



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

Chloe Eudaly, Commissioner
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Date: January 8, 2018
To: Interested Person
From: David Besley, Land Use Services
503-823-7282/David.Besley@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 January 29, 2018**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-259760 CU, in your letter. It also is helpful to address your letter to me, David Besley. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-259760 CU

Applicant: Rachel Felty
4915 NE 28TH AVE
Portland, OR 97211

Owner/Applicant: Caleb and Catherine Aring
5400 NE 23rd Avenue
Portland, OR 97211-6336

Site Address: 4915 NE 28TH AVE

Legal Description: BLOCK 2 LOT 19, ELBERTA
Tax Account No.: R242300310
State ID No.: 1N1E24BC 02200
Quarter Section: 2533

Neighborhood: Concordia, contact Garlynn Woodsong at 503-936-9873
Business District: Soul District Business Association, contact at
outreach@nnebaportland.org

District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030

Zoning: R5ah (Single-Dwelling Residential 5,000 with Alternative Design Density ("a") and Aircraft Landing ("h") overlay zones)

Case Type: CU - Conditional Use Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The owner of the two-story (with a partial third story), 5-bedroom house went through a Conditional Use Review in 2014 (14-157692) approving a three-bedroom Bed & Breakfast facility (now referred to as an Accessory Short-Term Rental (ASTR)) at this address. At that time, this was a 4-bedroom house; however, in 2015, an existing garage was converted to a bedroom. The applicant is a full-time renter and caretaker who resides at 4915 NE 28TH AVE, and requests Conditional Use approval to operate a 4-bedroom Type B ASTR facility at this address. The house would have four ASTR guest rooms that would be rented out. No exterior alterations to the house are proposed. No outside employees, food or beverage service, or commercial events are proposed. Proposed house rules would require outside and rooftop quiet hours between 10 pm and 9 am.

Type B Accessory Short-Term Rentals are allowed in residential zones when the proposal meets the approval criteria and applicable standards. The regulations are intended to allow for efficient use of houses in residential areas if the neighborhood character is maintained. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are in Zoning Code Section 33.815.105: Conditional Use Approval Criteria for Institutional and Other Uses in a Residential Zone.

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 23, 2017 and determined to be complete on January 2, 2018.

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.

