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: August 5, 2010

To: Interested Person

From: Mark Bello, Land Use Services
503-823-7810 / mark.bello@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 August 26, 2010**. Please mail or deliver your comments to the address above, and include the Case File Number, LU 10-151281 AD, in your letter. It also is helpful to address your letter to me, Mark Bello.

CASE FILE NUMBER: LU 10-151281 AD

Applicant:
Steve L Gibson
16016 SE Keller Rd
Damascus, OR 97089-7828

Steven Gibson
15191 SE 91st Avenue
Clackamas, OR 97015

Steve Gibson,
8407 NE Thompson St
Portland OR 97220

Site Address: 8407 NE THOMPSON ST

Legal Description: BLOCK 22 LOT 32, RAILWAY ADD; BLOCK 22 LOT 33-35, RAILWAY ADD
Tax Account No.: R684804680, R684804690
State ID No.: 1N2E28CB 15500, 1N2E28CB 15600
Quarter Section: 2839

Neighborhood: Madison South, contact Carter Cummings at 971-222-8590.
Business District: Parkrose Business Association, contact Wayne Stoll at 503-284-1921.
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

Zoning: R5, Residential 5,000

Case Type: AD, Adjustment
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:
The applicant proposes to reduce the side yard setback from the zoning code required minimum 5 ft. to 4.42 ft. This adjustment is requested to facilitate a property line adjustment (10-151269 PR). The property line adjustment, subject to a separate review, together with approval of this adjustment, would allow construction of a home on a new lot to the west of the existing house at 8407 NE Thompson.

Adjustment approval is required to reduce the 5-ft. minimum development standard for a side setback (33.110.220).

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: **33.805.040, A-F,** listed below.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
Purpose: The building setback regulations serve several purposes:
- *They maintain light, air, separation for fire protection, and access for fire fighting;*
- *They reflect the general building scale and placement of houses in the City's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*
- *They promote options for privacy for neighboring properties;*
- *They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;*
- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and*
- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

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 *(not applicable)*

D. City-designated scenic resources and historic resources are preserved; *(not applicable)*

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 June 29, 2010 and determined to be complete on August 4, 2010.

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.

