



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

Dan Ryan, Commissioner
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Date: July 13, 2022
To: Interested Person
From: Timothy Novak, Land Use Services
503-823-5395 / Timothy.Novak@portlandoregon.gov

NOTICE OF A TYPE IIx 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 42 days, **we need to receive your written comments by 5 p.m. on August 12, 2022. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 21-108262 PUD EN AD, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 21-108262 PUD EN AD

Legal Owners: Dogwarts, LLC (7908 NW Gales Ridge Ln & Tract "B" Common Open Area)
2321 NW Thurman St | Portland, OR. 97210

Dorren Intill, LLC (7910 NW Gales Ridge Ln & Tract "B" Common Open Area)
2321 NW Thurman St | Portland, OR. 97210

Applicant: William Rasmussen | Miller Nash Graham & Dunn LLP
3400 US Bancorp Tower
111 SW 5th Ave | Portland, OR. 97204

Representative: Margo Rettig | Urban Patterns, LLC
2326 SE Morrison St, Ste A | Portland, OR. 97214
margo@urbanpatterns.com | (971) 242-9102

Site Address: 7908 NW Gales Ridge Ln & Commonly-Owned Open Space Tract "B"

Legal Description: LOT 1 INC UND INT TRACTS A & B, PARTITION PLAT 2000-92
Tax Account No.: R649803650
State ID No.: 1N1W25CA 02701
Quarter Section: 2821

Neighborhood: Forest Park, contact Jerry Grossnickle at
landuse@forestparkneighbors.org

Business District: NONE
District Coalition: Neighbors West/Northwest, contact Darlene Urban Garrett at
darlene@nwnw.org

Plan District: Northwest Hills - Balch Creek and Skyline Subdistricts
Other Designations: Resource Site #84, *Balch Creek Watershed Protection Plan (1991)*; *Regulatory Landslide Hazard Area*; *Wildlands Fire Hazard*

Zoning: Residential Farm/Forest (RF)
 Environmental Protection (p)
 Environmental Conservation (c)

Case Type: Review of Changes to an Approved Plan Unit development (PUD);
 Environmental Review (EN);
 Adjustment Review (AD)

Procedure: Type IIX, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to reconfigure the shared property line between 7908 NW Gales Ridge Lane and the Open Space Tract, which is commonly owned between Parcels 1 and 2 of Partition Plat No. 2000-92. The reconfiguration will move the shared property line to better match the location of a revised driveway configuration to improve safety between the private street (Tract “A”) and the body of the parcel. The reconfiguration will also revise the location of the lot lines on the buildable portion of the site to align with a proposed new house and garage; the existing house and garage will be removed. The reconfiguration of the shared property lines will not change the site area of Parcel 1 (26,272 sq. ft.) and thus will not result in a reduction in the amount of open area. Therefore, per 33.668, the proposed changes to the property line configuration(s) qualifies as a minor change to the originally-approved PUD that created the parcels (LUR 98-00882 PU SU EN) and can be processed through a Type IIX procedure.

In order to reconfigure the property line boundaries and associated disturbance area the applicant must modify the prior Environmental Review approval (LUR 98-00882 PU SU EN). This requires a new Type II Environmental (EN) Review per 33.730.140. The proposal includes mitigation and restoration of existing disturbance area, both approved and unapproved, that will revert to natural area in the Open Space Tract.

Finally, the proposal includes the following Adjustment Review requests:

- Reduce minimum building setbacks on the south and west sides of the proposed primary structure (house) from 10 to 5 feet (33.110.220);
- Reduce minimum side building setbacks on the north and east sides of the proposed accessory structure (detached garage) from 10 to 5 feet (33.110.220);
- Increase the maximum building height for the proposed primary structure (house) from 30 feet to 39 feet (33.110.215);
- Increase the maximum building height for the proposed accessory structure from 20 feet to 28 feet (33.110.215).
- Increase the maximum building coverage from the previously approved coverage of 4,926 square feet* to 10,350 square feet (33.110.255). **(Via an approved Adjustment to maximum building coverage in LUR 98-00882 PU SU EN.)*

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.A** Environmental Review Approval Criteria for Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments.
- **33.430.250.E** Environmental Review Approval Criteria for Other development in the Environmental Conservation zone or within the Transition Area only.
- **33.668.200** Approval Criteria for changes to an approved PUD.

- **33.805.040** Adjustment Review Approval Criteria

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 19, 2021 and determined to be complete on 5/16/22.

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.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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, OR 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