



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

Dan Ryan, Commissioner
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Date: November 10, 2021
To: Interested Person
From: Lois Jennings, Land Use Services
503-865-6433 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 December 10, 2021. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 21-063676 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 21-063676 LDP

Owner/Applicant: Grant Wilson,
PO Box 65759
Vancouver, WA 98665-0026
Phone#: 503-730-2647 or e-mail grantwilsoncpa@frontier.com

Site Address: 3616 SW Pomona St

Legal Description: LOT 1 N 4' OF LOT 2, PARTITION PLAT 1993-42
Tax Account No.: R649731650
State ID No.: 1S1E32BA 03200
Quarter Section: 4125

Neighborhood: West Portland Park, contact at wpp-board@swni.org
Business District: None
District Coalition: Office of Community & Civic Life, contact Shuk Arifdjanov at shuk.arifdjanov@portlandoregon.gov

Plan District: None
Other Designations: None
Zoning: Single Dwelling Residential, 7,000 (R7)
Case Type: Land Division Partition (LDP)
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant is proposing to divide this subject property into two (2) parcels. Parcel 1 will be 4,575 s.f. in area and Parcel 2 a flag lot will be 7,525 s.f. in area. The existing house with on-site parking will be retained on Parcel 2. Parcel 1 will be available for new

development. Sixteen trees exist on the site and are subject to the tree preservation standard. The applicant is proposing to preserve seven of the sixteen trees.

Portland Bureau of Transportation is requiring street dedication and frontage improvements on SW Pomona Street meet current Transportation System Street Design Guidelines.

In order to show feasibility of providing services and other criteria, the applicant has provided a conceptual development plan showing a single dwelling residence on the future Parcel 1 and existing development being retained on Parcel 2. This land division application is reviewed under the Zoning and Zoning Code in effect the date the application was submitted, July 6, 2021.

However, future development on the proposed lots would be subject to the zoning code regulations in effect at the time of permit submittal (new regulations became effective August 1, 2021).

The site is on the Potential Landslide Hazard map and the applicant has provided a Land Hazard Study to address the landslide hazard area and land suitability approval criteria.

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 (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 two (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 approval:

- **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 July 6, 2021 and determined to be complete on November 5, 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 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

Existing Condition Site Plan

Preliminary land division site plan with conceptual development and utility plan