



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

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Date: January 20, 2011
To: Interested Person
From: Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@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 February 10, 2011.** Please mail or deliver your comments to the address above, and include the Case File Number, LU 10-180305 AD, in your letter. It also is helpful to address your letter to me, Mark Bello.

CASE FILE NUMBER: LU 10-180305 AD

Applicant: Stanislav Kravets
26900 SE Hwy 224
Eagle Creek, OR 97022

Site Address: 13928 SE RHONE ST

Legal Description: LOT 1 TL 3501, PARTITION PLAT 1992-24
Tax Account No.: R649721400
State ID No.: 1S2E11DA 03501
Quarter Section: 3444

Neighborhood: Powellhurst-Gilbert, contact Mark White at 503-761-0222.
Business District: Midway
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin
Zoning: R5a (Residential 5,000 with an Alternative Design Density overlay)

Case Type: AD (Adjustment)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: An existing house is located to the rear of this property. The City of Portland approved a preliminary land division in 1996 and imposed the following conditions (LU 06-169649 LDP):

5. *The lot with the existing house (parcel 2) will need to come into conformance with the flag lot regulations of Zoning Code section 33.110.240.F.2. A landscaped buffer, landscaped to the*

Zoning Codes L3 standard (33.248.020.C) shall be installed around the perimeter of the flag lot prior to final plat approval. A Zoning Permit must be obtained, and receive final inspection approval verifying that landscaped buffer has been planted.

[The L3 standard requires enough high shrubs to form a screen 6 feet high. The shrubs must be evergreen. In addition, one large tree is required per 30 linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 6-foot-high masonry wall may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area.]

6. *The applicant must obtain a finalized building permit for modifications to the existing detached garage that will remain on parcel 2 that demonstrate compliance with 33.110.253.D, which allows detached garages in the side setbacks if they meet certain standards --specifically, the permit must show removal of sufficient portions of the existing detached garage on lot 2 to meet the standards of Zoning Code section 33.110.253.D.*

Adjustments to section 33.110.240F. 1, 2 are required because the applicant wishes to waive conditions 5 and 6 of the preliminary plan approval as permitted by the 1996 decision.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: **33.805.040, A-F**, listed below.

- 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
- 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)*

Purpose Statements:

33.110.240 Alternative Development Options

A. Purpose. The alternative development options allow for variety in development standards while maintaining the overall character of a single-dwelling neighborhood. These options have several public benefits:

- They allow for development which is more sensitive to the environment, especially in hilly areas and areas with water features and natural drainageways;
- They allow for the preservation of open and natural areas;
- They promote better site layout and opportunities for private recreational areas;
- They promote opportunities for affordable housing;
- They promote energy-efficient development; and
- They allow for the provision of alternative structure types where density standards are met.
- They reduce the impact that new development may have on surrounding residential development.

F. Flag lot development standards. The development standards for flag lots include specific screening and setback requirements to protect the privacy of abutting residences.

[Setbacks] 33.110.220.A Purpose: The setback regulations for buildings and garage entrances serve several purposes:

A. Purpose. The setback regulations for buildings and garage entrances serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the city's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

[Landscaping] 33.248.010 Purpose

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and re-establishment of native plants; and
- Mitigate for loss of natural resource values.

[Landscaping] L3, high screen.

1. Intent. The L3 standard is a landscape treatment which uses screening to provide the physical and visual separation between uses or development. It is used in those instances where visual separation is required.

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 29, 2010 and determined to be complete on January 14, 2011.

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 and low-income individuals appealing a decision for their personal residence 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