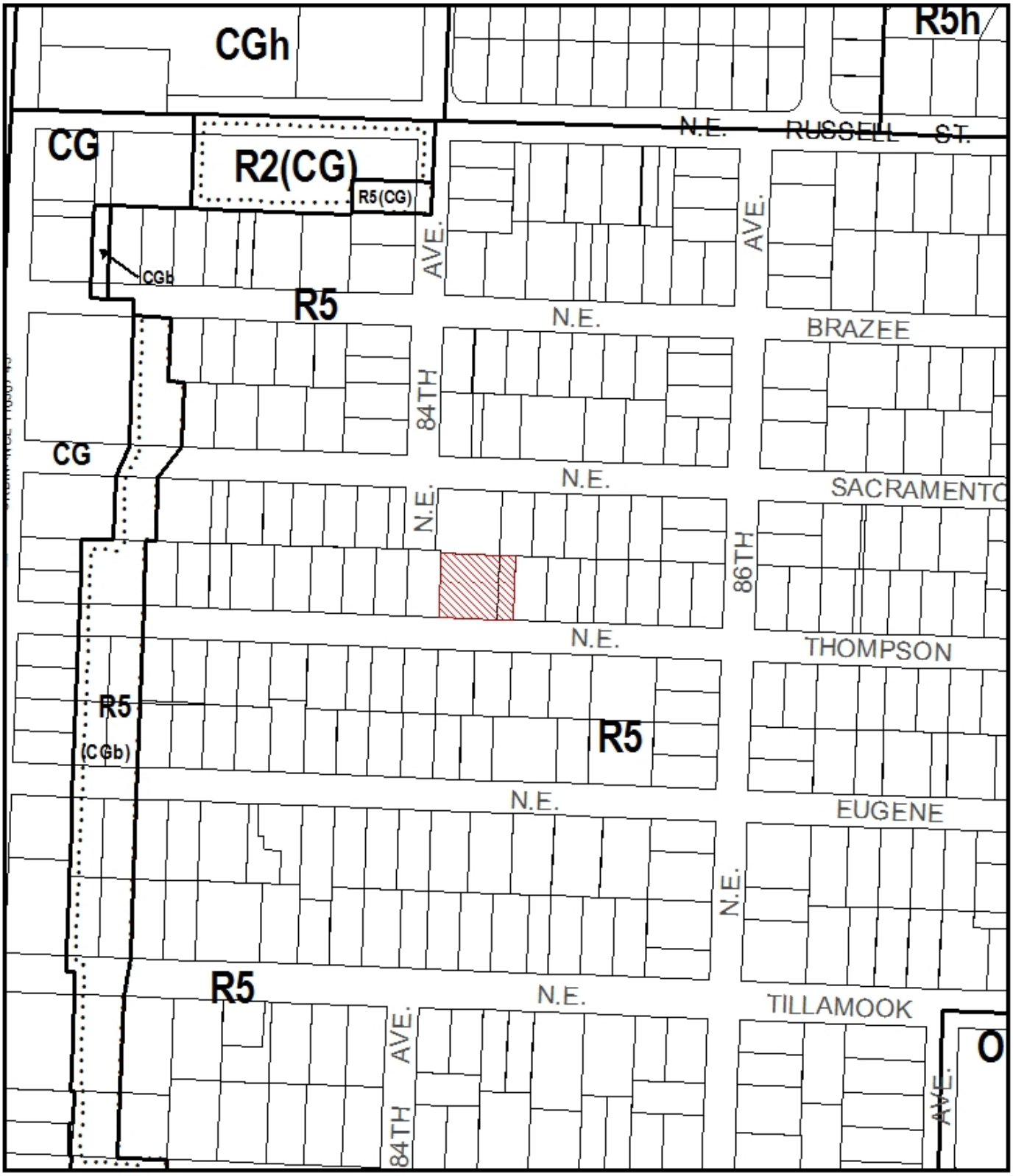
There is a fee charged for appeals. Recognized neighborhood associations and low-income individuals appealing a decision for their personal residence may qualify for an appeal fee waiver.

