



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 2, 2019  
**To:** Interested Person  
**From:** David Besley, Land Use Services  
503-823-7282/David.Besley@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, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 19-137676 AD, in your letter. It also is helpful to address your letter to me, David Besley. You can also e-mail your comments to me at my e-mail address identified above. Please note that all correspondence received will become part of the public record.

## **CASE FILE NUMBER: LU 19-137676 AD**

**Applicant:** Adam Roth  
KPF  
111 SW 5th Ave Suite 2500  
Portland, OR 97204

**Owner Rep:** Patrick Leboeuf  
Portland Public Schools  
501 N Dixon St  
Portland, OR 97227

**Owner:** School District No 1  
Po Box 3107  
Portland, OR 97208-3107

**Site Address:** 840 NE 41ST AVE

**Legal Description:** BLOCK 57, LAURELHURST  
**Tax Account No.:** R479111820, R479111820  
**State ID No.:** 1N2E31BC 16400, 1N2E31BC 16400  
**Quarter Section:** 2934, 2935

**Neighborhood:** Laurelhurst, contact Peter Meijer at [info@pmapdx.com](mailto:info@pmapdx.com)  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010

**Plan District:** Laurelhurst-Eastmoreland

**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 is proposing to construct a 55-foot by 96-foot steel canopy for a play area at Laurelhurst Elementary School. The Portland Zoning Code requires 20-foot minimum setbacks along the southern edge of this site (per Section 33.540.010 – Laurelhurst Plan District special setback). The canopy structure is proposed to be as close as 6.6 feet to the southern property line; therefore, an Adjustment is requested to reduce the minimum 20-foot setback along the southern property line to a range of 6.6 feet to 20 feet.

The Portland Zoning Code also requires 15-foot minimum landscaped setbacks (to the general landscaping “L1” standard, per 33.248.020.A) for institutional development across the street from residential zones (Section 33.110.245 and Table 110-5). As noted above, the canopy structure is proposed to be as close as 6.6 feet to the southern property line; therefore, a second Adjustment is requested to waive the minimum 15-foot landscaping requirement along the southern property line. The applicant is proposing a 6-foot by 30-foot landscaped area, including high-screen shrubs, to the south of the canopy structure.

**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, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 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; and
- 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 March 25, 2019 and determined to be complete on July 29, 2019.

**DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal. After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- 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 by making a request online or contacting me.

- Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. Copies of all information in the file can be obtained for the cost of making copies during the appointment.
- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

