



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** November 4, 2011  
**To:** Interested Person  
**From:** Lois Jennings, Land Use Services  
503-823-2877

## **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 11-165315 AD UNINCORPORATED MULTNOMAH COUNTY**

#### **GENERAL INFORMATION**

**Applicants/Owners:** Heather and Loren Jenkins  
11108 SW Collina Ave  
Portland, OR 97219-7837  
Phone: 503-515-1548 and e-mail: [j.group@mac.com](mailto:j.group@mac.com)

Sara and Benjamin Conte  
11110 SW Collina Ave  
Portland, OR 97219  
Phone: 503-387-5799 and e-mail: [b\\_cont@yahoo.com](mailto:b_cont@yahoo.com)

**Site Address:** 11110 SW COLLINA AVE

**Legal Description:** Portion of LOT 11, PALATINE HILL and remainder described in a metes and bounds legal description not included in this notice

**Tax Account No.:** R638801980, R638802070

**State ID No.:** 1S1E35BB 02800, 1S1E34AA 00800

**Quarter Section:** 4131

**Other Designations:** Unincorporated Multnomah County

**Zoning:** R20 - Single-Dwelling Residential (20,000)

**Case Type:** AD, Adjustment Review

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

**Proposal:** The site includes two adjacent properties at 11108 and 11110 SW Collina Avenue. The owners of these parcels are in the process of a property line adjustment (PLA) under case file # 2011-165323 PR. The intention of the PLA is to transfer a piece of land with 5,652 square feet from the lot at 11108 SW Collin Avenue (herinafter Jenkins Tract) to the lot at 11110 SW

Collina Avenue (hereinafter the Conte Tract). In order to approve a property line adjustment, both parcels must meet the applicable lot dimension standards (33.667).

In the R20 zone, lots must be at least 12,000 square feet, but no greater than 34,500 square feet in area (33.610.200.C). Currently the Jenkins Tract is 61,200 square feet in area and the Conte Tract is 32,670 square feet in area. As proposed in the PLA, the Conte tract would increase in size from 32,670 square feet to 38,147 square feet. Therefore prior to approval of the pending PLA, the applicant must receive an approval for an Adjustment to increase the maximum lot size for the Conte tract from 32,670 to 38,147 square feet in area.

#### **RELEVANT APPROVAL CRITERIA**

In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Chapter 33.805.040.A-F of the Portland Zoning Code.

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 August 9, 2011 and determined to be complete on September 2, 2011.

## **ANALYSIS**

**Site and Vicinity:** The Jenkins stucco Mediterranean style house is visible from SW Palatine Hill Road, but is not accessible from Palatine Hill Road. The Conte house is not visible from either SW Palatine Hill Road or SW Collina Avenue. Both the Conte and Jenkins property do not have any street frontage along SW Collina Avenue. The Conte property is landlocked and has no street frontage, where the Jenkins property has street frontage abutting SW Palatine Hill Road. Both properties receive access to SW Collina Avenue from a private driveway via an access easement over the property (11120 SW Collina Ave), which abuts SW Collina Avenue. The land area to be exchanged through the property line adjustment when visiting the site appears to the front yard for Conte property.

Southwest Palatine Hill Road is a two lane County road with a Neighborhood Collector/Community Transit street classification. Southwest Collina Avenue is local service street. The surrounding area is an existing established residential neighborhood, with a mixture of style of homes both in architecture and time period. The lot sizes within this neighborhood vary in lot size and lot configuration.

**Zoning:** The site is within the Residential 20,000 (R20) zone. The R20 zone is intended to preserve land for single dwelling housing and to provide housing opportunities for individual households. Lot area standards for the R20 zone are intended to serve various purposes including ensuring that applicable density standards can be met and that lots are laid out in a reasonable manner where existing and potential future development can meet the development standards of the zoning code. The lot area standards and development standards assist in preserving the neighborhood character.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **October 10, 2011**. The Service Bureaus have responded with no concerns or no objections to the requested lot area adjustment. Exhibit E.1-E.7 contain additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 10, 2011. No written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.805.040 Approval Criteria

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

**Findings:**

The purpose statement for Lot Dimension Standards in the single-dwelling zones related to the maximum lot size standard, found in Section 33.610.200 of the zoning code, states 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.*

**Findings:** The applicant has requested an adjustment to allow the Conte Tract (Tract 2) to exceed the maximum lot area standard. Pursuant to Table 610-2 of Section 33.610.200 the maximum lot area for a newly created lot in the R20 zone is 34,500 square feet in area. The applicant is proposing a lot area of 38,147 square feet for Conte Tract (Tract 2). The applicant's stated purpose for requesting this maximum lot area adjustment is to complete a Property Line Adjustment Application (PLA).

