



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

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Rebecca Esau, Director  
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Fax: (503) 823-5630  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** June 29, 2018  
**To:** Interested Person  
**From:** Sean Williams, Land Use Services  
503-823-7612 / [Sean.Williams@portlandoregon.gov](mailto:Sean.Williams@portlandoregon.gov)

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

CASE FILE: LU 18-135663 LDS  
PC # 17-144628

**REVIEW BY:** *Hearings Officer*

**WHEN:** July 23, 2018 @ 9 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:** William Neburka | Evident Architecture Office  
411 SE 58<sup>th</sup> Place | Portland, OR 97215

**Owner:** Brandon Brown | Timothy P Brown Trust  
112 W 11<sup>th</sup> Street, #100 | Vancouver, Wa 98660

**Site Address:** 3969 N Overlook Terrace

**Legal Description:** TL 300 0.77 ACRES, SECTION 21 1N 1E; TL 400 0.34 ACRES, SECTION 21 1N 1E; TL 500 0.49 ACRES, SECTION 21 1N 1E

**Tax Account No.:** R941210380, R941210390, R941210540

**State ID No.:** 1N1E21DC 00300, 1N1E21DC 00400, 1N1E21DC 00500

**Quarter Section:** 2628

**Neighborhood:** Overlook NA, contact [landuse@overlookneighborhood.org](mailto:landuse@overlookneighborhood.org).

**Business District:** None

**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

**Plan District:** None

**Other Designations:** Potential Landslide Hazard

**Zoning:** Residential 5,000 (R5) w/ Environmental Coservation (c) Overlay

**Case Type:** Land Division Subdivision (LDS)

**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 to subdivide the subject property into 6 lots ranging in size from 4,478 to 6,696 square feet. An approximately 25,617 square foot environmental resource tract (Tract A) and 9,735 square foot Open Space tract (Tract B) are also proposed. Existing development consists of a single family home that is currently being remodeled and will be retained on proposed Lot 2. A 54-inch Oregon white oak, designated as a heritage tree (#259), will be retained within the Open Space tract.

Sanitary sewer and water service is available within N Overlook terrace to serve the new lots. Stormwater management for each lot is proposed to be treated and discharged to the combination sewer main in the street.

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 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 8 units of land (6 lots and 2 tracts). 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 March 16, 2018 and determined to be complete on June 7, 2018.

**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
-  Historic Landmark
-  Recreational Trails

File No.	LU 18-135663 LDS
1/4 Section	2628
Scale	1 inch = 200 feet
State ID	1N1E21DC 300
Exhibit	B Jun 11, 2018

**EAO**

evident architecture office

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Overlook Terrace  
Land Division

3969 N Overlook Terrace  
Portland OR 97217



Drawing Title  
Architectural Subdivision Plan

ISSUE:  
LO Submission  
03.14.2018

Scale:  
Number:

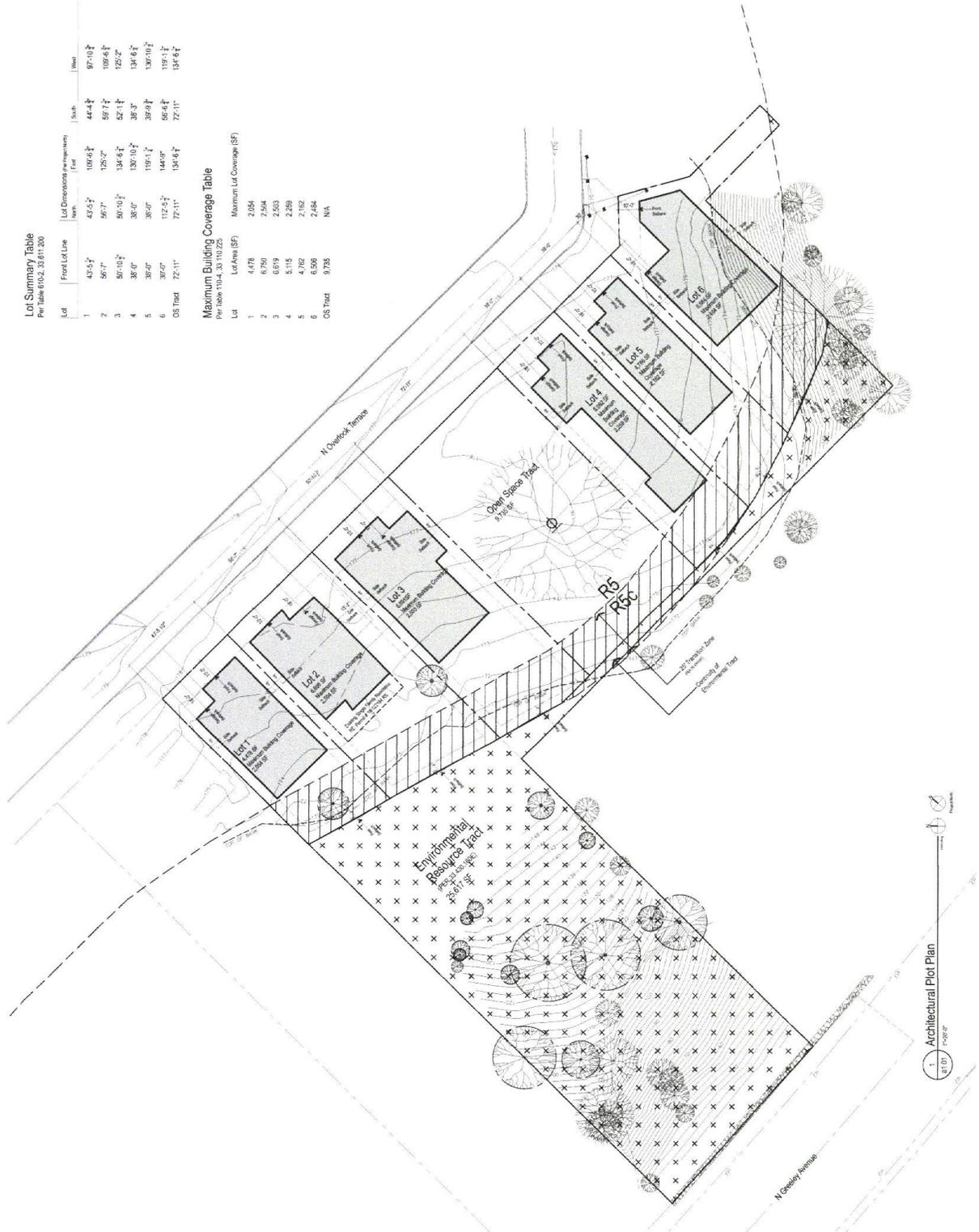
**a1.01**

**Lot Summary Table**  
Per Table 610-2.33.611.200

Lot	Front Lot Line	Lot Dimensions per Appendix A (ft)	Back	West
1	43.5'-0"	106.0'-0"	44.4'-0"	97'-0"-0"
2	56'-7"	125'-2"	59.7'-0"	106.6'-0"
3	56'-10"	134'-8"-0"	52'-1'-0"	125'-2"
4	38'-0"	130'-10"-0"	38'-3"	134'-6"-0"
5	38'-0"	119'-1'-0"	39'-9"	130'-10"-0"
6	36'-0"	112'-2"-0"	14'-0"	119'-1'-0"
OS Tract	72'-11"	134'-6"-0"	72'-11"	134'-6"-0"

**Maximum Building Coverage Table**  
Per Table 110-4.33.110.225

Lot	Lot Area (SF)	Maximum Lot Coverage (SF)
1	4,478	2,084
2	6,750	2,594
3	6,619	2,503
4	5,115	2,289
5	4,782	2,162
6	6,506	2,484
OS Tract	9,738	N/A



1 Architectural Plot Plan  
a1.01

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