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

#### **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.

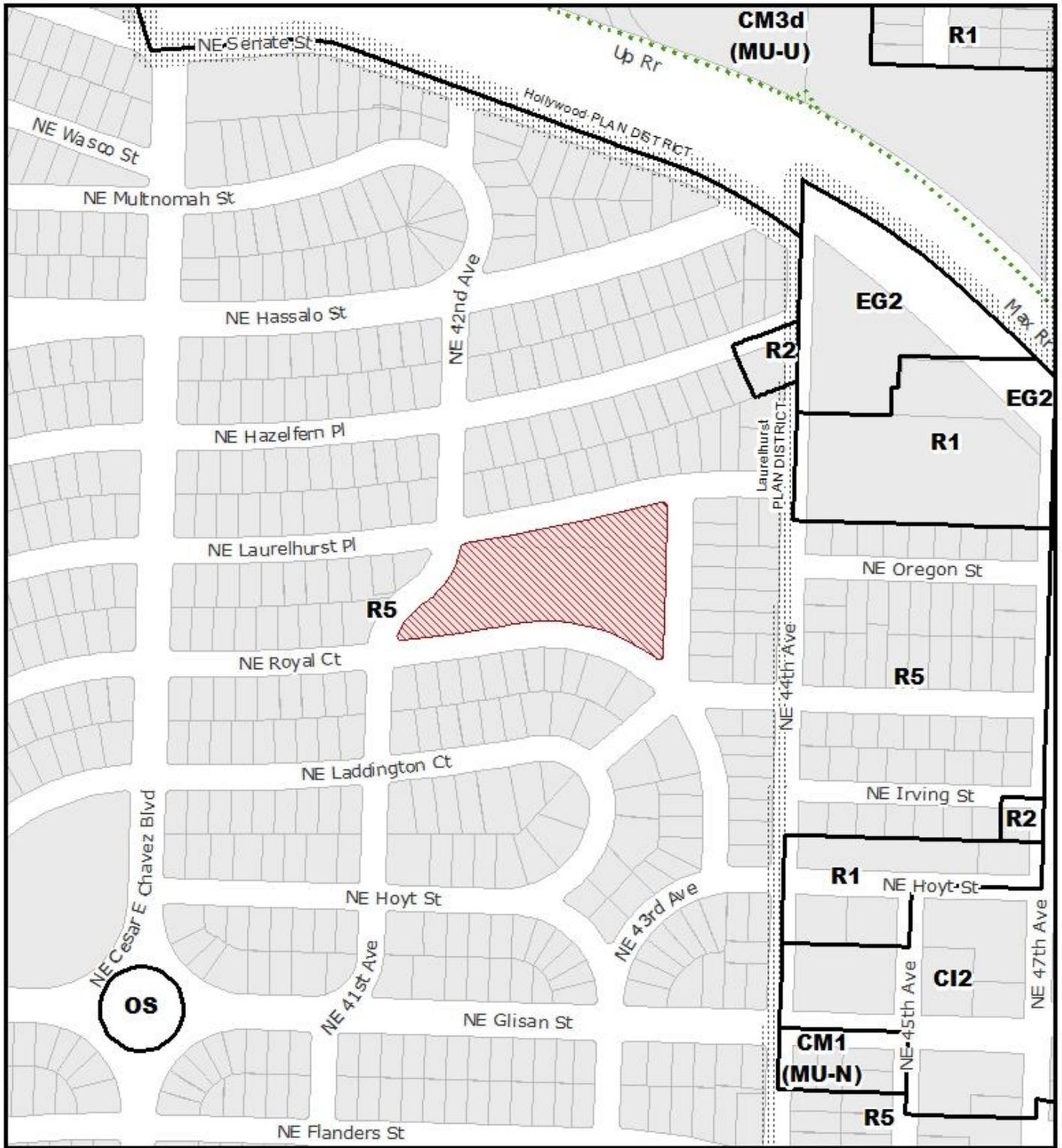
#### **APPEAL OF THE FINAL CITY DECISION**

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  
Isometric Drawing



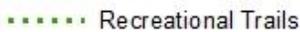
# ZONING



THIS SITE LIES WITHIN THE:  
LAURELHURST PLAN DISTRICT



Site



Recreational Trails

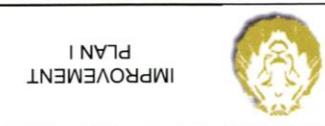
File No.	LU 19-137676 AD
1/4 Section	2934, 2935
Scale	1 inch = 300 feet
State ID	1N2E31BC 16400
Exhibit	B Mar 28, 2019

