



**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](http://www.portlandoregon.gov/bds)

**Date:** July 18, 2013  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
503-823-5868 / [Kate.Green@portlandoregon.gov](mailto:Kate.Green@portlandoregon.gov)

**NOTICE OF A TYPE IIx REVISED PROPOSAL IN YOUR NEIGHBORHOOD**

Development has been proposed in your neighborhood. The proposed development requires a land use review. **A public notice about the initial proposal was mailed on April 4, 2013. The applicant has now changed the proposal.** The revised proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map are 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 August 19, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 12-207261 LDS, in your letter. It also is helpful to address your letter to me, Kate Green.

**CASE FILE NUMBER: LU 12-207261 LDS**

**Applicant:** Neil Fernando/Emerio Design  
6170 SW Murray Boulevard #147/Beaverton OR 97008

**Property Owner:** Mike Mitchoff/Tabor 77 LLC  
2211 SE Spokane Street/Portland OR 97202

**Site Address:** 2301 SE 77<sup>th</sup> Avenue  
**Legal Description:** TL 2000 0.32 ACRES, SECTION 05 1S 2E  
**Tax Account No.:** R992052060  
**State ID No.:** 1S2E05DC 02000  
**Quarter Section:** 3238  
**Neighborhood:** Montavilla, contact Lewis Scholl at 503-258-0312  
**Business District:** None  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010  
**Zoning:** Multi-Dwelling Residential 2,000 (R2)  
Alternative Design Density Overlay (a)

**Case Type:** Land Division-Subdivision (LDS)  
**Procedure:** Type IIx, an administrative decision with appeal to the Hearings Officer

**REVISED Proposal:** The applicant initially requested a Land Division-Subdivision and Planned Development Review, in order to create 7 lots with variations to the lot dimensions, setbacks, and building coverage. The applicant has revised the proposal and now requests a **Land Division-Subdivision** to divide the 13,958 square foot property into 6 lots with a private street (Tract A). The Planned Development Review is no longer requested. The existing house, garage, shed, and trees will be removed, and the proposed lots will be built with single dwelling houses.

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

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 7 units of land (6 lots and 1 tract). Therefore this land division is considered a subdivision.

**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:

- 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 December 14, 2012 and determined to be complete on April 1, 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](http://www.ci.portland.or.us).

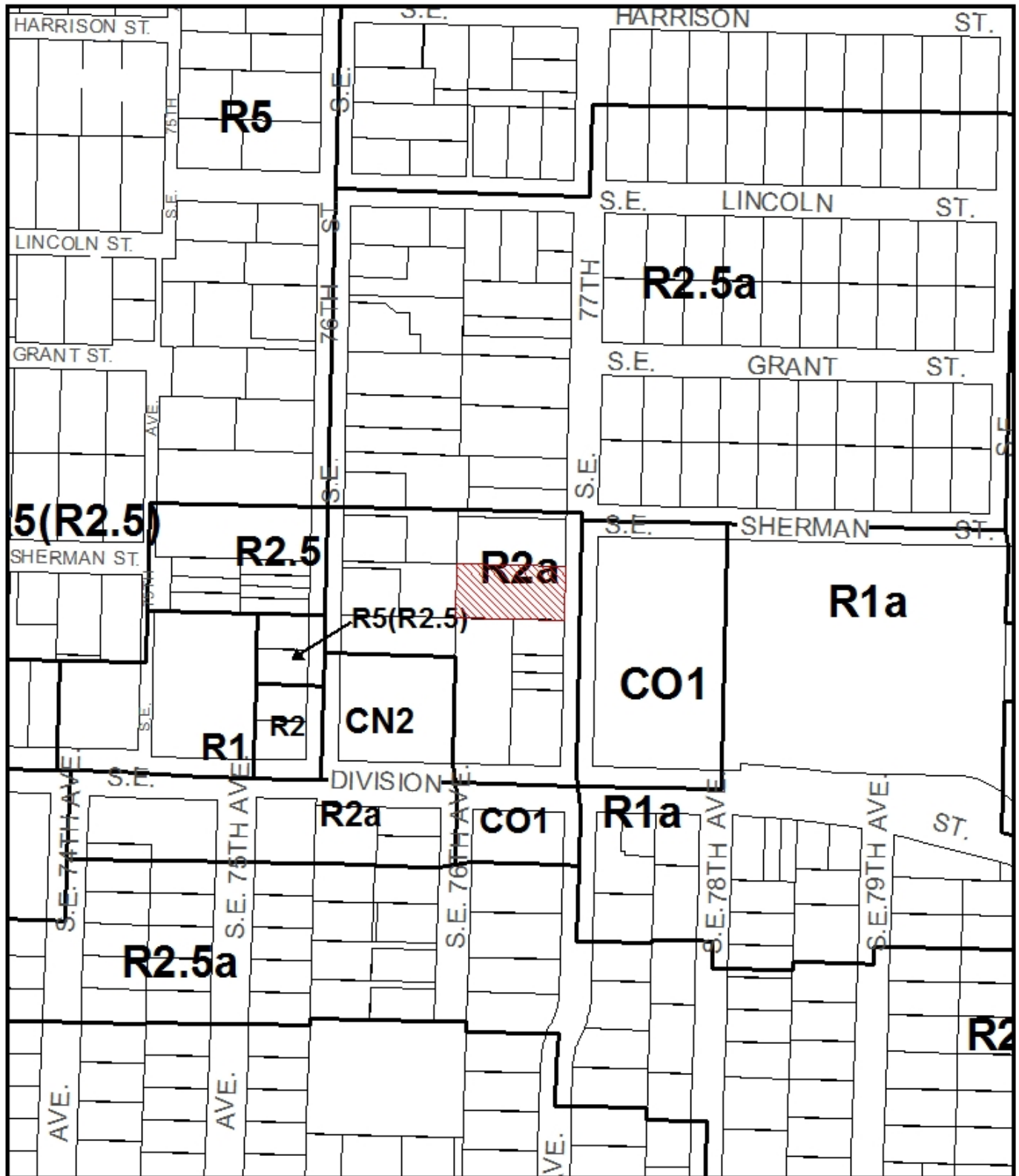
**Appeal Process:** If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on 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, Preliminary Plat, Preliminary Shared Court/Utility Plan



# ZONING



NORTH

File No.	LU 12-207261 LDS
1/4 Section	3238
Scale	1 inch = 200 feet
State Id	1S2E05DC 2000
Exhibit	B (Nov 21, 2012)



