



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

**Date:** August 22, 2017  
**To:** Interested Person  
**From:** Leah Dawkins, Land Use Services  
503-823-7830 / [Leah.Dawkins@portlandoregon.gov](mailto:Leah.Dawkins@portlandoregon.gov)

**NOTICE OF A PUBLIC HEARING ON A PROPOSAL  
IN YOUR NEIGHBORHOOD**

*This is a re-notice for a public hearing that was previously scheduled on July 19, 2017 at 9:00 am, which has been cancelled. The new hearing has been scheduled on September 20, 2017. The proposal for this case has not changed.*

**CASE FILE:** LU 16-275871 LDS AS TR  
PC # 16-117081  
**REVIEW BY:** Hearings Officer  
**WHEN:** September 20, 2017 at 9:00 a.m.  
**WHERE:** 1900 SW Fourth Ave., Suite 3000  
Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

Development has been proposed in your neighborhood requiring 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 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.

**Applicant:** Mike Coyle, Faster Permits  
14334 NW Eagleridge Lane / Portland, OR 97229

**Applicant/Owner:** Erin K O'Brien, Matthew W Johnson  
9220 SW 29th Ave / Portland, OR 97219-5559

**Representative:** Anne Marie Skinner, Emerio Design LLC  
8285 SW Nimbus Ave #180 / Beaverton OR 97008

**Site Address:** 9220 SW 29TH AVE

**Legal Description:** LOT B, PINE HILL; LOT 1 INC UND INT TRACT A, PINE HILL  
**Tax Account No.:** R658330010, R658330050, R658330050, R658330050  
**State ID No.:** 1S1E29AA 01804, 1S1E29AA 01801, 1S1E29AA 01801, 1S1E29AA  
01801  
**Quarter Section:** 3926

**Neighborhood:** Markham, contact John Gibbon at 503-708-6708.  
**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

**Zoning:** R7- Single Dwelling Residential  
**Case Type:** LDS AS TR- Land Division Subdivision with a Land Division Amendment and a Tree Review

**Procedure:** Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

**Proposal:**

The applicant is proposing a 4-lot subdivision with a private street extension. Lots will range in size from 7,258 square feet to 11,473 square feet. There was a previous land division at this site (LU 04-039880) which established 3 lots, a private street tract accessing SW Taylors Ferry Road, and a conservation tract. The current land division applies to Lot 1 and the Conservation Tract established in 2004.

The private street extension (Tract A) will retain the current width of the existing private street (shown as SW 29<sup>th</sup> Avenue) and extend the private street tract (Tract A) to access 4 new proposed lots. Tract A will meet current private street standards within a 44-foot wide tract width. SW 29<sup>th</sup> Avenue will be modified to include a five-foot sidewalk.

Because of the previous land division, the current proposal is subject to a Land Division Amendment Review to change conditions from the 2004 land use decision which limited development within the Conservation Tract; and a Tree Review to change the tree preservation conditions from 2004. These reviews are concurrent with this Land Division review.

Specifically, The Land Division Amendment review proposes to modify land use conditions from the 2004 land use decision associated with the establishment and maintenance of the conservation tract. The applicant is proposing to remove the conservation tract, so the associated conditions will no longer be necessary. The Tree Review proposes to remove 12 trees which were part of the 2004 tree preservation conditions and revise Tree Preservation to meet current tree preservation criteria by protecting 11 trees, 7 of which are 20 inches or more in diameter.

Additionally, the applicant is proposing to move the existing residential structure on the site to what is proposed as new Lot 1. The applicant has removed the residence from the Historic Resource Inventory.

This subdivision proposal is reviewed through a Type III procedure because: (1) the site is in a residential zone; (2) four or more dwelling units are proposed, not including accessory dwelling units; 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 5 units of land (4 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, Portland Zoning Code. The applicable approval criteria are:

- **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**
- **Section 33.660.320, Approval Criteria for Changes to an Approved Preliminary Plan**
- **33.853.040, Approval Criteria for Changes to an Approved Tree Preservation Plan**

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 November 18, 2016 and determined to be complete on March 8, 2017.

### **DECISION MAKING PROCESS**

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website. Look at [www.portlandonline.com](http://www.portlandonline.com). On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. 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 <http://www.portlandonline.com/auditor/index.cfm?c=28197>

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled 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.

We are seeking your comments on this proposal. The evidentiary proceeding before the Hearings Officer will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Hearings Officer decision and the evidence in the record compiled by the Hearings Officer in support of that decision.

To comment, you may write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201, or FAX your comments to 503-823-4347; or you may testify at the hearing. In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. The applicant and Planning staff will be at the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Hearings Officer to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Hearings Officer how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Hearings Officer, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

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.

**APPEAL PROCESS**

You can appeal the Hearings Officer decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Hearings Officer decision. The City Council will consider legal arguments (for example arguments pointing out ways the Hearings Officer decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Hearings Officer findings are not supported by the evidence submitted to the Hearings Officer. However, the City Council will not accept or consider new evidence that was not submitted to the Hearings Officer.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Hearings Officer in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Hearings Officer, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Thank you for any information you can provide to help us make this decision. Please call me if you have any questions. My name and number are on the first page of this notice.

