City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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

Date: September 17, 2013

To: Interested Person

From: Sean Williams, Land Use Services
503-823-7612 / Sean.Williams@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 October 17, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-146039 LDP AD, in your letter. It also is helpful to address your letter to me, Sean Williams.

CASE FILE NUMBER: LU 13-146039 LDP AD

Applicant: Dave Spitzer
DMS Architects, Inc
2106 NE MLK Jr. Blvd.
Portland, OR 97212

Owner(s): David Spitzer & Laurie Garber
2325 NE 19th Avenue
Portland, OR 97212

Site Address: 629-633 NE Mason Street

Legal Description: BLOCK 12 E 1/2 OF LOT 9&10, LINCOLN PK ANX
Tax Account No.: R497301760, R497301760
State ID No.: 1N1E23CB 10500, 1N1E23CB 10500
Quarter Section: 2631
Neighborhood: King, contact Andrew Clarke at 503-863-7780.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-388-5004.
Plan District: None
Zoning: Residential 2,500 (R2.5) w/ Alternative Design Density Overlay (a)
Case Type: Land Division Partition (LDP) w/ Adjustment (AD)
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal:
The applicant is proposing to partition the subject property into two parcels in accordance with the Alternative Development Option of duplexes and attached houses on corners (33.110.240.E). Proposed Parcel 1 is a corner lot of approximately 3,200 square feet that will

retain the existing duplex and proposed Parcel 2 is 1,800 square feet. A concurrent adjustment review is requested to eliminate parking for the parcel that will retain the existing duplex. No trees subject to preservation standards are located within the land division site. Water service is available in both NE Mason Street and NE 7th Avenue and sanitary sewer service is available in NE 7th Avenue only. Stormwater management for Parcel 2 is proposed via an infiltration facility.

This partition proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent review (Adjustment) is 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 2 units of land. 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 May 1, 2013 and determined to be complete on September 13, 2013.

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

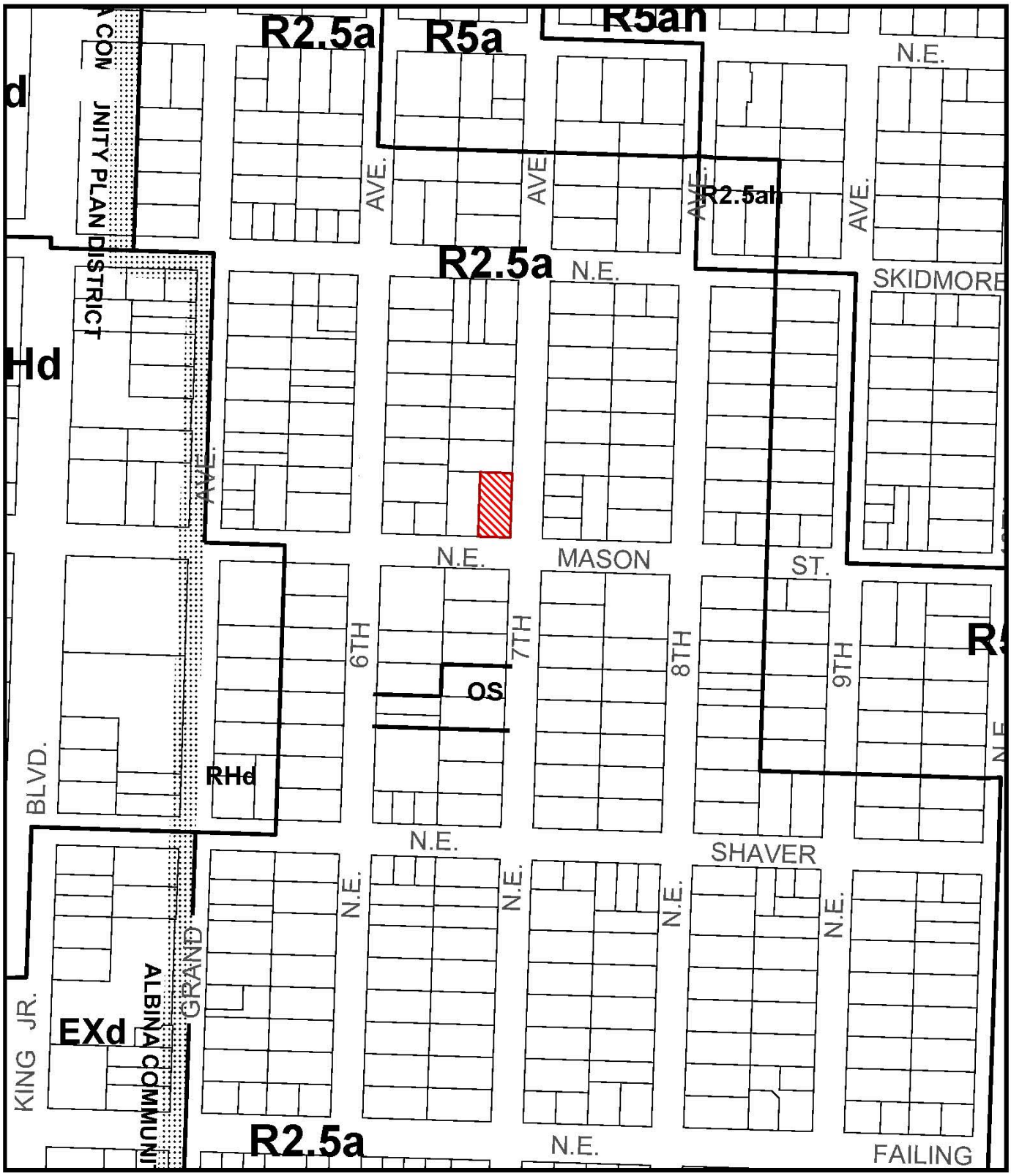
the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

