



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

Chloe Eudaly, Commissioner
Rebecca Esau, Director
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www.portlandoregon.gov/bds

Date: February 8, 2018
To: Interested Person
From: Don Kienholz, Land Use Services
503-823-7771/Don.Kienholz@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 March 1, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-218407 AD, in your letter.

It also is helpful to address your letter to me, Don Kienholz. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-218407 AD

Applicant: Thomas A Findley
4219 SW Freeman St | Portland, OR 97219-3576

Owners: Thomas A Findley & Kathleen S Kuba
4219 SW Freeman St | Portland, OR 97219-3576

Representative: Bradley J. Woodworth | Bradley J. Woodworth & Assoc., PC
1020 SW Taylor St. Suite 360 | Portland, OR 97205

Site Address: 4219 SW FREEMAN ST

Legal Description: TL 7500 0.68 ACRES, SECTION 20 1S 1E
Tax Account No.: R991203450
State ID No.: 1S1E20CC 07500
Quarter Section: 3825

Neighborhood: Multnomah, contact James Peterson at 503-246-0725.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: None
Zoning: R7 – Single Dwelling Residential 7,000
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant is seeking approval for an approximately 7-foot tall fence along the eastern property line of the subject lot. The lot is nearly 30,000 square feet in size, and takes vehicle access off of SW Freeman Street, a private street. The eastern property line of the subject lot fronts SW 42nd Ave – a public right-of-way along the entire eastern property line that contains a pedestrian trail. Because the lot has frontage along SW Freeman and SW 42nd Ave, the lot is a Through Lot as defined under Portland Zoning Code section 33.910.030. Through Lots have two front lot lines with a minimum 15-foot front building setback for structures. Fences, while structures, have exceptions to the Front Building Setbacks depending on their height. Generally, fences in the R7 zone that are 42-inches in height or less may be within the 15-foot front building setback. Fences more than 42-inches in height cannot be located in the 15-foot front building setback. However, the subject property was created through a three-lot partition that included a condition of approval requiring a 25-foot front building setback from SW 42nd Avenue for the subject lot. Because the applicant is proposing a 7-foot tall fence within the 25-foot front building setback along SW 42nd Avenue, an Adjustment is required.

Relevant Approval Criteria:

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

33.805.040 Approval Criteria

- 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; (*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 August 8, 2017 and determined to be complete on January 19, 2018.

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 may qualify for an appeal fee waiver.

