



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

Chloe Eudaly, Commissioner
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Date: March 29, 2017
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or lois.jennings@portlandoregon.gov

RENOTIFICATION OF A TYPE IIx PROPOSAL IN YOUR NEIGHBORHOOD

The notice of proposal written description for this land division proposal sent out on March 24, 2017 was accurate, just an old site plan proposal was attached. This new notice is to attach the correct land division proposal site plan submitted by the applicant on March 20, 2017.

The proposed development requires a land use review. Development has been proposed in your neighborhood. 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 24, 2017.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-264839 LDP 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 16-264839 LDP AD

Applicant: Rob Humphrey,
Faster Permits
14334 NW Eagleridge Lane
Portland, OR 97229
503-320-5030 or rob@fasterpermits.com

Urban Ateller LLC
2103 SE 130th Ave
Portland, OR 97233

Owner: Atali Hsia
Urban Atelier LLC
8733 SE Division St, Suite 201
Portland, OR 97266

Site Address: 2103 SE 130th Ave

Legal Description: BLOCK 2 E 200' OF N 75.39' OF LOT 1 EXC PT IN ST, DAGMAR AC
Tax Account No.: R193900620

State ID No.: 1S2E02CD 09000
Quarter Section: 3243

Neighborhood: Mill Park, contact Doug Reed at doughomes@aol.com.
Business District: Midway, contact info@midwaybusiness.org.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: None
Zoning: R5- High Density Single Family Residential Zone (one unit per 5,000 s.f.) with an “a”-Alternative Design Density Overlay

Case Type: Land Division Partition (LDP) and Adjustment (AD)
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant is proposing a two lot land division. The existing house will be retained on Parcel 1, which will be 9,438 s.f. in area. The maximum lot area in the R5 zone is 8,500 s.f., so the applicant is requesting a concurrent Adjustment review to exceed the maximum lot area for Parcel 1. Parcel 2 will be 3,419 s.f. in area and will allow for development of a new single family residence. There are three trees on the site, Fir (#90), Sweet Cherry (#91) and Fir (#89). The cherry (#91) is exempt since it is on the nuisance list. The 42-inch Fir (#90) tree is being proposed to be preserved.

Transportation is requesting a 7-foot of property dedication for right-of-way purposes for SE Lincoln Street. The existing attached garage will be removed and new off-street parking space will be provided for the existing house on Parcel 1. On-site parking will be provided for the future house on Parcel 2.

This partition 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 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 two lots. Therefore this land division is considered a partition.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- 33.660.120, Approval Criteria for Land Division in Open Space and Residential Zone
- 33.805.040.A-F, Approval Criteria of 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 October 26, 2016 and determined to be complete on March 20, 2017.

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.

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

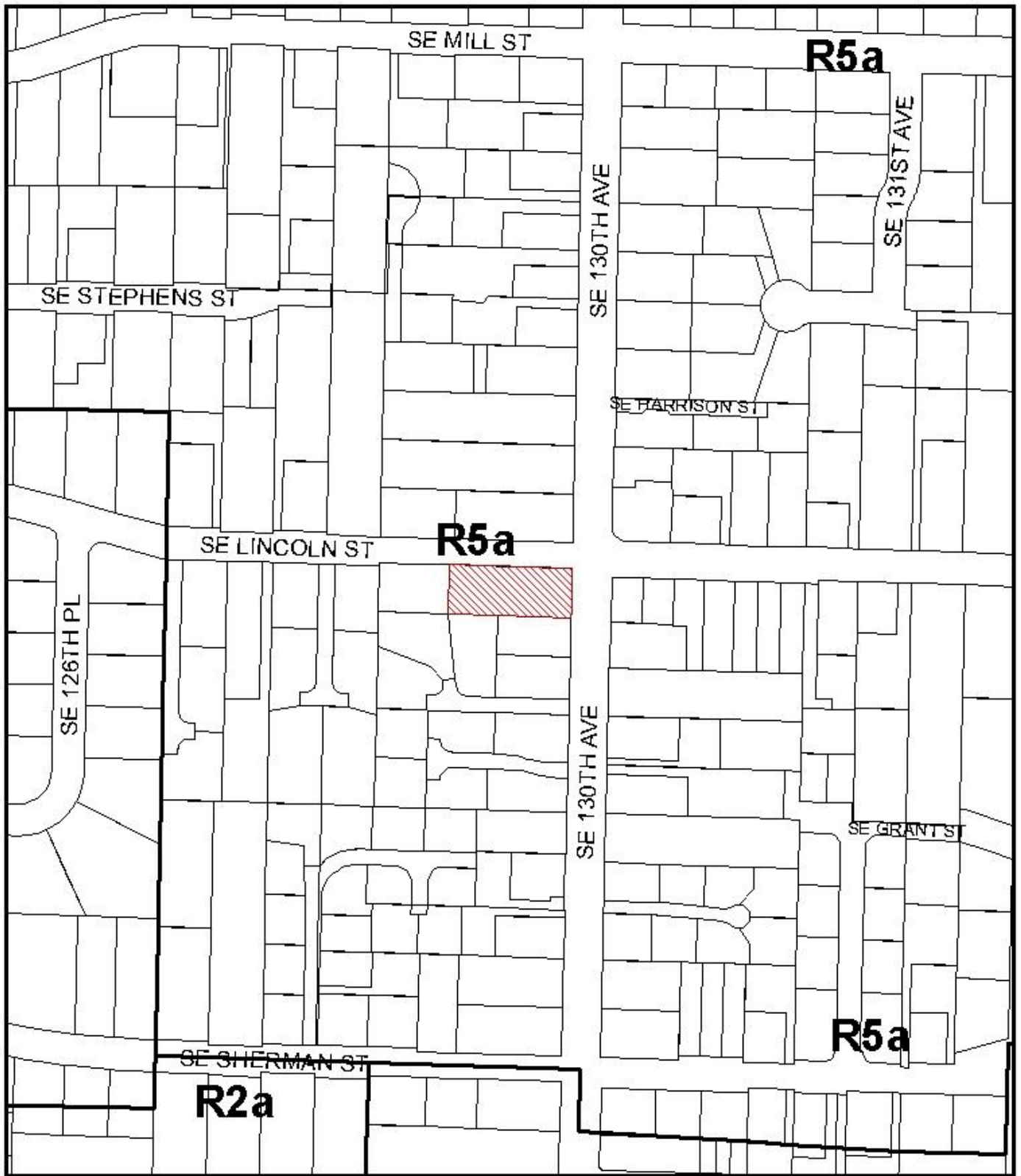
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment 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

