



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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

Date: March 31, 2017
To: Interested Person
From: Diane Hale, Land Use Services
503-823-7705 / Diane.Hale@portlandoregon.gov

REVISED NOTICE:

The original notice, mailed on March 23rd 2017, mistakenly left out some nearby property owners that are legally entitled to public notice and comment. This revised notice is correcting that mistake. The proposal has not changed, but the comment deadline has been extended to provide a full 30 days notice of the proposed land use action.

NOTICE OF A TYPE Ix 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 45 days, **we need to receive your written comments by 5 p.m. on May 1, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-262654 LDP, in your letter. It also is helpful to address your letter to me, Diane Hale. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 16-262654 LDP

Applicant: Sarah Radelet, Strata Land Use Planning
PO Box 90833 / Portland, OR 97290 / (503) 320-0273

Owners: Maricruz Carrera-Padilla and Jorge Padilla
7924 SE 16th Avenue / Portland, OR 97202

Site Address: 9559 SE TENINO CT

Legal Description: CRYSTAL VIEW AC, W 200' OF LOT 16 EXCEPT N 75', W 200' OF LOT 17 EXCEPT PART IN STREET

Tax Account No.: R143333

State ID No.: 1S2E21DC 1900

Quarter Section: 3840

Neighborhood: Lents, contact Judy Low at pmsi_92@hotmail.com

Business District: None

District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin Plan District – South Subdistrict

Other Designations: None

Zoning: R7 – Single Dwelling Residential, 7,000

Case Type: LDP – Land Division Partition

Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing a 2-parcel land division resulting in two parcels for detached housing. Parcel 1 is 8,107 square feet, and contains the existing house that is proposed to remain on the site. Parcel 2 is 6,906 square feet. There are 13 trees on the site. Five of these trees are exempt from the tree preservation regulations because of health or species (nuisance). Eight trees on the site are subject to the tree preservation regulations. The applicant is proposing to preserve 3 trees (1 Douglas Fir and 2 Big Leaf Maples). Off street parking is proposed for both parcels. Frontage improvements will be required for both streets (installation of sidewalks and a planter strip).

The applicant is proposing a primary house and an Accessory Dwelling Unit (ADU) on Parcel 2, and has requested a modification to the setback for the ADU through tree preservation. The tree preservation regulations allow site-related development standards to be modified if the modification will result in improved tree preservation and will be consistent with the purpose of the regulation being modified (see 33.630.400.A). The setback standard requires the ADU to be set back 40 feet from the front lot line or located behind the rear wall of the primary house (see 33.205.040.C). The applicant is proposing to reduce the setback from the front lot line to ~25 feet to better protect tree #10, a 25" Douglas Fir near the north lot line. The purpose statement for the ADU setback standards is as follows:

- *Ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones;*
- *Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;*
- *Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes; and*
- *Provide adequate flexibility to site buildings so that they fit the topography of sites.*

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 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

This partition is reviewed through a Type Ix land use review because (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

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 October 21, 2016 and determined to be complete on March 15, 2017.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and either:

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

We will mail you a copy of our decision only if you comment in writing to us at the City of Portland Bureau of Development Services, 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201. There will be no public hearing.

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.

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. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandoregon.gov.

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.

