



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

Chloe Eudaly, Commissioner
Paul L. Scarlett, Director
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TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 7, 2017
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or lois.jennings@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 April 6, 2017.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-126125 LDS AD, in your letter. It also is helpful to address your letter to me, Lois Jennings. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 16-126125 LDS AD

Representative: Robert Price, Planning Consultant
3935 N.E. 72nd Avenue
Portland, Oregon 97213
503-281-1037 or rprice1145@gmail.com

Applicant/Contract Purchaser: George Bitrous
P.O. Box 66634
Portland, OR 97290
503-794-5598 or geobitrous@gmail.com

Owner: Ruth Evie Snively
577 NE Fleming Avenue
Unit C-42
Gresham, OR 97030

Site Address: 7702 SE 98th Avenue

Legal Description: Township 1 South, Range 2 East, Section 21 Tax Lot 110
Tax Account No.: R992211100
State ID No.: 1S2E21 DA 04800
Quarter Section: 3840
Neighborhood: Lents, contact Cora Potter at 503-823-4550.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Zoning: R7- Medium Density Single Family Residential Zone (one unit per 7,000 s.f.) with an "a"-Alternative Design Density overlay

Plan District: Johnson Creek Basin – South Subdistrict
Case Type: LDS- Land Division with concurrent AD-Adjustment Review
Procedure: Type IIX, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant is proposing to divide the subject property into three (3) parcels with an open space tract. Lots 1 and 2 will be standard lots and each individually will be between 4719-4829 s.f. in area. Lot 3 is a Flag lot, will retain the existing single family house and will be 12,000 s.f. in area. The access pole will provide vehicle driveway access for the existing house and future house on Lot 3. A concurrent Adjustment review is requested to the Flag Lot Setback standards (33.110.240.F.1) to reduce the minimum setback from 10 feet to 8.5 on the north property line for existing house to be retained on this future flag lot. Five trees are being proposed to be preserved to meet the land division requirements for Tree Preservation. The remaining trees on the site may only be removed if in compliance with the tree removal standards for South Subdistrict of Johnson Creek Basin Plan District (33.537.125).

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent review (Adjustment, Review) is required (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 4 units of land (3 lots and 1-open space 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 approval:

- **33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**
- **33.805.040.A-F, Approval Criteria for Adjustments.**

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 24, 2016 and determined to be complete on August 22, 2016. Even though the application was deemed complete on August 22, 2016 the applicant requested additional time to provide additional information for this land division proposal prior to the notice being mailed out.

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 applicant requested the maximum extension to this 120 day review period.

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.

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.

