



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

Chloe Eudaly, Commissioner
Rebecca Esau, Director
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Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: February 5, 2018
To: Interested Person
From: Brandon Rogers, Land Use Services
503-823-7597 / Brandon.Rogers@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 March 7, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-230003 LDP AD, in your letter. It also is helpful to address your letter to me, Brandon Rogers. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-230003 LDP, AD

Applicant: Matthew Newman/NW Engineers, LLC
3409 NW John Olsen Avenue
Hillsboro, OR 97124

Owner: Mark Pekarek/Equity Trust Co LLC
Po Box 2181
Vancouver, WA 98668-2181

Site Address: 824, 838 SE Tacoma Street
Legal Description: BLOCK 29 LOT 1, SELLWOOD
Tax Account No.: R752702230
State ID No.: 1S1E23CC 05600
Quarter Section: 3831
Neighborhood: Sellwood-Moreland, contact chair.landuse.smile@gmail.com.
Business District: Sellwood-Westmoreland, contact Emily Pinkstaff at emily.pinkstaff@newseasonsmarket.com

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Zoning: Residential 2,000 (**R2**) with the “**a**” Alternative Design Density and the “**d**” Design overlay zones.

Case Type: Land Division Partition (**LDP**) with a concurrent Adjustment (**AD**)
Procedure: Type Iix, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant proposes a two-parcel partition of a 5,000 square-foot site into two parcels for single dwellings. The site is currently developed with two dwellings, the proposal will result in one dwelling on each proposed parcel. Parcel 1 is proposed to be 1,860 square feet, and an Adjustment is requested to reduce the required off-street parking from one to zero

spaces. Parcel 2 is proposed to be 2,790 square feet in area and will continue to provide one off-street parking space for the existing house, with access from SE 9th Ave. Water and sanitary sewer services are provided by existing utility mains located within SE Tacoma Street. The site contains trees subject to the tree preservation standards of Chapter 33.630.

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 Adjustment (AD) 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 units of land. 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 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 August 25, 2017 and determined to be complete on January 31, 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.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.

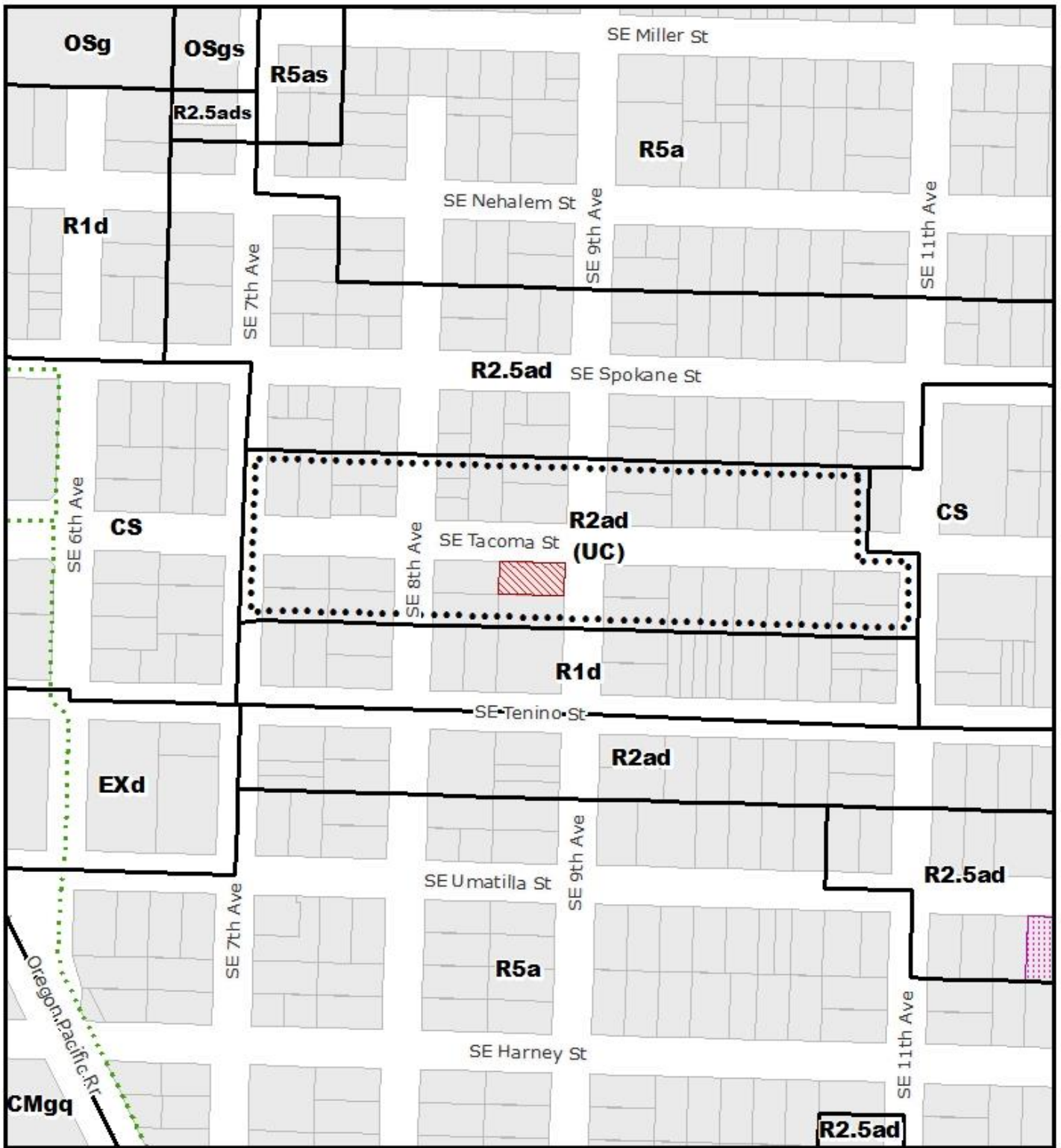
APPEAL OF THE FINAL CITY DECISION

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
Site Plan



ZONING



-  Site
-  Also Owned Parcels
-  Recreational Trails

File No.	LU 17-230003 LDP, AD
1/4 Section	3831
Scale	1 inch = 200 feet
State ID	1S1E23CC 5600
Exhibit	B Jan 11, 2018