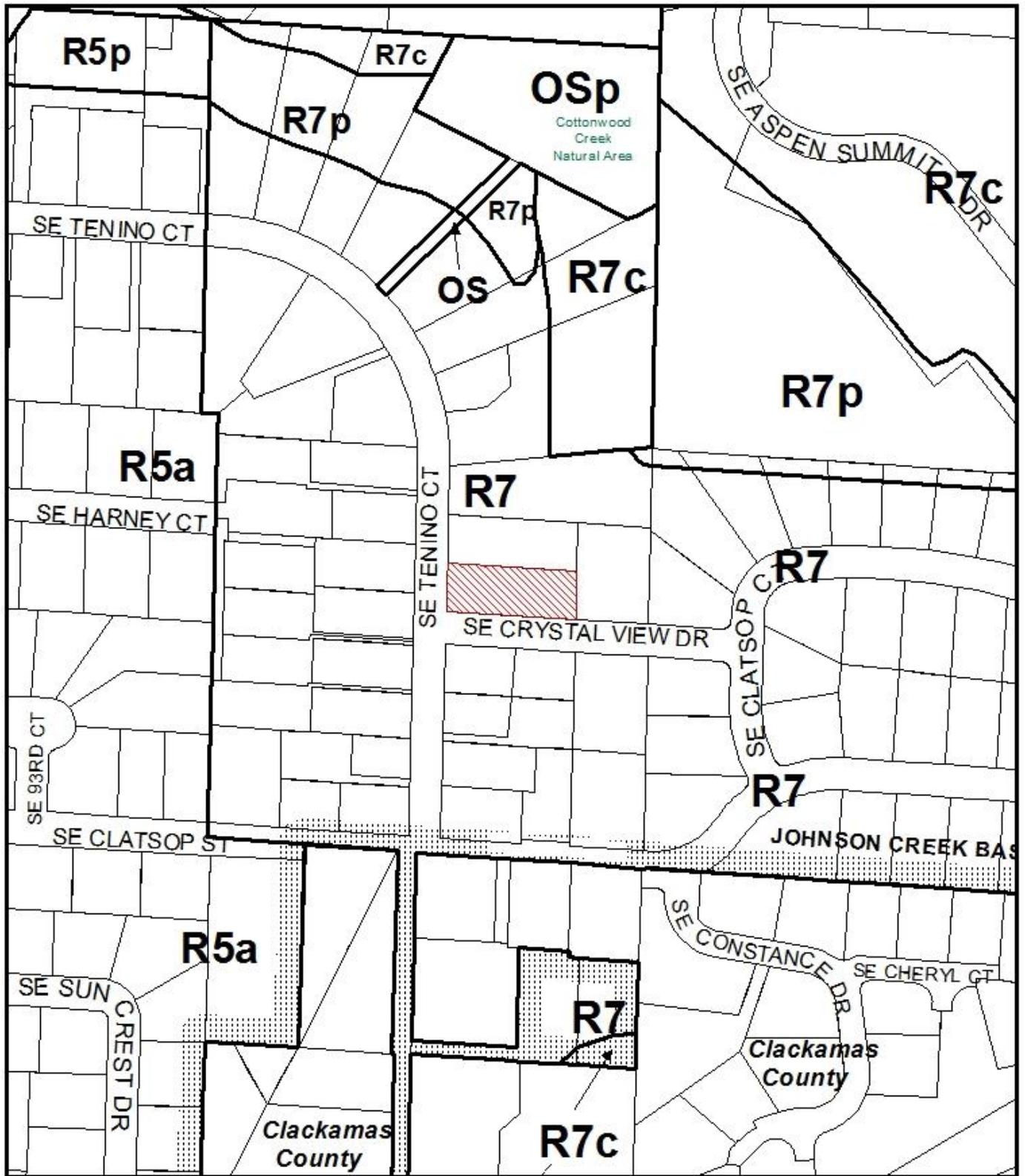
APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues which may provide the basis for an appeal to LUBA must be raised in writing before the deadline for comments, or you may not be able to raise that issue in an appeal. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that also may 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
SOUTH SUBDISTRICT

File No.	<u>LU 16-262654 LDP</u>
1/4 Section	<u>3840</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1S2E21DC 1900</u>
Exhibit	<u>B</u> (Oct 26, 2016)

PRELIMINARY PLAN MAP

TAX LOT 1900, MAP 15 2E 210C
 LOCATED IN THE S.E. 1/4 SECTION 21, T.15, R.2E, W.M.,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 FEBRUARY 15, 2017 SCALE 1"=20'
 LAST REVISION: FEBRUARY 24, 2017
 VERSION: 2

