



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: April 3, 2008
To: Interested Person
From: Ronda Fast, Land Use Services
(503) 823-7839 / FastR@ci.portland.or.us

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 April 24, 2008.** Please mail or deliver your comments to the address above, and include the Case File Number, LU 08-105562 AD, in your letter. It also is helpful to address your letter to me, Ronda Fast.

CASE FILE NUMBER: LU 08-105562 AD

Applicant: Michelle Martin, RP & Associates LLC (503) 288-7458
211 NE Weidler
Portland, OR 97232

Contact Person: Charles Stone, RP & Associates Construction LLC (503) 288-7458
211 NE Weidler St
Portland, OR 97232

Site Address: 556 N BUFFALO ST
Legal Description: LOTS 1&2, BLOCK 51, SWINTON
Tax Account No.: R816114370
State ID No.: 1N1E15BA 02500
Quarter Section: 2330
Neighborhood: Piedmont, Kat Halpenny at 360-798-9951.
Business District: North Portland Business Assoc, Steve Weir at 503-283-3883 and
North-Northeast Business Assoc, Joyce Taylor at 503-445-1321.
District Coalition: North Portland Neighborhood Services, Mary Jaron Kelley at 503-823-4099.

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 recently received approval to confirm an originally platted lot on the site, and then move the common lot line to make one of the lots larger, through the Lot Confirmation/Property Line Adjustment process. A Zoning Permit was issued to provide a parking space to be accessed via an easement behind the existing house.

However, rather than parking behind the house, the applicants have chosen to situate a new 9-foot by 21.29-foot parking pad in front of the house. Zoning Code Section 33.266.120.C requires that a parking space be at least 9 feet by 18 feet and located outside of the front setback, which is the first 10 feet from the front lot line. To meet the code requirement, the parking pad would need to be 9 feet by 28 feet.

Consequently, the applicant is requesting an Adjustment to Zoning Code Section 33.266.120 to allow a 9-foot by 18-foot parking space within the front setback, with an overall size of 9 feet by 21.29 feet, rather than 9 feet by 28 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. of Section 33.805.040, Adjustment Approval Criteria have been met. Those approval criteria are as follows:

- 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*
- 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;*

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 January 29, 2008 and determined to be complete on February 15, 2008.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and either:

- 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 waived or extended at the request of the applicant.

The file and all evidence of this case are available for your review by appointment. Please contact the support staff at our office, 1900 SW Fourth Ave., Suite 5000, phone 503-823-7967, to schedule a time. Copies of information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some information over the phone. You may also find additional information about the City of Portland and City Bureaus, as well as a digital

copy of the Portland Zoning Code, by visiting the City's homepage 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 and low-income individuals appealing a decision for their personal residence may qualify for an appeal fee waiver.

Appeal fee waivers. Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190th, Portland, OR 97233.

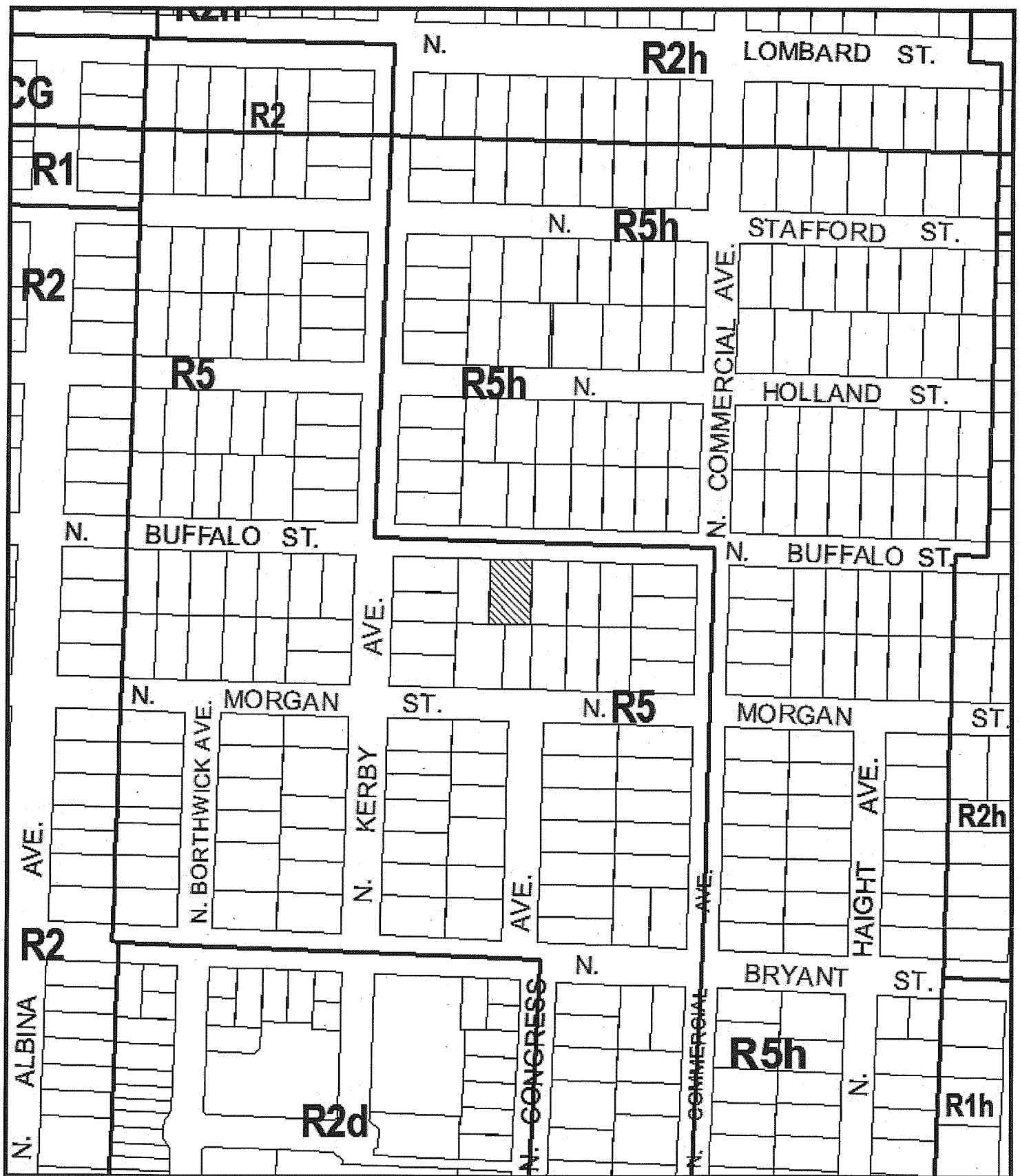
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. 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. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).

Enclosures:

Zoning Map
Site Plan



ZONING

 Site



File No. LU 08-105562 AD
 1/4 Section 2330
 Scale 1 inch = 200 feet
 State Id 1N1E15BA 2500
 Exhibit B (Feb 06, 2008)

