



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

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www.portlandonline.com/bds

Date: July 26, 2010
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / sean.williams@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-144452 AD

GENERAL INFORMATION

Applicant: Kenneth S Morse
Susan D Wickstrom
2545 SW Nevada Ct
Portland, OR 97219-2546

Site Address: 2545 SW Nevada Court

Legal Description: TL 8200 0.16 ACRES, SECTION 20 1S 1E; TL 8100 0.63 ACRES, SECTION 20 1S 1E

Tax Account No.: R991201620, R991203090

State ID No.: 1S1E20AA 08200, 1S1E20AA 08100

Quarter Section: 3726

Neighborhood: Hillsdale, contact Duane Hunting at 503-417-4409.

Business District: None

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

Plan District: None

Other Designations: Potential Landslide Hazard

Zoning: Residential 7,000 (R7)

Case Type: Adjustment (AD)

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

Proposal:

The applicants are requesting an adjustment to the maximum lot size of 12,000 square feet in the Residential 7,000 (R7) zone to facilitate a property line adjustment (10-138938 PR). The proposed property line adjustment would result in property identified as 2545 SW Nevada Court (Tract B) increasing in size from 7,000 to 15,122 square feet and 2557 SW Nevada Court (Tract A) decreasing in size from 27,278 to 19,156 square feet. Because 2545 SW Nevada Court is below the maximum lot size and will exceed this amount as a result of the PLA, an adjustment to this standard (33.610.200 & Table 610-2) is required. No change in existing development is proposed at this time.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section **33.805.040 A.-F., Approval Criteria for Adjustments.**

ANALYSIS

Site and Vicinity: The subject property is located on the north side of SW Nevada Court approximately 100 feet east of the intersection with SW 26th Avenue. Existing improvements consist of a single family dwelling located on the southern half of the property.

Zoning: The R7 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: City records indicate the following prior land use reviews for these properties:

- **02-153929 AD:** Approval of an adjustment to maximum lot size for property identified as 2557 SW Nevada Court to facilitate a property line adjustment (03-186052 PR) with 2545 SW Nevada Court. This land use approval and subsequent PLA created the current configuration of the properties involved in this review. This adjustment request will allow these properties to be returned to their previous configurations.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 25, 2010**. The Bureau of Environmental Services, Urban Forestry, Life Safety Plans Examiner and Fire Bureau all have no concerns regarding the adjustment proposal (Exhibit E-4). The following Bureaus have responded with comments:

Bureau of Transportation: "Transportation has no objection to the proposed adjustment to maximum lot size. This proposal request is associated with LU 10-138938 PR. Dedication and/or improvements will be assessed and may be required with future development proposal(s) if applicable." See Exhibit E-1.

Water Bureau: "The Water Bureau has no objections to the proposed adjustment of the maximum lot size, for a property line adjustment to the properties located at 2545 and 2557 SW Nevada Ct. For property 2545 SW Nevada Ct, there is an existing 5/8" metered service (Serial #28731564, Account #2980986800) and for 2557 SW Nevada Ct there is an existing 5/8' metered service (Serial #95042728, Account #2994621900), both of which supply water to this location from the existing 6" CI main in SW Nevada Ct. The estimated static water pressure range for this location is 67 psi to 85 psi at the existing service elevation of 556 ft." See Exhibit E-2.

Site Development Section of BDS: Site Development has no objections to the adjustment or PLA. Advisory comments were provided regarding the presence of existing septic systems on both properties that do not appear to have been decommissioned at the time of public sewer system connection. No action is required at this time. However, decommissioning shall occur at the time of future development of these properties. See Exhibit E-3.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 25, 2010. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA**APPROVAL CRITERIA FOR ADJUSTMENTS****33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.40 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. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant is requesting an adjustment to the maximum lot size of 12,000 square feet in the Residential 7,000 (R7) zone to facilitate a property line adjustment to allow the subject property to be enlarged from 7,000 to approximately 15,122 square feet in size. The purpose of the lot dimension standards for lots in the RF through R5 zones (33.610.200) 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.**

Tract A (2545 SW Nevada Court) currently contains a one story house with attached garage that is located approximately 25 feet from the SW Nevada Court right-of-way. The subsequent property line adjustment will not cause the existing improvements to move out of conformance with development standards of the zoning code. Each lot has more than enough room to accommodate a private outdoor area. The property line adjustment will not alter the width of either property nor will it affect vehicle access from the street or access for utilities and services.

Tract A (2545 SW Nevada Court) currently has a maximum density of 1 and minimum density of 0. The adjacent property, Tract B (2557 SW Nevada Court), involved in the property line adjustment has a maximum density of 3 and minimum density of 2. After the PLA, Tract A and B will both have a maximum density of 2 and minimum density of 1. Therefore, the PLA will result in the transfer of 1 unit of density and will not cause either property to appear further dividable to exceed the maximum allowed density in the future.

