



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: October 7, 2016
To: Interested Person
From: Don Kienholz, Land Use Services
503-823-7771 / Don.Kienholz@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 October 28, 2016.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-248519 AD, in your letter. It also is helpful to address your letter to me, Don Kienholz. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 16-248519 AD

Applicant: Kevin Partain
223 NE 56th Ave
Portland, OR 97213-3705

Owner: Hij Properties, LLC
16933 SE Foster Rd
Gresham, OR 97080

Site Address: 5404 SE WOODWARD ST

Legal Description: BLOCK 28 LOT 26&27, EAST CRESTON
Tax Account No.: R223803070
State ID No.: 1S2E07AB 07500
Quarter Section: 3336

Neighborhood: South Tabor, contact Shemuel Harding at 503-679-9066.
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Zoning: R5a – Residential 5,000 with an Alternative Design Density (“a”) overlay zone.
Case Type: AD – Adjustment Review

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

Proposal:

The subject property is an 8,829 square-foot tax lot made up of Lots 26 and 27, Block 28, East Creston Subdivision – two intact, previously platted subdivision lots located on the corner of SE Woodard Road and SE 54th Ave. An existing triplex sits in the northwest corner of the site, almost entirely on Lot 27, but encroaches over the east-west oriented platted subdivision line onto Lot 26 by roughly 2-feet. The site has a 32-foot wide driveway that takes access off of SE Woodward Road.

The owners have a pending Lot Confirmation and Property Line Adjustment case that would correct the structural encroachment by relocating the platted lot line south to create a 5-foot setback to the dwelling. Currently, the Front Property Line for Lot 27 is along SE Woodward Road as it has the shortest length of road frontage. After the Property Line Adjustment to correct the encroachment, Lot 27's shortest length of road frontage will be along SE 54th and will be considered the Front Lot Line. The property line along SE Woodward Road will become the side property line.

The required setback to the Front Property Line in the R5 zone is 10-feet. There is only 4-feet between the dwelling and SE 54th Avenue on Lot 27. Because the setback to the new Front Lot Line on SE 54th will be less than 10-feet, an Adjustment is required. The applicant is going to convert the triplex down to a duplex, but no exterior changes are proposed to the structure.

Lastly, the Parking and Loading code in section 33.266 allows only 20% of a street side yard to be paved and used for vehicles. When the Property Line Adjustment is complete, the 90-foot long property line along SE Woodward will become the side property line and the 32-foot wide driveway off of Woodward will make up 35% of the area. Since the driveway occupies more area than the 20% allowed under 33.266.120(C)(3)(a), an adjustment is required for the paving and parking size even though no changes to the driveway are proposed.

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

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and**
- 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; (*not applicable*)**

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 September 23, 2016 and determined to be complete on October 4, 2016.

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.

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.

