City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: December 22, 2009

To: Interested Person

From: Sean Williams, Land Use Services
503-823-7612 / sean.williams@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 January 12, 2010**. Please mail or deliver your comments to the address above, and include the Case File Number, LU 09-176357 AD, in your letter. It also is helpful to address your letter to me, Sean Williams.

CASE FILE NUMBER: LU 09-176357 AD

Applicant: Michael Bolliger
BBB Enterprises LLC
P O Box 14130
Portland, OR 97293-0130

Site Address: 1441 SW Stephenson Street

Legal Description: TL 3100 0.92 ACRES, SECTION 33 1S 1E
Tax Account No.: R991330340
State ID No.: 1S1E33BD 03100
Quarter Section: 4127
Neighborhood: Arnold Creek, contact Ron McDowell at 503-488-5546.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: None
Other Designations: Potential Landslide Hazard
Zoning: Residential 10,000 (R10)
Case Type: Adjustment (AD)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:
The applicant is requesting an adjustment to flag lot setbacks (33.110.240.F) from 15 feet to approximately 3 feet for an existing detached garage associated with LU 08-168843 LDP AD. A preliminary plan for a 2 parcel partition, which resulted in one standard lot (Parcel 1) that will retain an existing dwelling and one flag lot (Parcel 2), was approved on May 20, 2009. As a result of the land division an existing detached garage was left on the flag lot which the owner intends to retain to be associated with a new single family dwelling. Therefore, an adjustment is

necessary for the existing detached garage as the setback standard has changed and increased due to the properties designation as a flag lot.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in section **33.805.040 A.-F., Approval Criteria for Adjustments**.

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 December 9, 2009 and determined to be complete on December 17, 2009.

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 and low-income individuals appealing a decision for their personal residence may qualify for an appeal fee waiver.

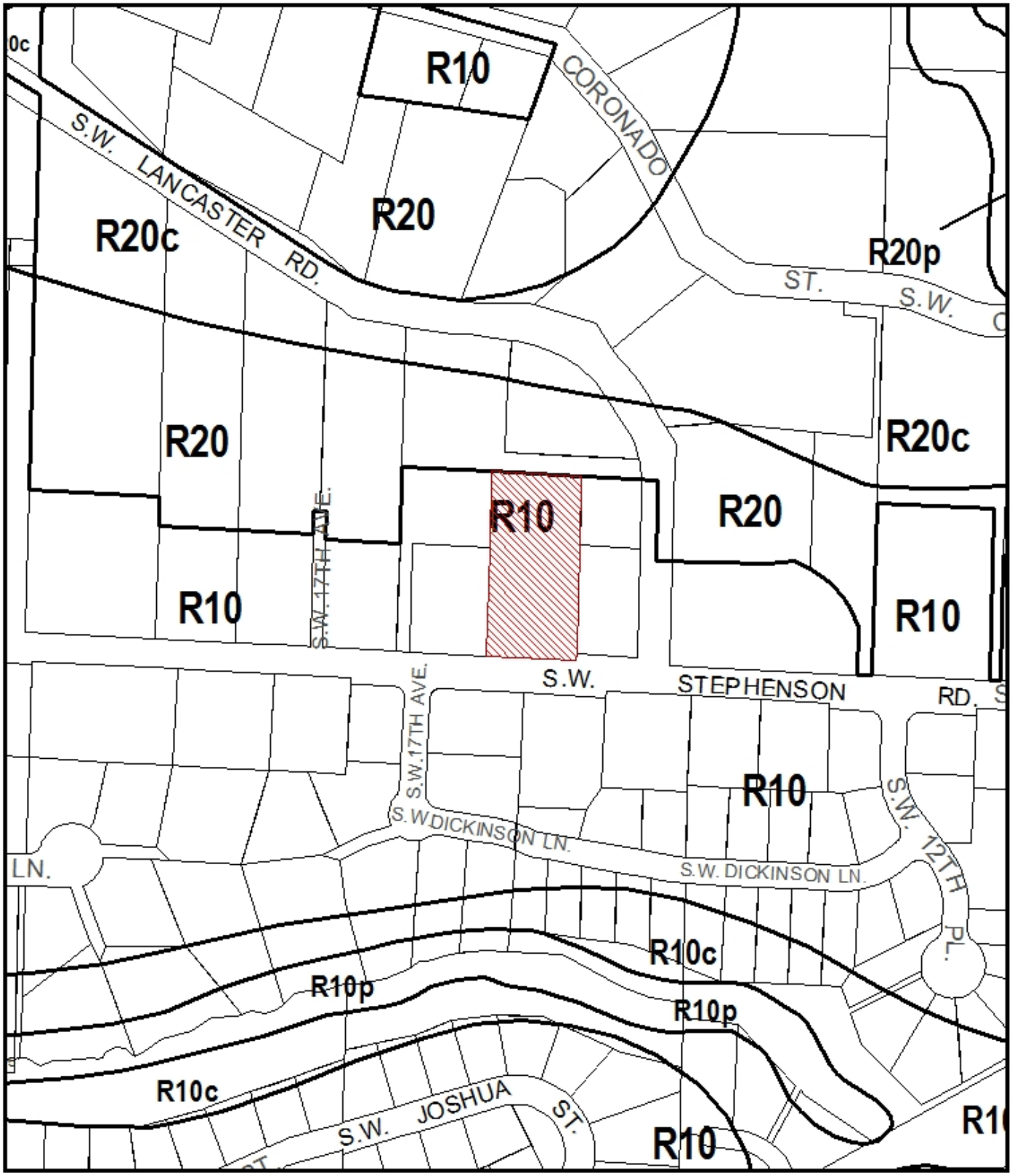
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 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. 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

