**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:** December 3, 2013

**To:** Interested Person

**From:** Rachel Whiteside, Land Use Services
503-823-7605 / Rachel.Whiteside@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 January 2, 2014**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-206702 LDS, in your letter. It also is helpful to address your letter to me, Rachel Whiteside.

# CASE FILE NUMBER: LU 13-206702 LDS

**Applicant:** Kevin Partain,
Urban Visions
223 NE 56th Ave
Portland, OR 97213

**Owner:** Clint Weiler,
Ground Breakers Construction And Development
6045 SE Stark St
Portland, OR 97215

**Site Address:** 6550 SE 63rd Ave

**Legal Description:** BLOCK 25 N 50' OF LOT 8 S 1/2 OF LOT 9, BRENTWOOD & SUB
**Tax Account No.:** R099912170
**State ID No.:** 1S2E20BB 08100
**Quarter Section:** 3737

**Neighborhood:** Brentwood-Darlington, contact Cory Tyler at corguypdx@yahoo.com
**Business District:** 82nd Ave of Roses Business Association, contact Frank Harris at 503-774-2832.
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.
**Plan District:** None
**Zoning:** R2.5a – Single-Dwelling Residential with an Alternative Design Density Overlay
**Case Type:** LDS – Land Division (Subdivision)
**Procedure:** Type IIx – an administrative decision with appeal to the Hearings Officer.

**Proposal:**
The applicant proposes to subdivide the 13,700 square foot site into four lots ranging in size from 3,116 to 3,714 square feet. The existing development will be demolished and replaced with four detached houses. Two of the seven trees onsite are proposed for preservation. Three hazardous trees, one nuisance tree, and one healthy tree will be removed as part of the proposal. c

Public water and sanitary sewer is available to the site from SE 63rd Avenue. Stormwater from the new development will be managed onsite through new drywells. A 3-foot right-of-way dedication is required to accommodate frontage improvements, including curb, stormwater planter, and sidewalk.

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 four units of land (four lots). Therefore this land division is considered a subdivision.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

**Relevant Approval Criteria:**
In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval 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 September 18, 2013 and determined to be complete on November 27, 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.portlandoregon.gov.

**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 775 Summer St. NE, Suite 330, 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 Land Division & Site Plan

# ZONING

Site

NORTH

File No. LU 13-206702 LDS
1/4 Section 3737
Scale 1 inch = 200 feet
State_Id 1S2E20BB 8100
Exhibit B (Sep 20,2013)

# PROPOSED SUBDIVISION

FOR GROUNDBREAKERS CONSTRUCTION AND DEVELOPMENT INC.
A PORTION OF LOTS 8 AND 9, BLOCK 25, "BRENTWOOD"
IN THE NW 1/4 OF THE NW 1/4 OF SECTION 20, T. 1 S., R. 2 E., W.M.
CITY OF PORTLAND
MULTNOMAH COUNTY OREGON
SCALE 1" = 20' AUGUST 13, 2013

0' 20 40 60

N

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 18, 1980 ALBERT HERTEL 1896
11-11-13
RENEWAL DATE 6/30/15

