

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

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

**Date:** June 13, 2013

**To:** Interested Person

**From:** Rachel Whiteside, Land Use Services

503-823-7605 / Rachel.Whiteside@portlandoregon.gov

## NOTICE OF A TYPE I 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 45 days, **we need to receive your written comments by 5 p.m. on July 15, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-144237 LDP, in your letter. It also is helpful to address your letter to me, Rachel Whiteside.

### CASE FILE NUMBER: LU 13-144237 LDP

**Applicant:** Garner Moody,

Lloyd Development LLC

Po Box 11560 Portland, OR 97211

**Owner:** Joe Nielsen

7142 N Montana Ave Portland, OR 97217

**Representative:** Mike Coyle,

Faster Permits

14334 NW Eagleridge Lane

Portland, OR 97229

**Site Address:** 7142 N MONTANA AVE

Legal Description: BLOCK 15 N 1/2 OF LOT 12 LOT 13, GOOD MORNING ADD

**Tax Account No.:** R332303160 **State ID No.:** RN1E15BB 10200

Quarter Section: 2329

**Neighborhood:** Arbor Lodge, contact Nate Young at 503-679-9929.

Business District: North Portland Interstate Corridor

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-

823-4099.

**Plan District:** North Interstate

Other Designations:

**Zoning:** RHd – High-Density Residential with a Design Overlay

**Case Type:** LDP – Land Division (Partition)

**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use

Board of Appeals (LUBA).

#### Proposal:

The applicant proposes to divide the 5,500 square foot site into 3 lots. The existing house will remain on proposed Parcel 1, which is 2,954 square feet in size. The 6.5-inch dogwood tree on this lot will also be kept to meet tree preservation requirements. Proposed Parcels 2 and 3 will face N Buffalo Street and will be 1,272 square feet each. To meet minimum density requirements, each of these lots would be developed with a house and accessory dwelling unit (ADU). The applicant proposes to meet the Community Design Standards at the time the lots are developed.

Public water and sanitary sewer mains existing in N Buffalo Street. The applicant has already completed a Public Works Appeal (13-135677 PW) to maintain the existing sidewalk configuration along both public streets. This appeal required the sidewalk in N Buffalo to extend all the way to the alley at the east end of the site. Stormwater for the new parcels will be managed on site through drywells.

This partition is reviewed through a Type I land use review because: (1) the site is in a residential zone; (2) fewer than four 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 partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines "parcel" as a single unit of land created by a partition of land. The applicant's proposal is to create 3 parcels. Therefore this land division is considered a partition.

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 April 26, 2013 and determined to be complete on June 10, 2013.

#### **DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and either:

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

We will mail you a copy of our decision only if you comment in writing to us at the City of Portland Bureau of Development Services, 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201. There will be no public hearing.

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.

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. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandonline.com.

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

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision 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 which may provide the basis for an appeal to LUBA must be raised in writing before the deadline for comments, or you may not be able to raise that issue in an appeal. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that also may 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

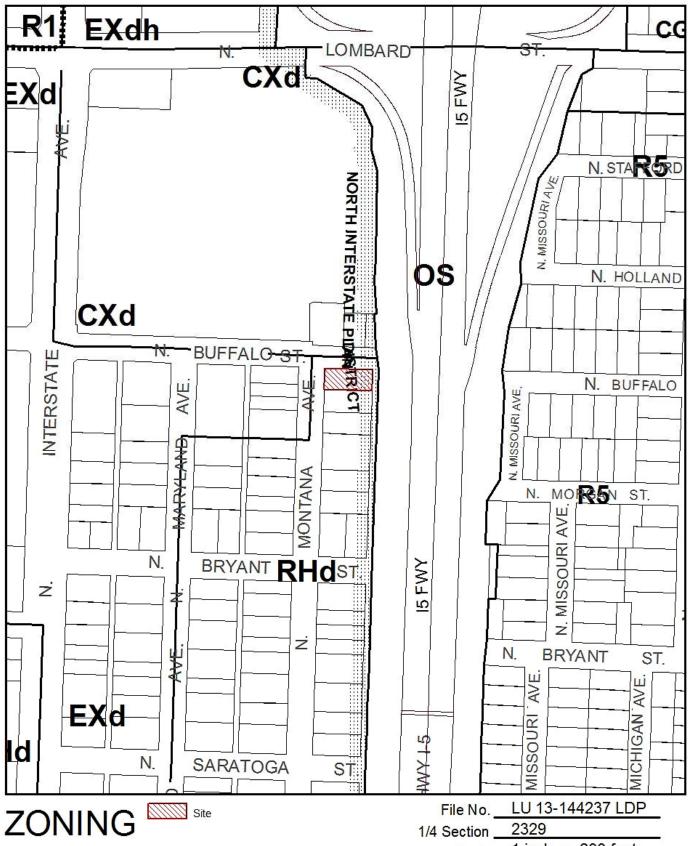


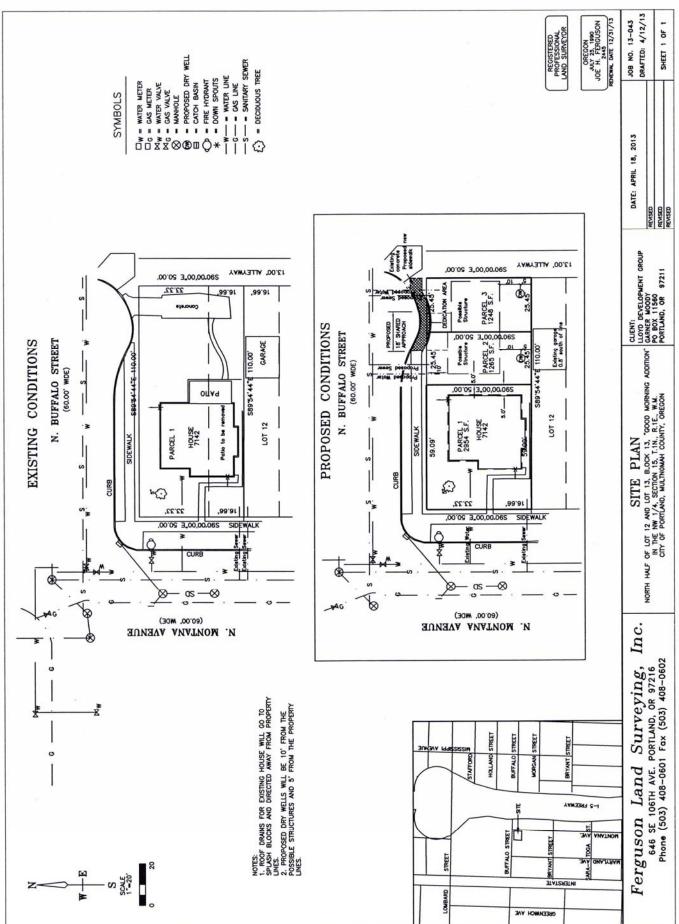
Exhibit.

1 inch = 200 feetScale 1N1E15BB 10200 State\_Id В

(Apr 29,2013)

NORTH

This site lies within the: NORTH INTERSTATE PLAN DISTRICT



LU 13-144237 LDP