Site

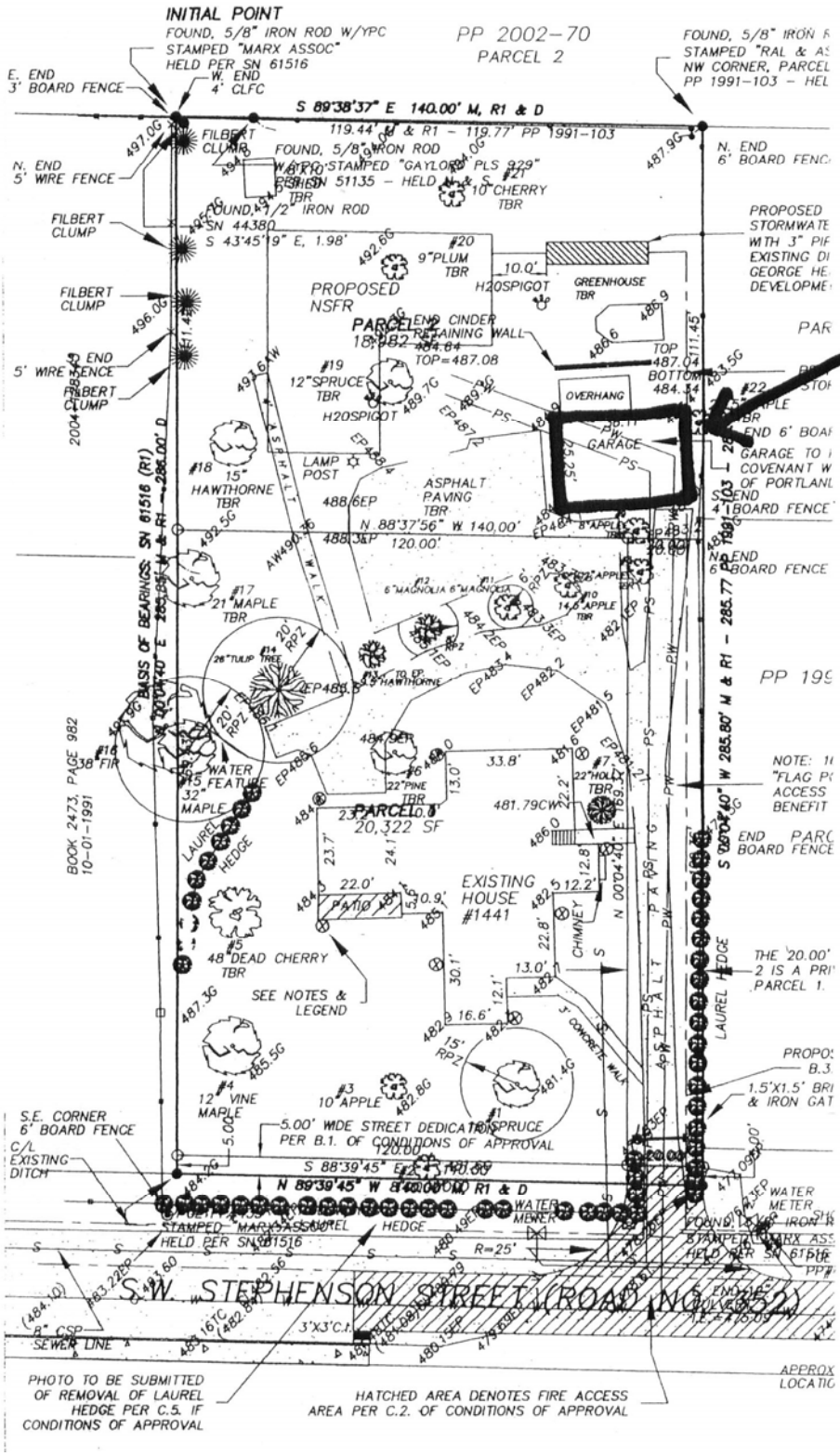
File No. LU 09-176357 AD
1/4 Section 4127
Scale 1 inch = 200 feet
State_Id 1S1E33BD 3100
Exhibit B (Dec 14,2009)

NORTH

RECEIVED
AUG 27 2009
By

LEGEND:

1. " ○ " DENOTES A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "MARX ASSOCS" SET ON JUNE 10, 2009.
2. " ● " DENOTES MONUMENTS FOUND AND TIED, AS NOTED.
3. "D" DENOTES VALUES PER FEE NO. 2007-154539, MULTNOMAH COUNTY DEED RECORDS. "R1" DENOTES VALUES PER SN 61516
4. "M" DENOTES MEASURED VALUES. "W/YPC" DENOTES WITH YELLOW PLASTIC CAP. "W/OPC" DENOTES WITH ORANGE PLASTIC CAP. "SN" DENOTES SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS. "PP" DENOTES PARTITION PLAT.



Existing detached garage subject to adjustment.