



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

Ted Wheeler, Mayor
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Date: December 19, 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 January 18, 2019**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-248951 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. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 17-248951 LDP AD

Applicant: Scott Pitek/Colab Architecture And Urban Design
930 NW 14th Ave Suite 280, Portland, OR 97209

Owner: Allison D Rhodes
4415 SW Fairview Blvd, Portland, OR 97221-2867

Site Address: 4415 SW Fairview Blvd
Legal Description: TL 300 0.73 ACRES, SECTION 05 1S 1E
Tax Account No.: R991050440
State ID No.: 1S1E05BC 00300
Quarter Section: 3125
Neighborhood: Sylvan-Highlands, contact Dave Malcolm at 503-805-9587.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest Hills – Skyline.
Zoning: Residential, 7,000 (R7).
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 land division partition of a 31,590 square-foot site to create two parcels for single dwelling development. The existing house is proposed to remain. Sanitary sewer and water services are proposed to be provided by existing utilities located within SW Fairview Boulevard. Driveway access is proposed from SW Fairview Boulevard. Stormwater management is proposed by flow through planters and disposal to a surface water channel, requiring a stormwater easement on the parcel to the east (4475 SW Fairview Circus). The site is located within the Potential Landslide Hazard Area and is therefore subject to the approval criterion of Chapter 33.632 *Sites in Potential Landslide Hazard Areas*. A

concurrent Adjustment is requested, to exceed the maximum lot area of 12,000 square-feet in the R7 zone for Parcel 1, which is proposed to be 19,767 square-feet in area. The existing house is listed on the City's Historic Resource Inventory (HRI).

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 review is required (see 33.660.110); and (4) 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 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 October 4, 2017 and determined to be complete on November 28, 2018.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. After we consider your comments we will do one of the following:

- Approve the proposal.
- Approve the proposal with conditions; or
- 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 by making a request online or contacting me.

- Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. Copies of all information in the file can be obtained for the cost of making copies during the appointment.
- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

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.portlandoregon.gov.

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.

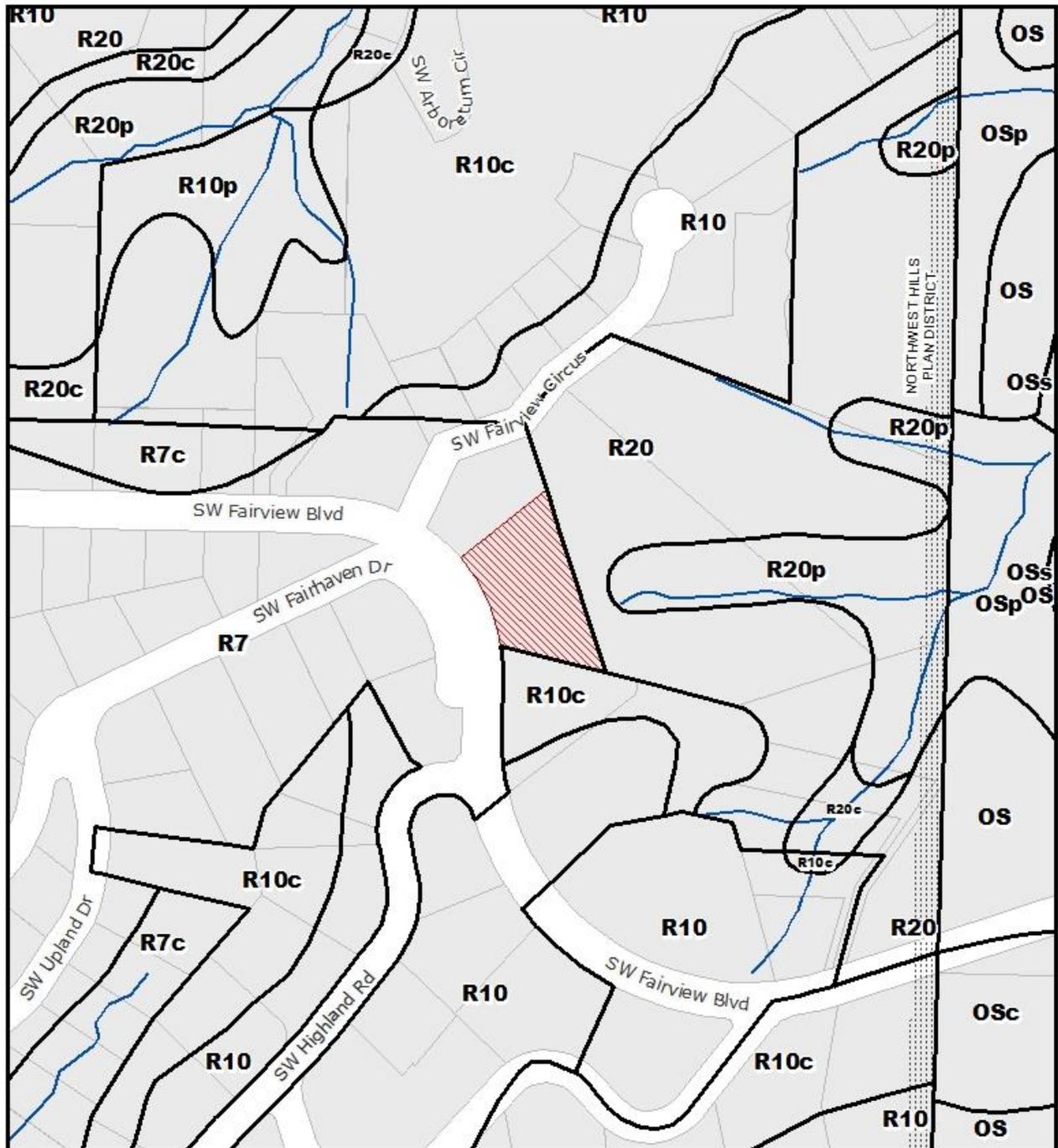
APPEAL OF THE FINAL CITY DECISION

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 
 NORTH
 THIS SITE LIES WITHIN THE:
 NORTHWEST HILLS PLAN DISTRICT
 SKYLINE SUBDISTRICT

 Site
 Stream

File No.	LU 17-248951 LDP AD
1/4 Section	3125
Scale	1 inch = 200 feet
State ID	1S1E05BC 300
Exhibit	B Oct 04, 2017