DESIGNED	1
DRAWN	2
REVIEWED	3
SUBMITTED	4
	5
	6
	7

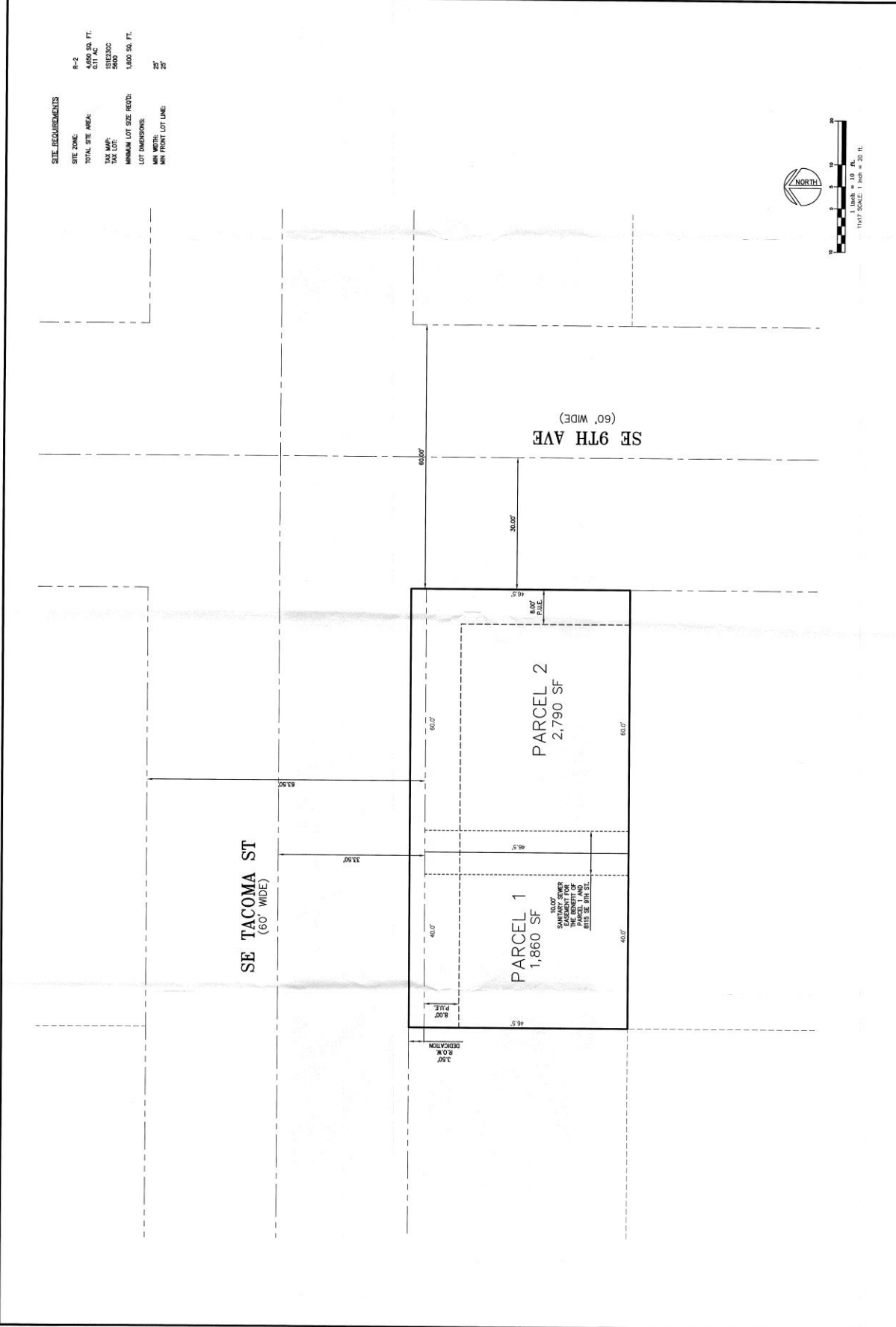
DATE	BY	REVISION

PRELIMINARY LAND DIVISION
 824-838 SE TACOMA ST
 N0501
 PRELIMINARY PLAT

FOR: EQUITY TRUST COMPANY, LLC
 P.O. BOX 2181
 VANCOUVER, WASHINGTON 98688
 SITE: TAX MAP: 1S1E230C
 TAX LOT: 5000
 CITY OF PORTLAND, OR

M&E ENGINEERS
 Engineering & Planning
 3400 NE 154th Avenue
 Shoreline, WA 98148
 206.485.4000

LU 17-230003 LDP



SITE REQUIREMENTS

SITE ZONE:	P-2
REQUIREMENTS:	SEE MAP
TOTAL SITE AREA:	4,650 SQ. FT.
TAX MAP:	1S1E230C
TAX LOT:	5000
MINIMUM LOT SIZE REQD:	1,600 SQ. FT.
LOT DIMENSIONS:	25'
MIN. WIDTH:	25'
MIN. FRONT LOT LINE:	25'