



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: November 8, 2022

From: Kate Green, Land Use Services
503-865-6428 / Kate.Green@portlandoregon.gov

REQUEST FOR RESPONSE

Case File: LU 22-137833 LDS ENM
Pre App: PC # 21-090128

This notice is being sent to all service and technical review agencies for their input on the proposal described below. Neighborhood Associations also receive this advance notice via e-mail. Your timely response, as indicated below, will help the assigned planner determine if applicable approval criteria can be met, or what conditions might be required.

- The approval criteria are listed below. Although we are interested in any comments you may have, please consider your response in terms of these criteria.
- All agencies are encouraged to use this as an opportunity to inform the applicant of any additional requirements that may be imposed by your agency during building permit phase – especially those that would significantly affect the proposal.
- Please note in your response which requirements are specifically associated with the applicable land use review approval criteria, and which requirements you have the independent authority to impose at time of building permits.
- Neighborhood Associations are encouraged to submit comments by the deadline noted below. To comment, you may write to Kate Green at 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201. You can also e-mail your comments to me at my e-mail address identified above. After the staff report is published, please submit your comments to the Hearings Officer at 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 and fax them to 503-823-4347.

The Bureau of Development Services recommendation will be published ten days before the scheduled hearing date. You will also receive a Notice of Public Hearing for this proposal, with hearing date and time confirmed, mailed twenty days prior to the hearing.

- **Please send your response to BDS no later than: December 16, 2022 –** *(If I receive comments after this date, I may not have enough time to include them in the staff report).*
- **We must publish our report by: January 6, 2022**
- **A public hearing before the Hearings Officer is tentatively scheduled for January 18, 2022 at 1:30.**

Applicant: Mark Dane/ Mark Dane Planning Inc
markdaneplanning@gmail.com / 503-332-7167
825 SE Belmont Avenue / Portland OR 97214

Engineer: Chris Deslauriers / Tm Rippey Consulting Engineers
7650 SW Beveland St #100 / Tigard OR 97223

Property Owner: Tyson Patterson
395 NW Brynwood Lane / Portland, OR 97229

Site Address: 395 NW BRYNWOOD LANE

Legal Description: TL 3200 10.09 ACRES SPLIT LEVY R324723 (R961361660), SECTION 36 1N 1W; TL 800 0.18 ACRES SPLIT LEVY R324607 (R961360250), SECTION 36 1N 1W; TL 3300 0.01 ACRES, SECTION 36 1N 1W

Tax Account No.: R961360250, R961361660, R961362030

State ID No.: 1N1W36CA 03200, 1N1W36CD 00800, 1N1W36CA 03300

Quarter Section: 3021

Neighborhood: Forest Park, contact Jerry Grossnickle at landuse@forestparkneighbors.org

Business District: None

District Coalition: Neighbors West/Northwest, contact Darlene Urban Garrett at darlene@nwnw.org

Zoning: Residential 10,000 (R10)
Environmental Protection (p)
Environmental Conservation (c)

Plan District: Northwest Hills Plan District- Skyline Subdistrict

Other Designations: Streams
Landslide Hazard Area
Resource Site 111 - *Multnomah County Project* (1999)

Case Type: Land Division (LDS)
Environmental Review (EN) with Modifications (M)

Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal: The applicant proposes a **Land Division-Subdivision** to divide an approximately 10.2 acre site into 19 lots and three tracts, including one open space/environmental resource tract (Tract A), one stormwater tract (Tract B), and one alley tract (Tract C). An existing house, near the center of the site, is proposed to remain. Street improvements and new utility services are proposed within and along the existing street frontages on NW Brynwood Lane, NW Miller Road, and NW 81st Place.

In 2021, the site was annexed into the city limits (Annexation A-1-20/Ordinance 190524); however, nearly all the adjacent properties remain within an unincorporated county pocket; and the following agencies own and/or control the rights-of-way and/or utilities within the rights-of-way that abut the subject site: *City of Portland*, *Multnomah County-Transportation*, *Clean Water Services*; and the site is within the fire department service area of *Tualatin Valley Fire and Rescue*. Accordingly, the applicant must coordinate service requirements with these multiple agencies. A public works permit TH1245 EP 690 (22-149105-WT) is under review for the portion of the infrastructure improvements within the City of Portland jurisdiction. Details about the permits and/or requirements for the other agencies are pending.

An **Environmental Review** is requested to allow the proposed lots, tracts, utilities, and related development to be established within the resource area of the Environmental Conservation zone

and for associated tree removal. Additionally, though the project narrative states none of the lots are proposed within the Environmental Protection zone, the project plans show portions of Lots 18 and 19 are within the resource area of the Environmental Protection zone.

Environmental Modifications are requested to reduce the minimum side building setback for from 10 feet to 5 feet, as described by the applicant: *on all lots excepting lot 19, the east line of lot 18, and the west line of lot 10 where they are adjacent to neighboring lots.*

This subdivision proposal is reviewed through a Type III procedure because: (1) the site is in a residential zone; (2) more than ten lots are proposed; (3) the site is located within a Potential Landslide Hazard; and (4) the proposal includes an Environmental Review (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 22 units of land (19 lots and 3 tracts). Therefore, this land division is considered a subdivision.

Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.660.120 Land Divisions in Open Space and Residential Zones
- 33.430.250.A Environmental Review
- 33.430.280 Environmental Modifications
- 33.560.410.B Additional requirements / Northwest Hills Plan District-Skyline Subdistrict

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 filed, provided that the application is complete at the time of filing, or complete within 180 days. This application was filed on May 3, 2022 and deemed complete on October 31, 2022.

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

Enclosures: Zoning Map, Preliminary Plat, Tree Removal Plans, Construction Management Plan, Utility Plan

All application materials can be viewed via this link:

<https://hcpaw.portlandoregon.gov/u/wpkrLtIzKz3QmSsv/a2938f67-d829-4e0f-ab97-f1dc4c4b82dd?l>