



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

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Date: July 29, 2022
To: Interested Person
From: Timothy Novak, Land Use Services
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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 19, 2022. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 22-138292 EN, 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 22-138292 ENM

Applicant/Owner: Zoé Stone
1793 Mapleleaf Rd
Lake Oswego, OR 97034

Site Address: SW NOTTINGHAM DR (Lot does not yet have an address assigned).

Legal Description: LOT 3, WEISS ADD
Tax Account No.: R889500100
State ID No.: 1S1E09BC 05200
Quarter Section: 3327

Neighborhood: Southwest Hills Residential League, contact at landuse@swhrl.org
Business District: None
District Coalition: Neighbors West/Northwest, contact Darlene Urban Garrett at darlene@nwnw.org

Plan District: None
Other Designations: Environmental Resource Site 113/Marquam Hill Ravine/*Southwest Hills Resource Protection Plan*; Stream; Landslide Hazard; Steep Slopes; Wildlands Fire Hazard

Zoning: Residential 10,000 (R10)
Environmental Protection (p)
Environmental Conservation (c)

Case Type: Environmental Review with a Modification (ENM)

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

Proposal: The applicant proposes to construct a new 2-story residence and detached garage with associated outdoor areas on a vacant site. Access to the site is proposed through an existing access easement that runs along the southern lot line of 3008 SW Nottingham Dr.

The project area is within the Environmental Conservation overlay zone and the site includes Environmental Conservation and Protection overlay zones (the Environmental Protection overlay buffers the creek that runs south to north through the property). Certain standards must be met to allow the work to occur by right. If the standards are not met, an Environmental Review is required. In this case, the proposal does not meet Standard 33.430.140.O, which requires a maximum front/street building setback equal to the minimum front building setback of the base zone; the base zone of the subject site is R10, which has a minimum front building setback of 20 feet. As can be seen on the attached Zone Map, the front lot line of the subject site is in fact on SW Sherwood Dr and is completely within the Environmental Protection overlay zone. To utilize the existing access easement and driveway and to avoid proposing impacts to the stream and development within the Environmental Protection overlay zone, the applicant is proposing development that is sited at the rear of the lot which, as noted above, does not meet Standard 33.430.140.O.

Therefore, the proposal triggers an **Environmental Review**. Additionally, the applicant has requested a **Modification** to the required 10-foot side and rear setbacks to allow for the detached garage to be placed immediately adjacent to the existing pavement of the driveway within the access easement. The Modification request reduces the west side setback of the garage to approximately 5.5 feet and the rear setback of the garage to approximately 8.7 feet.

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.E:** Other development in the Environmental Conservation zone or within the Transition Area only
- **33.430.280:** Modifications That Will Better Meet Environmental Review Requirements

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 May 3, 2022 and determined to be complete on July 25, 2022.

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.

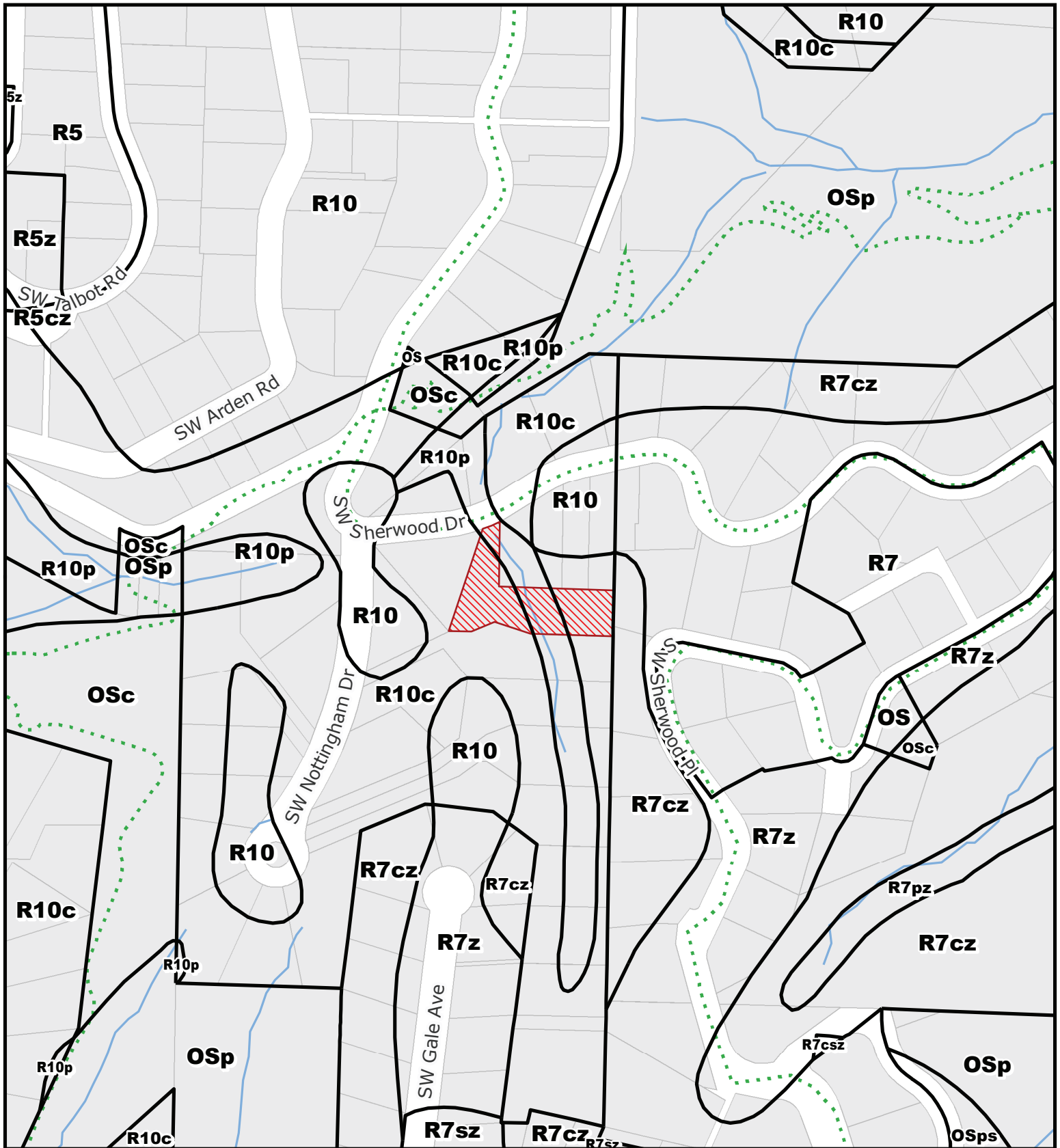
APPEAL OF THE FINAL CITY DECISION

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, 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



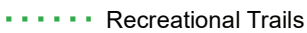
ZONING



For Zoning Code in effect Post August 1, 2021



Site



Recreational Trails

File No.	LU 22 - 138292 ENM
1/4 Section	3327
Scale	1 inch = 200 feet
State ID	1S1E09BC 5200
Exhibit	B July 28, 2022