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

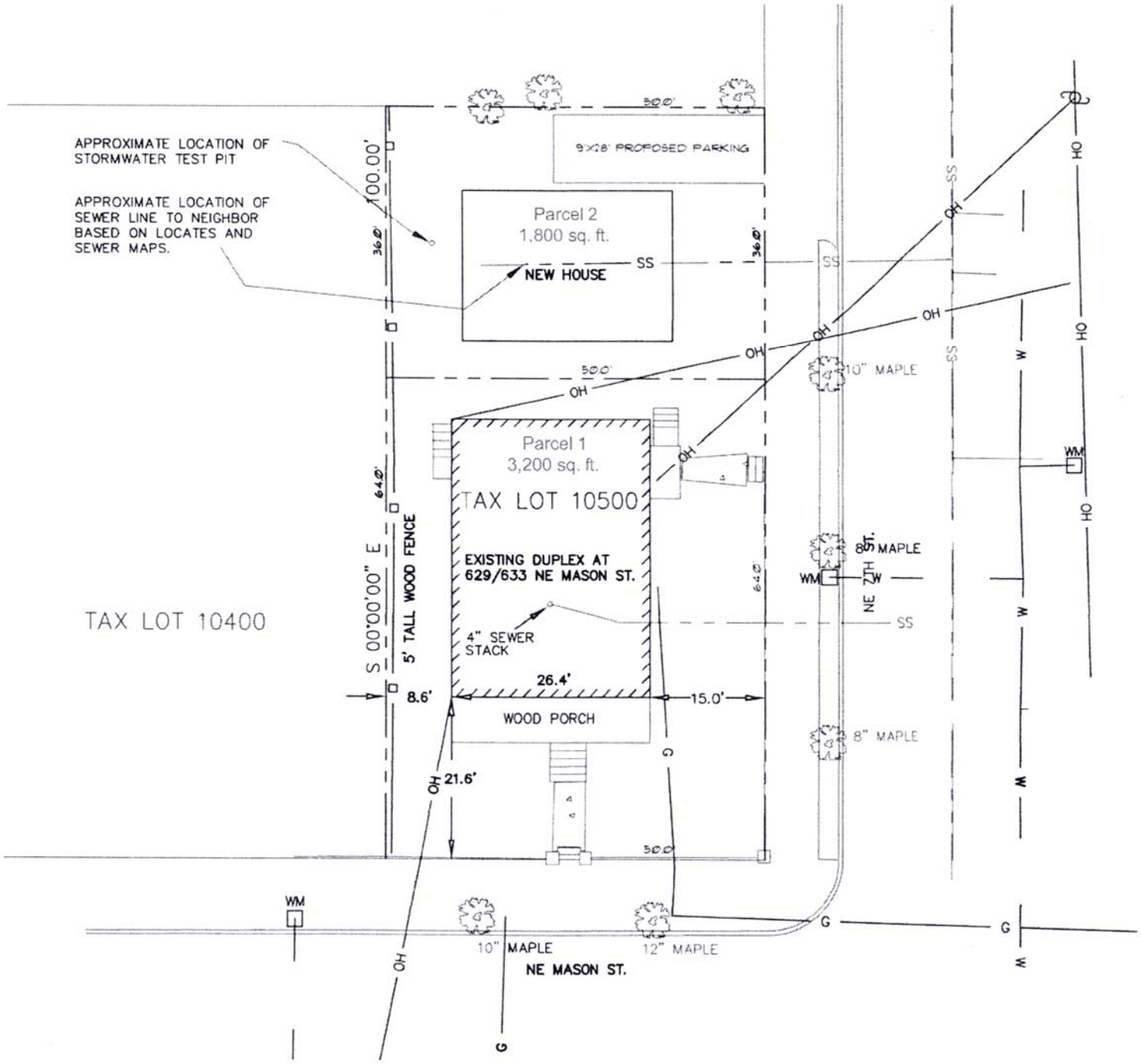


ZONING

Site

NORTH

File No. LU 13-146039 LDP,AD
1/4 Section 2631
Scale 1 inch = 200 feet
State_Id 1N1E23CB 10500
Exhibit B (May 02,2013)


APPROXIMATE LOCATION OF STORMWATER TEST PIT
APPROXIMATE LOCATION OF SEWER LINE TO NEIGHBOR BASED ON LOCATES AND SEWER MAPS.
100.00'
36.0'
50.0'
9'X28' PROPOSED PARKING
Parcel 2
1,800 sq. ft.
NEW HOUSE
SS
OH
10" MAPLE
Parcel 1
3,200 sq. ft.
TAX LOT 10500
64.0'
S 00°00'00" E
5' TALL WOOD FENCE
EXISTING DUPLEX AT
629/633 NE MASON ST.
4" SEWER STACK
TAX LOT 10400
26.4'
8.6'
15.0'
WOOD PORCH
21.6'
8" MAPLE
NE 7TH ST.
WM
W
G
10" MAPLE
12" MAPLE
NE MASON ST.