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

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: September 19, 2011

To: Interested Person

From: Sue Donaldson, Land Use Services
503-823-7618 / Sue.Donaldson@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, 2011**. Please mail or deliver your comments to the address above, and include the Case File Number, LU 11-153026 LDS AD AD, in your letter. It also is helpful to address your letter to me, Sue Donaldson.

CASE FILE NUMBER: LU 11-153026 LDS AD

Applicant: Everett Custom Homes Inc
735 SW 158th Ave #180
Beaverton, OR 97006-4952

Neil Fernando,
Emerio Design LLC
6107 SW Murray Blvd, Ste #147
Beaverton, OR97008

Representative: Ryan O'Brien, Planning & Land Design
1862 NE Estate Drive
Portland OR 97124

Site Address: 6615 NE Grand Ave

Legal Description: BLOCK 1 LOT 27, MAXWELL

Tax Account No.: R545000350

State ID No.: 1N1E14BC 16300

Quarter Section: 2331

Neighborhood: Woodlawn, contact Anjala Ehelebe at 503-805-6325.

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.

District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Plan District: None

Zoning: R1a d h Multi-dwelling Residential 1000 with Alternative Design Density, Design and Airport Landing overlays

Case Type: LDS AD Land Division Subdivision with two Adjustments

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

PROPOSAL:

The applicant proposes to divide a 6,148 square-foot site into four lots for single dwelling residences. To meet minimum density requirements, Accessory Dwelling Units are proposed for each dwelling. One parking space is proposed for each of the four lots. Two adjustments are requested. The first is to decrease the minimum lot width of Lots 2 and 3 from 25 feet to 24.5 feet. The lots will measure 25 feet at the front property line. The second adjustment request is to reduce side yard setbacks of Lots 2 and 3 from 7 feet to 3 feet on the south and north sides respectively and from 7 feet to 6 feet between the two lots. The *Zoning Code* (*33.120.270.D.1*) allows 3-foot interior side yards for lots that are 25 feet wide. Because the two lots are 24.5 feet wide, 3-foot side setbacks must be approved through an Adjustment review.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent Adjustment review is required (*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 4 units of land (4 lots). 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 29, 2011 and determined to be complete on September 15, 2011.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal.
We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- 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.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional

information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us.

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.

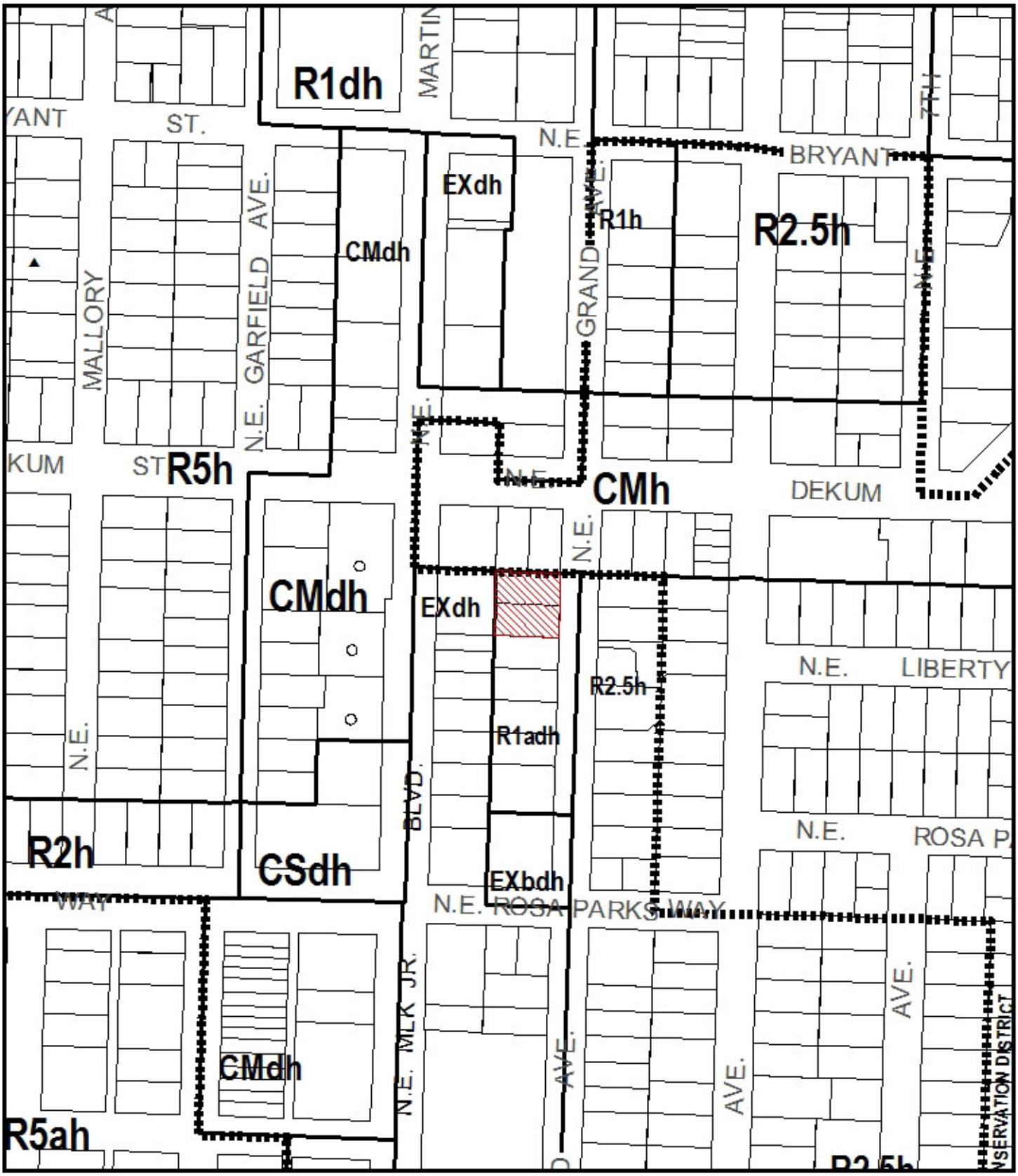
There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