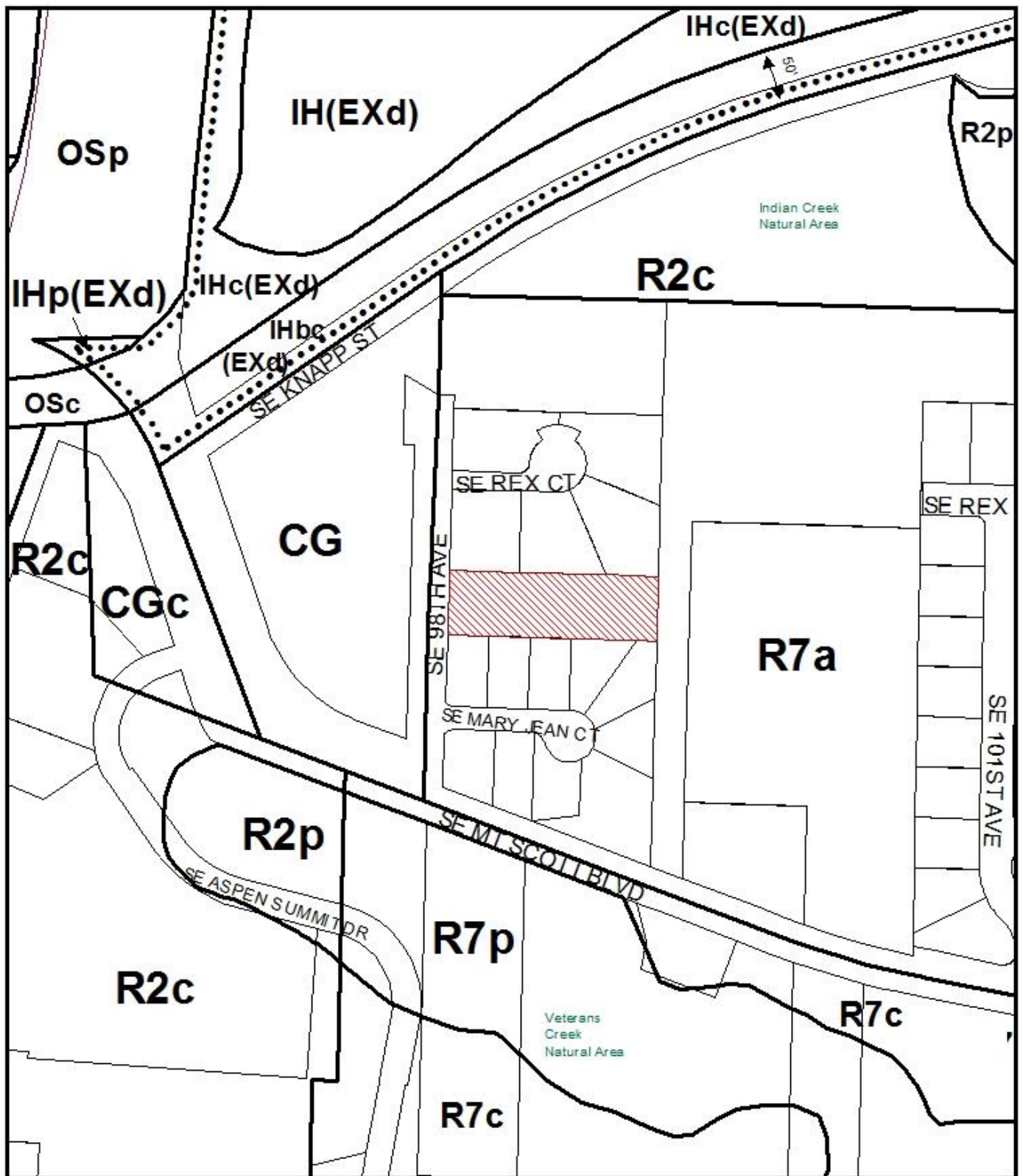
APPEAL OF THE FINAL CITY DECISION

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 97301-1283. 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:

Zoning Map
Proposed Preliminary Land Division Site Plan
Proposed Utility and Plan



