



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

Ted Wheeler, Mayor
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www.portlandoregon.gov/bds

Date: March 27, 2019
To: Interested Person
From: Diane Hale, Land Use Services
503-823-7705 / Diane.Hale@portlandoregon.gov

REVISED NOTICE OF A TYPE IIx PROPOSAL IN YOUR NEIGHBORHOOD

A notice mailed on March 22, 2019 incorrectly included a zone map and site plan for a different location. This notice includes the correct attachments and dates have been adjusted to reflect the new mailing date of March 27, 2019.

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 April 26, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-176457 LDS, in your letter. It also is helpful to address your letter to me, Diane Hale. 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 18-176457 LDS / PC # 17-226324

Applicants: Sarah Radelet, Strata Land Use Planning
Po Box 90833 / Portland OR 97290

Larry Krause, Chalet Homes
8733 SE Division St #201 / Portland OR 97266

Samson Cheung, AAV One
8733 SE Division St, # 201 / Portland OR 97266

Owner: Wing Gun Lam
10727 SE Jason Ln. / Happy Valley, OR 97086-6276

Site Address: 3845 N/SE 136th Avenue
Legal Description: BLOCK 2 LOT 1&2&3 TL 4700, SILVER PARK
Tax Account No.: R770000660
State ID No.: 1S2E11DB 04700
Quarter Section: 3444
Neighborhood: Powellhurst-Gilbert, contact at pgnaboard@gmail.com
Business District: Midway, contact info@midwaybusiness.org.
District Coalition: East Portland Community Office, contact Victor Salinas at 503-823-6694.

Plan District: Johnson Creek Basin
Zoning: R2a (Multi-dwelling Residential 2,000 with “a” Alternative Design Density Overlay Zone)
Case Type: LDS (Land Division Subdivision)
Procedure: Type IIX, an administrative decision with appeal to the Hearings Officer.
Proposal:

The applicant is proposing an 8-lot subdivision with a new private street for this 25,148 square foot interior lot. The existing development on the site will be removed. Lots will range from 2,028 to 2,618 square feet in area. Detached single family housing is proposed for the future lots. Off-street parking is proposed for the new homes, and four on-street parking spaces are proposed for the new private street. Frontage improvements (curb, sidewalk and planter strip/stormwater facility) are required to be installed along SE 136th Avenue. There are no regulated trees on the site (all trees are considered nuisance species).

Although the current zoning on the site is R5 (single-family residential 5,000), the land division will be processed under the R2 multi-dwelling zoning that was in time at the place of the land use review application, per Zoning Code 33.700.080.

This subdivision proposal is reviewed through a Type IIX procedure because (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (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 9 units of land (8 lots and 1 tract). 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 approval criteria can be 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 May 23, 2018 and determined to be complete on November 19, 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

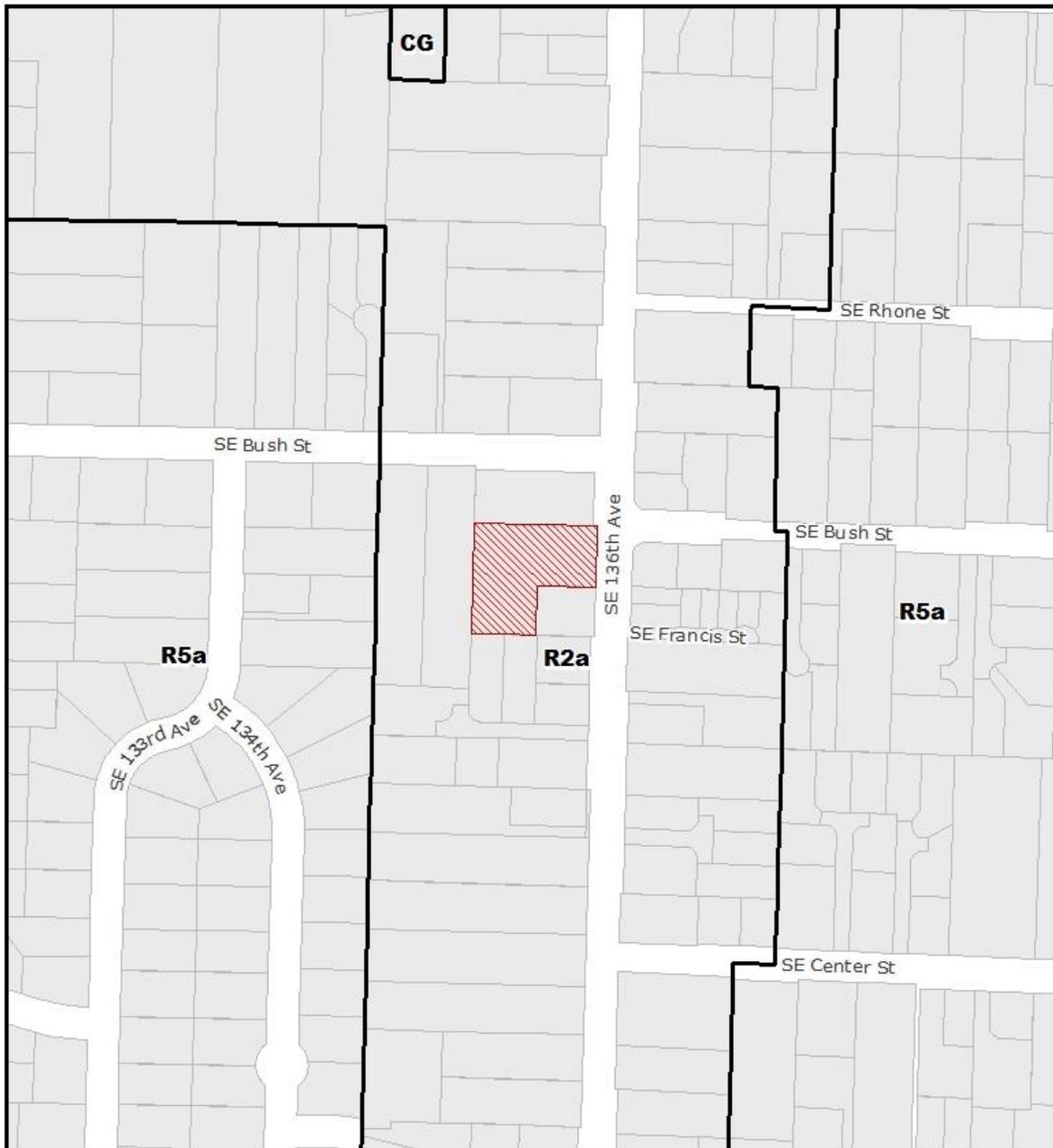
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment 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:
JOHNSON CREEK PLAN DISTRICT

 Site

File No.	LU 18-176457 LDS
1/4 Section	3444
Scale	1 inch = 200 feet
State ID	1S2E11DB 4700
Exhibit	B May 25, 2018

