



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

Chloe Eudaly, Commissioner
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www.portlandoregon.gov/bds

Date: April 5, 2017
To: Interested Person
From: Kate Green, Land Use Services
503-823-5868/Kate.Green@portlandoregon.gov

NOTICE OF A TYPE II 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 28 days, **we need to receive your written comments by 5 p.m. on April 26, 2017.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-256395 EN EV, in your letter. It also is helpful to address your letter to me, Kate Green. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 16-256395 EN EV

Representative: Laura Standridge / Standridge Design, Inc.
113 W 7th Street #200
Vancouver WA 98660

Applicant: Tim Roberts / Tim Roberts LLC
919 NE 19th Avenue, Suite 100
Portland OR 97232

Property Owners: Norwest Contractors Inc
PO Box 25305
Portland OR 97298-0305

PMPC LLC & MBG LLC
2338 SW Madison Street
Portland OR 97205-1025

Site Address: vacant lots abutting the undeveloped right-of-way for N Prescott Street
(see project area on attached Zoning Map)

Legal Description: BLOCK 4 INC PT VAC STS LOT 1, BLANDENA HTS; BLOCK 4 INC PT VAC ST LOT 6, BLANDENA HTS; BLOCK 4 LOT 9 EXC PT IN ST, BLANDENA HTS; BLOCK 4 LOT 10 EXC PT IN ST, BLANDENA HTS; BLOCK 9 INC PT VAC STS LOT 1, GAY TRACT; BLOCK 9 INC PT VAC ST LOT 2, GAY TRACT; BLOCK 9 INC PT VAC ST LOT 3, GAY TRACT; BLOCK 4 INC PT VAC ST LOT 2, BLANDENA HTS; BLOCK 4 INC PT VAC ST LOT 3, BLANDENA HTS; BLOCK 4 INC PT VAC ST LOT 4, BLANDENA HTS; BLOCK 4 INC PT VAC ST LOT 5, BLANDENA HTS; BLOCK 4 INC PT VAC ST LOT 7, BLANDENA HTS; BLOCK 4 LOT 8

Tax Account No.: EXC PT IN ST, BLANDENA HTS; BLOCK 4 LOT 11 EXC PT IN ST, BLANDENA HTS; BLOCK 4 LOT 12 EXC PT IN ST, BLANDENA HTS
R081300590, R081300640, R081300670, R081300680, R308600650, R081300590, R308600660, R308600670, R081300600, R081300610, R081300620, R081300630, R081300650, R081300660, R081300690, R081300700

State ID No.: 1N1E21AC 14400, 1N1E21AC 14500, 1N1E21AC 14600, 1N1E21AC 14700, 1N1E21AC 14300, 1N1E21AC 14400, 1N1E21AC 14301, 1N1E21AC 14302, 1N1E21AC 14401, 1N1E21AC 14402, 1N1E21AC 14403, 1N1E21AC 14404, 1N1E21AC 14501, 1N1E21AC 14502, 1N1E21AC 14701, 1N1E21AC 14702

Quarter Section: 2528

Neighborhood: Overlook NA / landuse@overlookneighborhood.org

Business District: None

District Coalition: North Portland Neighborhood Services/ Mary Jaron Kelley / 503-823-4099

Zoning: Single Dwelling Residential 5,000 (R5)
Environmental Conservation (c) overlay

Plan District: Albina Community

Other Designations: Regulatory Landslide Hazard Area, Steep Slopes (20 percent or more), Wildfire Hazard Area

Case Type: Environmental Review (EN)
Environmental Violation (EV)

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant is proposing to develop unimproved portions of N Prescott Street and N Detroit Avenue, in order to provide vehicle and pedestrian access and services for 15 abutting residential lots. The work will include new roadway surfaces, sidewalks, retaining walls, and utilities.

A portion of the right-of-way and utility improvements will occur within the Environmental Conservation (c) zone transition and resource areas. Those improvements do not meet the applicable development standards (33.430.140, 33.430.150, 33.430.175), so an **Environmental (EN) Review** is triggered (per 33.430.220).

Additionally, the right-of-way and utility work will affect an area of the site that was required to be planted with trees and shrubs, in order to remediate the unauthorized removal of trees and other ground disturbances in 2004. Amending the remediation requirements from the land use review for the 2005 Environmental Violation case, LU 05-146380 EV, triggers a new **Environmental Violation (EV) Review** (per 33.430.405.D.2.b).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: **33.430.250.A / Environmental Review-Rights-of-way and utilities**
33.430.250.E / Other development in the Environmental Conservation zone or within the Transition Area only
33.430.250.G / Environmental Violation-Corrections to violations

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 10, 2016 and determined to be complete on March 31, 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.portlandonline.com.