Each property is developed with a single family residence. These lots will be of a shape and size where the development standards (33.110) for setbacks, building coverage, outdoor area, parking will still be maintained for the existing houses(s) on the new lot configuration.

The site is zoned R20, which is a limited single dwelling zone, with a density of one unit per 20,000 square feet of site area. The proposed Property Line Adjustment will transfer 5,652 square feet of land from Jenkins Tract (Tract 1) to Conte Tract (Tract 2). This transfer of area will provide more of a front yard area for the Conte Tract (Tract 2). The total site area of both parcels combined is 93,861 square feet of land area, which allows for four potential lots altogether. Maximum Density for the total site area is four units. Jenkins Tract (Tract 1), after the PLA is approved, is the larger of the two lots, with a lot area of 55,714 square feet, which would still have the potential to be divided in the future into two parcels. Conte Tract (Tract 2), after the PLA is approved would have a lot area with a potential to be divided into two parcels. However, the Conte Tract (Tract 2) is landlocked and additional properties would need to be included in a future land division to create street frontage for each of the lots. The increase in lot area for Conte Tract (Tract 2) under this circumstance, would not increase the maximum density of the overall site area.

There are existing lots in this neighborhood which exceed the 34,500 square feet maximum lot area standard for R20 zoned lots. Therefore, the increased lot area of Conte Tract (Tract 2) will be compatible with existing lots within this neighborhood. The existing house on Conte Tract (Tract 2) will remain and the orientation of the house will not change as a result of this adjustment. There is no change of utilities or services as a result of this adjustment request.

Access for both properties will not change. The Conte property is an existing landlocked property with no street frontage on either side and will remain the same after the property line adjustment.

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 a 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

**Finding:** The proposal is in a residential zone. Lots in the surrounding area range from 17,985 square feet to 88,054 square feet in area. The proposed increase in maximum lot area will not result in a lot that is larger than neighboring lots. The lot is consistent with lot areas in the neighborhood. Therefore the proposal will not detract from livability or appearance of the neighborhood and 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 is not located within the scenic overlay zone nor is it designated as a historic landmark or resource. Therefore, this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** There are no impacts anticipated from a larger lot. The lot size is consistent with lots in the neighborhood. Therefore, 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 zone, which is designated on the zoning map by either a “c” or “p” overlay. Therefore, 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

In order to complete a proposed property line adjustment (PLA) at the site, an adjustment to increase the maximum lot area in the R20 zone is necessary. The request is to increase the maximum lot area from 32,670 square feet to 38,147 square feet in area. The increased lot area is compatible with existing lots within the surrounding residential neighborhood. This request is able to meet the relevant adjustment criteria and should be approved

## ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the maximum lot area (33.610.200.C) for Conte Tract (Tract 2-property with the address of 11110 SW Collina Avenue) to be 38,147 square feet in area as indicated on the approved site plan, Exhibits C-1, signed and dated November 3, 2011.

**Staff Planner: Lois Jennings**

**Decision rendered by:**  **on November 3, 2011**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: November 4, 2011**

**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 August 9, 2011, and was determined to be complete on **September 2, 2011**.

*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 August 9, 2011.

*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: January 31, 2012.**

**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 November 18, 2011** 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.

**Appeal fee waivers.** Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190<sup>th</sup>, Portland, OR 97233.

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).

**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 **November 21, 2011 – (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:

