



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

FROM CONCEPT TO CONSTRUCTION

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

Date: March 17, 2014
To: Interested Person
From: Stacey Castleberry, Land Use Services
503-823-7586 / Stacey.Castleberry@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 April 7, 2014.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-226112 EV, in your letter. It also is helpful to address your letter to me, Stacey Castleberry.

CASE FILE NUMBER: LU 13-226112 EV (10-173854 CC)

Applicant/Owners: Duncan & Kathryn Roberts
6421 SW Parkhill Way
Portland, OR 97239

Site Address: 6421 SW Parkhill Way

Legal Description: INC PT VAC ST LOT 153, PARKHILL & RPLT
Tax Account No.: R646301860
State ID No.: 1S1E15CC 07800
Quarter Section: 3629
Neighborhood: Hillsdale, contact Duane Hunting at 503-245-7998.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: None
Other Designations: Potential Landslide Hazard area; Adjacent to George Himes Park
Zoning: R7cd—Residential 7,000 base zone, with Environmental Conservation and Design overlay zones.

Case Type: EV—Environmental Violation Review
Procedure: Type II—an administrative decision with appeal to the Hearings Officer.

Proposal: This land use review is required to correct a violation of the environmental chapter of the Portland Zoning Code (see City Code Compliance file # 10-173854 CC). Specifically, a patio was constructed west of the approved limits of disturbance for permit # 06-158316 RS, in the Environmental Conservation overlay zone.

The unpermitted paved patio area covers roughly 370 square feet, and is bordered by an area of ornamental lawn approximately equal in size.

Portland Zoning Code Sections 33.430.070 and 332.430.405 require a Type II Environmental Violation review to legalize the patio and lawn area within the protected resource. The area affected within the resource area covers approximately 750 square feet as scaled from the applicant's site plans.

New development within Portland's Environmental Conservation overlay zone must be approved through a Land Use Review. Because the applicant did not obtain a Land Use Review approval prior to the development, a violation was incurred. Violations are subject to the Correction Options of 33.430.405, and, in this case, subject also to the Approval Criteria of 33.430.250.G.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

33.430.250 G Corrections to Violations

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 November 8, 2013 and determined to be complete on March 12, 2014.

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 Hearings Officer. 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.

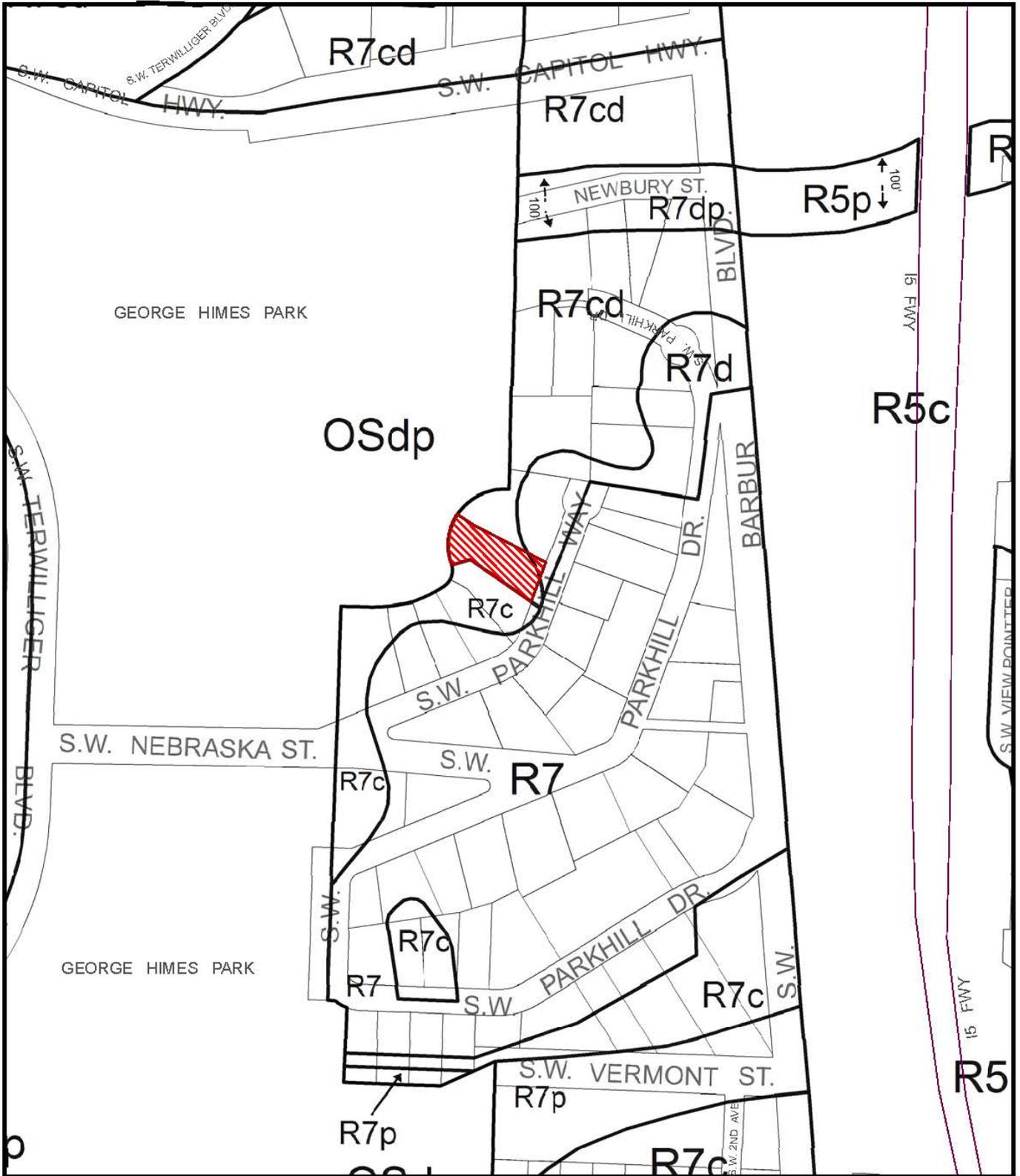
APPEAL OF THE FINAL CITY DECISION

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



NORTH

File No. LU 13-226112 EV
 1/4 Section 3629
 Scale 1 inch = 200 feet
 State_Id 1S1E15CC 7800
 Exhibit B (Nov 13, 2013)

11-8-13

SW PARKHILL WAY

SCALE 1" = 10'



C Zone

ROBERTS RESIDENCE

Transition

approved distance (06-158316 RS)

Patio
~ 370 sq. ft.

ornamental lawn

Existing Trees (+/-)

Native Plantings

Play structure

EV 11922-61 17