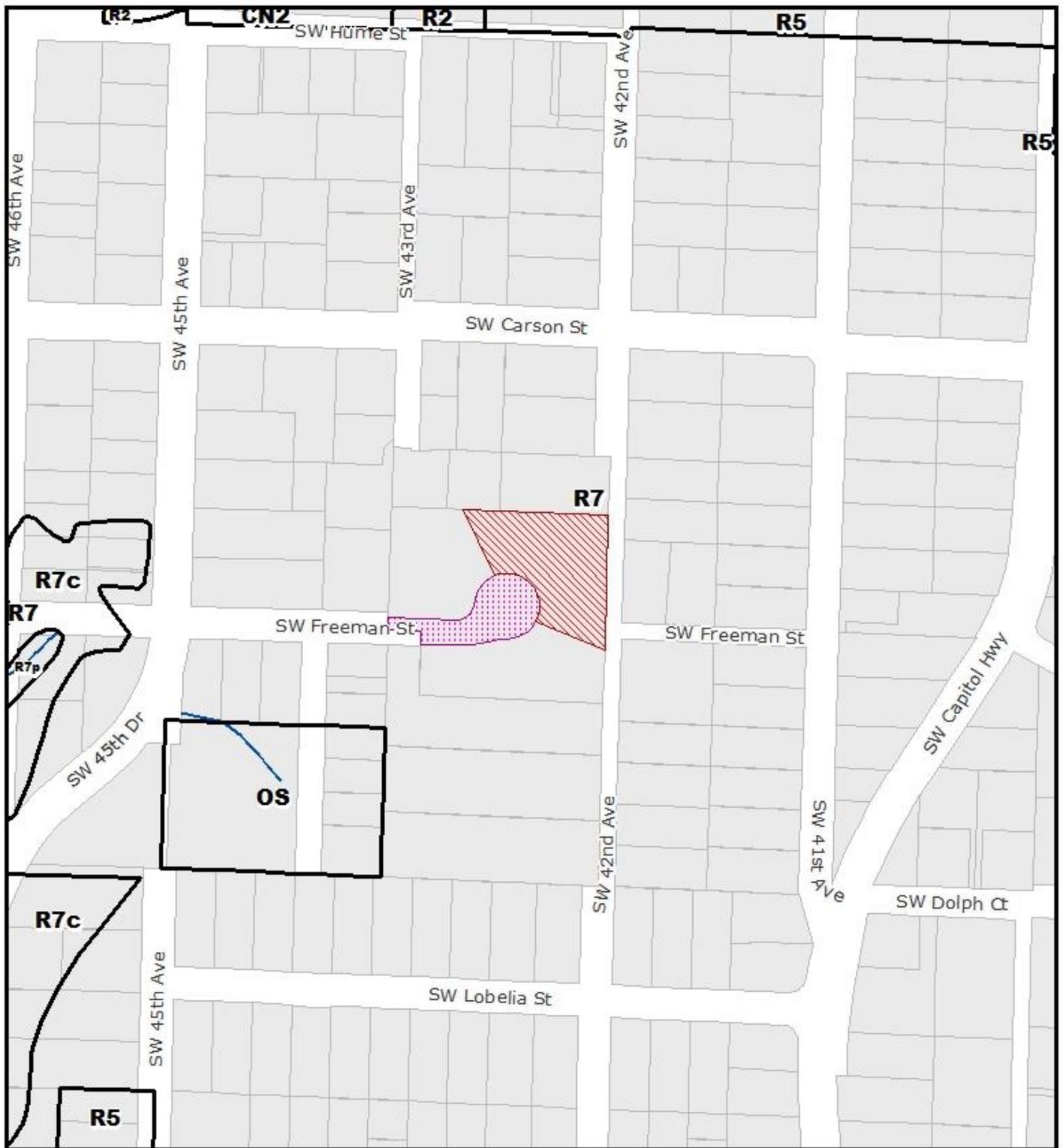
APPEAL OF THE FINAL CITY DECISION

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
Fence Design



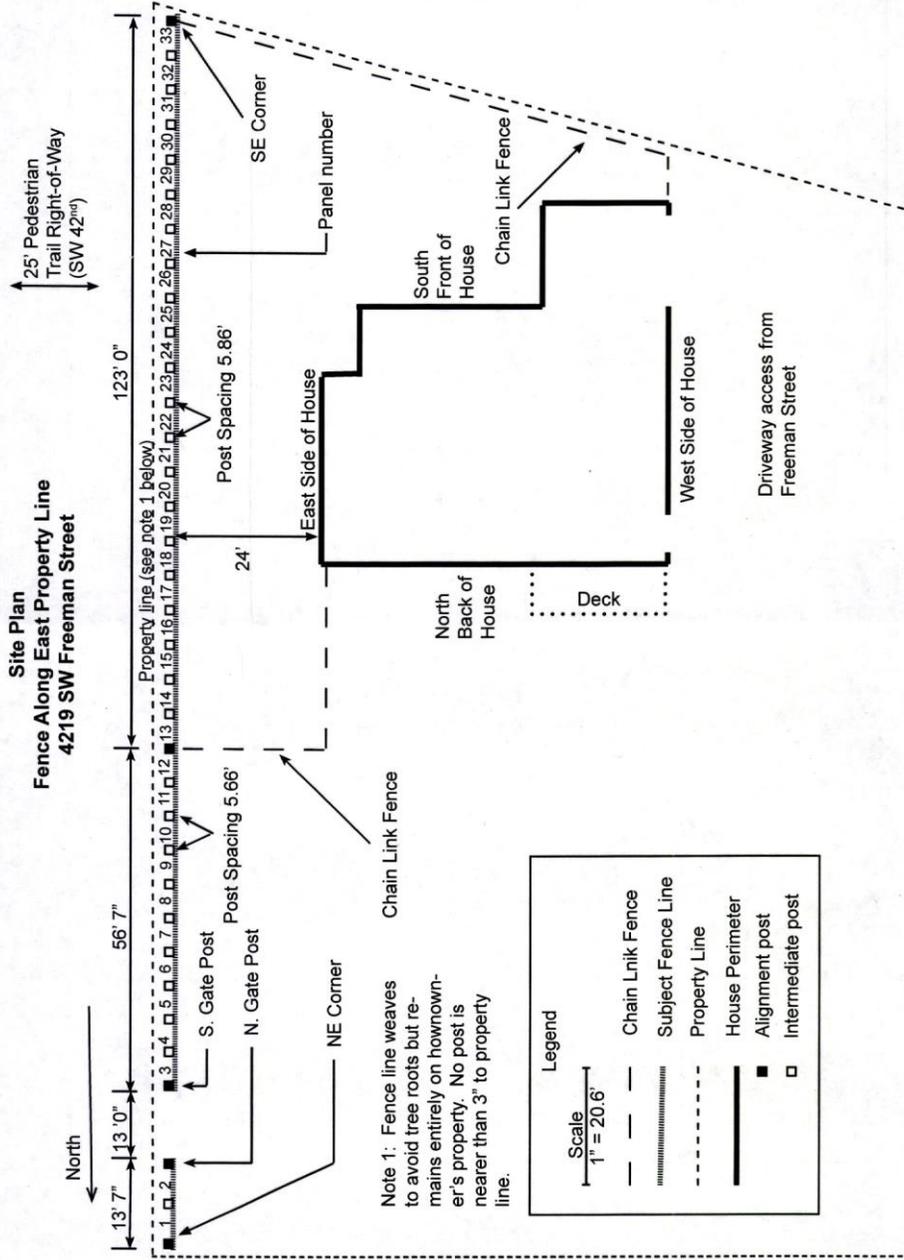
ZONING



-  Site
-  Also Owned Parcels
-  Stream

File No.	LU 17-218407 AD
1/4 Section	3825
Scale	1 inch = 200 feet
State ID	1S1E20CC 7500
Exhibit	B Aug 08, 2017

