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

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: October 28, 2013

To: Interested Person

From: Kathy Harnden, Land Use Services
503-823-7318 / Kathy.Harnden@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 November 18, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-217745 ZE, in your letter. It also is helpful to address your letter to me, Kathy Harnden.

CASE FILE NUMBER: LU 13-217745 ZE
UNINCORPORATED MULTNOMAH COUNTY

Applicant: Kim Tallant, Land Use Services
City of Portland, Bureau of Development Service
1900 SW 4th Ave., Suite 5000
Portland OR 97201

Property Owners: Ted K. and Connie J. Gilbert
1205 SW 18th Ave
Portland, OR 97205

Site Address: 1761 SW 61st Drive

Legal Description: LOT 1, PARTITION PLAT 2000-61
Tax Account No.: R649802410
State ID No.: 1S1E06CB 01401
Quarter Section: 3223

Neighborhood: Sylvan-Highlands, contact Dave Malcolm at 503-805-9587.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest Hills - Skyline
Other Designations: Unincorporated Multnomah County

Zoning: Residential 20,000 with the Environmental Protection (p) and Conservation (c) overlays (R20p and c)
Case Type: Zone Map Error Correction (ZE)
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:
A Zoning Map error exists that is related to the placement of the Environmental Conservation overlay zone on this property. This property is included in the intergovernmental agreement (IGA) between Multnomah County and Portland. The IGA gives Portland the authority to provide zoning and other urban services to portions of Multnomah County that are within the Urban Growth Boundary and Portland's Urban Services Boundary. The IGA was adopted and went into effect on January 1, 2002. The current zoning on the subject property, located in Resource Area 111-A, Sylvan, is a result of the Multnomah County pockets project.

The natural resources in this area were inventoried as part of the *Multnomah County-Portland Unincorporated Urban Areas Functional Plan Compliance Project*. The natural resource inventory work included mapping the area, and was based on air photo interpretation and field reconnaissance. The natural resources identified for the subject area included wildlife habitat and a riparian corridor. The ESEE ranked these resources as "B" quality on the Recommended Significant Resource Area Rankings map. The riparian corridor on the subject property follows a natural drainageway.

At the request of the Portland Bureau of Planning and the property owner, the Director of the Bureau of Development Services initiated this Zone Map error correction procedure to modify the boundary of the environmental conservation overlay zone to better reflect the actual natural resources existing on the site.

This is not a notice for development. The proposal will result in a modification to the overlay zone boundary, but will have no impact on the basic uses allowed on these properties by right or in the future.

Relevant Approval Criteria:
To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- 33.855.070.A-C., *Corrections to the Official Zoning Maps*

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 17, 2013 and determined to be complete on October 28, 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.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.

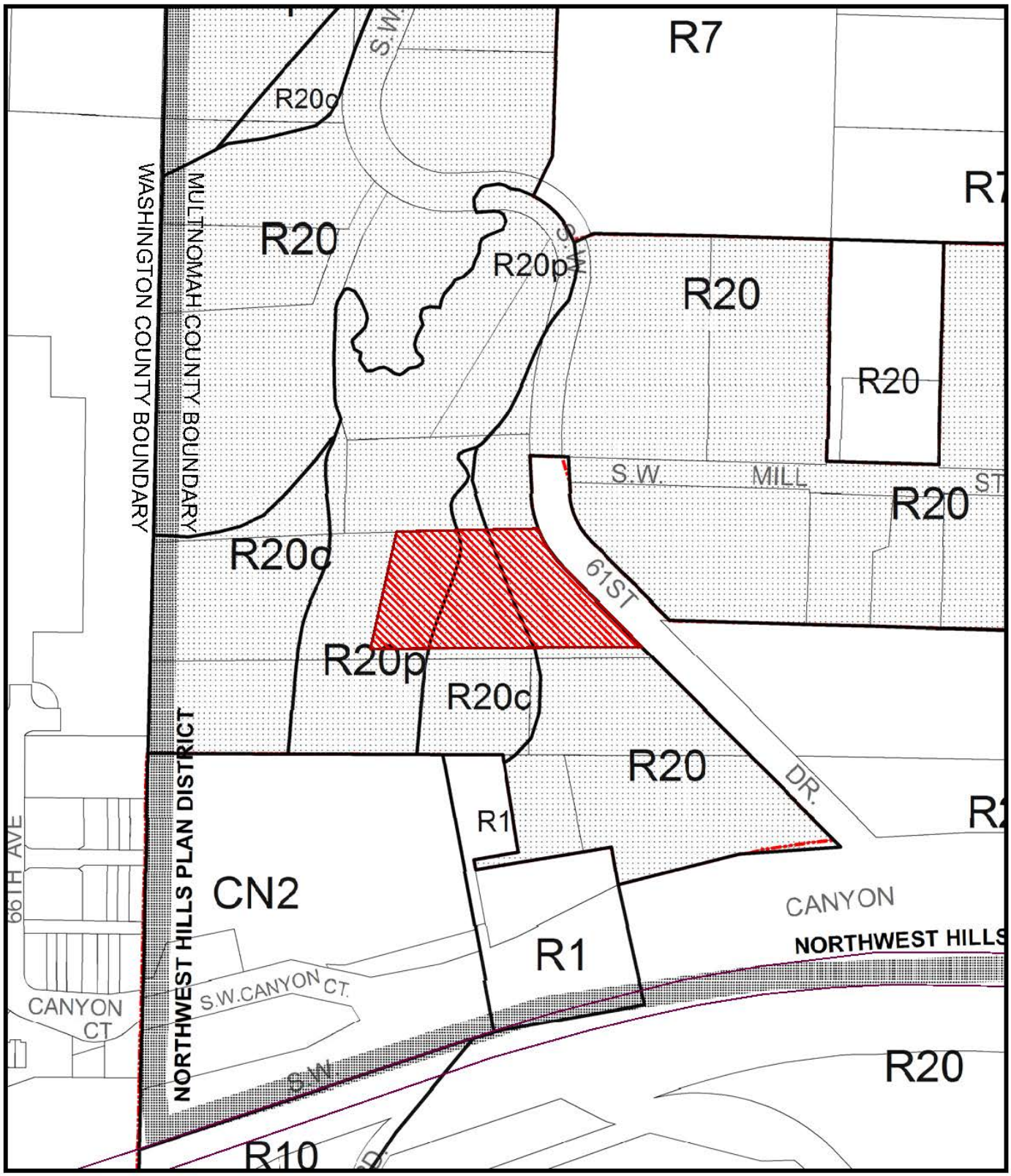
Appeal fee waivers. Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190th, 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 775 Summer St NE, Suite 330, Salem, OR 97301-1283. 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:
Existing Zoning Map
Proposed Zoning Map



