



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: April 24, 2014
To: Interested Person
From: Rachel Whiteside, Land Use Services
503-823-7605 / Rachel.White@portlandoregon.gov

NOTICE OF A TYPE Ix 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 May 27, 2014.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 14-113495 LDP, in your letter. It also is helpful to address your letter to me, Rachel Whiteside.

CASE FILE NUMBER: LU 14-113495 LDP

Applicant: David Sideras/ Capitol Builders, LLC
PO Box 19115
Portland, OR 97280

Owner: NW Landmark LLC
19612 S Ferguson Rd
Oregon City, OR 97045

Site Address: 3410 SE 77TH AVE

Legal Description: BLOCK 14 LOT 5, POWELL ST ADD
Tax Account No.: R672805380
State ID No.: 1S2E08AD 15300
Quarter Section: 3338

Neighborhood: SEU, South Tabor, contact Eric Lozano at 503-724-6266.
Business District: Eighty-Second 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: R2a

Case Type: LDP – Land Division (Partition)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to divide the vacant 5,000 square foot site into two parcels of 2,500 square feet each. None of the trees on site are proposed to be preserved. Four of the existing trees are nuisance species and the applicant proposes to remove the other two to accommodate future development.

Water and sanitary service for both parcels are proposed from the existing mains in SE 77th Avenue. Stormwater from future development is proposed to be managed through individual drywells onsite. The SE 77th Avenue right-of-way is fully improved with curbs, planter strips, and sidewalks.

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.

This partition is reviewed through a Type Ix 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).

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 February 4, 2014 and determined to be complete on **April 22, 2014.**

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.

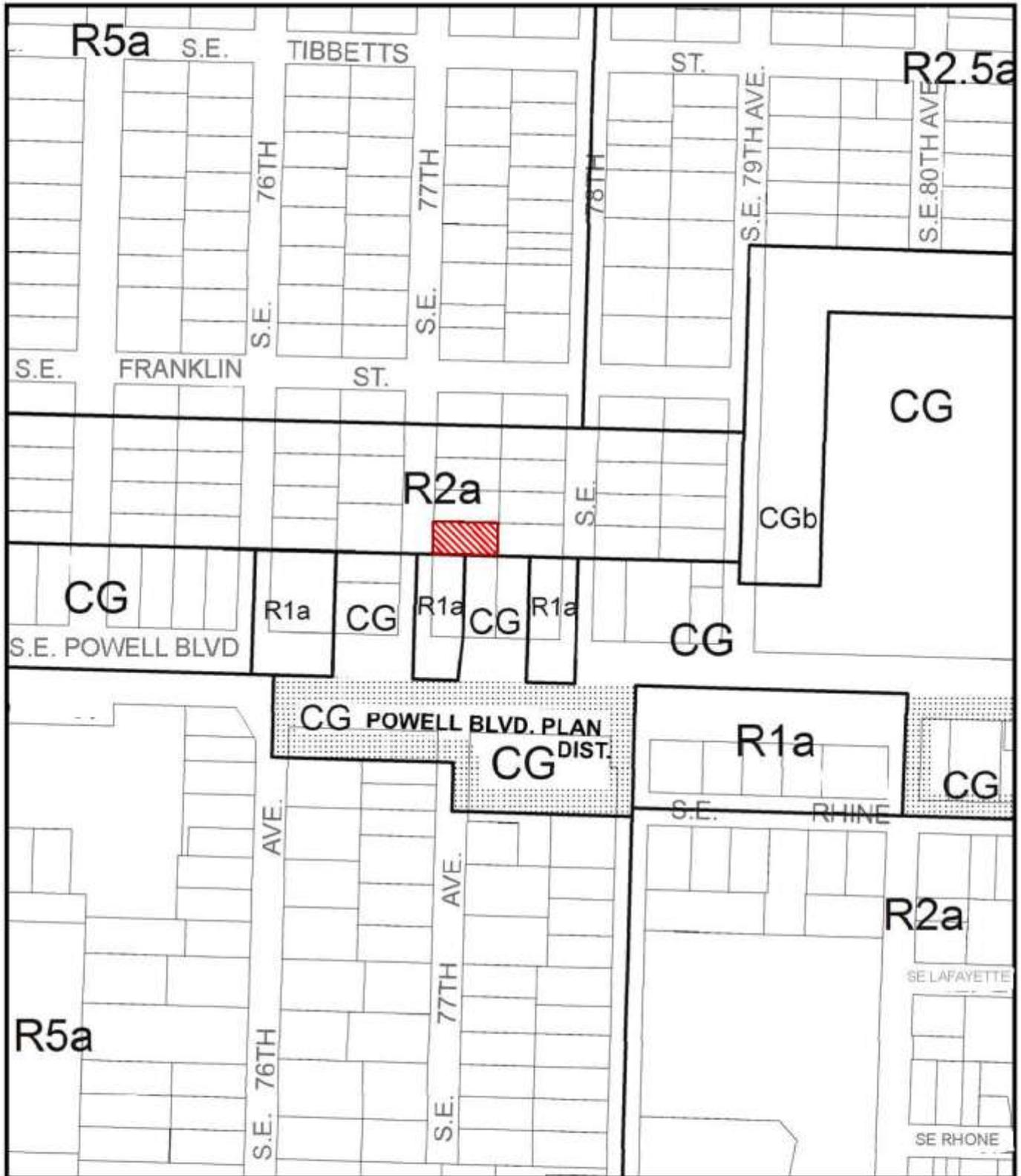
APPEAL PROCESS

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 775 Summer St NE, Suite 330, Salem OR 97301-1283. 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



