



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: May 2, 2022
To: Interested Persons
From: Sean Williams, City Planner, Bureau of Development Services

NOTICE OF APPEAL HEARING
ON A PROPOSAL IN YOUR NEIGHBORHOOD

CASE FILE: LU 21-001335 LDS (HO File #4220007)
REVIEW BY: Hearings Officer
WHEN: May 23, 2022 @ 1:30

This land use hearing will have two options for participation:

- (1) Remote via the Zoom platform, or
- (2) In person at 1900 SW 4th Avenue, Room 3000 (3rd Floor).

See the instructions on how to participate attached to this notice.

Within the past several weeks, we sent you the Bureau of Development Services Administrative Findings and Decision on this proposal. That decision of **approval with conditions** has now been appealed by:

Chrystal Smith (Friends of Overlook Bluff), 3967 N Overlook Blvd Portland, OR 97227-1062

A summary of the appeal is provided below and as an explanation of the hearings process is attached. This is a notice to inform you of a public hearing on this proposal and invite you to testify at this hearing. At the hearing the Hearings Officer will consider the proposal for the development described below.

The following information will tell you important information about this proposal. It is a summary of the administrative decision which you previously received.

Applicant: Paige Miller, Humber Design Group, Inc
117 SE Taylor Street, Suite 001
Portland, OR 97214
503-946-5328 \ paige.miller@hdgpdx.com

Owner/Agent: Brandon Brown, Timothy P Brown Trust
112 W 11th Street #100
Vancouver, Wa 98660

Appellant: Chrystal Smith
Friends of Overlook Bluff
3967 N Overlook Blvd
Portland, OR 97227-1062
503-477-8162 \ chrystalsmith@gci.net

Site Address: 3969 S/ N Overlook Terrace

Legal Description: TL 400 0.34 ACRES, SECTION 21 1N 1E; TL 500 0.49 ACRES, SECTION 21 1N 1E

Tax Account No.: R941210390, R941210540

State ID No.: 1N1E21DC 00400, 1N1E21DC 00500

Quarter Section: 2628

Neighborhood: Overlook , contact Brian Yarne at landuse@overlookneighborhood.org

Business District: None

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877

Plan District: None

Other Designations: Potential Landslide Hazard Area

Zoning: Residential 5,000 (R5) w/ Environmental Conservation (c)

Case Type: Land Division Subdivision (LDS)

Procedure: Type Iix, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to subdivide the subject property into 3 lots, which will be 5,137 (Lot 1), 4,413 (Lot 2), and 7,225 (Lot 3) square feet in size. Three tracts are also proposed including two open space - environmental resource tracts (Tracts A and B) and a tree preservation Tract (Tract C).

This subdivision 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 or Flood Hazard Area (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 6 units of land (3 lots and 3 tracts). Therefore, this land division is considered a subdivision.

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.**

Administrative Decision:

The following administrative decision was issued on April 11, 2022:

Approval of a Preliminary Plan for a 3-lot subdivision, that will result in three standard lots, two Environmental Resource Tracts (Tracts A & B) and a Tree Preservation Tract (Tract C), as illustrated with Exhibits C.1-C.3.

The full decision is available on the BDS website: [Notice of a type II decision on a proposal in your neighborhood \(portlandoregon.gov\)](https://www.portlandoregon.gov/bds/51447)

Appeal:

The administrative decision of approval with conditions has been appealed by Chrystal Smith (Friends of Overlook Bluff). According to the appellants' statement, the appeal is based on the following:

- 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.
- 33.630.010, Purpose of Tree Preservation
- 33.660.100, Minimum Tree Preservation Standards
- 33.660.200, Tree Preservation Approval Criteria
- 33.632, Sites in Potential Landslide Hazard Areas
- 33.636.100, Requirements for Tracts and Easements
- Title 11, Trees & 11.20.060, Heritage Trees

The full appeal statement can be viewed in the notice located on the BDS website at <https://www.portlandoregon.gov/bds/35625>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number.

Review of the file: If you are interested in viewing information in the 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>.

We are seeking your comments on this proposal. To comment, you may write or testify at the hearing. Please see the attached instructions for further information on how to testify. Please refer to the file number when seeking information or submitting testimony. In your comments, you must address the approval criteria as stated in the administrative report and decision which you previously received. Please note that all correspondence received will become part of the public record.

Written comments must be received by the beginning of the hearing and should include the case file number. Thank you for any information you can provide regarding this case. **Note:** If you have already written, it is not necessary to write again; your correspondence will be given to the Hearings Officer. Any new written comments must be emailed to HearingsOfficeClerks@portlandoregon.gov or mailed to the Land Use Hearings Officer, 1900 SW Fourth Avenue, Suite 3100, Portland, OR 97201. You may FAX your comments to the Hearings Officer at 503-823-4347.

A description of the Hearings Officer hearings process is attached. The decision of the Hearings Officer is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at the Public Utility Building, 550 Capitol Street NE Suite 235, Salem, Oregon 97301 [Telephone: 503-373-1265] for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

For more information, call Sean Williams, Planner at 503-865-6441 or email Sean.Williams@portlandoregon.gov.

Attachments:

1. Zoning Map
2. Preliminary Clearing and Grading Plan
3. Proposed Lot Layout Plan

4. Proposed Improvements and utility Plan
5. Type II Appeal Hearings Process
6. Land Use Hearing Participation Information
7. Appeal Statement (on-line version only)

HEARING CANCELLATION

This public hearing will be cancelled due the inclement weather or other similar emergency.

- Hearings Officer: This public hearing will be cancelled if the City of Portland is closed. Check local television or the City of Portland website (www.portlandoregon.gov) for closures. Contact the Hearings Office at 503-823-7307, for immediate information regarding cancellations or rescheduling.
- Design Commission, Historic Landmarks Commission or Adjustment Committee: This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent.

To attend the hearing, public transportation is available. Tri-Met buses stop near the BDS building at SW Fifth or Sixth Ave. at SW Hall St. and SW Harrison St. Call Tri-Met at 503-238-7433 (or www.trimet.org) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

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)