



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: January 30, 2013

To: Interested Person

From: Rachel Whiteside, Land Use Services
503-823-7605 / Rachel.White@portlandoregon.gov

NOTICE OF A RESCHEDULED PUBLIC HEARING ON A PROPOSAL IN YOUR NEIGHBORHOOD

CASE FILE: LU 12-204862 LDS PC #12-177887

REVIEW BY: Hearings Officer

WHEN: Wednesday, **February 6, 2013 at 10:00AM**

WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

Development has been proposed in your neighborhood requiring 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 are 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.

Applicant/Owner: Cody Johnecheck / Consolidated Land And Cattle LLC
2 Centerpointe Dr #210 / Lake Oswego, OR 97035

Representative: Bruce Vincent / Bedsaul/Vincent Consulting, LLC
416 Laurel Ave #3 / Tillamook, OR 97141

Site Address: 8600 SW 30TH AVE

Legal Description: S 3' OF LOT B LOT C, MADISON VILLA SUB LOT 21; LOT D EXC S 40' OF W 150', MADISON VILLA SUB LOT 21; LOT E TL 9500, MADISON VILLA SUB LOT 21

Tax Account No.: R524950200, R524950250, R524950310

State ID No.: 1S1E20DD 09200, 1S1E20DD 09300, 1S1E20DD 09500

Quarter Section: 3826

Neighborhood: Multnomah, contact Susan Rudloff at 503-358-2316.

Business District: None

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: None

Other Designations: Potential Landslide Hazard Area

Please see previously mailed notice for additional information.

Zoning: R2c – Multi-Dwelling Residential with an Environmental Conservation Overlay
Case Type: LDS – Land Division (Subdivision)
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal:

The applicant proposes to divide the 19,660 square foot site into five lots for attached housing. Proposed lots range in size from 1,793 square feet to 2,634 square feet. The remaining 8,921 square feet, which includes all of the environmental conservation zone, will be placed into an environmental resource tract. The site is currently developed with a duplex that will be removed.

Water and sanitary sewer service are both available in SW 30th Avenue. Stormwater from individual lots will be treated in flow-through planters and disposed of off-site to a proposed storm line in SW 30th Avenue. There are no trees on the site outside of the environmental zone. All trees within the environmental zone will be preserved within Tract A.

This subdivision proposal is reviewed through a Type III procedure because more than three lots are proposed and the site is in a Potential Landslide Hazard Area (see 33.660.110). The proposal addresses the Standards for Land Divisions in Environmental Zones (Section 33.430.160), therefore an Environmental Review is not required.

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 5 lots. Therefore this land division is considered a subdivision.

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 33.660.120, 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 November 13, 2012 and determined to be complete on **December 10, 2012.**

DECISION MAKING PROCESS

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. 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 <http://www.portlandonline.com/auditor/index.cfm?c=28197>

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled 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.

We are seeking your comments on this proposal. The evidentiary proceeding before the Hearings Officer will be the only opportunity for the parties to submit oral and written evidence in this

matter. Any appeal to the City Council will be limited to legal arguments concerning the Hearings Officer decision and the evidence in the record compiled by the Hearings Officer in support of that decision.

To comment, you may write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201, or FAX your comments to 503-823-4347; or you may testify at the hearing. In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. The applicant and Planning staff will be at the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Hearings Officer to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Hearings Officer how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Hearings Officer, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

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.

APPEAL PROCESS

You can appeal the Hearings Officer decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Hearings Officer decision. The City Council will consider legal arguments (for example arguments pointing out ways the Hearings Officer decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Hearings Officer findings are not supported by the evidence submitted to the Hearings Officer. However, the City Council will not accept or consider new evidence that was not submitted to the Hearings Officer.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Hearings Officer in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Hearings Officer, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Thank you for any information you can provide to help us make this decision. Please call me if you have any questions. My name and number are on the first page of this notice.

HEARING CANCELLATION

This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent.

