



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: June 12, 2019
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or lois.jennings@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 July 12, 2019**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 19-129717 LDP AD, in your letter. It also is helpful to address your letter to me, Lois Jennings. 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 19-129717 LDP AD

Applicant/Owner: Jason Rucker of 2nd Story Investments LLC
4804 SW Bethany Blvd, Ste 1-2 #232
Portland, OR 97229
Phone#: 503-810-7270 or jason@2ndstoryinvestments.com

Representative: Trisha Clark, NW Land Planning
PO Box 1073
Goldendale, WA 98620
Phone#: 503-330-2019 or trisha_clark@hotmail.com

Site Address: 5351 SE 88th Ave

Legal Description: TL 6200 0.26 ACRES, SECTION 16 1S 2E
Tax Account No.: R992160290
State ID No.: 1S2E16BD 06200
Quarter Section: 3539

Neighborhood: Lents, contact Nick Christensen at mojavenc@gmail.com
Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at info@82ndave.org & Lents Business Association, contact lentsgrown@gmail.com.

District Coalition: East Portland Community Office, contact Victor Salinas at 503-823-6694.

Plan District: None

Zoning: R2- Low Density Multi-Family Residential zone (1 unit per 2,000 s.f.) with an “a”-Alternative Density Overlay
Case Type: LDP-Land Division Partition with a AD-Adjustment
Procedure: Type Iix, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant is proposing to divide this 11,137 s.f. corner property into three parcels. The existing house will be Parcel 1, which will be 4,131 s.f. in area. Parcel 2 will be 2,763 s.f. in area and will be developed with a detached single-family house. Parcel 3 will be 3,253 s.f. in area and will be developed with a duplex. Three trees exist on the property which are subject to the tree preservation standards. The applicant is proposing to preserve the two trees, 11-inch-Fir and 16-inch Spruce on Parcel 1 with the existing house. The applicant’s preliminary site and utility plan shows how services (sanitary, stormwater and water) will be provided for each parcel.

No on-site parking is required for Parcels 2 and 3, since this portion of the site is within 500 ft. of a Transit Street, SE Ellis Street, and Trimet provides frequent transit service via Bus Line #10. However, the location of Parcel 1 is just outside the 500-ft., therefore on-site parking is required to be provided for the existing house on Parcel 1. The applicant is requesting a concurrent Adjustment to not provide on-site parking (3.266.110.B.2) for the existing house on Parcel 1.

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 three 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 approval criteria are found under:

- **Section 33.660.120 Approval Criteria for Land Division in Open Space and Residential Zones**
- **Section 33.805.040.A-F, 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 March 7, 2019 and determined to be complete on June 7, 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

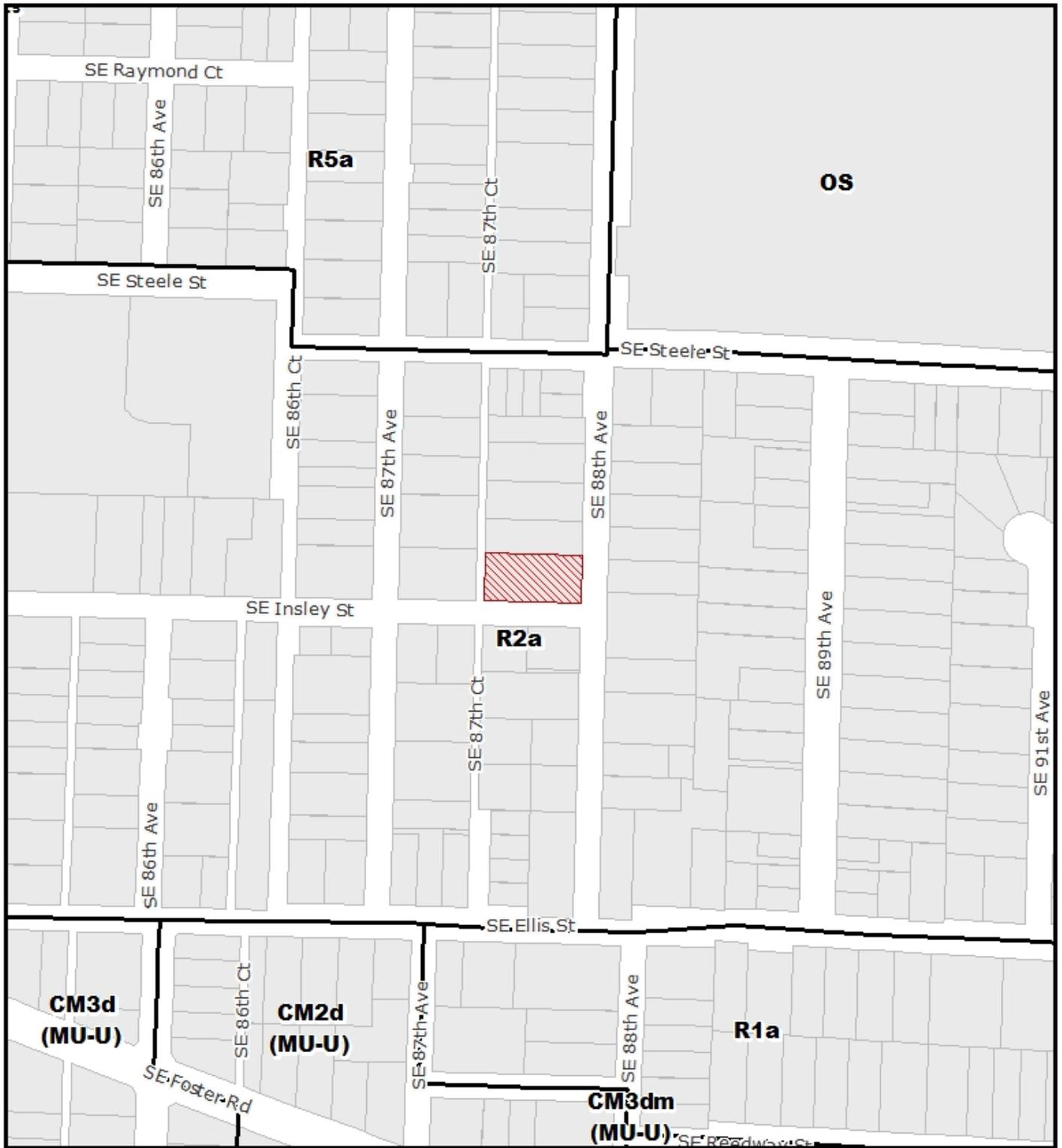
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment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