Preliminary Land Division Site Plan (submitted March 20, 2017)



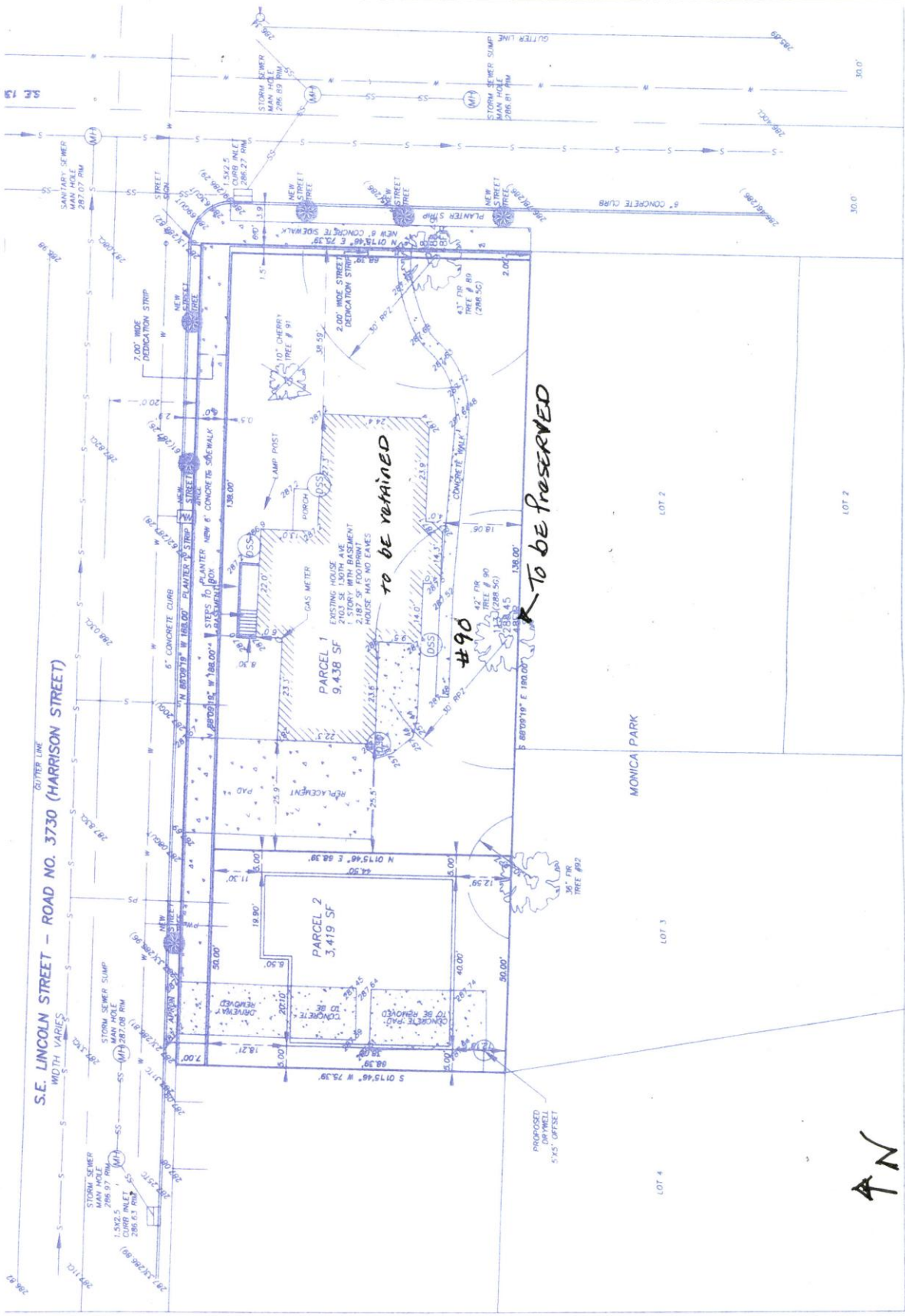
ZONING

 Site



NORTH

File No. LU 16-264839 LDP AD
 1/4 Section 3243
 Scale 1 inch = 200 feet
 State_Id 1S2E02CD 9000
 Exhibit B (Oct 28, 2016)



*Preliminary Land Division Proposal
 or Existing Condition, Tree Survey or Utility Plan
 with Proposed Improvement Plan
 Submitted March 20th*

Reduced Plan Not to Scale