**HEARING CANCELLATION**

This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

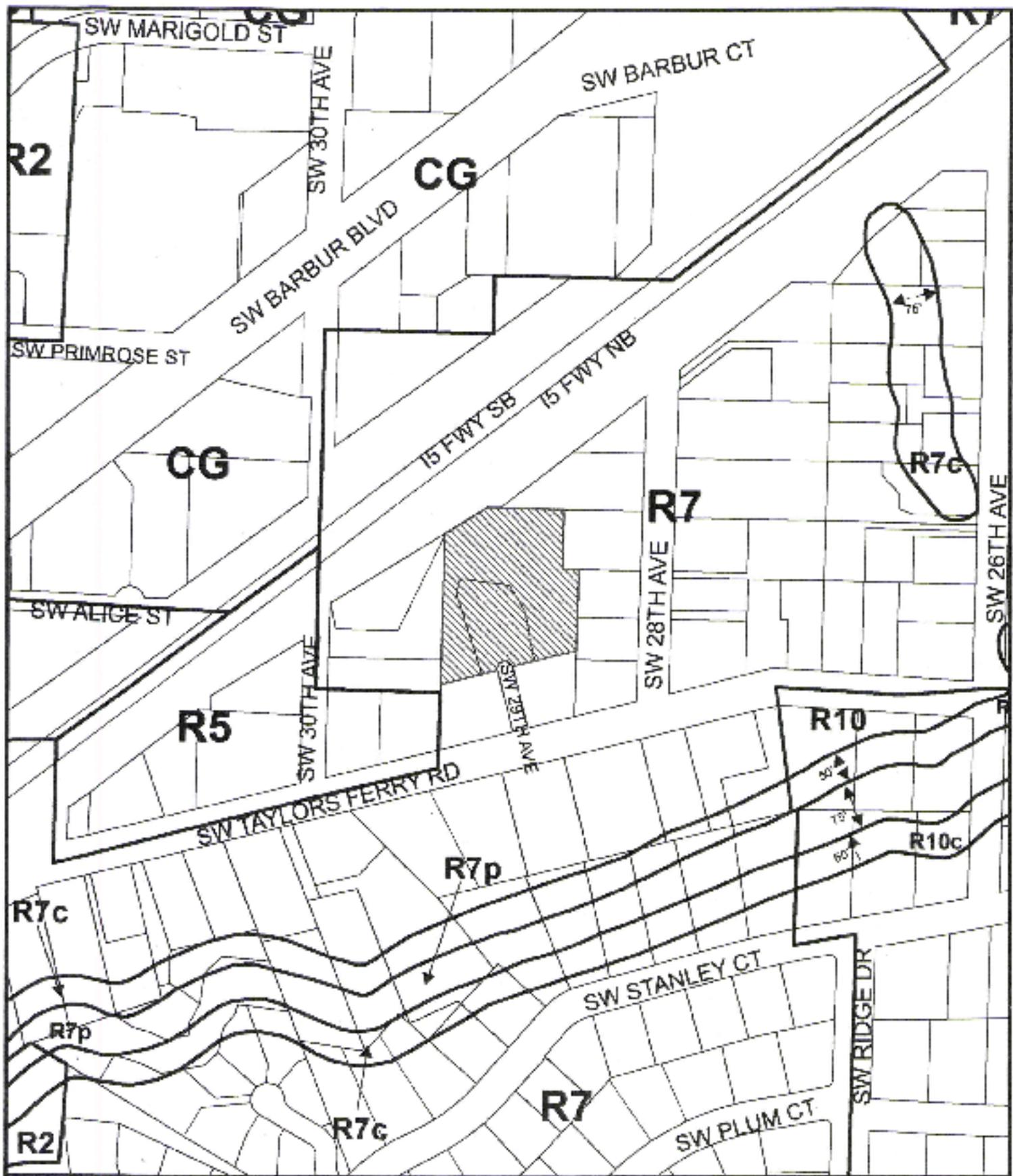
To attend the hearing, public transportation is available. Tri-Met buses stop near the BDS building at SW Fifth or Sixth Ave. at SW Hall St. and SW Harrison St. Call Tri-Met at 503-238-7433 (or [www.trimet.org/schedule/allroute.htm](http://www.trimet.org/schedule/allroute.htm)) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

**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

Site Plan



# ZONING

 Site



File No. LU 16-275871 LDS AS TR  
 1/4 Section 3926  
 Scale 1 inch = 200 feet  
 State Id 1S1E29AA 1801  
 Exhibit B (Nov 23, 2016)