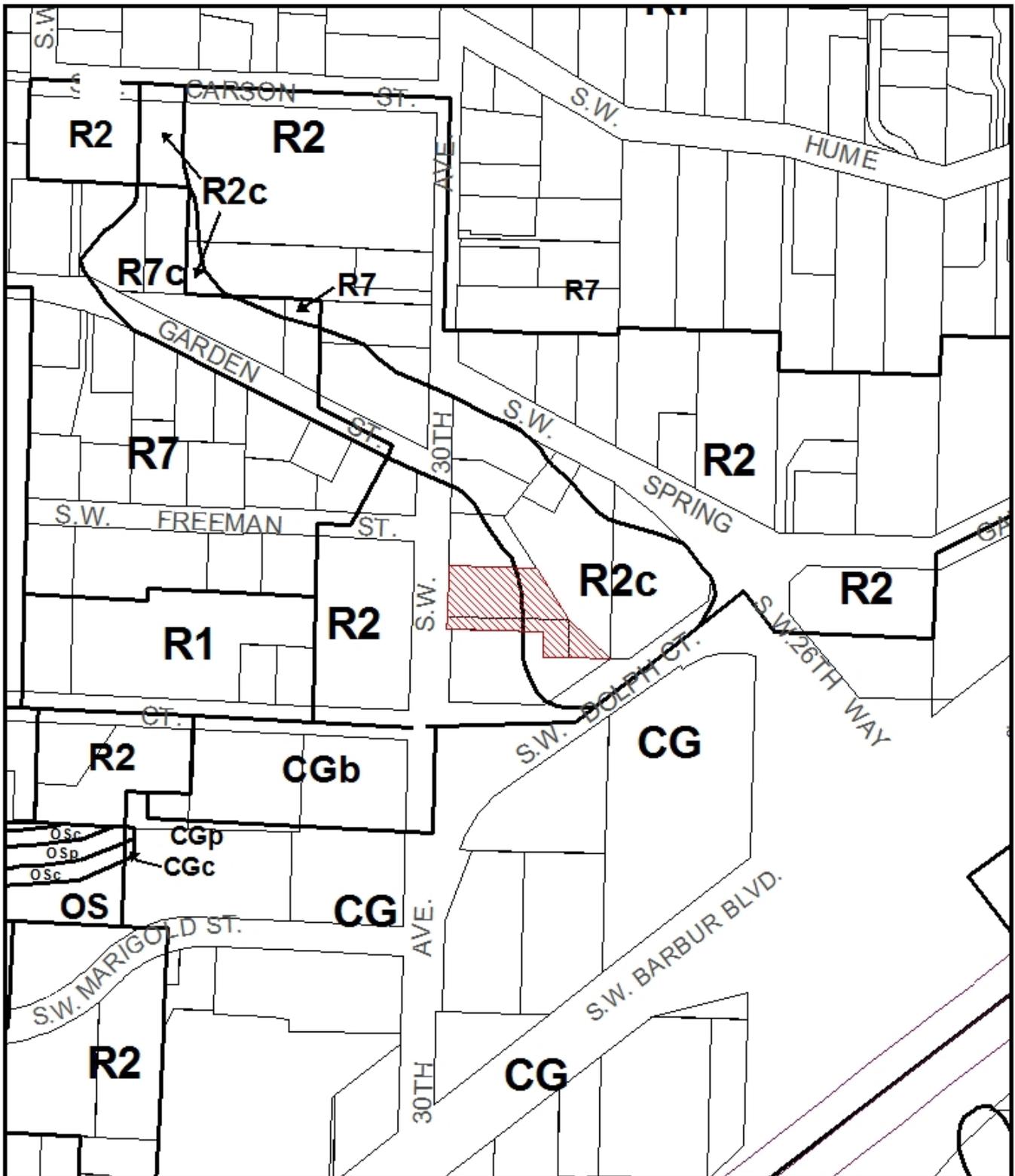
Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

To attend the hearing, public transportation is available. Tri-Met buses stop near the BDS building at SW Fifth or Sixth Ave. at SW Hall St. and SW Harrison St. Call Tri-Met at 503-238-7433 (or www.trimet.org/schedule/allroute.htm) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