Lots in the vicinity of the Tract B are generally of a larger size and lower density zoning designation that lends toward larger lot sizes in this area. A number of lots within the immediate vicinity are the same size or larger than Tract B after the property line adjustment. Therefore, the compatibility of Tract B will not be compromised as a result of the increase in

maximum lot size. The proposal to exceed maximum lot area equally or better meets the lot dimension regulations. Therefore, this criterion is met.

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

Findings: The subject property is in a residential zone and is located within the Hillsdale Neighborhood. Residential development within the vicinity of the site is primarily consists of single dwelling development. The exchange of property will occur in the area of the rear yards of each property and will not affect the appearance or livability of exiting development as viewed from the public realm. Therefore, this criterion is met.

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

Findings: Only one adjustment is requested. This criterion is not applicable.

D. City-designated scenic resources and historic resources are preserved; and

Findings: The site does not contain any scenic or historic resource designations. This criterion is not applicable.

E. Any impacts resulting from the adjustments are mitigated to the extent practical;

Findings: As addressed in the preceding findings, there are no discernable impacts that will result from the proposed adjustment. This criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The site is not within an environmental overlay zone. This criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

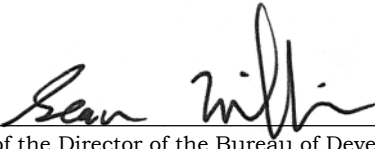
CONCLUSIONS

The applicant proposes one adjustment to maximum lot size for Tract A (2545 SW Nevada Court) associated with a property line adjustment. As noted in this report, the proposal to allow property identified as Tract A to exceed the maximum lot size for the R7 zone is able to meet the adjustment approval criterion based on substantial conformance with applicable standards and established situations on the site and in the surrounding neighborhood.

ADMINISTRATIVE DECISION

Approval of an adjustment to the maximum lot area standard of the R7 zone (33.610.200) from 12,000 square feet to 15,122 square feet as the result of a planned property line adjustment per the approved site plan (Exhibit C-1).

Staff Planner: Sean Williams

Decision rendered by:  **on July 22, 2010.**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 26, 2010.

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on June 9, 2010, and was determined to be complete on June 22, 2010.

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. Therefore this application was reviewed against the Zoning Code in effect on June 9, 2010.

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 waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 20, 2010.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 9, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The

appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **August 10, 2010 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

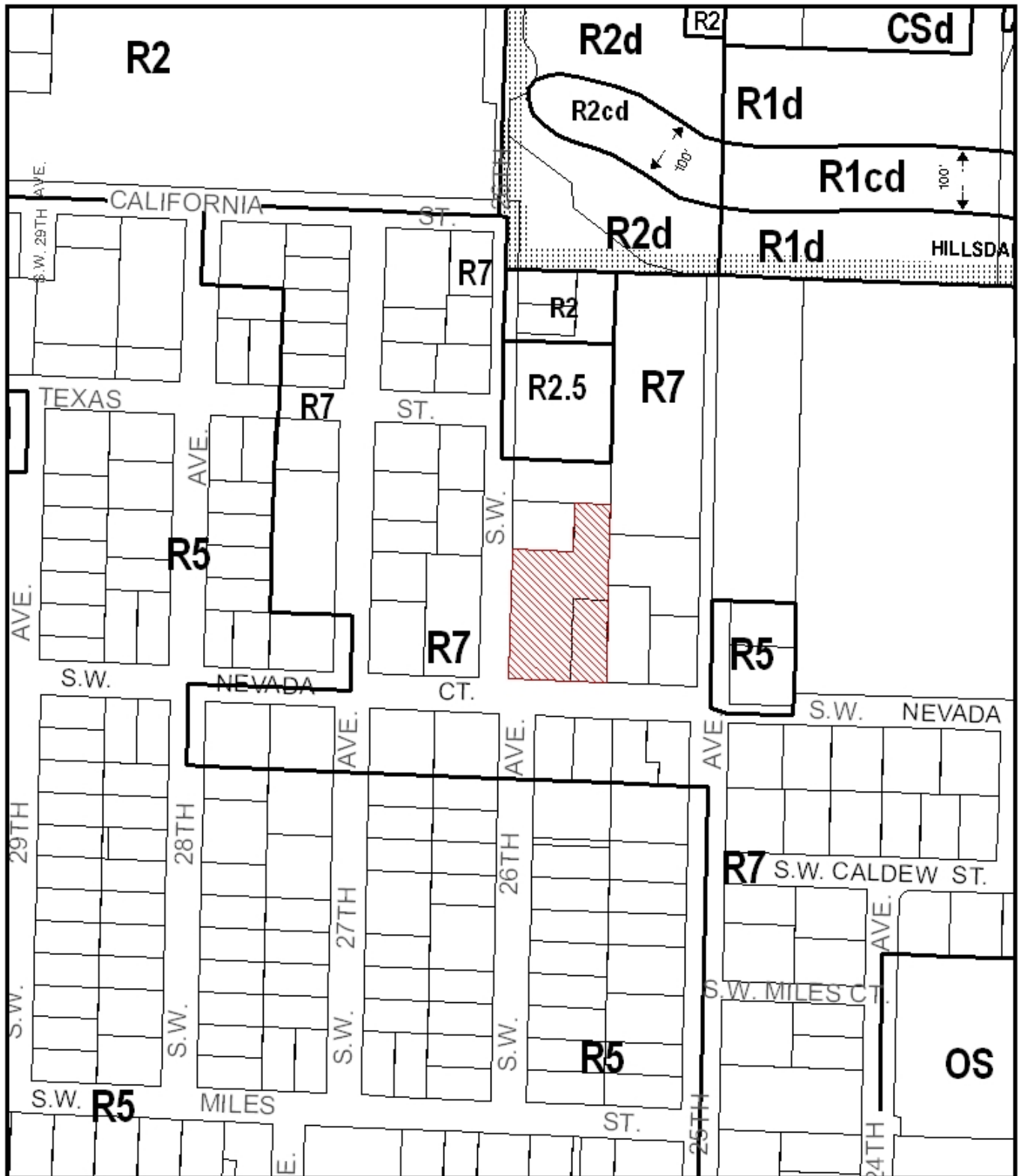
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Water Bureau
 - 3. Site Development Review Section of BDS
 - 4. Bureau of Parks, Forestry Division; Bureau of Environmental Services; Fire Bureau; Life Safety Plans Examiner; Fire Bureau
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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).



