



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

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 2, 2017  
**To:** Interested Person  
**From:** Lauren Russell, Land Use Services  
503-823-7817/Lauren.Russell@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 August 23, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-201555 AD, in your letter. It also is helpful to address your letter to me, Lauren Russell. You can also e-mail your comments to me at my e-mail address identified above.

## **CASE FILE NUMBER: LU 17-201555 AD**

**Applicant:** Kevin Partain | Urban Visions  
223 NE 56th Ave  
Portland, OR 97213 / 503-421-2967

**Owner:** Ostercraft Homes Inc  
3318 SE Salmon St  
Portland, OR 97214

**Site Address:** 3318 SE SALMON ST

**Legal Description:** BLOCK 45 N 100' OF LOT 3, SUNNYSIDE & PLAT 2 & 3  
**Tax Account No.:** R810411220  
**State ID No.:** 1S1E01AC 19900  
**Quarter Section:** 3134  
**Neighborhood:** Sunnyside, contact Neil Heller at [board@sunnysideneighborhood.com](mailto:board@sunnysideneighborhood.com)  
**Business District:** None  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.  
**Plan District:** None  
**Zoning:** R5 – Single-Dwelling Residential 5,000  
**Case Type:** AD – Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

### **Proposal:**

The applicant proposes to construct a new detached single-family dwelling with a tuck under garage accessed by an 11'-6" wide driveway. This property is subject to an easement recorded in 1927 for a Community Driveway Agreement that states that the easternmost 5'-1" of the

subject property must serve as a driveway for the adjoining property to the east, 3324 SE Salmon Street. Because the applicant's site plan approved under building permit number 16-270016 RS did not show the portion of the subject site that serves as the neighbor's driveway, the applicant has requested a building permit revision to include that portion of the driveway.

Per Zoning Code Section 33.266.120.C.3.a, no more than 40 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. For the subject property, 40 percent of the land area is 240 square feet. The driveway leading to the new tuck-under garage will be 207 square feet. The portion of the subject site in front of the building that is paved for use as the neighbor's driveway is 92 square feet. Because the total land area paved and used for vehicle areas will be greater than 40%, the applicant requests an Adjustment to increase the amount of land area between the front lot line and the front building line to be paved and used for vehicle area from 240 square feet to 299 square feet.

**Relevant Approval Criteria:**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- 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 **(not applicable)**
- D.** City-designated scenic resources and historic resources are preserved; and **(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)**

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 July 11, 2017 and determined to be complete on July 25, 2017.

**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](http://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 may qualify for an appeal fee waiver.

