



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

Ted Wheeler, Mayor
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Date: 5/28/2019
To: Interested Person
From: Timothy Novak, Land Use Services
503-823-5395 / Timothy.Novak@portlandoregon.gov

This is a re-notice. The original notice, mailed on 3/5/2019, was for a Type 1x procedure and didn't include a required Adjustment Review request. See details of the revised proposal below.

REVISED 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 June 27, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-235195 LDP AD, in your letter. It also is helpful to address your letter to me, Timothy Novak. 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 18-235195 LDP AD

Applicant/Owner: Rebekah Anderson, dba Close-In Properties, LLC
Po Box 13434, Portland OR. 97213
(503) 715-1331; rentalhouse@gmail.com

Owner: Rebekah Anderson
2932 NE 34th Ave, Portland OR, 97212

Site Address: 4139 NE Ainsworth St & 6015 NE 42nd Ave

Legal Description: BLOCK 1 LOT 4, AINSWORTH PK ADD
Tax Account No.: R006100070
State ID No.: 1N1E13DA 03200
Quarter Section: 2434

Neighborhood: Concordia, contact Garlynn Woodsong at 503-936-9873.
Business District: Forty-Second Avenue, contact Clarence Larkins at 503-736-8111.
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

Zoning: R5a,h

Case Type: LDP AD (Land Division with Adjustment Request)
Procedure: Type Iix, an administrative decision with appeal to the Hearings Officer.

Revised Proposal:

The applicant is proposing to divide the site into two parcels under a provision in the Zoning Code that allows for attached houses on corners in the R5 zone (33.110.240.E). The applicant is proposing to attach the two existing houses via a shared storage room. The proposed lot layout will result in each parcel having its front lot line on NE 42nd Avenue. The existing houses are closer to the lot line at 42nd Avenue than the minimum required 10-foot front building setback. Therefore, as part of this land division application, the applicant is requesting to adjust the front setback standard from 10 feet to 7.5 feet for 4139 NE Ainsworth Street (Parcel 1) and from 10 feet to 6.4 feet for 6015 NE 42nd Avenue (Parcel 2).

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 (2 parcels). 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:

- 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.
- 33.805.040 Approval Criteria for Adjustments

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 September 10, 2018 and determined to be complete on February 19, 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.

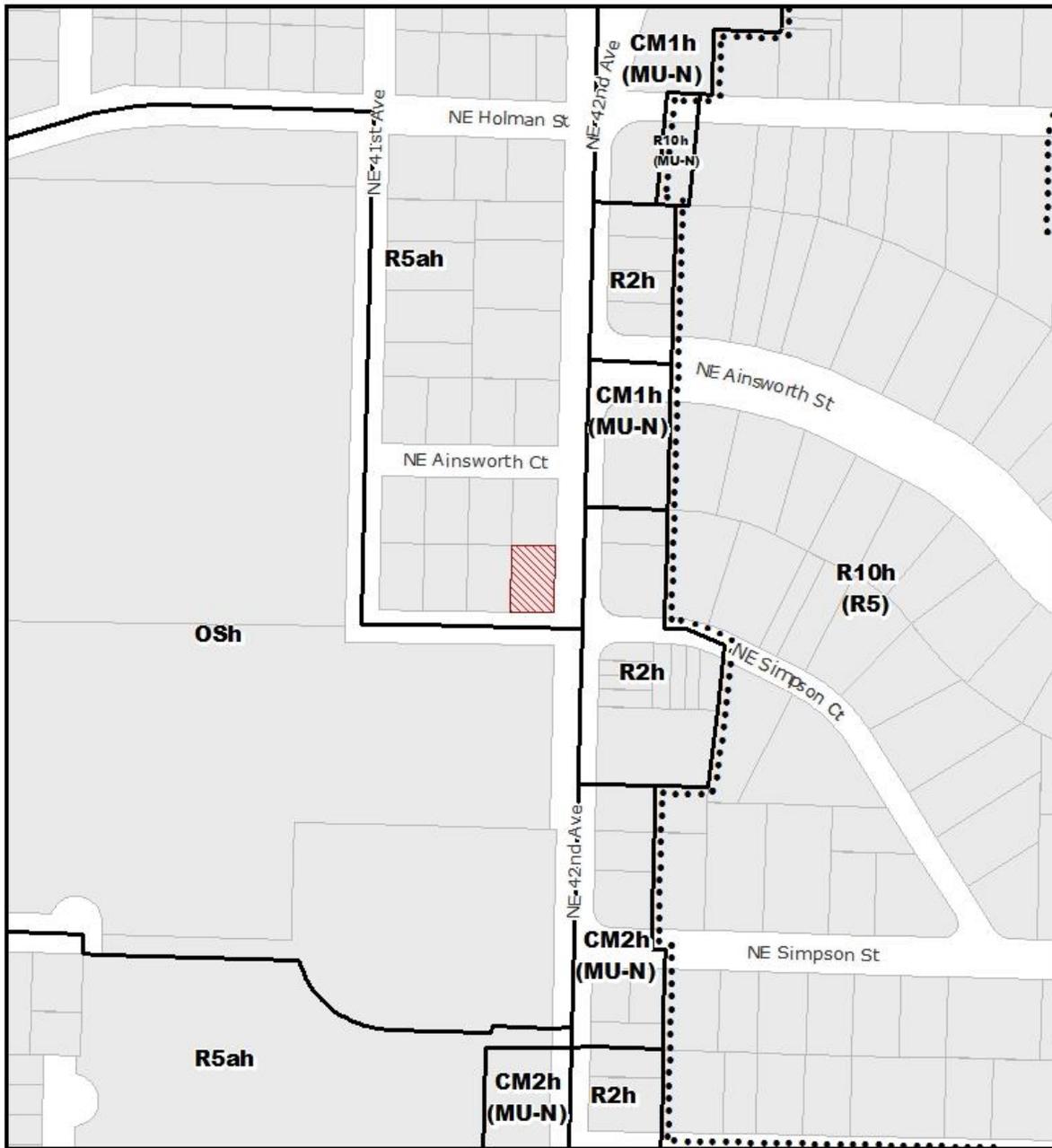
APPEAL OF THE FINAL CITY DECISION

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



NORTH



Site

File No.	<u>LU 18-235195 LDP AD</u>
1/4 Section	<u>2434</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E13DA 3200</u>
Exhibit	<u>B May 15, 2019</u>