ZONING

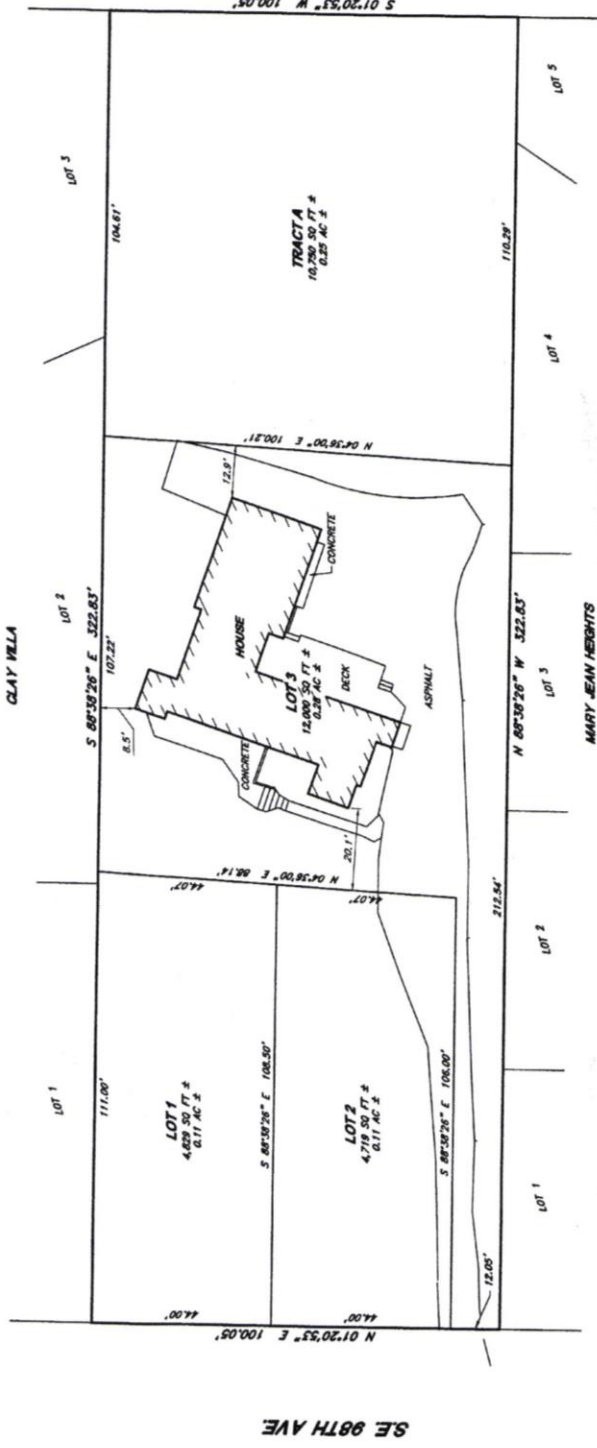


This site lies within the:
 JOHNSON CREEK BASIN PLAN DISTRICT
 SOUTH SUBDISTRICT

File No.	LU 16-126125 LDP
1/4 Section	3840
Scale	1 inch = 200 feet
State_Id	1S2E21DA 4800
Exhibit	B (Feb 26, 2016)

16 AUG 22 2015

S 01°20'53" W 100.05'



LUI16 12612F

PRELIMINARY LAND DIVISION PLAN
 OF PROPOSED
 "GEBITS SUBDIVISION"

BEING
 7702 SE 98TH AVENUE, PORTLAND, OREGON
 SOUTHWEST 1/4 OF SECTION 21, T. 1 S. R. 2 E. W. 4
 CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON
 REVISED JULY 28, 2015; LOT COMPARISON CHANGED

U.S. GREENLEAF PROFESSIONAL LAND SURVEYORS (1915-1977) BRADY & GARRY (1977-1977)		SETON, JOHNSON & ODELL (1977-1977) GIBBS, JONES & ASSOCIATES, INC. (1982-)	
PROJECT NO.	14072	DATE	NOV. 3, 2015
DRAWN BY	BTM	CHECKED BY	EM
1/4 SECTION 3840 PHONE: (503) 228-8844		PORTLAND, OREGON 97214	
718 S. E. 11TH AVE. GIBBS, JONES & ASSOCIATES, INC.		SHEET 1 OF 1 SCALE 1" = 20' AUG. 22, 2015	

RECEIVED
 AUG 19 2015

- NOTES:**
1. THE PROPERTY SHOWN HEREON IS THE PROPERTY COMMITTED TO THE CITY OF PORTLAND BY THE PORTLAND CITY COMMISSION APPROXIMATELY AS DEED RECORDED MAY 22, 1982 IN BOOK 2545 PAGE 2282 MULTNOMAH COUNTY DEED RECORDS.
 2. THE TOTAL SITE AREA IS: 32,298 SQUARE FEET OR 0.74 ACRES, MORE OR LESS.
 3. THE LOTS SHOWN HEREON ARE PROPOSED ONLY, AND SUBJECT TO CHANGE.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 OREGON
 MAY 10, 2011
 BRADY & GARRY
 85268
 EXPIRES: 12-31-16