4 LOT SUBDIVISION  
 LOT 1 AND TRACT 9 OF  
 PINE HILL SUB - 181EBAA  
 CITY OF PORTLAND

PROPOSED  
 IMPROVEMENT PLAN

DATE	DESCRIPTION
10/1/11	PRELIMINARY PLAN
10/1/11	REVISIONS
10/1/11	FINAL PLAN



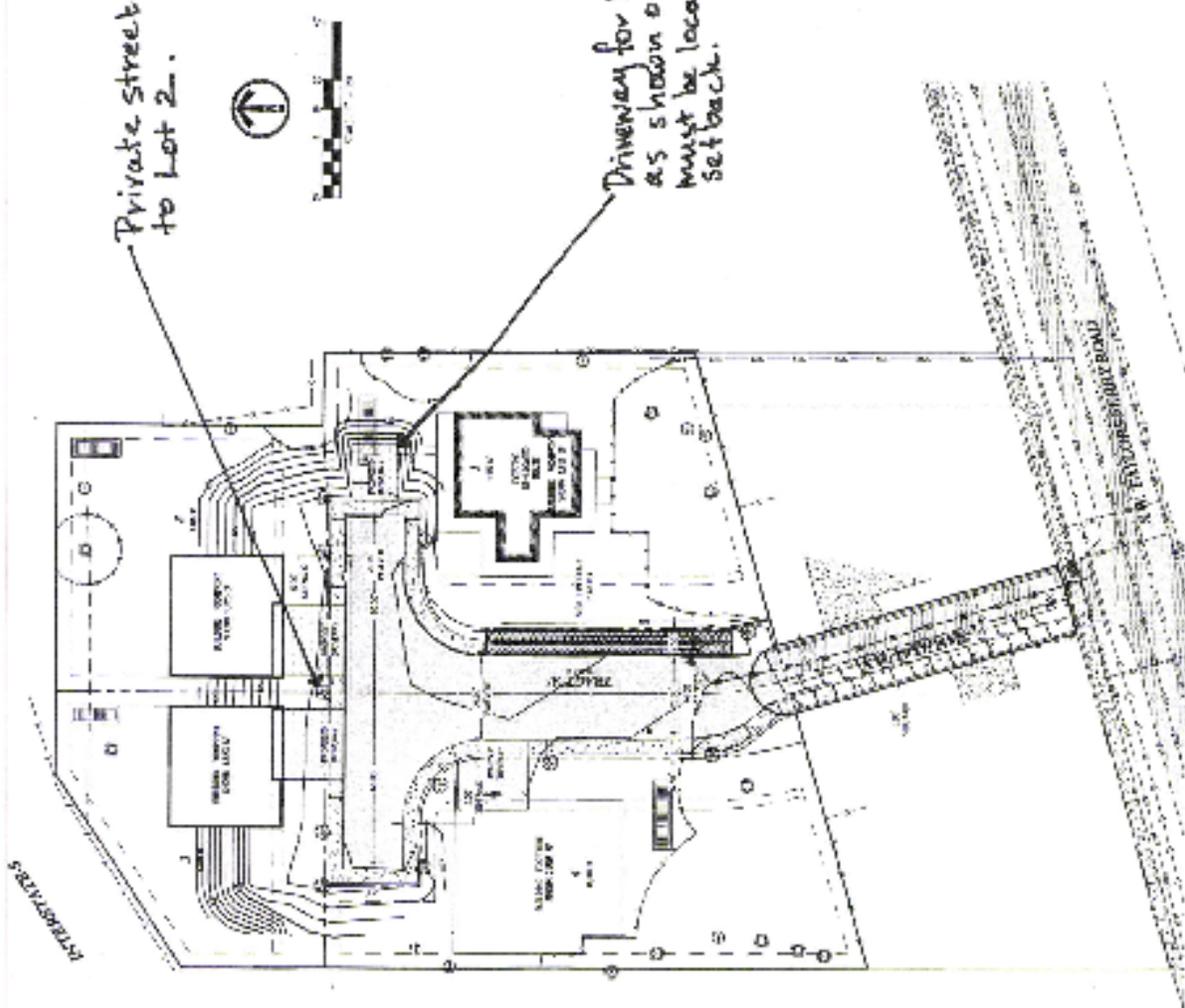
9  
 1/4" = 1'-0"

IMPROVEMENT PLAN NOTES:  
 1. LOT 1 SHOWS THE APPOINTMENT LOCATION FOR AN  
 ST-LOADED POLE.  
 2. LOTS 2, 3, AND 4 SHOW A WALKWAY TO LOT 1.  
 10/1/11

PRIVATE TRACT IMPERVIOUS AREAS:  
 1. AREA OF PRIVATE TRACT IMPERVIOUS AREAS IS 10,000 SQ. FT.  
 2. AREA OF PRIVATE TRACT IMPERVIOUS AREAS IS 10,000 SQ. FT.  
 10/1/11

Private street tree assigned  
 to Lot 2.

Driveway for Lot 1, not approved  
 as shown on site plan. Driveway  
 must be located outside of front  
 setback.



CASE NO ko-275871  
 EXHIBIT C.3