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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Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: October 1, 2013

To: Interested Person

From: Kathy Harnden, Land Use Services
503-823-7318 / Kathy.Harnden@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 October 31, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-187288 LDP, in your letter. It also is helpful to address your letter to me, Kathy Harnden.

CASE FILE NUMBER: LU 13-187288 LDP

Applicant: Mike Coyle
Faster Permits
14334 NW Eagleridge Lane
Portland, OR 97229

Owner: George Fussell
1511 SW Park Ave #504
Portland, OR 97201-7803

Site Address: 4032 NE MALLORY AVE

Legal Description: BLOCK 7 LOT 12, ALBINA HMSTD
Tax Account No.: R010502030
State ID No.: 1N1E22DA 15300
Quarter Section: 2630

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.

Zoning: Residential 2500 (R2.5) with the Design Density Overlay (a)
Case Type: Land Division Partition (LDP)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:
The applicant proposes a **Land Division-Partition** to divide an approximately 5004 square-foot lot into two approximately 25-ft. by 100-ft. parcels, with each containing 2,502 square feet. Each new parcel will be developed with one single residence dwelling. There are no trees on the site according to the applicant's statement. An on-site drywell is proposed on each parcel for stormwater management. On-site parking will not be provided and is not required due to the proximity of public transportation available on Martin Luther King JR Boulevard less than 500 feet from the site, as measured in a direct line from the site to the Boulevard.

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 is proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use review (such as an Adjustment, Design Review, or Environmental Review) is 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 2 units of land (2 parcels). Therefore this land division is considered a partition.

Relevant Approval Criteria: 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 July 31, 2013 and determined to be complete on September 30, 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.

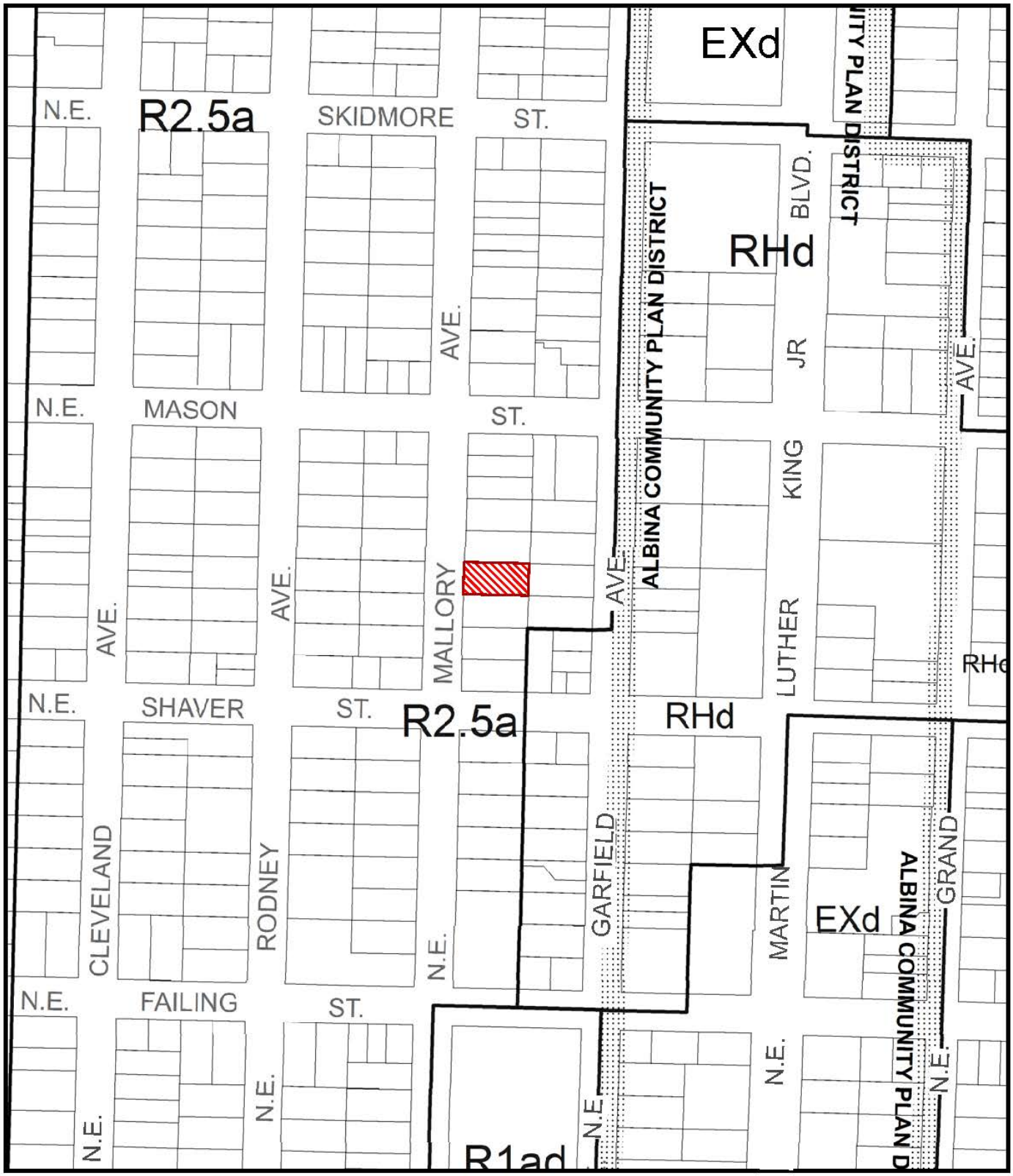
The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file 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 an issue is not raised with enough specificity to give the Bureau of Development Services an opportunity to respond to it, then an appeal to LUBA on that issue may be precluded.

