



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

Dan Ryan, Commissioner  
Rebecca Esau, Director  
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www.portland.gov/bds

**Date:** September 19, 2022  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
503-865-6428 / [Kate.Green@portlandoregon.gov](mailto:Kate.Green@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 October 19, 2022. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 22-151314 LDS, 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 22-151314 LDS**

**Applicant:** Debbie Cleek / The Bookin Group  
1120 SW Taylor Street, Suite 555 / Portland OR 97205  
[cleek@bookingroup.com](mailto:cleek@bookingroup.com) / 503-241-2423

**Property Owners' Representative:** Frederick Shervey / Frederick G Shervey Construction Inc  
PO Box 66320 / Portland OR 97290

**Owner:** Floorcovering Supermart Inc  
PO Box 66320 / Portland OR 97290

**Surveyor:** Thomas Beinhauer / Marx And Associates  
18615 E Burnside Street / Portland OR 97233

**Site Address:** 6022 SE 136th Avenue  
**Legal Description:** S 92.5' OF LOT 1, LAMARGENT PK NO 2  
**Tax Account No.:** R466200380  
**State ID No.:** 1S2E14DC 00600  
**Quarter Section:** 3644

**Neighborhood:** Pleasant Valley, contact Steve Montgomery at [foxtrotlove@hotmail.com](mailto:foxtrotlove@hotmail.com).  
& Powellhurst-Gilbert, contact at [pgnaboard@gmail.com](mailto:pgnaboard@gmail.com)

**Business District:** Midway, contact [info@midwaybusiness.org](mailto:info@midwaybusiness.org).  
**District Coalition:** East Portland Community Office, contact at [info@eastportland.org](mailto:info@eastportland.org)

**Zoning:** Residential 5000 (R5)  
**Plan District:** Johnson Creek Basin

**Case Type:** Land Division-Subdivision (LDS)  
**Procedure:** Type IIX, an administrative decision with appeal to the Hearings Officer.

**Proposal:** The applicant proposes a **Land Division-Subdivision** to divide an approximately 39,956 square foot site into 6 lots with access via a private street tract. Within the private street tract, easements are proposed to provide new water, sanitary and storm facilities for the lots. Five trees are proposed for removal to accommodate the private street tract and utilities and future development on the lots.

An existing house and detached garage are proposed to remain on Lot 1 with access from an existing driveway via SE 136<sup>th</sup> Avenue. To show feasibility of providing services and other criteria, the applicant has provided a conceptual development plan showing single dwelling houses on each of the other lots (Lots 2-6) with on-site parking accessed via the proposed private street. Please note that the proposed lots qualify for additional density under the Residential Infill Options (33.110.265) and on-site parking is not required (33.266.110).

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) four to ten lots are proposed (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 7 units of land (6 lots and 1 tract). 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**.

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 June 8, 2022 and determined to be complete on September 14, 2022.

#### **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**

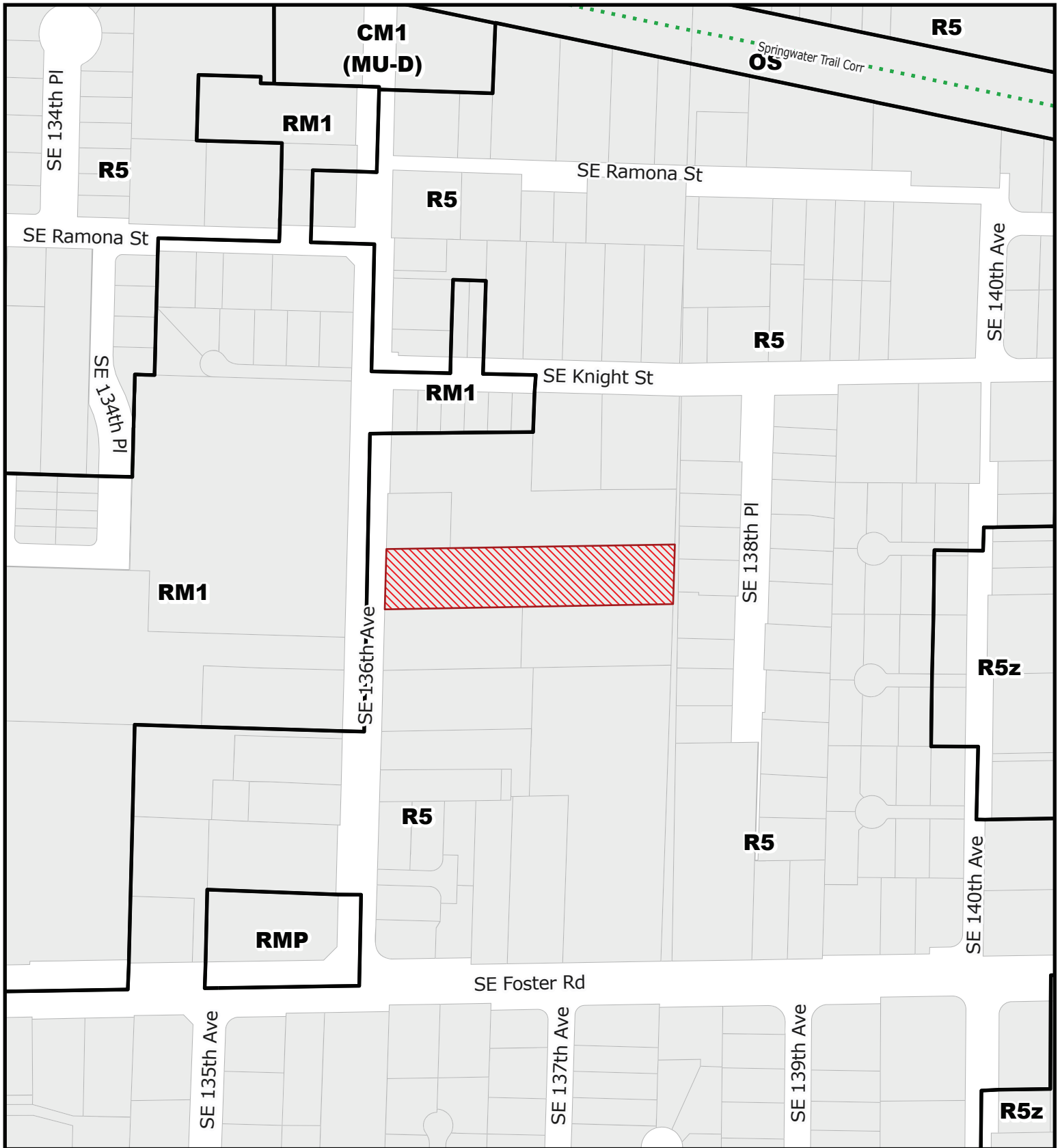
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment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



For Zoning Code in effect Post August 1, 2021

# ZONING

THIS SITE LIES WITHIN THE:  
JOHNSON CREEK BASIN PLAN DIST



Site



Recreational Trails

|             |                           |
|-------------|---------------------------|
| File No.    | <u>LU 22 - 151314 LDS</u> |
| 1/4 Section | <u>3644</u>               |
| Scale       | <u>1 inch = 200 feet</u>  |
| State ID    | <u>1S2E14DC 600</u>       |
| Exhibit     | <u>B Jun 09, 2022</u>     |

