



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: January 8, 2019
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 February 7, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-194689 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 18-194689 LDP AD

Applicant: Tony Ryan | Weddle Surveying
6950 SW Hampton St #170 | Tigard OR, 97223
tony@weddlesurveying.com | (503) 961-9585

Owner: Bryan D Scott
2624 SE Division St | Portland, OR 97202-1253

Site Address: 2848 NE Everett St
Legal Description: BLOCK 16 LOT 6, HAWTHORNES 1ST ADD
Tax Account No.: R367801810
State ID No.: 1N1E36CB 01600
Quarter Section: 3033
Neighborhood: Kerns, contact Elliott Mantell at commonchiro@yahoo.com
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Zoning: Residential 2,500 (R2.5)
Case Type: Land Division Partition (LDP) with an Adjustment (AD).
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant proposes a partition of a 5,009 square-foot site to create two parcels for development of detached houses. Parcel 1 is proposed to be 3,208 square feet in area and contains the existing house, which is proposed to remain. Parcel 2 is proposed to be 1,801 square feet in area. Sanitary sewer and water are proposed to be provided by existing utilities located in NE Everett Street and NE 29th Avenue. Stormwater will be managed by an-site drywell and downspouts. A concurrent Adjustment review is requested to reduce the required off-street parking for the existing house on Parcel 1 from one required off street parking space to zero off street parking spaces. Driveway access for Parcel 2 is proposed from NE 29th Avenue.

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).

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 2 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 and Section 33.805.040 Adjustment Approval Criteria.**

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 June 28, 2018 and determined to be complete on date December 21, 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.

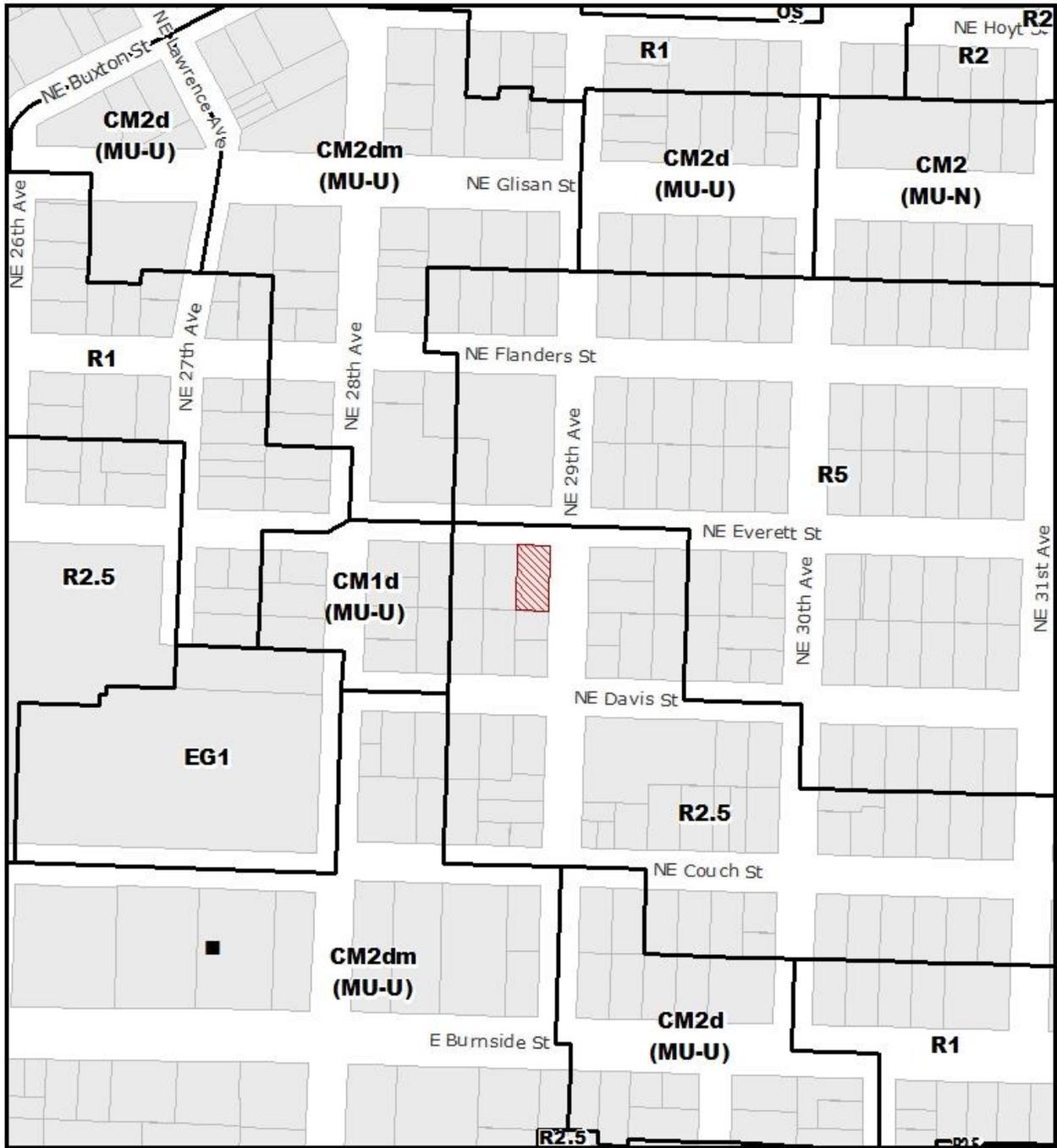
APPEAL OF THE FINAL CITY DECISION

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



Site



Historic Landmark

File No.	LU 18-194689 LDP AD
1/4 Section	3033
Scale	1 inch = 200 feet
State ID	1N1E36CB 1600
Exhibit	B Jul 05, 2018

