



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

Chloe Eudaly, Commissioner
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Date: June 28, 2017
To: Interested Person
From: Kate Green, Land Use Services
503-823-5868 / Kate.Green@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 July 28, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-291559 LDS, 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 16-291559 LDS

Applicant: James Harper and Tracey S Harper
3825 SW Canby Street
Portland, OR 97219-1546
503-841-0243 | Jimharper3792@Yahoo.Com

Site Address: 3825 SW Canby Street
Legal Description: TL 9400 0.63 ACRES, SECTION 20 1S 1E
Tax Account No.: R991201380
State ID No.: 1S1E20BD 09400
Quarter Section: 3725

Neighborhood: Multnomah / James Peterson / 503-246-0725
Business District: None
District Coalition: Southwest Neighborhoods Inc. / Sylvia Bogert / 503-823-4592

Zoning: R5
Other Designations: Landslide Hazard

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

Proposal: The applicant requests a **Land Division-Subdivision** to divide an approximately 27,400 square foot lot into 2 standard lots, 1 flag lot, and 1 tract (open space).

The existing house is proposed to be retained on Lot 1. The existing garage and a shed are proposed to be removed.

New access and utility connections are proposed via SW Canby Street. Onsite stormwater facilities are proposed to serve the new lots.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (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 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 **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 December 27, 2016 and was deemed complete at the applicant's request on June 23, 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

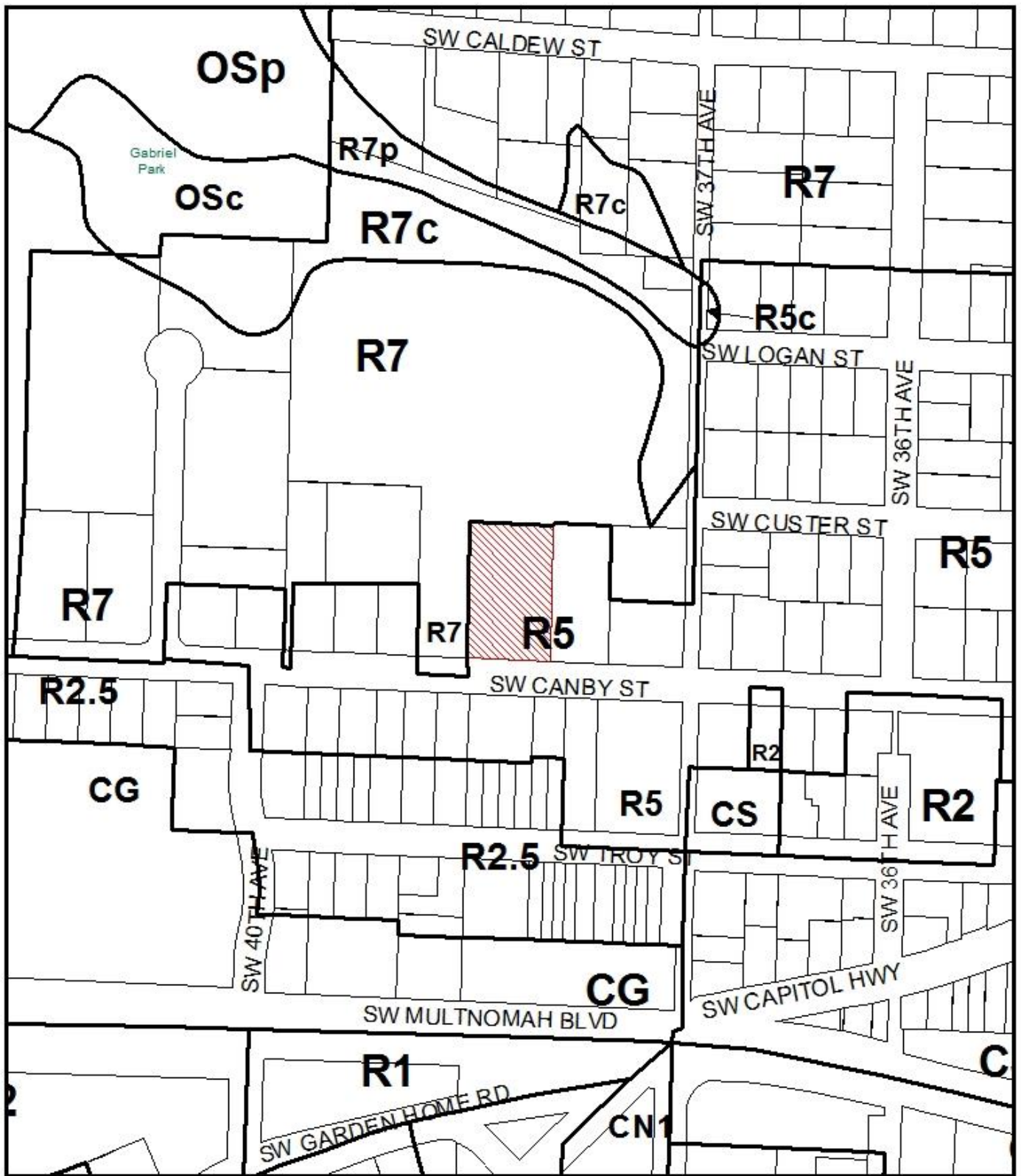
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment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

Proposed Improvements Plan



ZONING

 Site



File No.	<u>LU 16-291559 LDS</u>
1/4 Section	<u>3725</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E20BD 9400</u>
Exhibit	<u>B (Jan 04, 2017)</u>