ZONING



Site



NORTH

This site lies within the:
 SOUTHEAST UPLIFT NEIGHBORHOOD
 SOUTH TABOR
 82ND AVENUE

File No. LU 14-113495 LDP
 1/4 Section 3338
 Scale 1 inch = 200 feet
 State_Id 1S2E08AD 15300
 Exhibit B (Feb 06, 2014)

PRELIMINARY PLAN

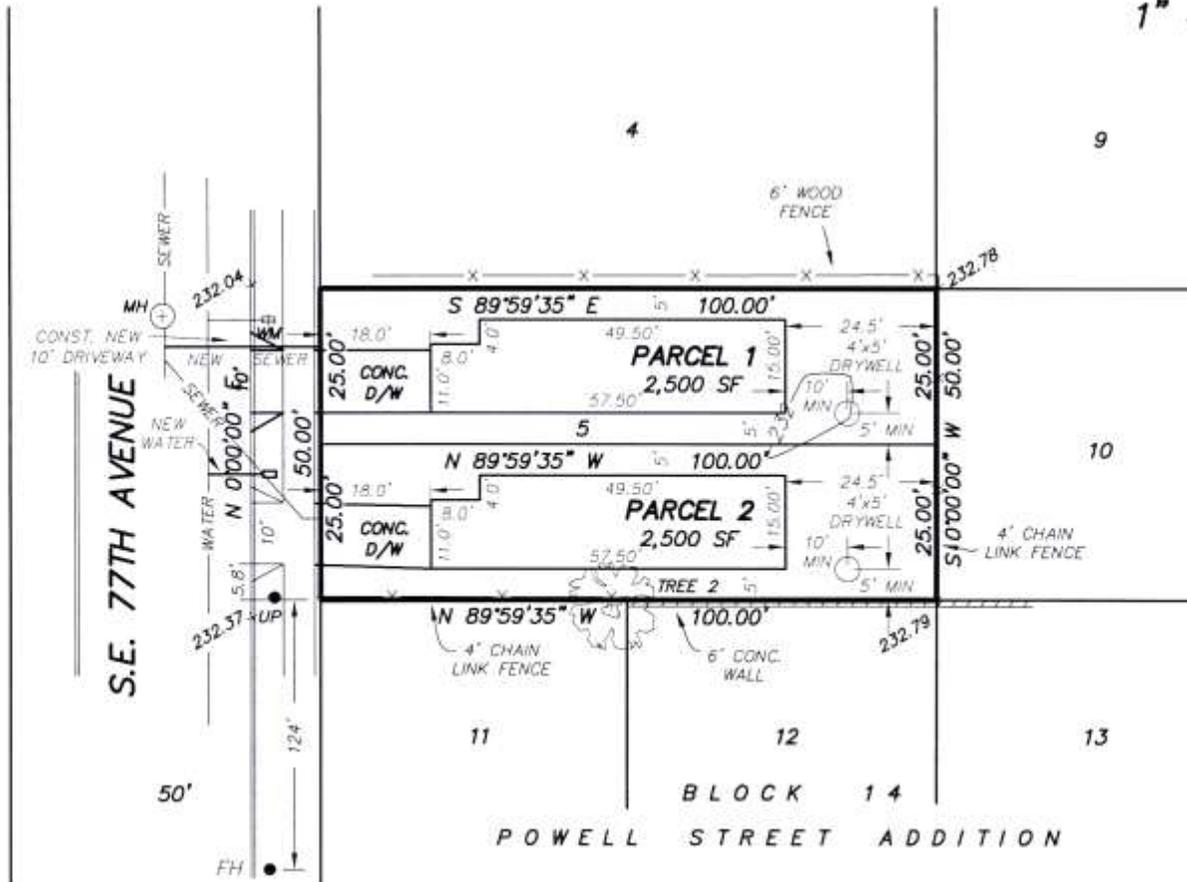
(TAX LOT 15300 1S2E08AD)

LOT 5, BLOCK 14 "POWELL STREET ADDITION"
CITY OF PORTLAND, MULTNOMAH COUNTY, OR

FEBRUARY 3, 2014



1" = 30'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

RENEWS: 6/30/15

GRIFFIN LAND SURVEYING INC.

6107 SW MURRAY BLVD. #409
BEAVERTON, OR. 97008
(503) 641-8400