ZONING EXISTING

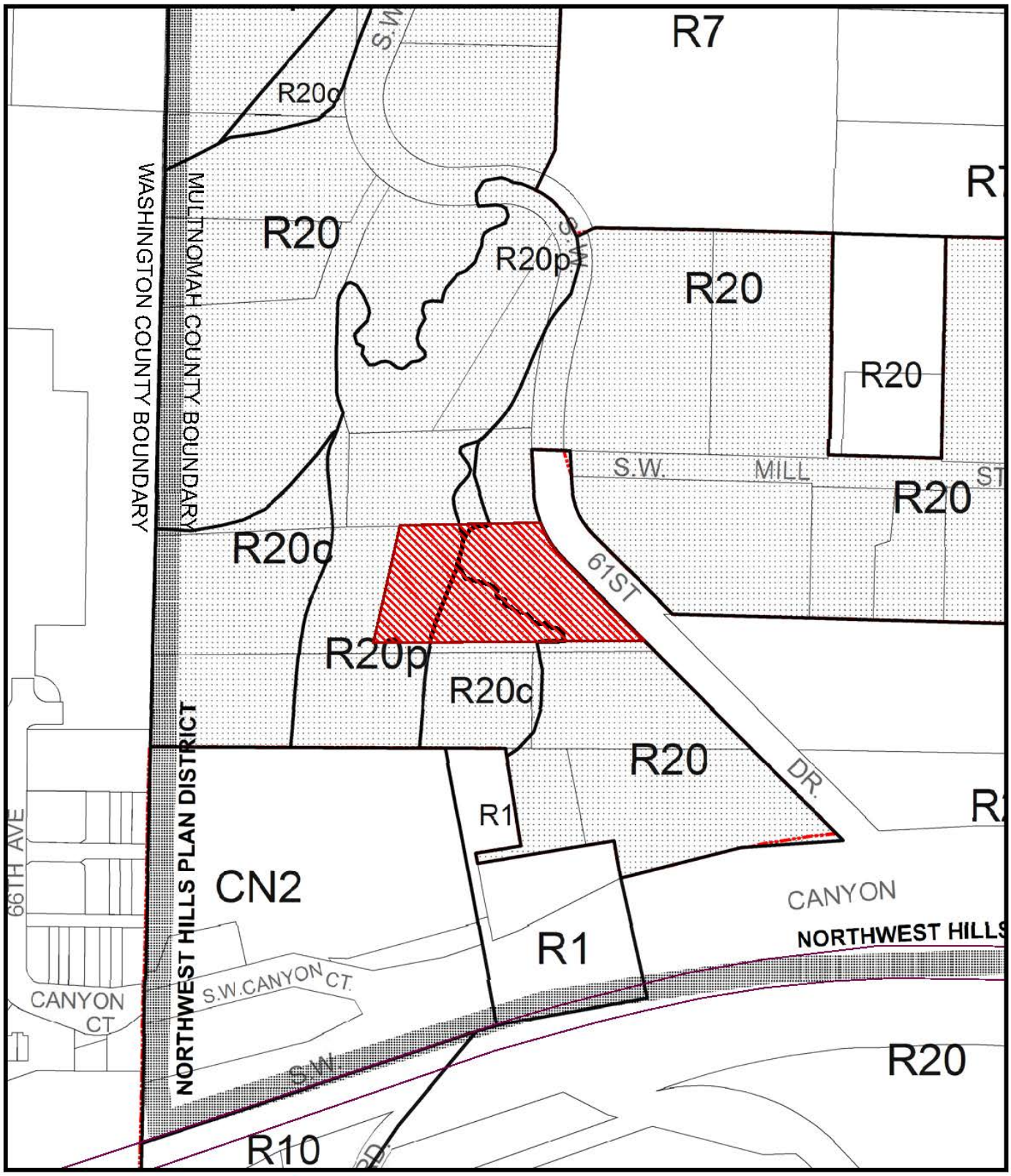
Site

Unincorporated Multnomah County Pocket

NORTH

This site lies within the:
NORTHWEST HILLS PLAN DISTRICT

File No.	LU 13-217745 ZE
1/4 Section	3223
Scale	1 inch = 200 feet
State_Id	1S1E06CB 1401
Exhibit	B.1 (Oct 17,2013)



ZONING PROPOSED

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Unincorporated Multnomah County Pocket

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Exhibit	B.2 (Oct 17,2013)