RECEIVED
 JAN 19 2018
 By



Legend

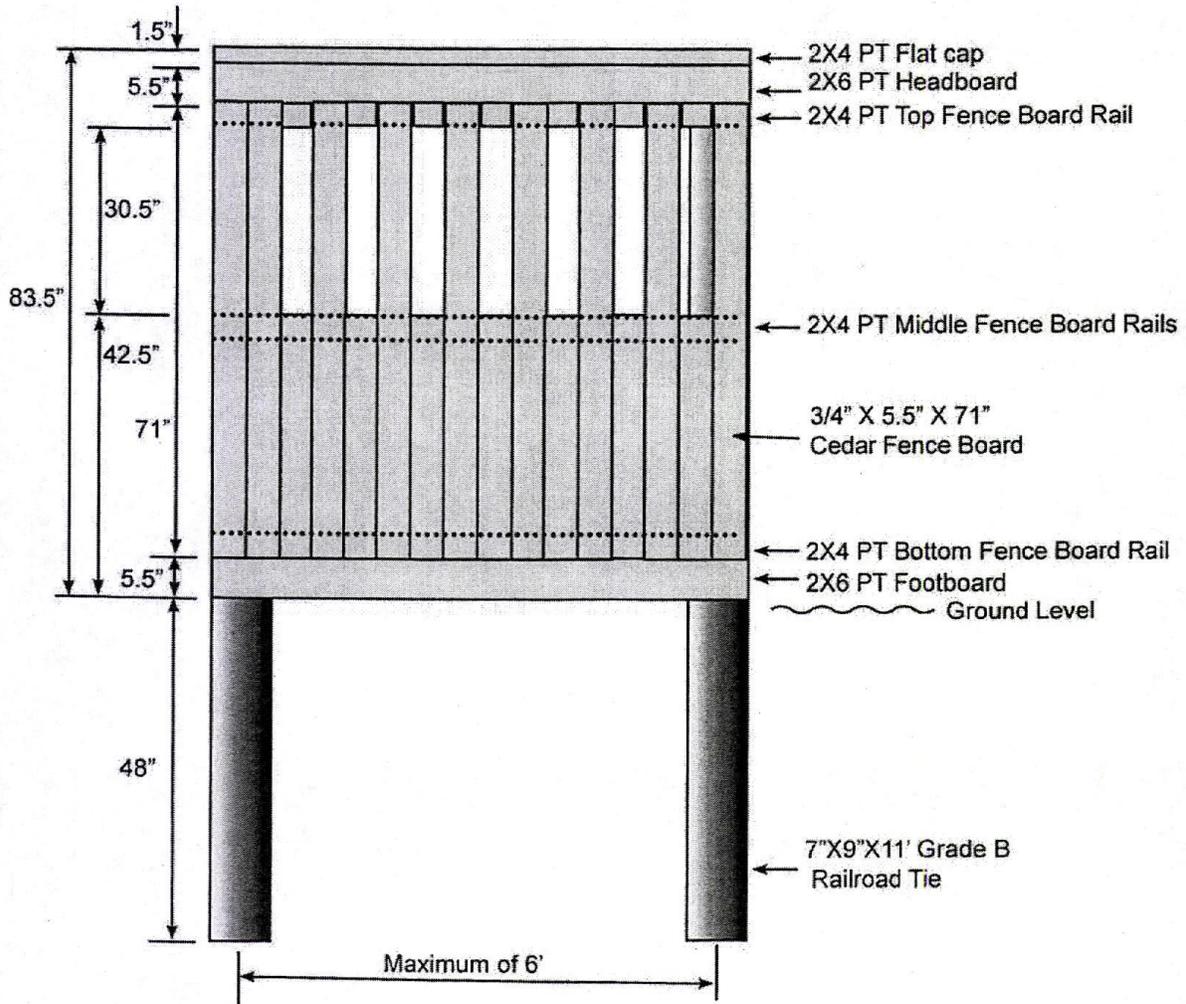
Scale
 1" = 20.6'

- Chain Link Fence
- Subject Fence Line
- Property Line
- House Perimeter
- Alignment post
- Intermediate post

LU 17-218407 AD

RECEIVED
FEB 05 2018
By _____

Compliance Fence Panel
(west facing boards)



Scale
1" = 2'

LU 17-218407 AD