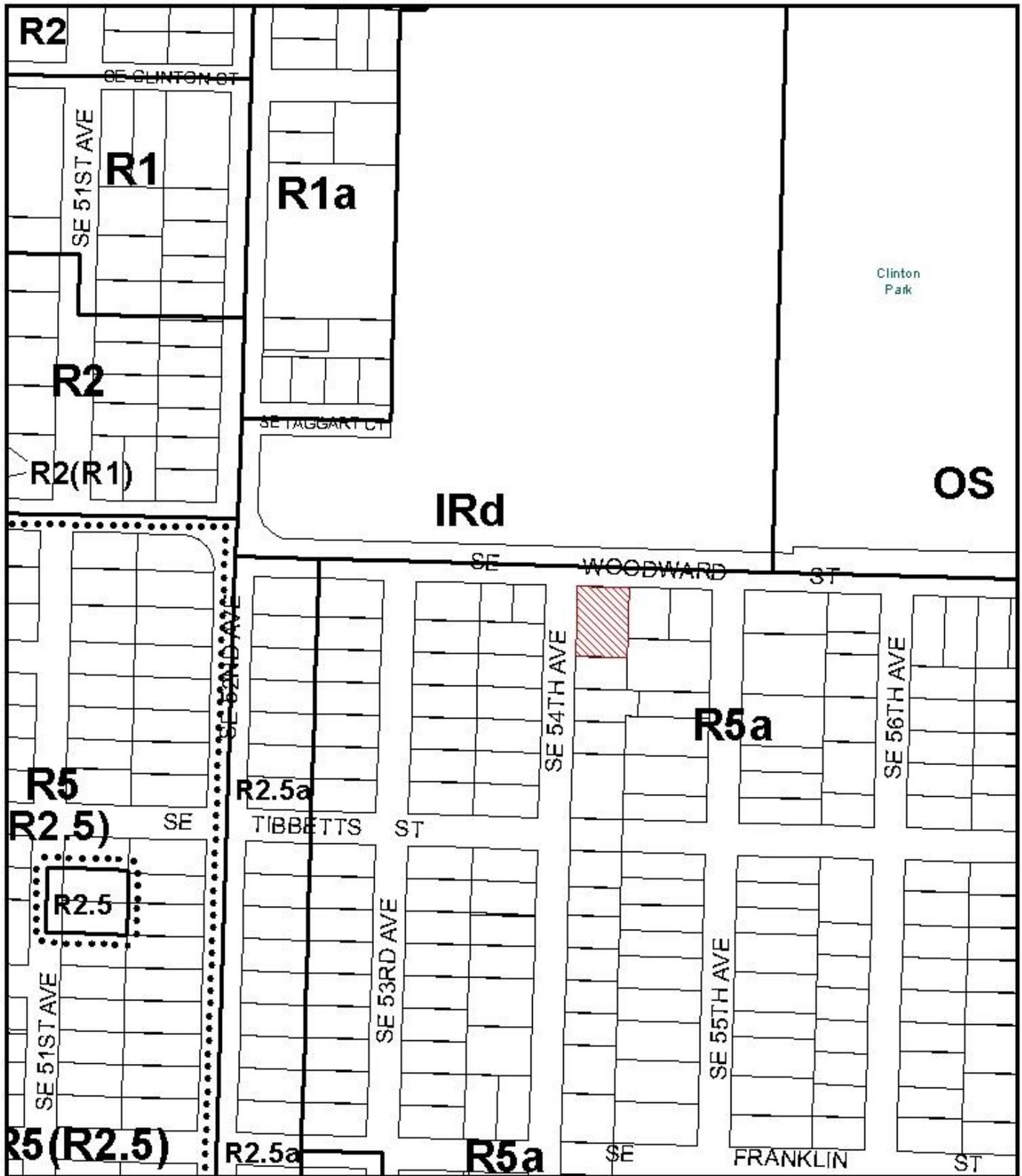
APPEAL OF THE FINAL CITY DECISION

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



ZONING



 Site

File No.	<u>LU 16-248519 AD</u>
1/4 Section	<u>3336</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E07AB 7500</u>
Exhibit	<u>B (Sep 28, 2016)</u>

S.E. WOODWARD STREET
60.00' WIDE

TENTATIVE PLAN,
EXISTING CONDITIONS AND TREE SURVEY FOR
A PROPOSED LOT CONFIRMATION AND PROPERTY LINE
ADJUSTMENT, LOTS 26 AND 27, BLOCK 28, EAST CRESTON
SITUATED IN THE N.E. 1/4 OF SECTION 7, T.1S., R.2E., W.M.
MULTNOMAH CO., OREGON

MARY ASSOCIATES
18815 E. BURNSIDE STREET
PORTLAND, OR 97223
TEL: 503-667-5550
FAX: 503-666-8666
EMAIL: DALE@MARYASSOCIATES.NET