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

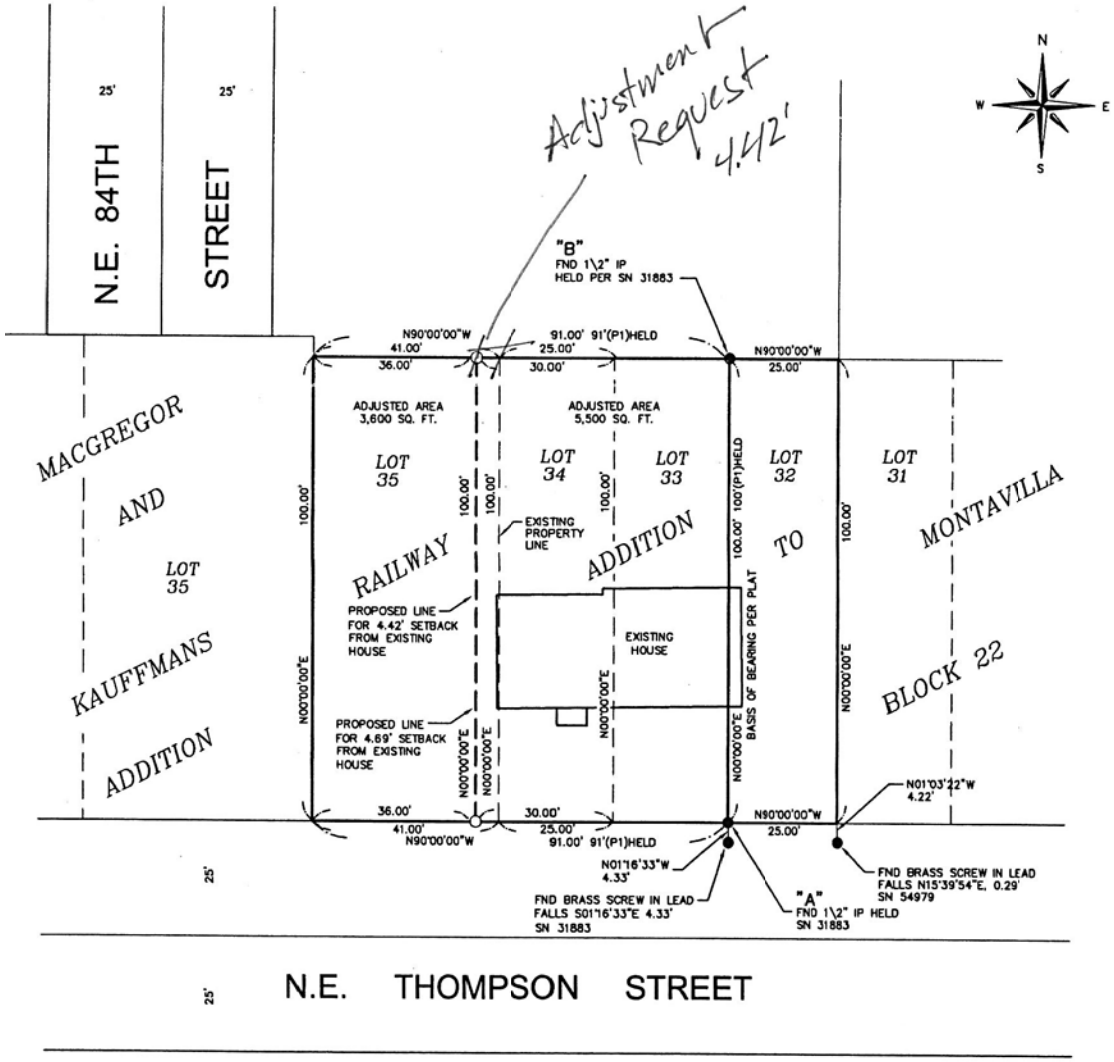
NORTH

File No.	LU 10-151281 AD
1/4 Section	2839
Scale	1 inch = 200 feet
State_Id	1N2E28CB 15600
Exhibit	B (Jul 02,2010)

RECORD OF SURVEY - PROPERTY LINE ADJUSTMENT

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28
TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
CITY OF PORTLAND, MULTNOMAH COUNTY, STATE OF OREGON
SCALE: 1" = 20' DATE: MARCH 17, 2010

MULTNOMAH COUNTY
SURVEY RECORDS
DATE FILED _____
_____
REGISTER NUMBER



NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE BOUNDARIES OF LOTS 32 THRU 35, PLAT OF RAILWAY ADDITION, AND THEN ADJUST THE EAST LINE OF LOT 35 TO MEET A 5.00' SETBACK FROM THE EXISTING HOUSE. THE BASIS OF BEARING WAS HELD FROM "A" TO "B". THE IRON PIPES FOUND PER SN 31883 WERE HELD FOR THE WEST LINE OF LOT 32. PLAT DISTANCES AND ANGLES WERE HELD EAST AND WEST TO ESTABLISH THE BOUNDARIES OF THESE SUBJECT LOTS.

LEGEND:

●	INDICATES FOUND MONUMENT AS NOTED HEREON
○	SET 5/8" BY 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "GILBERT PLS 60121", ON _____, 2006
FND	INDICATES FOUND
W/YPC	INDICATES WITH YELLOW PLASTIC CAP
IP	INDICATES IRON PIPE
IR	INDICATES IRON ROD
NO.	INDICATES NUMBER
SN	INDICATES SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
(P1)	INDICATES RECORD VALUE PER "RAILWAY ADDITION TO MONTAVILLA"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 11, 2000
DAN L. GILBERT
60121

EXPIRES 06/30/11

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP 51640A INK ON HWAN WMF POLYESTER FILM

FDG
Firwood Design Group, LLC
SURVEYING ♦ ENGINEERING ♦ PLANNING
39065 PIONEER BLVD., SUITE 104
SANDY, OREGON 97055
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CLIENT: STEVE GIBSON