PRELIMINARY

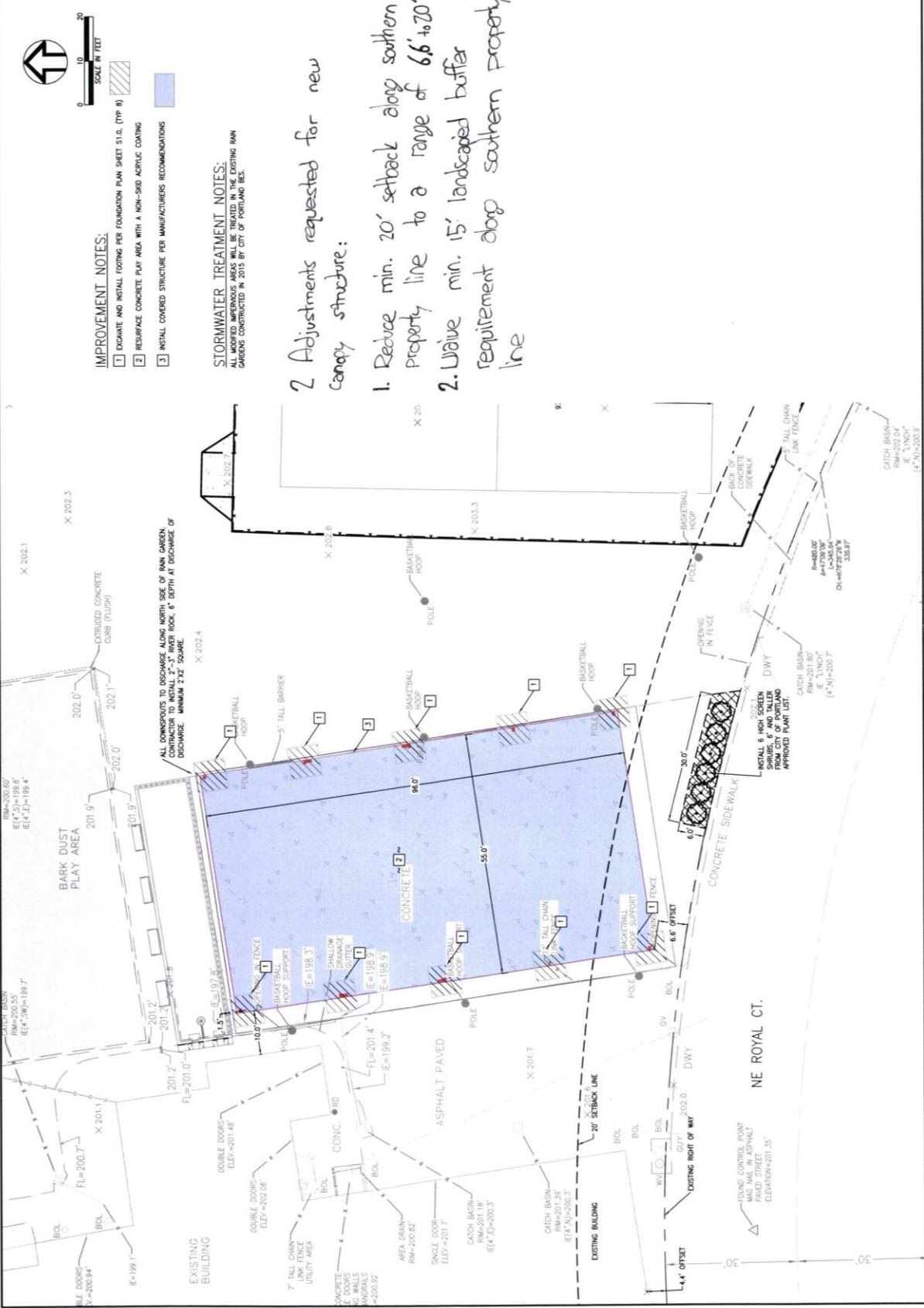
NO.	REVISION	BY	DATE

LAURELHURST ELEMENTARY COVERED STRUCTURE

PROJECT NO: 14178  
DATE: 7/2019  
wallis engineering



DRAWING NO: C4  
4 OF 4



**IMPROVEMENT NOTES:**

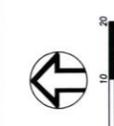
1. EXISTING AND INSTALL FOOTING PER FOUNDATION PLAN SHEET S1.0, (TYP 8)
2. RESURFACE CONCRETE PLAY AREA WITH A NON-SKID ACRYLIC COATING
3. INSTALL COVERED STRUCTURE PER MANUFACTURER'S RECOMMENDATIONS