DATE DRAWN: JULY 27, 2016
DRAWING NO: 160825XC
REVISIONS:
REVISED: AUGUST 8, 2016
REVISED: AUGUST 12, 2016

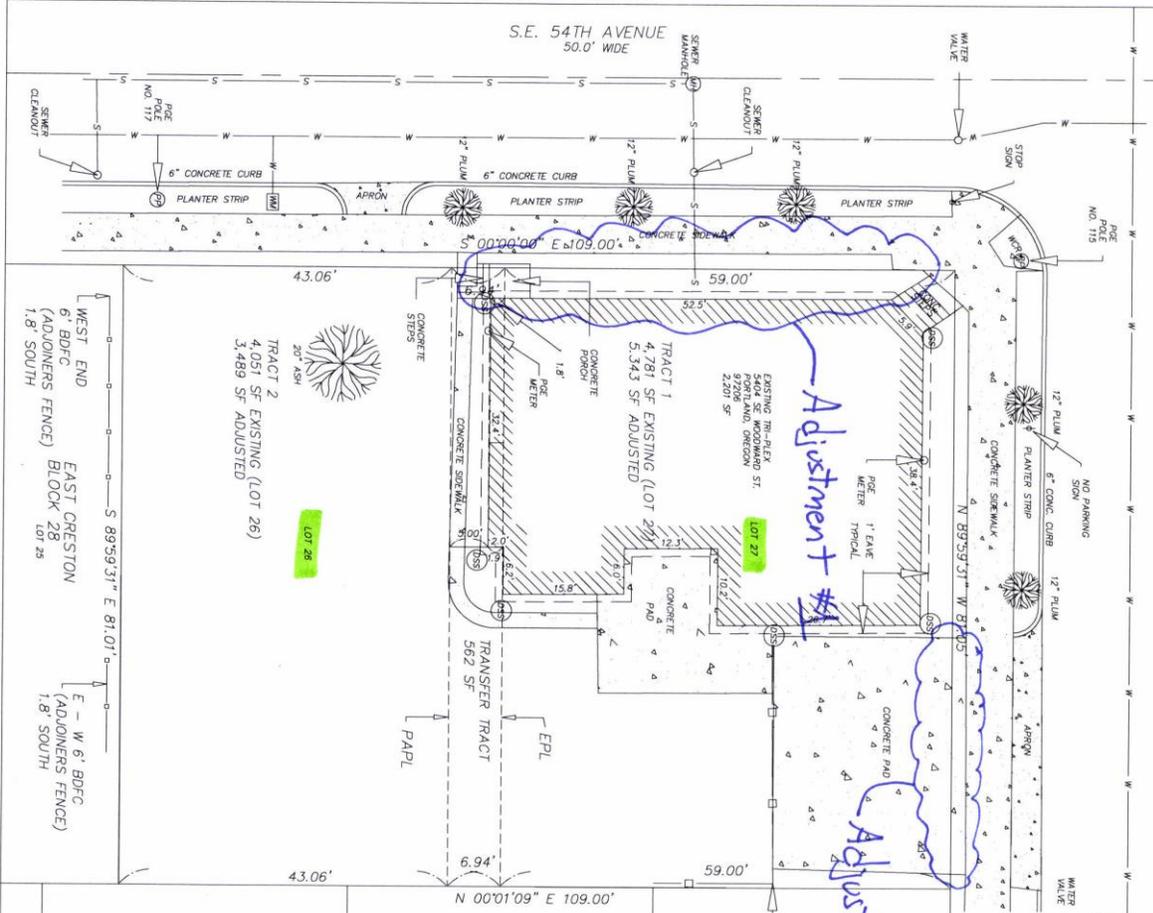
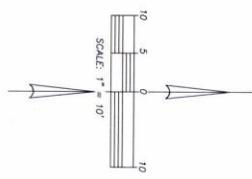
ZONING:
RS
SITE SIZE:
8,832 SQUARE FEET
PARCEL DATA:
LOT 26 AND 27, BLOCK 28, EAST CRESTON

NOTES & LEGEND:

- MWM DENOTES WATER METER
- M DENOTES MANHOLE
- P DENOTES POWER POLE
- BDBF DENOTES BOARD FENCE
- -D- DENOTES BOARD FENCE
- -W- DENOTES WATER LINE
- -S- DENOTES SEWER LINE
- -PM- DENOTES PROPOSED WATER LINE
- -PS- DENOTES PROPOSED SEWER LINE
- TORL DENOTES CORNERED PROPERTY LINE
- TPAL* PROPOSED ADJUSTED PROPERTY LINE
- S* DENOTES SQUARE FEET
- DSS* DENOTES DOWNSPOUT TO SURFACE
- WCR* DENOTES WHEEL CHAIR RAMP

NOTES:

1. UTILITIES ARE LOCATED AS SHOWN PER FIELD TIES OR FIELD VERIFICATION. FIELD TIES AND VERIFICATION SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION.
2. BOUNDARY BEARINGS AND DISTANCES SUBJECT TO MINOR ADJUSTMENTS UPON COMPLETION OF RECORD OF SURVEY.



TRACT 2
4,051 SF EXISTING (LOT 26)
3,489 SF ADJUSTED

TRACT 1
4,781 SF EXISTING (LOT 27)
5,343 SF ADJUSTED

WEST END
6' BDFC
(ADJOINERS FENCE)
1.8' SOUTH

EAST CRESTON
BLOCK 28
LOT 25

E - W 6' BDFC
(ADJOINERS FENCE)
1.8' SOUTH

LOTS 3 & 6
CLOCKWISE ADDITION
BLOCK 1

RECEIVED
SEP 29 RECD

REGISTERED
PROFESSIONAL
LAND SURVEYOR

SEBASTIAN
SAMUEL S. BAUER
EXPIRATION DATE: 12/31/17