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

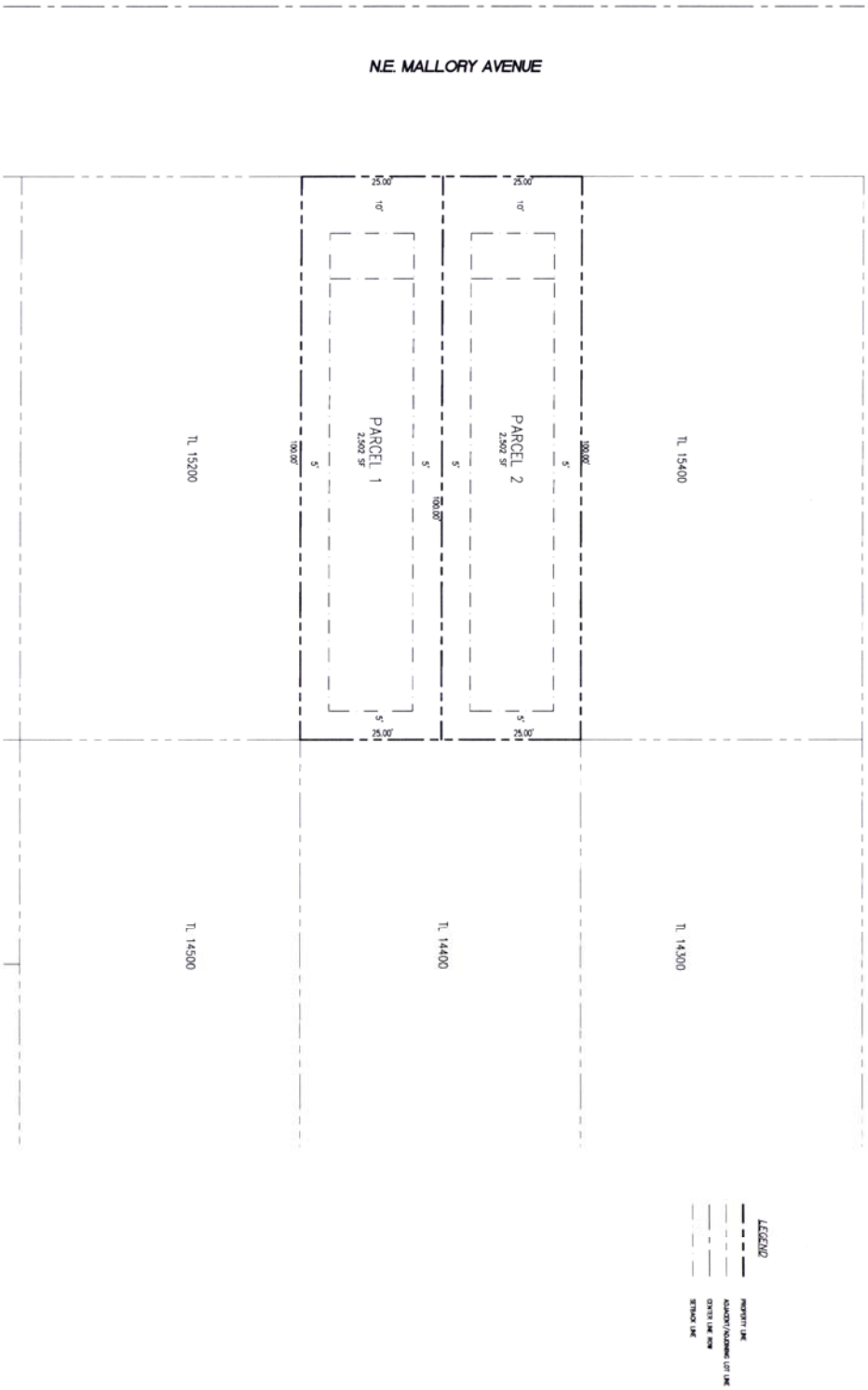


ZONING

Site

NORTH

File No. LU 13-187288 LDP
1/4 Section 2630
Scale 1 inch = 200 feet
State_Id 1N1E22DA 15300
Exhibit B (Aug 07,2013)



SHEET 3 OF 5	EMERIO Design 6107 SW MURRAY BLVD. SUITE 147 BEAVERTON, OREGON 97008 PH: (503)-746-8812	REVISIONS NO. DATE DESCRIPTION	PRELIMINARY PLAT	4032 NE MALLORY AVE TAX MAP T1N R1E 22DA TAX LOT 15300 PORTLAND, OREGON