



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

Dan Ryan, Commissioner
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Date: September 27, 2021
To: Interested Person
From: Timothy Novak, Land Use Services
503-823-5395 / Timothy.Novak@portlandoregon.gov

NOTICE OF A TYPE Ix 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 45 days, **we need to receive your written comments by 5 p.m. on October 27, 2021. Your comments must be e-mailed to the assigned planner listed above**; please include the Case File Number, LU 21-073991 LDP, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 21-073991 LDP

Applicant: Gene Pavlenko | *Anamic Construction*
12808 SE Cooper St
Portland, OR. 97236
(503) 830-9853 | anamicconstruction@gmail.com

Applicant's Consultant: Paul Roeger | *CMT Surveying & Consulting*
20330 SE Hwy 212
Damascus, OR. 97089
(503) 860-2545 | paul@cmtsc.net

Owner/ Representative: James Jodoin for *Bethel Baptist Church Of Portland*
7807 N Fessenden St
Portland, OR. 97203

Site Address: N FESSENDEN ST (West of WNW of church parking lot)

Legal Description: TL 15800 0.34 ACRES, SECTION 06 1N 1E
Tax Account No.: R941060430
State ID No.: 1N1E06CB 15800
Quarter Section: 2022 & 2023

Neighborhood: St. Johns, contact Michelle Brinning at landuse@stjohnspdx.org

Business District: St. Johns Boosters Business Association, contact at info@stjohnsboosters.org
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.
Plan District: NONE
Zoning: Residential 5,000 (R5)
Case Type: Land Division - Partition (LDP)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to divide the vacant 14,984 square foot lot into three more or less equal size parcels. Parcel 1 is proposed at 4,897 square feet and Parcels 2 and 3 are proposed at 4,894 square feet each. There are no trees on the property.

The partition will include approximately 2 feet of dedication to allow for an 11-foot-wide pedestrian corridor along the frontage, which the applicant will be required to construct.

In order to show feasibility of providing services and other criteria, the applicant has provided a conceptual development plan showing duplexes on each of the parcels. The applicant’s narrative refers to an on-site parking space for each of the units; these spaces are not included on the proposed development plan. Please note that the proposed lots qualify for additional density under the Residential Infill Options of 33.110.265. On-site parking is not required (33.266.110).

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 units of land (three lots). Therefore, this land division is considered a partition.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- ***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 August 4, 2021 and determined to be complete on September 16, 2021.

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.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision 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 which may provide the basis for an appeal to LUBA must be raised in writing before the deadline for comments, or you may not be able to raise that issue in an appeal. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that also may 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

Proposed Development Plan