Proposed house
Proposed ADU



SIGNED ON: 2/15/17
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TOBY G. BOLDEN
 603/7715
 OREGON
 JULY 13, 2004
 REFERENCE: DECEMBER 31, 2017

- SAWTRAY STRUCTURE NOTES**
- SSM# 1: NW 3017.6', RW 3017.6', COINC N 287.4'
 - SSM# 2: NW 3017.6', RW 3017.6', COINC N 287.4'
 - SSM# 3: NW 3017.6', RW 3017.6', COINC N 287.4'
 - SSM# 4: NW 3017.6', RW 3017.6', COINC N 287.4'
 - SSM# 5: NW 3017.6', RW 3017.6', COINC N 287.4'
- STORM STRUCTURE NOTES**
- SSM# 1: NW 3017.6', RW 3017.6', COINC N 287.4'
 - SSM# 2: NW 3017.6', RW 3017.6', COINC N 287.4'
 - SSM# 3: NW 3017.6', RW 3017.6', COINC N 287.4'
 - SSM# 4: NW 3017.6', RW 3017.6', COINC N 287.4'
 - SSM# 5: NW 3017.6', RW 3017.6', COINC N 287.4'

RECEIVED
 MAR 15 2017

SURVEY NOTES:

THE VERTICAL DATA FOR THIS SURVEY IS BASED UPON CITY OF PORTLAND BENCHMARK DATA. THE SURVEYOR HAS CONDUCTED A VISUAL CHECK OF THE BENCHMARK DATA AND HAS FOUND IT TO BE CORRECT. THE ELEVATION IS 246.001 COPIES. A TRIMBLE S4-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.

THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS ROUND AND HELD PER THE PLAN OF "CRYSTAL VIEW DRIVE", RECORDS OF MULTNOMAH COUNTY.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERMETER BOUNDARY ENCUMBRANCES, NO PERMITS OR RECORDS SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, EJECTMENT, ACQUIESCENCE, ETC.

NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE GROUND STRUCTURES AND AS MARKED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES. THE SURVEYOR HAS ADVISED THE CLIENT THAT THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES. ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR SURVEY OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

LEGEND:

- Some Symbols shown may not be used on map
- DECOROUS TREE W/ TREE TAG
 - EMPOWERED TREE W/ TREE TAG
 - STORM SEWER MANHOLE
 - CATCH BASIN
 - SANITARY SEWER CLEANOUT
 - SANITARY SEWER MANHOLE
 - WATER METER
 - WATER VALVE
 - FIRE HYDRANT
 - GAS VALVE
 - GAS METER
 - BOLLARD
 - SIGN
 - MALEBOX
 - COMMUNICATIONS PEDIESTAL
 - COMMUNICATIONS MANHOLE
 - COMMUNICATIONS BOX
 - STORM OUTFALL
 - FOUND MONUMENT
 - DOWN SPOUT TO STORM SYSTEM
 - WATER RISER
 - X TO BE REMOVED
 - UTILITY AND LIGHT POLE
 - UTILITY POLE
 - LIGHT POLE
 - GYL WIRE
 - ELECTRIC BOX
 - ELECTRIC METER
 - ELECTRICAL POWER PEDIESTAL
 - ELECTRIC RISER
 - HEAT PUMP
 - OVERHEAD LINE
 - GAS LINE
 - ELECTRICAL LINE
 - COMMUNICATIONS LINE
 - SANITARY SEWER LINE
 - STORM DRAIN LINE
 - WATER LINE
 - FEEDLINE
 - UTILITY RISER
 - DOWN SPOUT TO SPLASH GUARD/GROUND OR FILLER
 - PROPOSED GAS LINE
 - PROPOSED SANITARY SEWER LINE
 - PROPOSED WATER LINE



CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 13376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97145
 PHONE: 503.850.0188 FAX: 503.850.0189