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, Preliminary Plan

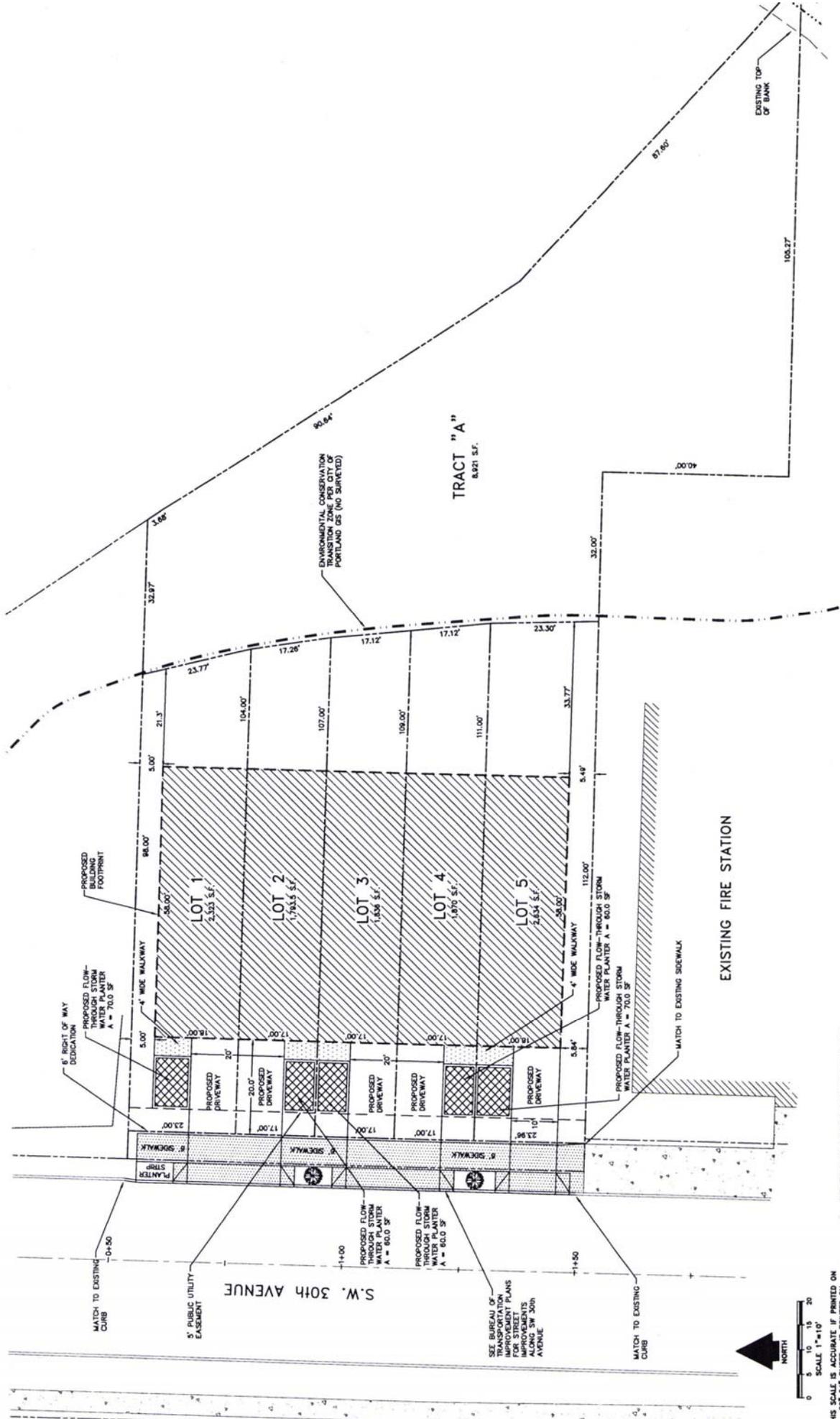


ZONING

 Site



File No. LU 12-204862 LDS,EN
 1/4 Section 3826
 Scale 1 inch = 200 feet
 State_Id 1S1E20DD 9200, 9300, 9500
 Exhibit B (Nov 14, 2012)



PRELIMINARY PLAT PLAN
SCALE: 1"=10'

THIS SCALE IS ACCURATE IF PRINTED ON 25"x34" SHEET. IF PRINTED ON 11"x17" SHEET THEN SCALE IS 1"=20'

<p>PRELIMINARY PLANS PREPARED FOR:</p> <p>CONSOLIDATED LAND & CATTLE 2 CENTERPOINTE DR. SUITE 210 LAKE OSWEGO, OR 97035</p>		<p>PRELIMINARY SITE DIMENSION PLAN</p>
<p>ORDERED BY: J. STORMO DRAWN BY: J. STORMO CHECKED BY: J. STORMO PLUM DATE: 12-3-2012</p>		
<p>REGISTERED PROFESSIONAL ENGINEER NO. 10076 EXPIRES 12/31/14</p>		
<p>PAVING PAVING & CONCRETE 1100 N. 10TH ST. SUITE 100 LAKE OSWEGO, OR 97035 TEL: (503) 261-4422</p>		
<p>APPROVED: _____ DATE: _____</p>		
<p>REVISION: _____</p>		