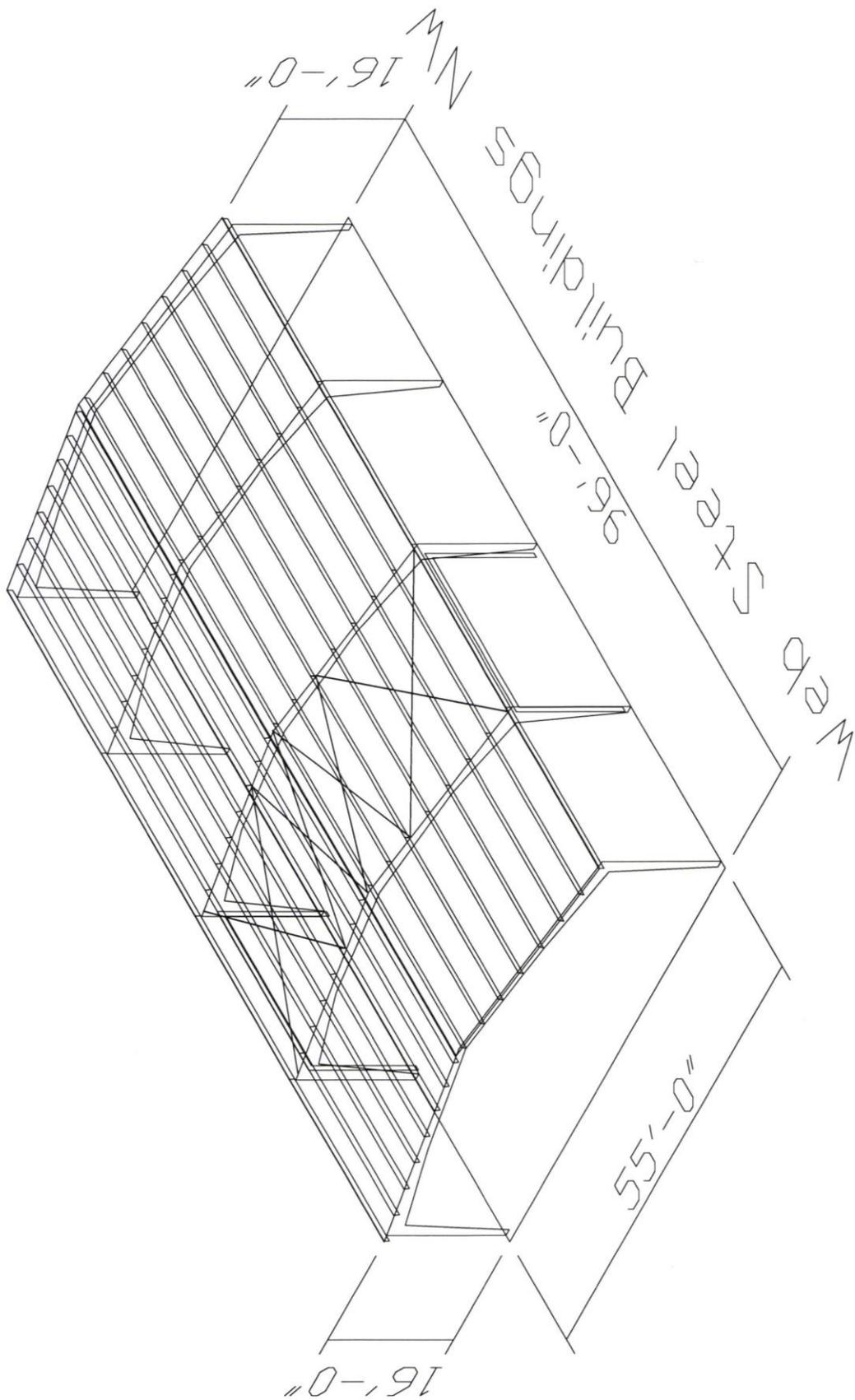
**STORMWATER TREATMENT NOTES:**

1. IDENTIFIED STORMWATER AREAS WILL BE CAPTURED BY EXISTING RAIN CATCHERS CONSTRUCTED IN 2019 BY CITY OF PORTLAND DEL.

2 Adjustments requested for new canopy structure:

1. Reduce min. 20' setback along southern property line to a range of 6.6' to 20'
2. Waive min. 15' landscaped buffer requirement along southern property line





Lu 19-137676 AD