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 550 Capitol St. NE, Suite 235, Salem, OR 97301. 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*
Site Plan



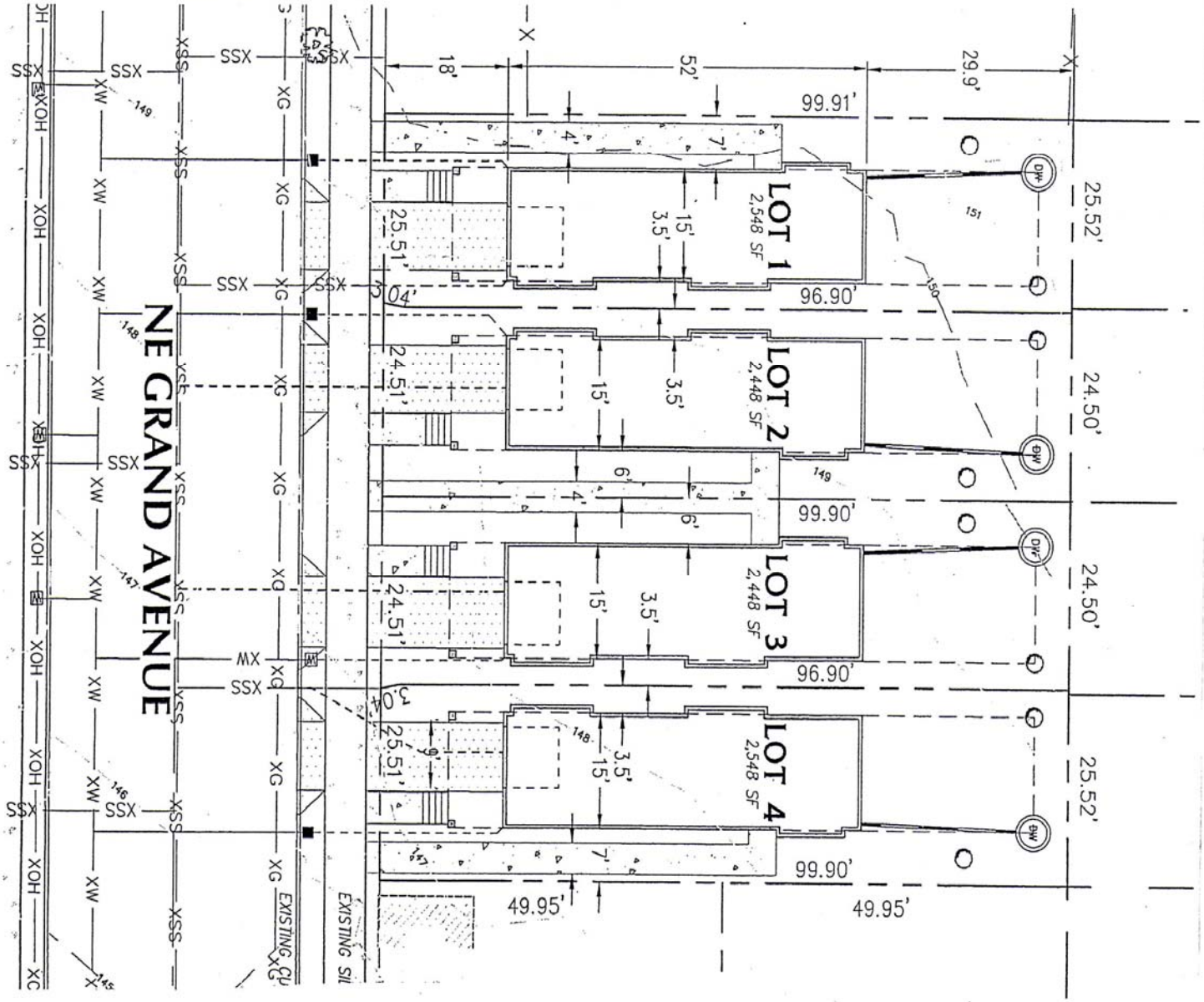
ZONING

Site

NORTH

File No. LU 11-153026 LDP
1/4 Section 2331
Scale 1 inch = 200 feet
State_Id 1N1E14BC 16300
Exhibit B (Aug 31,2011)

LU 11-153026 LDS AD



6615 NE GRAND AVE
Portland, OR 97211

TAX LOT 16200 & 16300
SW 1/4 NW 1/4, SECTION 14, T.1N R.1E
CITY OF PORTLAND, MULTONMAH COUNTY, OREGON

EMERIO Design
6107 SW MURRAY BLVD. SUITE 147
BEAVERTON, OREGON 97008
TEL: (503) 515-5528
FAX: (503) 639-9592
www.emeriodesign.com