ZONING



Site



NORTH

| | |
|-------------|-------------------|
| File No. | LU 10-144452 AD |
| 1/4 Section | 3726 |
| Scale | 1 inch = 200 feet |
| State_Id | 1S1E20AA 8100 |
| Exhibit | B (Jun 09,2010) |

PRELIMINARY PLAN

**PROPOSED PROPERTY LINE ADJUSTMENT
TAX LOTS 8100 & 8200, 1S 1E 20A4, SITUATED IN THE NORTHEAST
QUARTER OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE
MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON**

DATE: MAY 4, 2010 SCALE: 1"=20'
FOR: GREG OLDHAM

LEGEND

- FOUND 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "REPPETO & ASSOC INC" (R2).
- ✕ FOUND BRASS SCREW WITH 3/4" DIAMETER BRASS WASHER MARKED "REPPETO & ASSOC INC" (R2).
- FOUND MONUMENT AS NOTED.
- CATCH BASIN
- SANITARY SEWER MANHOLE
- WATER METER
- CLF = CHAIN LINK FENCE
- D = DOG EYE CONCRETE
- EC = EDGE OF CONCRETE
- EG = EDGE OF GRAVEL
- EP = EDGE OF PAVEMENT
- FNC = FENCE
- IR = IRON ROD DIAMETER AS NOTED
- IP = IRON PIPE INSIDE DIAMETER AS NOTED
- P = PARTITION PLAT NUMBER 1991-145
- PERF = PERFORATED FLEX PIPE ON THE GROUND SURFACE
- PSE = PROPOSED PRIVATE SANITARY SEWER EASEMENT
- R1 = SN 264920
- R2 = SN 252773
- SD-DS = UNDERGROUND RAIN DRAIN
- SD-DS = STEEL DRAIN DOWNSPOUT
- SF = SQUARE FEET
- SN = SURVEY RECORDS, MULTNOMAH COUNTY
- SS = SURVEY RECORDS
- SS = SANITARY SEWER LINE
- SS-CO = SANITARY SEWER CLEANOUT
- SS-MH = SANITARY SEWER MANHOLE
- W = WATER LINE
- WF = WOOD FENCE
- WM = WATER METER
- YPC1 = YELLOW PLASTIC CAP
- YPC2 = YPC MARKED "REPPETO LS 657"
- () = RECORD INFORMATION

NOTES

1. BOUNDARY AND BASIS OF BEARINGS ARE PER PARTITION PLAT NUMBER 1991-145, MULTNOMAH COUNTY PLAT RECORDS.
2. THE EXISTING STORM DRAINAGE FOR THE ROOF DRAINS ON TRACT "B" USES FLEX DRAIN PIPES ON THE GROUND SURFACE AS SHOWN.
3. THE EXISTING STORM DRAINAGE FOR THE ROOF DRAINS ON TRACT "A" DRAINS TO AN UNDERGROUND SYSTEM THAT DRAINS TO A SOAKAGE TRENCH AS SHOWN.
4. ZONINGS OF THE SUBJECT PROPERTY IS R7, RESIDENTIAL 7,000.

CASE NO. 10-194452
EXHIBIT C-1

REVISED:

**REPPETO & ASSOCIATES, INC.
LAND SURVEYORS**

Plaza 125, Building C
12730 SE Stark Street
Portland, Oregon 97233
Phone: (503) 408-1507
Fax: (503) 408-2370

DATE: MAY 4, 2010 FILE: 001008-PRE-B.DWG
DRAWN BY: SPD JOB NO. 001008

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 17, 1986
STEVEN BUCKLES
2331

RENEWABLE: 12/31/11

