



## 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 26, 2012 **To:** Interested Person

From: Kate Green, Land Use Services

503-823-5868 / Kate.Green@portlandoregon.gov

### 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 16, 2013. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 12-202567 TR, in your letter. It also is helpful to address your letter to me, Kate Green.

# CASE FILE NUMBER: LU 12-202567 TR UNINCORPORATED MULTNOMAH COUNTY

**Applicant:** Kevin Partain/Urban Visions

223 NE 56th Avenue Portland OR 97213

**Property Owner:** Roman Ozeruga

PO Box 11930

Portland OR 97211-0930

**Site Address:** 12218 SW BREYMAN AVENUE (Parcel 1)

12224 SW BREYMAN AVENUE (Parcel 2)

Legal Description: LOT 1, PARTITION PLAT 2006-92; LOT 2, PARTITION PLAT 2006-92

**Tax Account No.:** R649863650, R649863660

**State ID No.:** 1S1E35CA 01501, 1S1E35CA 01502

Quarter Section: 4231

Neighborhood/Business District/District Coalition: None

**Zoning:** Single Dwelling Residential 20,000 (R20) **Other Designations:** Unincorporated Multnomah County

**Case Type:** Tree Review (TR)

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

**Proposal:** The applicant requests a **Tree Review** in order to modify the Tree Preservation Plan required through a prior Land Division Review (LU 05-149355 LDP), since some of the trees originally identified for protection have now died or have been removed. The attached plan shows all the trees on the site, and indicates which trees are to be retained and protected and which are proposed for removal.

**Relevant Approval Criteria:** In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: 33.853.040, Tree Review Approval Criteria.

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 November 6, 2012 and determined to be complete on **December 21, 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.

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.

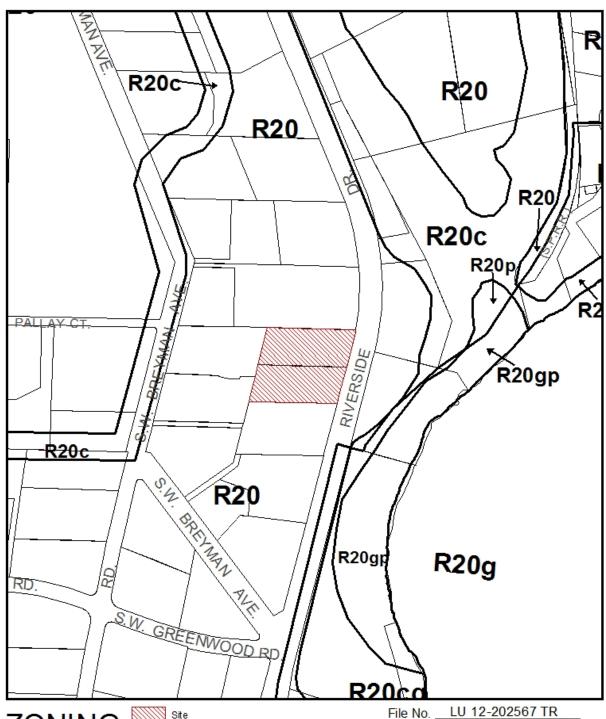
**APPEAL PROCESS:** If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on 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.

**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 190<sup>th</sup>, 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 Street 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 Proposed Tree Protection Plan



ZONING Site

4231 1/4 Section \_ 1 inch = 200 feet Scale 1S1E35CA 1501 State\_Id (Dec 24,2012) Exhibit.