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

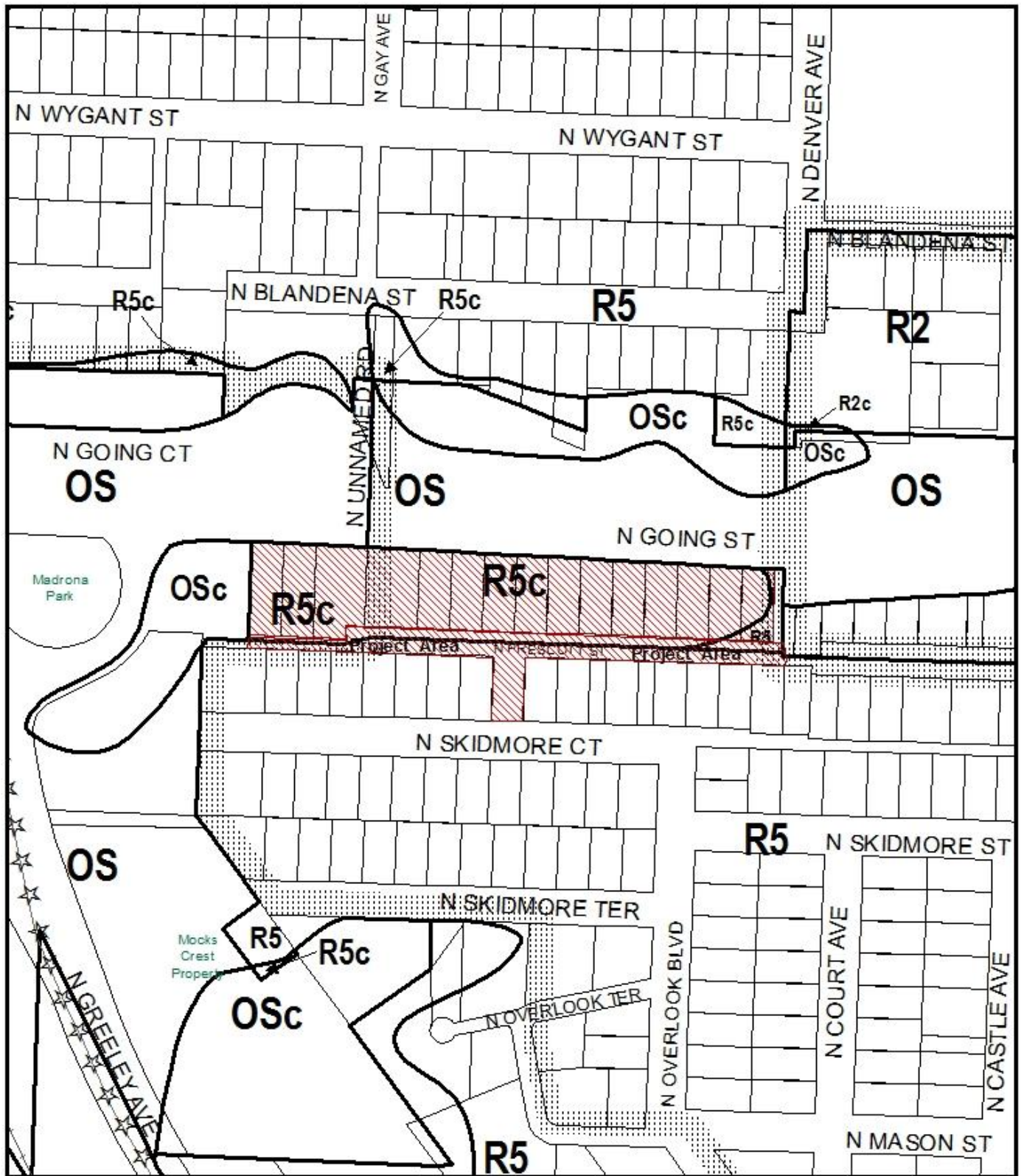
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment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

Construction Management Site Plan



ZONING

-  Site
-  Recreational Trails



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

| | |
|-------------|---------------------------|
| File No. | <u>LU 16-256395 EN EV</u> |
| 1/4 Section | <u>2528</u> |
| Scale | <u>1 inch = 200 feet</u> |
| State_Id | <u>1N1E21AC 14702</u> |
| Exhibit | <u>B</u> (Apr 03, 2017) |

