

City of Portland, Oregon Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: December 17, 2012

To: Interested Person

From: Kathy Harnden, Land Use Services

503-823-7318 / Kathy.Harnden@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 January 16, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 12-191855 LDS, in your letter. It also is helpful to address your letter to me, Kathy Harnden.

CASE FILE NUMBER: LU 12-191855 LDS

Applicant: Kevin Partain

223 NE 56th Avenue Portland, OR 97213-3705

Exceptional Homes By Andre Inc.

14237 Bridge Ct

Lake Oswego, OR 97034-2177

Site Address: 1627 SE Knight St

Legal Description: BLOCK 1 LOT 1, KINGTON

Tax Account No.: R452800010

State ID No.: 1S1E14DB 11400

Quarter Section: 3632

Neighborhood:Sellwood-Moreland, contact Ellen Burr at 503-234-2233.Business District:Sellwood-Westmoreland, contact Tom Brown at 503-381-6543.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District: None **Other Designations:** None

Zoning: R1d – Residential 10,000 with the Design (d) overlay

Case Type: Land Division Subdivision (LDS)

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

Proposal:

The applicant is proposing to divide the subject site into four lots. The site has 100 feet of frontage along SE Knight Street and 50 feet of frontage along SE 17th Avenue. Each lot will be 1,250 square feet in area, and each will be 25 feet wide by 50 feet deep. The lots will be developed with attached houses. Houses on Lots 1 and 2 will be attached as will be houses on Lots 3 and 4. Houses on Lots 2 and 3 will be separated by their 5-foot wide side yard setbacks for a combined distance between these two houses of 10 feet. All dwellings will front on SE Knight Street. Each dwelling will have separate water and sewer connections, flow through planters for stormwater detention, and paved driveways at the front of the structures.

This subdivision is reviewed through a Type IIx land use review because: (1) the site is in a residential zone; (2) four or more lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines "lot" as a single unit of land created by a subdivision of land. The applicant's proposal is to create 6 units of land (3 lots and 3 tracts). Therefore this land division is considered a subdivision.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are found in Section 33.660.120 – Approval Criteria for Land Divisions in Open Space and Residential Zones

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 October 4, 2012 and determined to be complete on December 11, 2012.

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.ci.portland.or.us.

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.

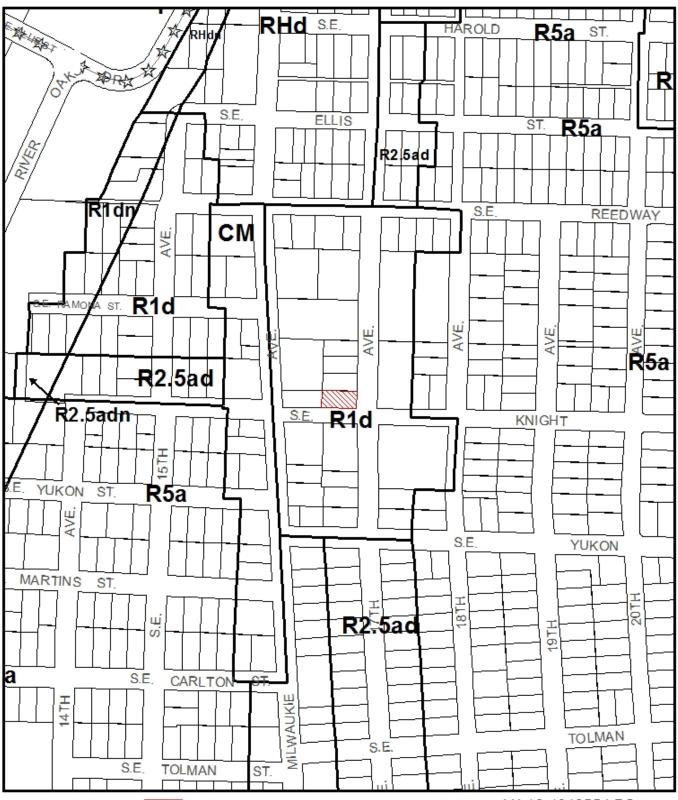
APPEAL OF THE FINAL CITY DECISION

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



LU 12-191855 LDS File No. 3632 1/4 Section _ 1 inch = 250 feet Scale. 1S1E14DB 11400 State_Id . (Oct 10,2012) Exhibit.