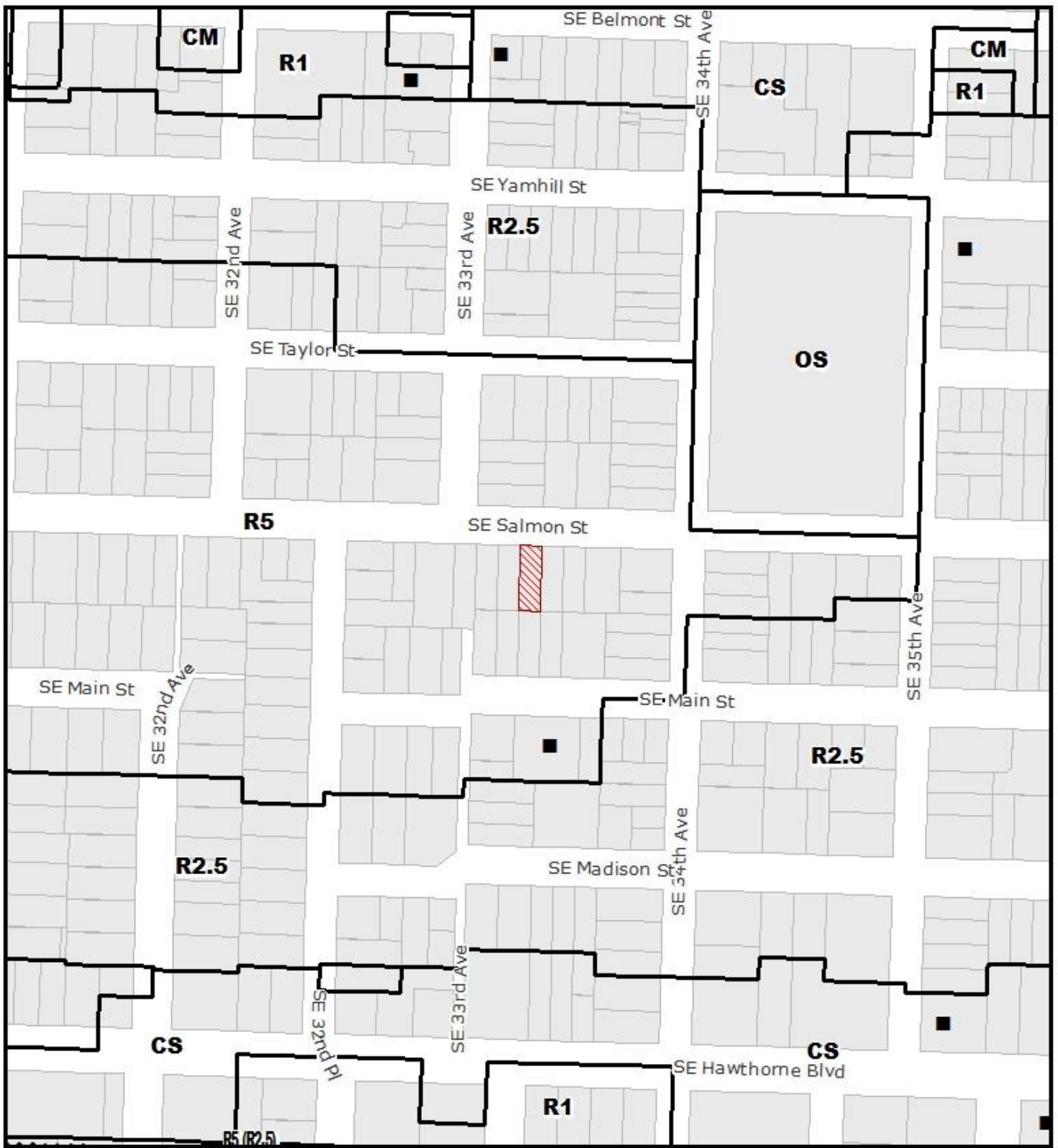
**APPEAL OF THE FINAL CITY DECISION**

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  
Front Elevation



**ZONING**  NORTH

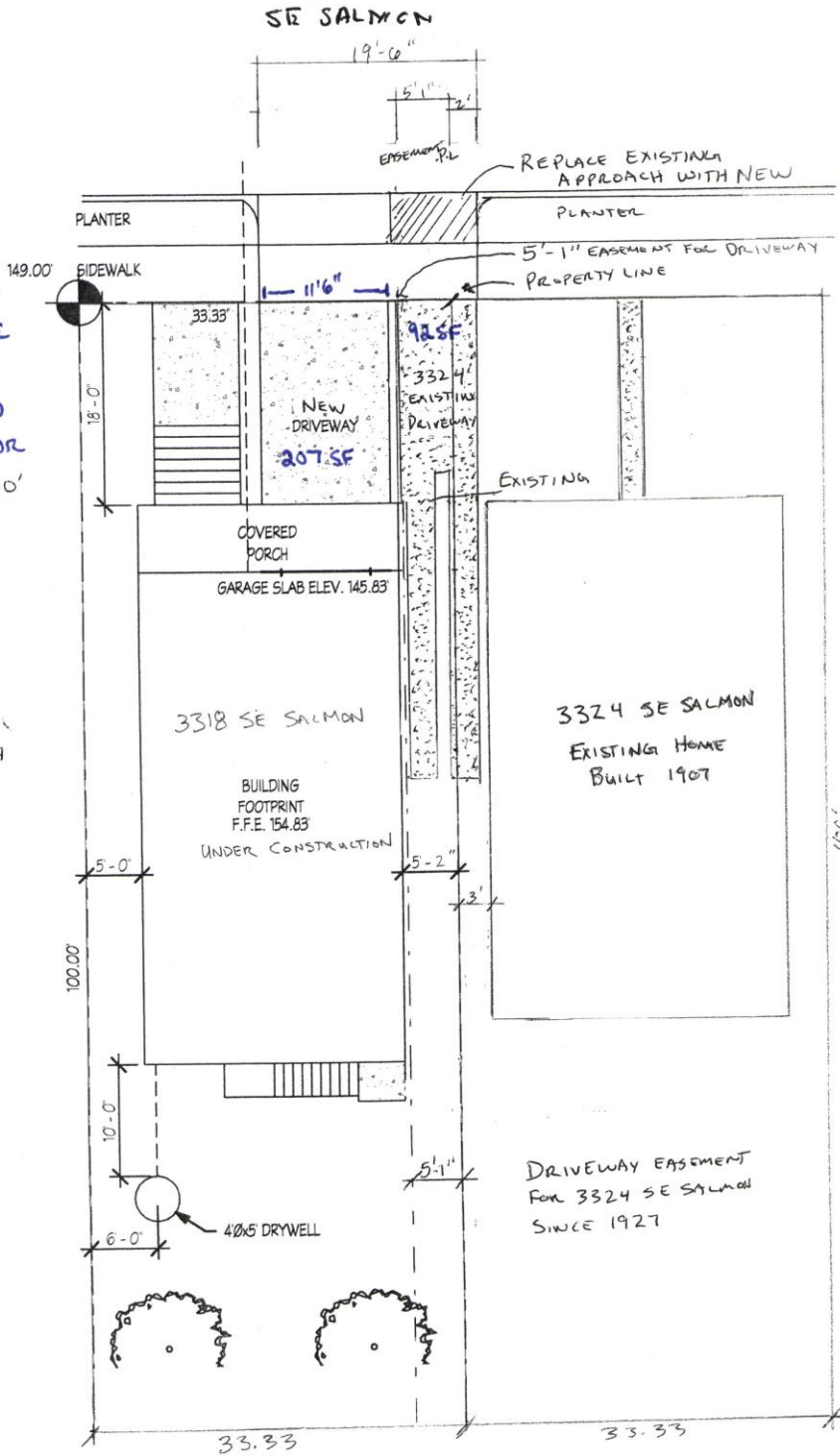
 Site  
 Historic Landmark

File No.	LU 17-201555 AD
1/4 Section	3134
Scale	1 inch = 200 feet
State ID	1S1E01AC 19900
Exhibit	B Jul 13, 2017

ADJUSTMENT REQUEST TO INCREASE THE AMOUNT OF LAND AREA BETWEEN THE FRONT LOT LINE AND FRONT BUILDING LINE TO BE PAVED AND USED FOR VEHICLE AREAS FROM 240 SF TO 299 SF.

SCALE 1" = 10'

↑  
NORTH



LU 17-201555 AD



24

3524 SE  
L MON  
SALMON ST

PROPERTY LINE

5'-1" EASEMENT

5'-2" TO PROPERTY LINE

EXISTING  
2' 5'-1"

NEW DRIVEWAY  
11'-6" NEW

19'-6"

RETAINING WALL



HARDI PANEL SIDING

HARDI SHAKE SIDING

HARDI PANEL SIDING

6X6 POSTS

HARDI PLANK SIDING

GRADE

SCALE 3/16" = 1'