



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

1900 SW Fourth Ave., Suite 5000  
Portland, Oregon 97201  
Telephone: (503) 823-7300  
TDD: (503) 823-6868  
FAX: (503) 823-5630  
[www.bds.ci.portland.or.us](http://www.bds.ci.portland.or.us)

**NOTICE OF FINAL  
FINDINGS, CONCLUSIONS AND DECISION  
OF THE CITY OF PORTLAND ADJUSTMENT COMMITTEE  
ON AN  
APPEALED ADMINISTRATIVE DECISION  
(Type II Process)**

**CASE FILE: LU 09-105652 AD  
LOCATION: 5052 SW Dickinson Street**

The administrative decision of Approval for this case, published on March 18, 2009, was appealed to the ADJUSTMENT COMMITTEE by the West Portland Park Neighborhood Association. A public hearing was held on May 5, 2009. James McLaughlin testified on behalf of the West Portland Park Neighborhood Association. Brian Russell, President of SWNI, testified in support of the appellant. The original administrative analysis, findings and conclusions were unanimously adopted by the Adjustment Committee. The administrative decision can be found online at: <http://www.portlandonline.com/bds/index.cfm?c=36652>

**I. GENERAL INFORMATION**

**Applicant:** Christina J Williams, listed property owner  
1035 Pt Stanley Rd  
Lopez Island, WA 98261  
  
John Williams, owner's representative  
PO Box 42330  
Portland OR 97242

**Representative:** Mary Hogue, main contact  
MKM Architecture  
3304 SE 52nd Ave  
Portland OR 97206  
503-432 8588

**Appellant:** West Portland Park Neighborhood Association  
James McLaughlin, President  
7688 SW Capitol Highway Portland OR 97219-2457  
503-246-0601

**Site Address:** 5052 SW DICKINSON ST

**Legal Description:** INC PT VAC STS LOT 1 BLOCK 3 INC PT VAC ST LOT 2-5 BLOCK 3,  
WEST PORTLAND PK

**Tax Account No.:** R894600420

**State ID No.:** 1S1E31AB 00200

**Quarter Section:** 4024

**Neighborhood:** West Portland Park, contact Rob Shirley at 503-293-1010.

**Business District:** None

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

**Zoning:** R2, Multi-Dwelling Residential 2,000

**Case Type:** AD, Adjustment

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

**Proposal:**

The site is developed with three separate buildings, one of which was extensively damaged by fire. The applicant proposes to demolish the fire damaged building and replace it with a new multi-dwelling structure. As the result of a street vacation by County Ordinance 4275, the northwest corner of the site has a small frontage along SW Barbur Blvd. This frontage consists of approximately 15 – 17 feet and is approximately 20 feet above the finished grade of the paved roadway of Barbur. Vehicle access to the site is via SW Dickinson.

Because the site has frontage along SW Barbur Blvd, and Barbur is a designated Transit Street, the applicant requests two adjustments as follows:

- An Adjustment to waive 33.120.220. C, Maximum Building Setbacks on a Transit Street, which requires buildings to be set back a maximum of 20 feet; and
- An Adjustment to waive 33.120.255, Pedestrian Standards, which requires a straight line connection between one main entrance on the site and the adjacent Transit Street.

**Relevant Approval Criteria:**

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.

**II. ADJUSTMENT COMMITTEE DECISION**

Deny the appeal and uphold the administrative decision of approval, subject to the following conditions:

**Approval of:**

- **An Adjustment to waive 33.120.220. C, Maximum Building Setbacks on a Transit Street, which requires buildings to be set back a maximum of 20 feet; and**
- **An Adjustment to waive 33.120.255, Pedestrian Standards, which requires a straight line connection between one main entrance on the site and the adjacent Transit Street,**

**per the approved site plans, Exhibits C-2 through C-3, signed and dated March 16, 2009, subject to the following:**

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.2-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-105652 AD."**

**Staff Planner: Sylvia Cate**

**The original staff findings, conclusions and decision were adopted by the ADJUSTMENT COMMITTEE on May 5, 2009.**

By   
Adjustment Committee  
Terry Amundson

**Date Final Decision Effective/Mailed: May 13, 2009/ May 13, 2009**  
**120<sup>th</sup> day date: June 19, 2009**

**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 January 30, 2009, and was determined to be complete on February 10, 2009.

*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 January 30, 2009.

*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 requested that the 120-day review period be extended sufficient number of days to complete the review, per Exhibit A-3.

**Appeal of this decision.** This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the Public Utility Commission Building, 550 Capitol Street NE, Salem, OR 97310 [Telephone: (503) 373-1265].

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **May 13, 2009**.

