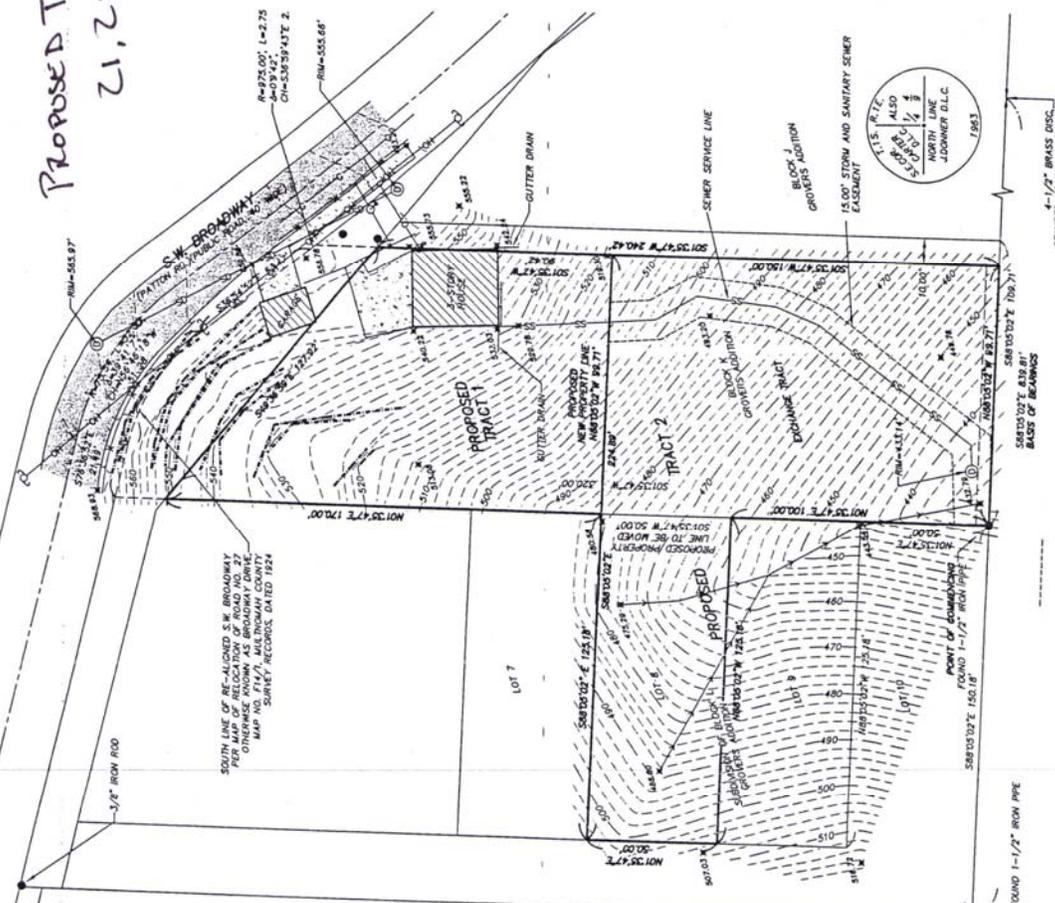
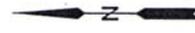
- THE BASIS OF BEARING SHOWN HEREON IS PER RECORDS OF SURVEY NUMBER 59420, FILED OCTOBER 1, 2004, MULTNOMAH COUNTY SURVEY.
- ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NO. 1087. ELEVATION = 718.34'
- THE UTILITIES SHOWN ON THIS MAP ARE LOCATED FROM APPARENT ABOVE GROUND FEATURES INCLUDING WATER VALVES, MANHOLES, ETC. WE MAKE NO WARRANTY AS TO THE ACCURACY OF THESE UTILITIES. WE MAKE NO GUARANTEE THAT THE PIPES ARE IN FACT A STRAIGHT LINE BETWEEN SURFACE FEATURES.

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
*Thomas G. Nelson*  
 OREGON  
 THOMAS G. NELSON  
 #2351  
 RENEWAL 12/31/14

**SURVEYED FOR:**  
 THOMAS E. NELSON  
 2753 NW CALUMET TERRACE  
 PORTLAND, OREGON 97210  
 (503) 980-0000

**Tom Nelson & Associates, L.L.C.**  
 1001 SE WATER AVE, SUITE 300  
 PORTLAND, OREGON 97214  
 PHONE: (503) 230-1532  
 FAX: (503) 230-1562

FILE: 12035      DATE: APRIL 10, 2013  
 DRAWN BY: SRZ      SHEET: 1 OF 1



LU 13 141115AD