Preliminary Site & Utility Plan



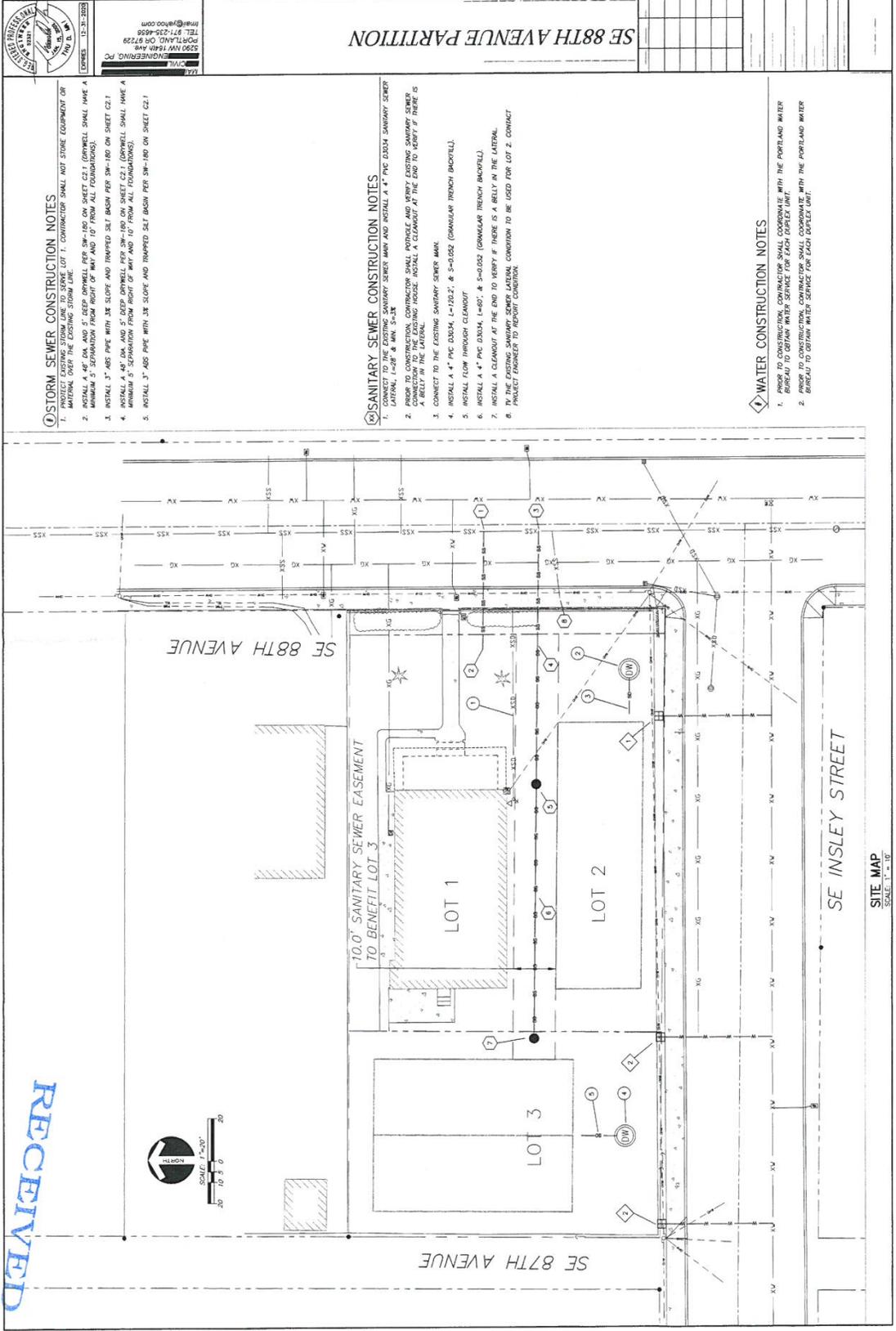
ZONING  NORTH

 Site

File No.	LU 19-129717 LDP
1/4 Section	3539
Scale	1 inch = 200 feet
State ID	1S2E16BD 6200
Exhibit	B Jun 10, 2019

LM19-189717 LDP AD

RECEIVED JUN 07 2019



LM19-189717 LDP AD
Preliminary Site & Utility Plan