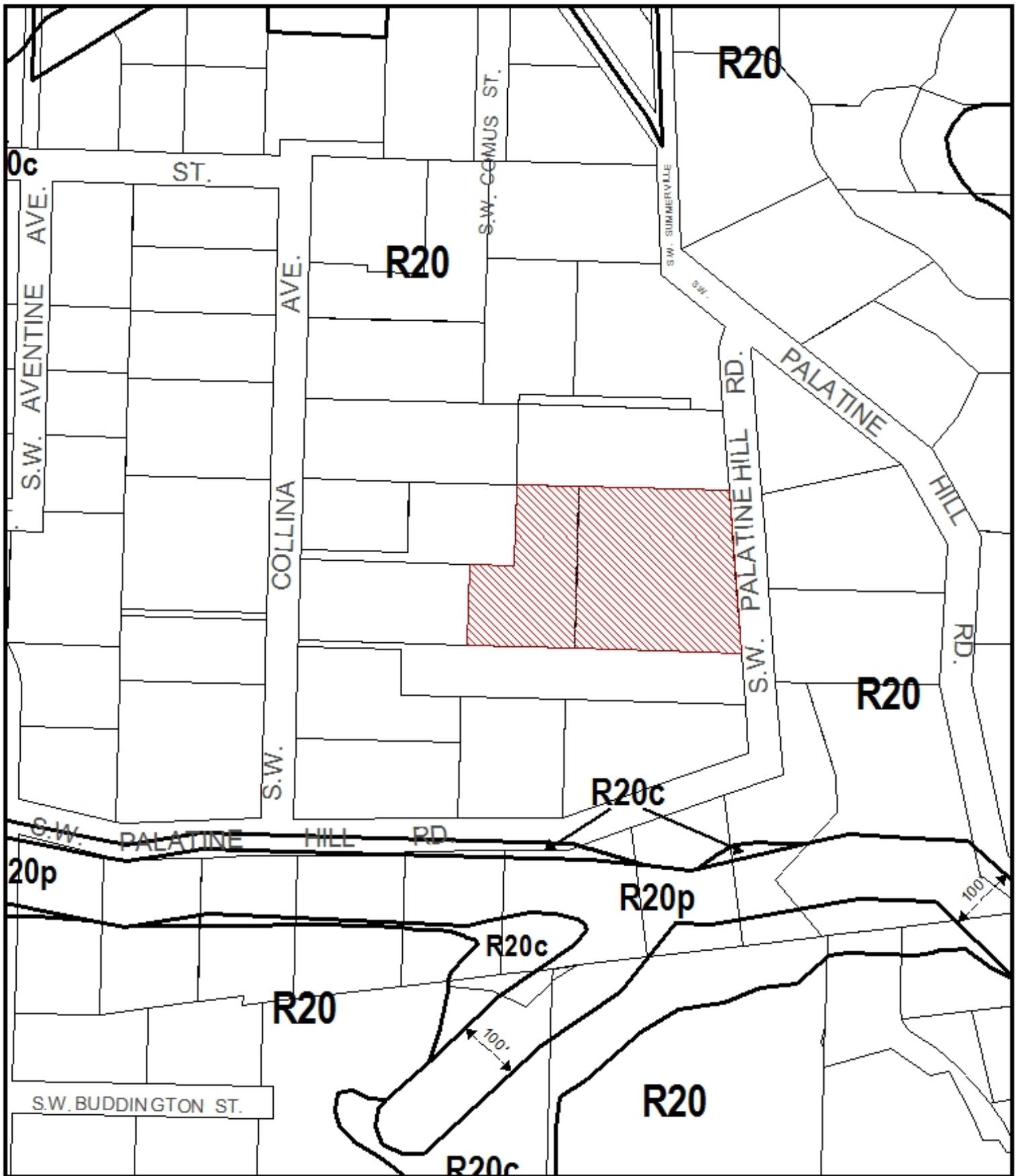
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative
  - 2. Site Plan-
  - 3. Survey
- 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 Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety Section of BDS
  - 8. Multnomah County Right-of-Way
  - 9. Lake Oswego Fire Department
  - 10. Palatine Hill Water District
  - 11. City of Portland –Bureau of Environmental Services Representing by contract  
Dunthorpe Riverdale Sewer District
  - 12. Riverdale School District
- F. Correspondence:
  - 1. No written comments were received from the Neighborhood or Neighborhood Association
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter dated August 23, 2011

**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 11-165315 AD
1/4 Section	4130,4131
Scale	1 inch = 200 feet
State_Id	1S1E35BB 2800
Exhibit	B (Aug 12,2011)

