



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

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

Date: March 28, 2019
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / Sean.Williams@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 April 29, 2019**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 19-111625 LDP, in your letter. It also is helpful to address your letter to me, Sean Williams. 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 19-111625 LDP **PC # 18-264757**

Applicant: William Neburka, Evident Architecture Office
411 SE 58th Place, Portland, OR 97215

Owner: Brandon Brown, Timothy P Brown Trust
112 W 11th Street, Suite 100, Vancouver, WA 98660

Site Address: 3969 N Overlook Terrace

Legal Description: TL 300 0.77 ACRES, SECTION 21 1N 1E
Tax Account No.: R941210380
State ID No.: 1N1E21DC 00300
Quarter Section: 2628
Neighborhood: Overlook NA, contact 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 Conservation (c) Overlay
Case Type: Land Division Partition (LDP)
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.
Proposal:

The applicant is requesting to partition the subject property into two parcels of approximately 4,155 (Parcel 1) and 6,391 (Parcel 2) square feet in size. An approximately 23,261 square foot environmental resource tract (Tract A) is also proposed. Existing development consists of a

single family home that is currently being remodeled and will be retained on proposed Parcel 2. There are no trees located on the site outside of the environmental zone subject to Tree Preservation (33.630).

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; 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 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 3 units of land (2 parcels and 1 tract). 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 January 25, 2019 and determined to be complete on March 22, 2019.

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.