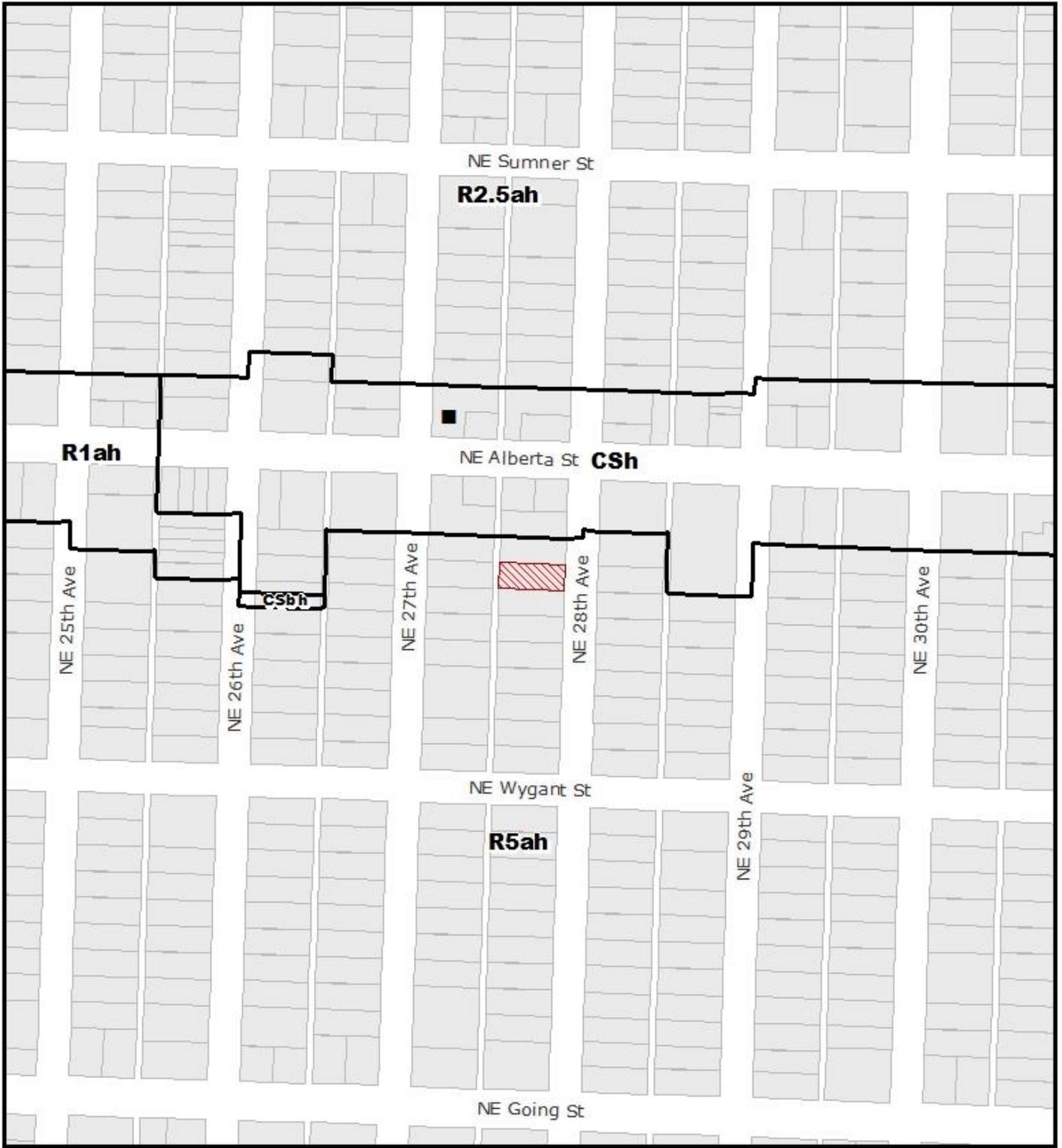
APPEAL OF THE FINAL CITY DECISION

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:

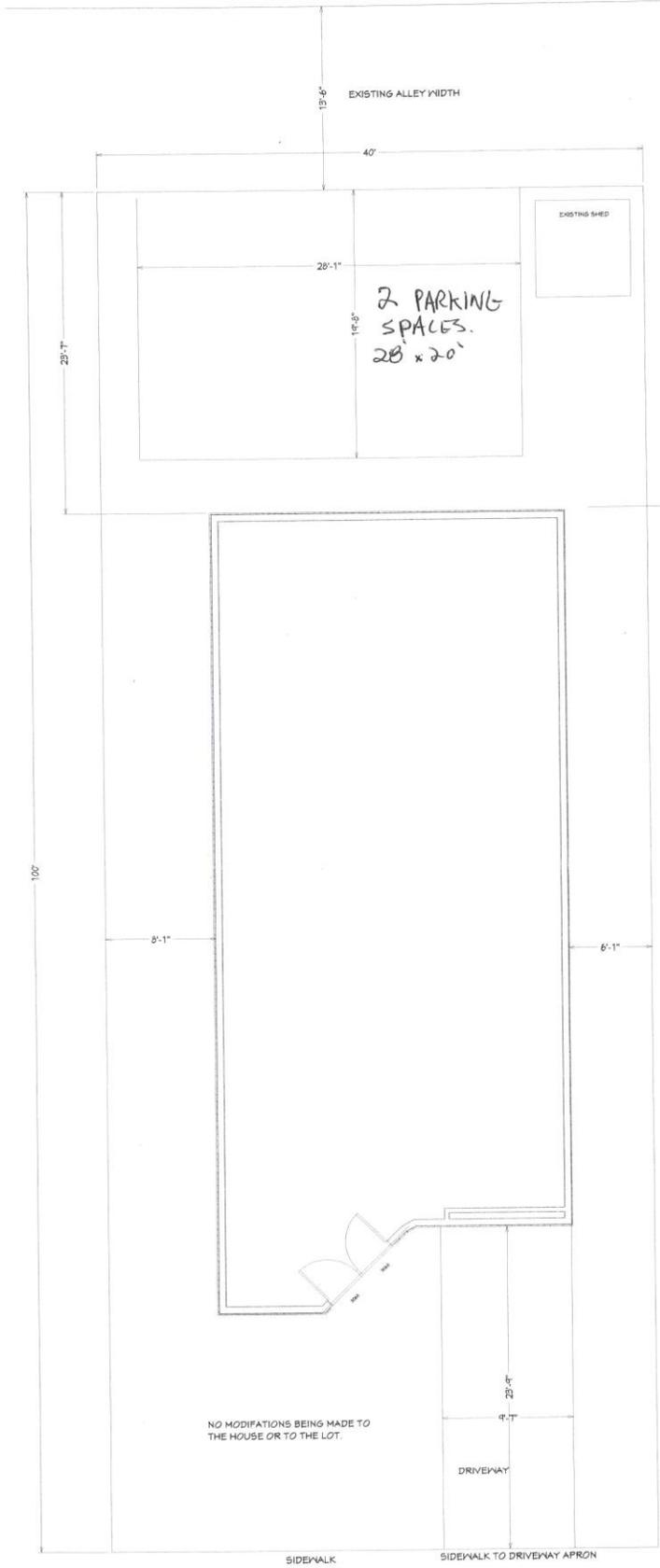
Zoning Map
Site Plan



ZONING  NORTH

-  Site
-  Historic Landmark

File No.	LU 17-259760 CU
1/4 Section	2533
Scale	1 inch = 200 feet
State ID	1N1E24BC 2200
Exhibit	B Oct 26, 2017



LU 17-259760 CU

LU 17-259760 CU

NORTH

SITE PLAN

4915 NE 28TH AVE, PORTLAND, OREGON R155469

SCALE 1/4" = 2'0"

11/20/2016