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.** This decision expires three years from the date the final decision is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- 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. Original narrative
  - 2. Response and Rebuttal to Neighborhood Assn letter of February 27, 2009
  - 3. Extension of the 120-day clock
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions Site Plan
  - 2. Proposed Site Plan (attached)
  - 3. Proposed Landscape Plan
  - 4. Elevations
- 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
- F. Correspondence:
  - 1. WPPNA, February 27, 2009, In opposition to Pedestrian Adjustment
  - 2. SWNI, March 2, 2009, In support of WPPNA in opposition

G. Other:

1. Original LU Application
2. Site History Research
3. Street Vacation Ordinance
4. Barbur Streetscape Cross-Section, page 49 BBSP
5. Barbur Streetscape Plan: Far Southwest [middle section] page 55 BBSP

H.1 Appeal Submittal

H.1.a. Appeal Narrative

H.2 Notice of Appeal

H.3 NOA mail list

H.4 PDOT response, dated April 15, 2009

H.5 Map of Site

(Received during hearing)

H.6 Power Point Hardcopy

H.7 Page 2-100 Transportation Element: Southwest District- Map 6.40.2

H.8 Page 2-102 Transportation Element: Southwest District- Map 6.40.4

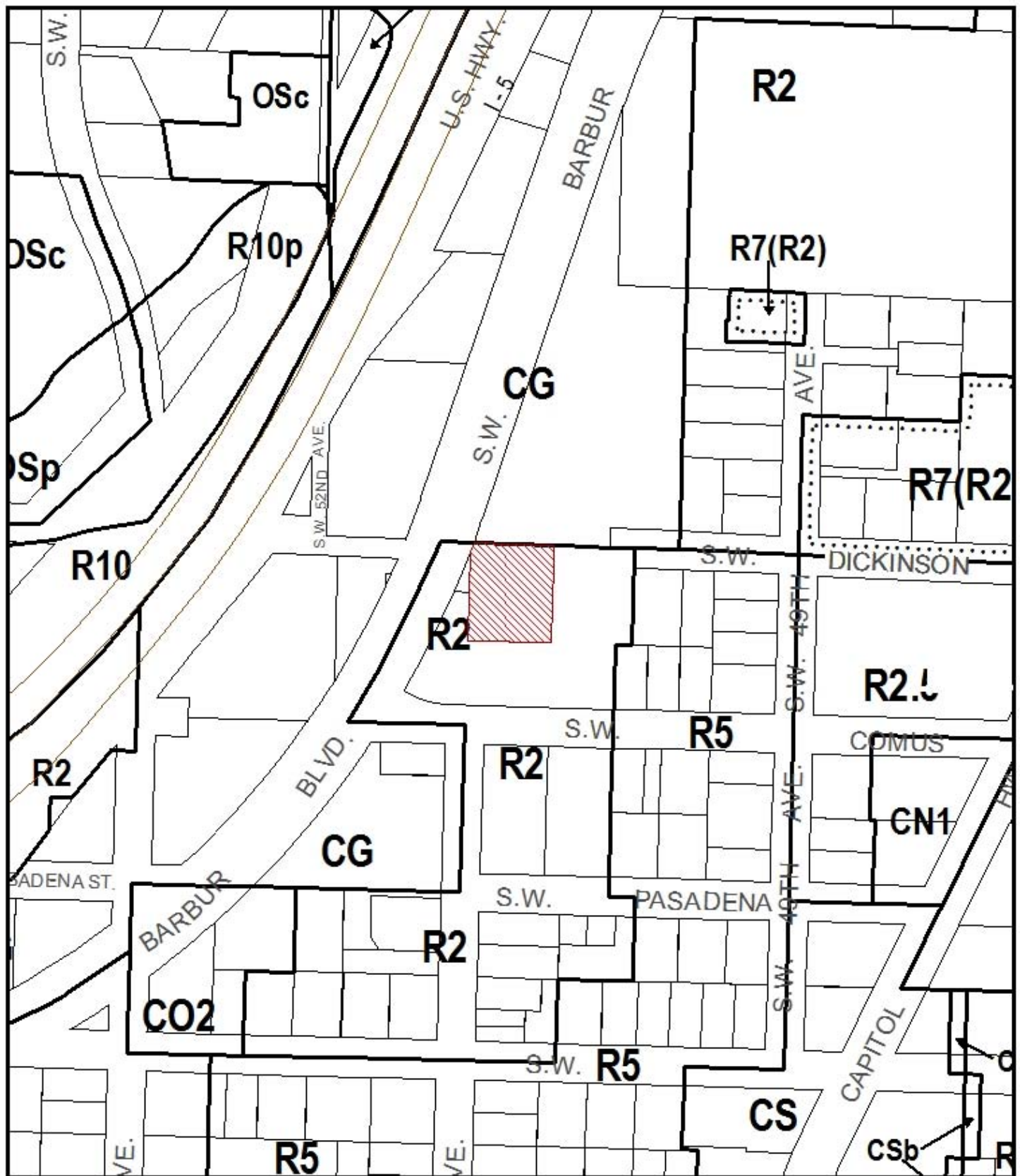
H. 9. SW Portland Walking Map

**Copies**

1. Christina J Williams, Applicant John Williams, Representative and Mary Hogue, Architect
2. James McLaughlin, President, West Portland Park Neighborhood, Appellant