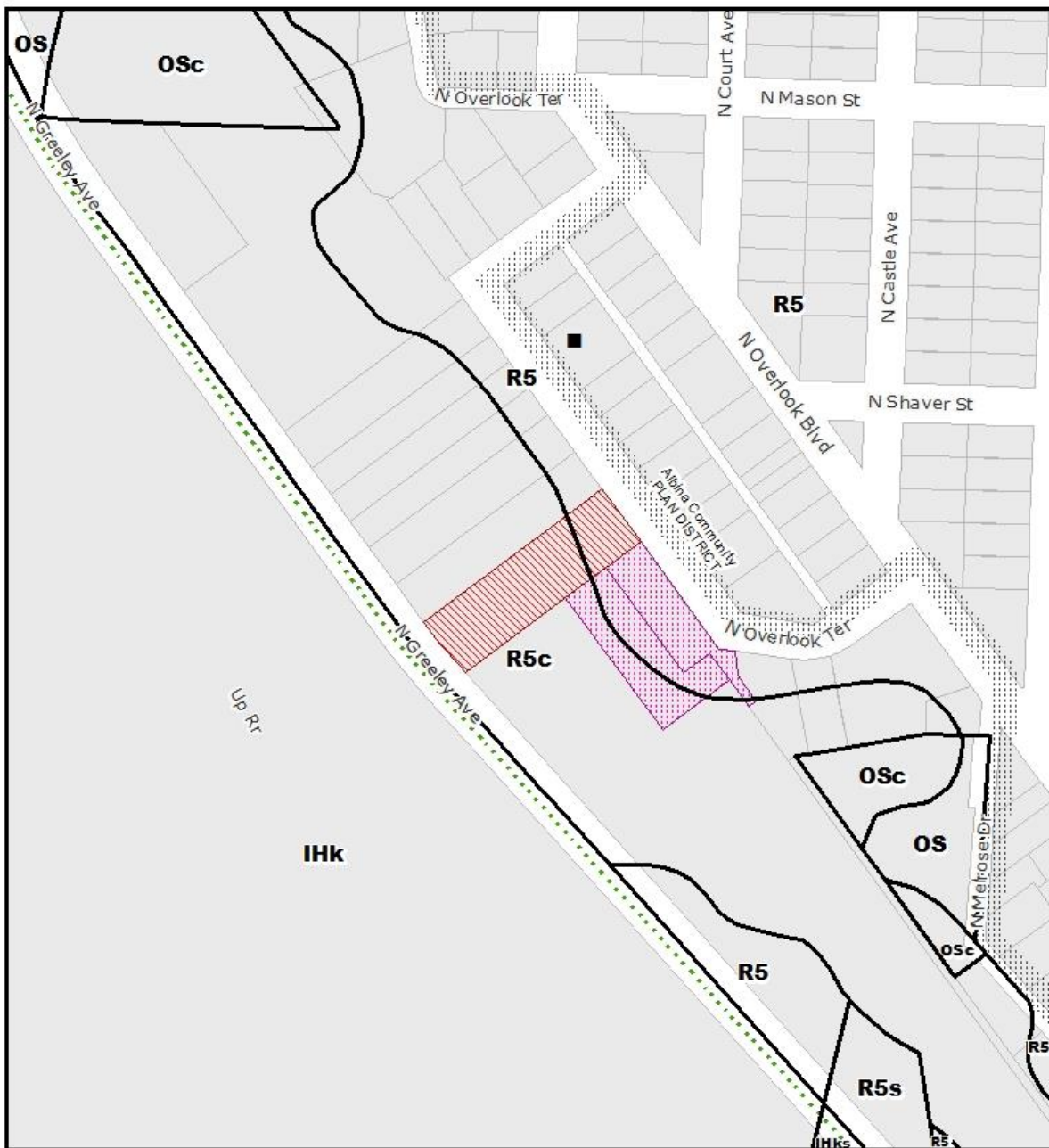
APPEAL OF THE FINAL CITY DECISION

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

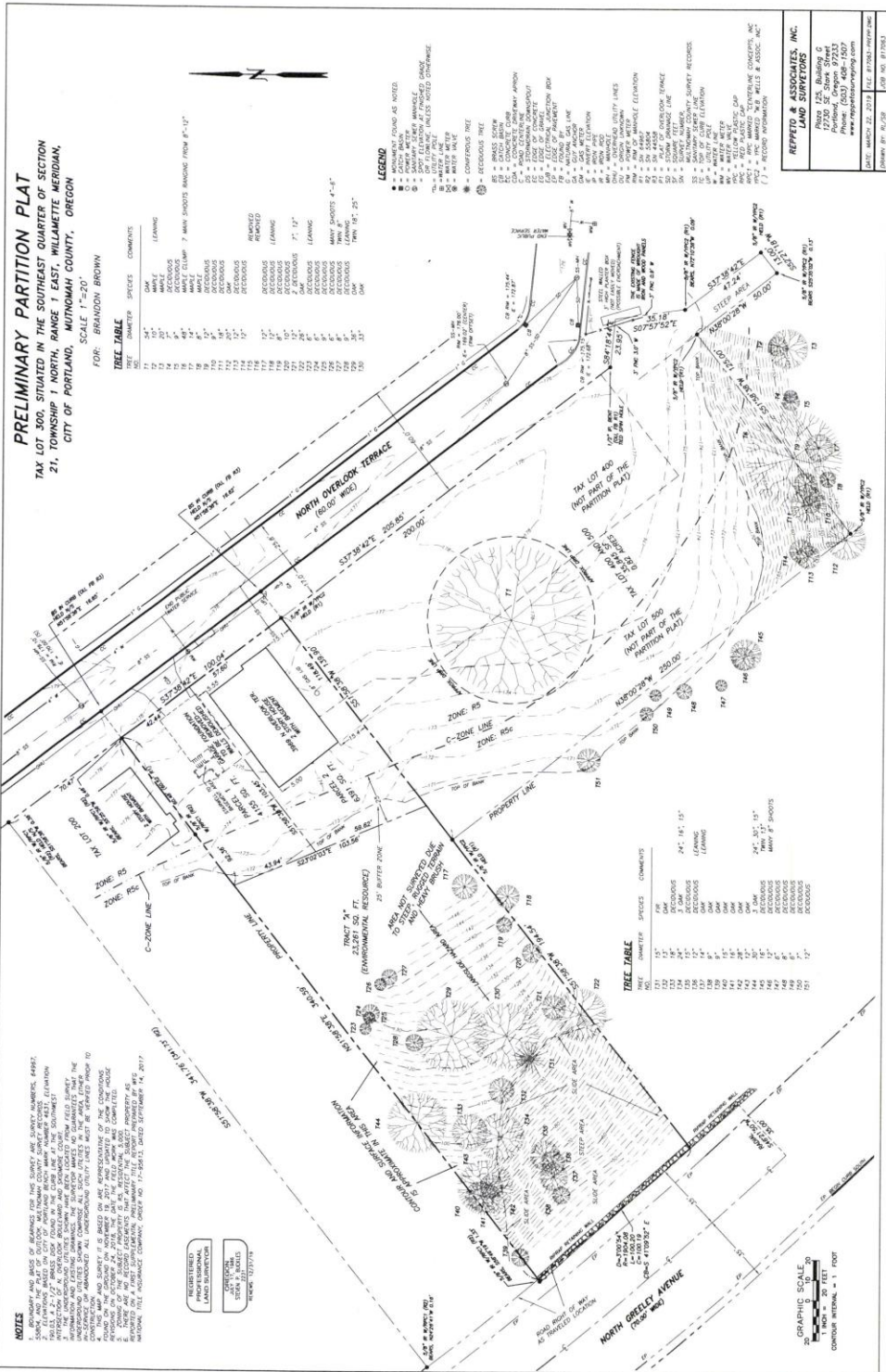


ZONING

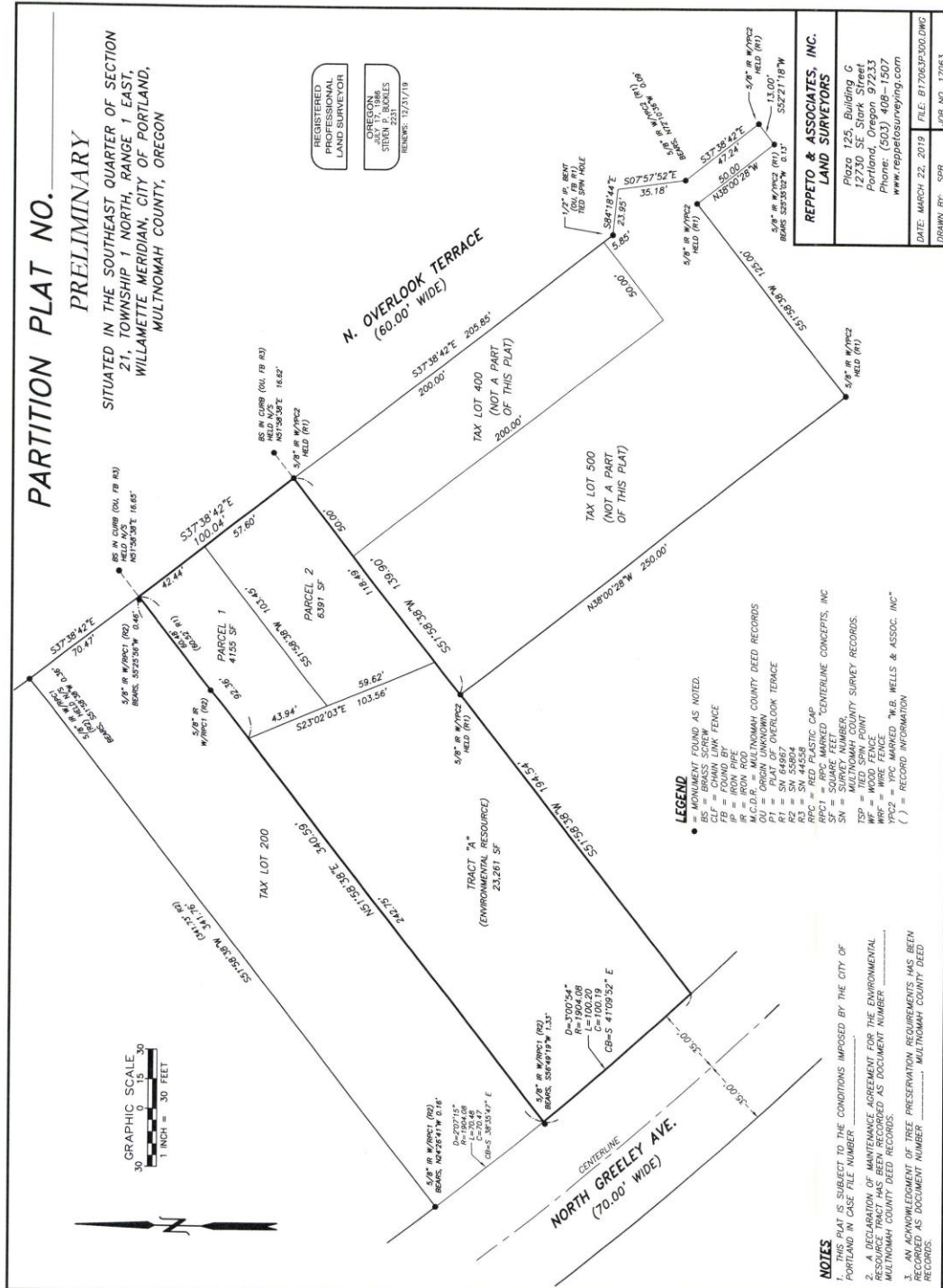


-  Site
-  Also Owned Parcels
-  Historic Landmark
-  Recreational Trails

| | |
|-------------|-------------------|
| File No. | LU 19-111625 LDP |
| 1/4 Section | 2628 |
| Scale | 1 inch = 200 feet |
| State ID | 1N1E21DC 300 |
| Exhibit | B Jan 29, 2019 |



LU 19-111625 LDP



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