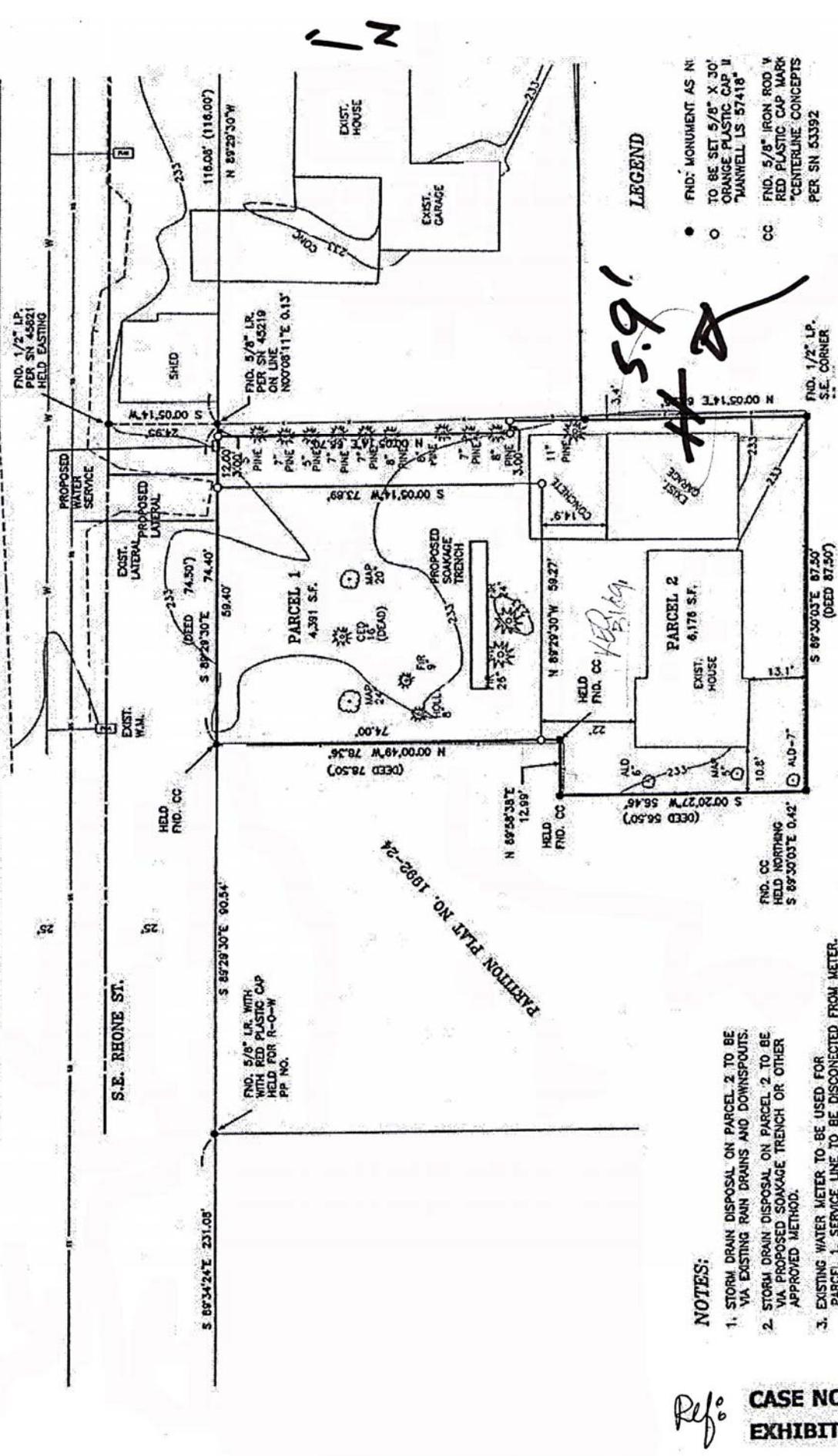
ZONING

 Site



This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	<u>LU 10-180305 AD</u>
1/4 Section	<u>3444</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E11DA 3501</u>
Exhibit	<u>B</u> (Sep 30,2010)



LEGEND

- FND. MONUMENT AS N
- TO BE SET 5/8" X 30" ORANGE PLASTIC CAP II "MANWELL LS 57418"
- CC FND. 5/8" IRON ROD V RED PLASTIC CAP MARK "CENTERLINE CONCEPTS PER SN 53392"

5.9'
At 5.9'

ADJ. REQUEST

'Reduce east setback from 10' to 5.9'
. NO LS LANDSCAPING

NOTES:

1. STORM DRAIN DISPOSAL ON PARCEL 2 TO BE VIA EXISTING RAIN DRAINS AND DOWNSPOUTS.
2. STORM DRAIN DISPOSAL ON PARCEL 2 TO BE VIA PROPOSED SOAKAGE TRENCH OR OTHER APPROVED METHOD.
3. EXISTING WATER METER TO BE USED FOR PARCEL 1. SERVICE LINE TO BE DISCONNECTED FROM METER.

Ref: CASE NO. LU10-18030S
EXHIBIT C-1

H. [Signature]
1-14-11