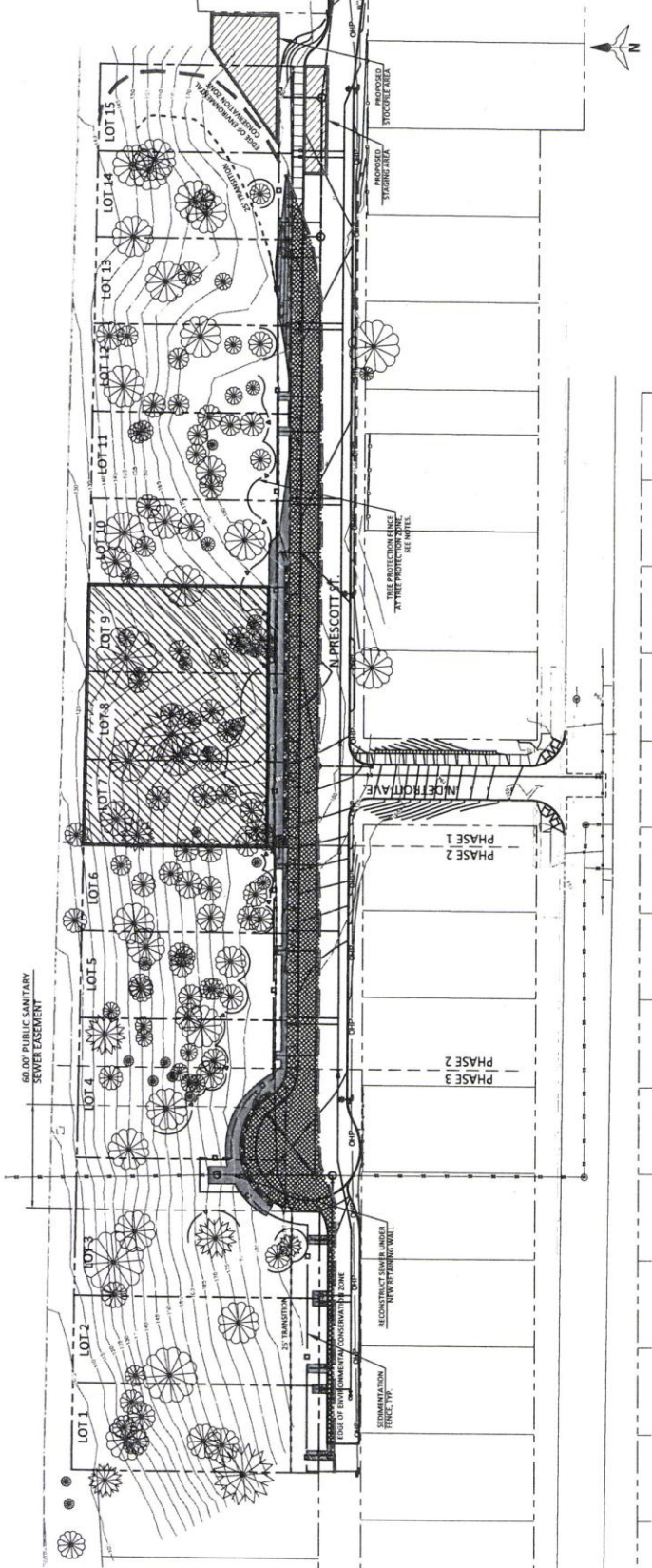


| REV. | DATE | DESCRIPTION |
|------|------|-------------|
| | | |
| | | |
| | | |
| | | |

CONSTRUCTION MANAGEMENT
 THE BLUFF AT OVERLOOK
 PORTLAND, OR

PROJECT NO.: 17001
 DRAWN BY: LUS
 REVIEWED BY: LUS
 DATE: 03/23/2017
 SHEET

05
 SCALE: 1" = 30'
 SHEET SIZE: 30" x 42"
 0



LEGEND

- ENVIRONMENTAL CONSERVATION ZONE BOUNDARY LINE
- ENVIRONMENTAL CONSERVATION - 30' TRANSITION ZONE
- TEMPORARY ENCROACHMENT AREA
- PERMANENT ENCROACHMENT AREA
- MITIGATION AREA
- SEDIMENTATION FENCE

CUT AND FILL TABLE

| CUT AREA | EP CY |
|-----------|---------|
| FILL AREA | 1350 CY |

- TREE PROTECTION NOTES**
1. IDENTIFY TREES TO BE REMOVED AND TO BE RETAINED. TREES TO BE REMOVED SHALL BE PROTECTED BY CITY APPROVED FENCING METHODS.
 2. DIMENSIONS OF CUT TREES TO BE REMOVED SHALL BE CLEARLY MARKED WITH CONSTRUCTION FLAGGING, TREE-MARKING PAINT, OR OTHER METHODS. STAMPS OF TREES SUITED FOR REMOVAL LOCATED ADJACENT TO RETAINED TREES SHALL BE CLEARLY IDENTIFIED WITH CONSTRUCTION FLAGGING OR BRANDED FROM THE GROUND USING A STAMP BRASS OR OTHER IDENTIFICATION METHOD.
 3. DURING CONSTRUCTION, THE PROTECTION FENCING SHALL NOT BE MOVED, REMOVED, OR ENTERED BY EQUIPMENT. THE CONTRACTOR SHALL NOT STORE MATERIALS OR EQUIPMENT WITHIN THE TREE PROTECTION FENCING.

ENCROACHMENT & MITIGATION AREAS

| TYPE | WITHIN CONSERVATION ZONE | | | | TRANSITION ZONE | | | | TOTAL (SF) |
|------------------------|--------------------------|--------------|--------------|--------------|-----------------|--------------|--------------|--------------|------------|
| | PHASE 1 (SF) | PHASE 2 (SF) | PHASE 3 (SF) | PHASE 4 (SF) | PHASE 1 (SF) | PHASE 2 (SF) | PHASE 3 (SF) | PHASE 4 (SF) | |
| PERMANENT ENCROACHMENT | 0 | 1,110 | 6,625 | 2,328 | 0 | 2,375 | 0 | 0 | 12,438 |
| TEMPORARY ENCROACHMENT | 755 | 28 | 806 | 1,870 | 511 | 394 | 0 | 0 | 4,454 |
| MITIGATION | 15,813 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15,813 |