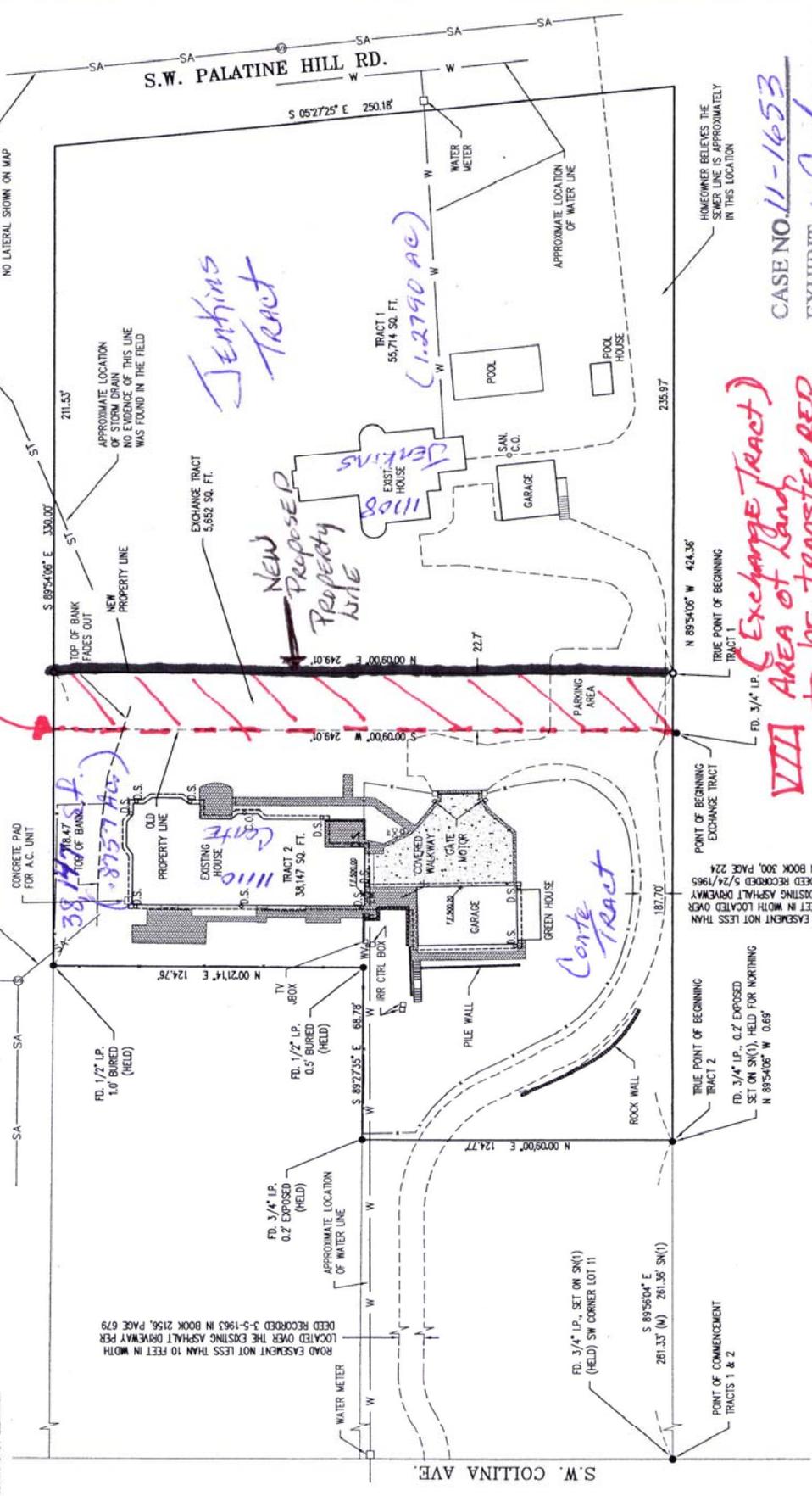
**LEGEND:**

- MONUMENTS FOUND AS NOTED
  - IRON ROD
  - IP. IRON PIPE
  - FD. FOUND
  - (M) MEASURED
  - EXISTING SEWER
  - ST. EXISTING STORM
  - W. EXISTING WATER
  - X. EXISTING FENCE
  - (XXX) EXISTING SPOT ELEVATION
- AC. ATLAS CEDAR
  - AL. ALDER
  - BI. BIRCH
  - CE. CEDAR
  - CH. CHERRY
  - D. DOGWOOD
  - F. FIR
  - UNK. UNKNOWN
  - VM. VINE MAPLE
- EXISTING CONCRETE SIDEWALK
  - EXISTING CONTOUR
  - EXISTING TREE
  - EXISTING LIGHT POLE
  - EXISTING WATER VALVE
  - EXISTING WATER METER
  - SN 16762

City of Portland - Bureau of Development Services

*Approved*  
*Date November 3, 2011*  
 This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

*Existing Line*  
*Property Line*



CASE NO. 11-1653  
 EXHIBIT: C-1

*VIIA AREA of Land to be TRANSFERRED to Center Property to Center Property*

<b>ZTEC ENGINEERS INC.</b> 3737 S.E. 8TH AVE., PORTLAND, OREGON 97202 PH: (503) 235-8795 FAX: (503) 233-7889		<b>LOREN JENKINS</b> 11108 SW COLLINA AVE	
JOB#: U39721PRE DATE: 6-1-11 SCALE: 1"=30' DRAWN: JPH CHECK: CCF	REGISTERED PROFESSIONAL LAND SURVEYOR <i>Chris Fischborn</i> CREATION DATE: JULY 11, 2008 CHRIS FISCHBORN 1944 RENEWAL DATE: 1/1/2012	<b>PROPERTY LINE ADJUSTMENT</b>	
LOCATED IN THE N.W. 1/4 OF SECTION 35, T.15S., R.1E., W.M., MULTNOMAH COUNTY, OREGON		GRAPHIC SCALE 0 15 30 60 (IN FEET) 1 INCH = 30 FEET	