All Parties who wrote or Submitted Testimony at the Public Hearing  
Neighborhood and/or Business Association(s)  
Auditor's Office  
Planning and Zoning

SC 5.7.2009



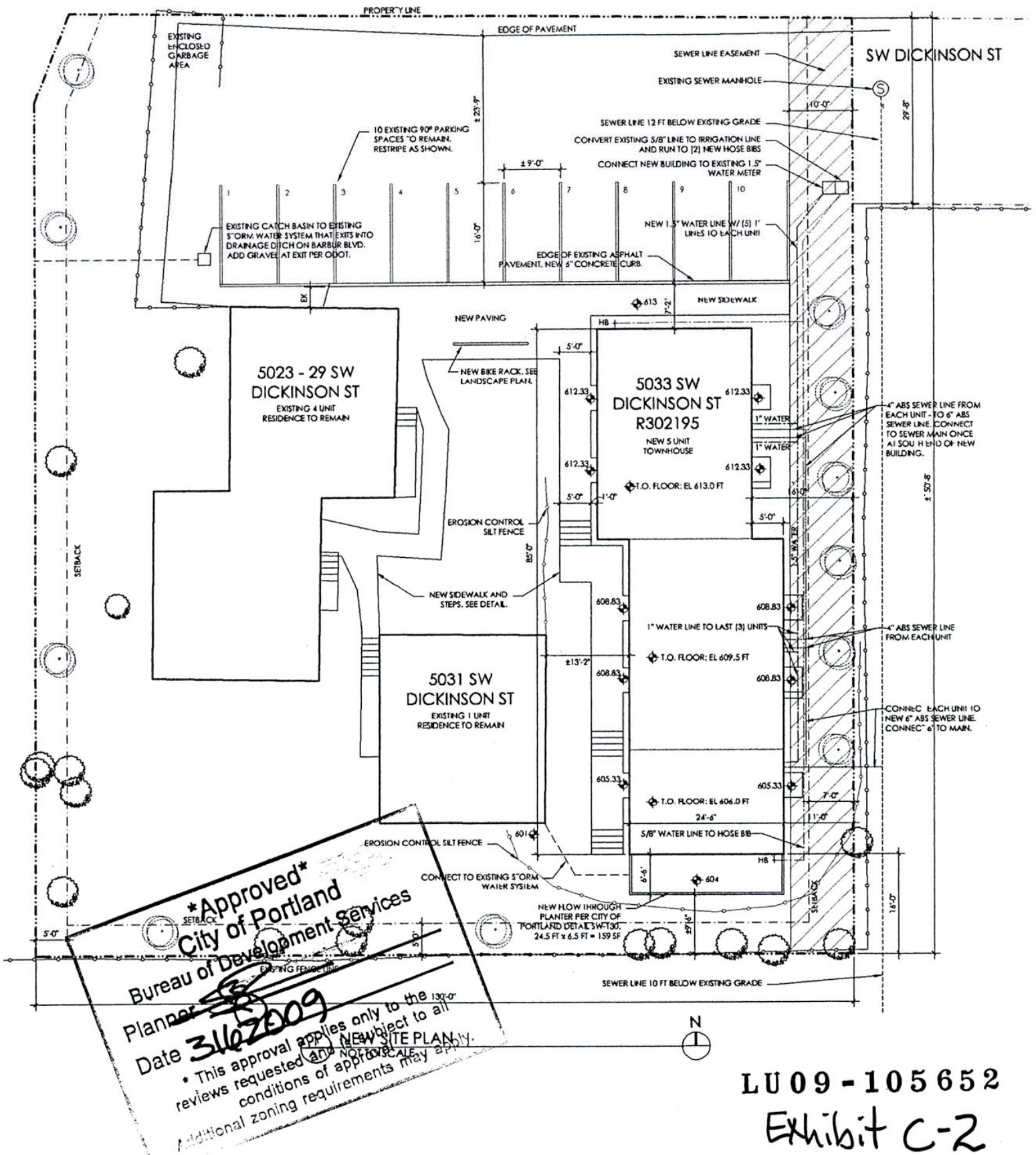
# ZONING



NORTH

|             |                   |
|-------------|-------------------|
| File No.    | LU 09-105652 AD   |
| 1/4 Section | 4024              |
| Scale       | 1 inch = 200 feet |
| State Id    | 1S1E31AB 200      |
| Exhibit     | B (Feb 02, 2009)  |





LU09-105652  
Exhibit C-2