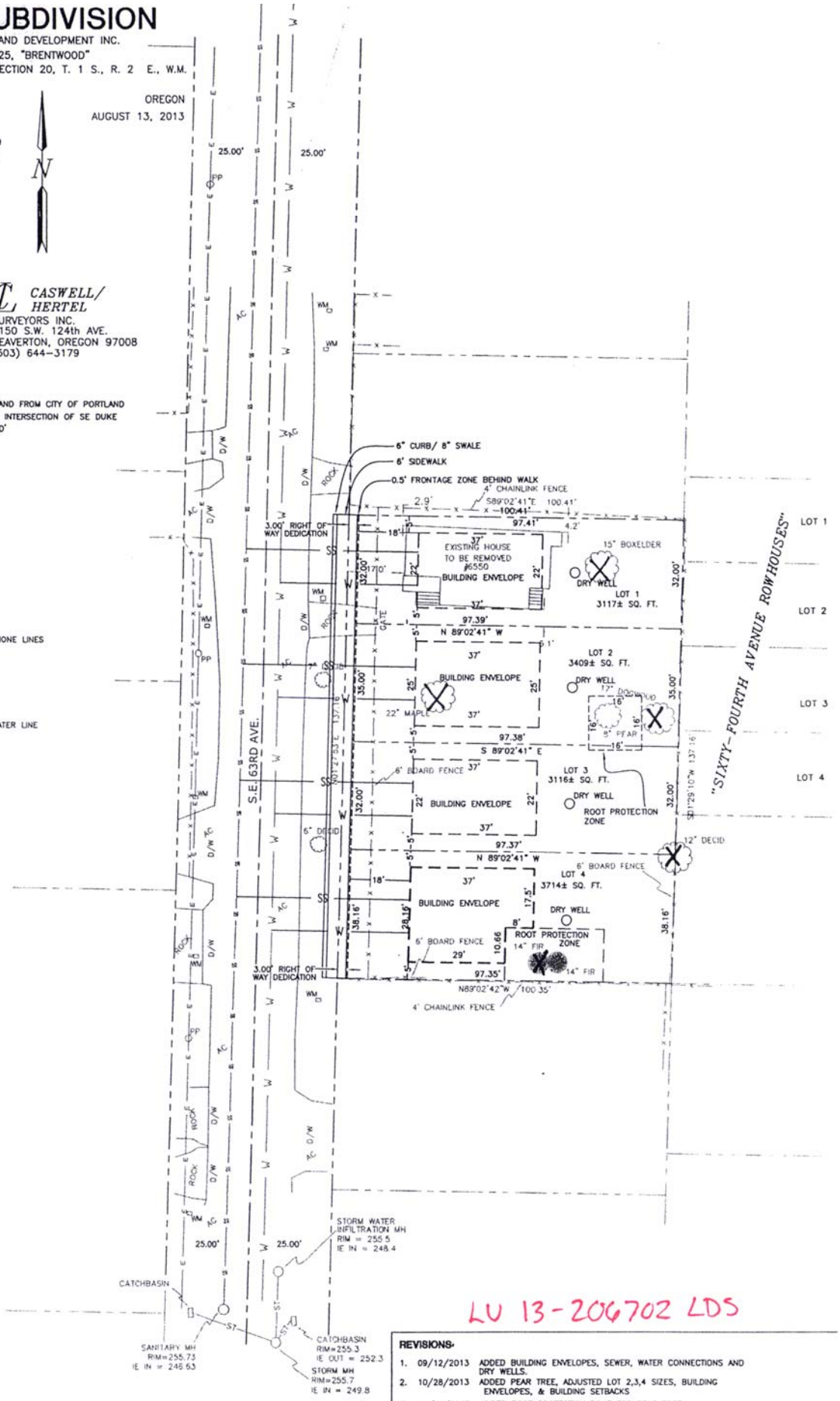
℄ CASWELL/ HERTEL
SURVEYORS INC.
6150 S.W. 124th AVE.
BEAVERTON, OREGON 97008
(503) 644-3179

**NOTES**

1. VERTICAL DATUM = CITY OF PORTLAND FROM CITY OF PORTLAND BENCH MARK NUMBER 768 AT THE INTERSECTION OF SE DUKE AND SE 62ND, ELEVATION = 254.20'
2. ONE FOOT CONTOUR INTERVAL

**LEGEND**

| | |
|---|---|
| AC | ASPHALTIC CONCRETE |
| ℄ | CENTER LINE |
| D/W | DRIVEWAY |
| DECID | DECIDUOUS TREE |
| GR | GAS RISER |
| IE | INVERT ELEVATION |
| MH | MANHOLE |
| PP | POWER POLE |
| WV | WATER VALVE |
| WM | WATER METER |
| —SS— | SANITARY SEWER |
| —ST— | STORM SEWER |
| —E— | OVERHEAD ELECTRICAL/TELEPHONE LINES |
| —x— | FENCE LINE |
| — · — | PROPERTY LINE |
| 256.2 | SPOT ELEVATION |
| —w— | APPROXIMATE LOCATION OF WATER LINE (FIELD VERIFY) |




LU 13-206702 LDS

**REVISIONS-**

1. 09/12/2013 ADDED BUILDING ENVELOPES, SEWER, WATER CONNECTIONS AND DRY WELLS.
2. 10/28/2013 ADDED PEAR TREE, ADJUSTED LOT 2,3,4 SIZES, BUILDING ENVELOPES, & BUILDING SETBACKS
3. 11/11/2013 ADDED ROOT PROTECTION ZONE FOR PEAR TREE
   ADDED 3.00' RIGHT OF WAY DEDICATION
   ADDED NEW STREET FRONTAGE IMPROVEMENTS
   REDUCED DEPTH OF BUILDING ENVELOPE BY 3.00'

| DRAWN BY: | CHECKED BY: | JOB NUMBER 8247 |
|---|---|---|