



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 13, 2020
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / Sean.Williams@portlandoregon.gov

**NOTICE OF A PUBLIC HEARING ON A PROPOSAL
IN YOUR NEIGHBORHOOD**

CASE FILE: LU 19-130312 LDS
PC # 18-274120
REVIEW BY: Hearings Officer
WHEN: June 8, 2020 @ 9 am

Due to the City's Emergency Response to COVID19, this land use hearing will be limited to remote participation via Zoom. The instructions to observe and participate are enclosed with this notice.

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.

Development has been proposed in your neighborhood requiring 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 are 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.

Applicant: Paul Del Vecchio, Ethos Development LLC
2222 NE Oregon Street, #209, Portland, OR 97232

Owner: Pycos LLC
5949 NE Cully Blvd, Portland, OR 97218-3354

Engineer: Chris Deslauriers, WDY Structural-Civil Engineers
6443 SW Beaverton-Hillsdale Hwy., Suite 210, Portland, OR 97221

Site Address: NE 74th and Roselawn

Legal Description: TL 9200 3.81 ACRES, SECTION 20 1N 2E
Tax Account No.: R942200630
State ID No.: 1N2E20AB 09200
Quarter Section: 2538

Neighborhood: Cully, contact David Sweet at 503-493-9434.
Business District: None
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503- 823-2778.

Plan District: North Cully
Zoning: Residential 5,000 (R5) w/ Aircraft Landing Zone (h) Overlay
Case Type: Land Division Subdivision (LDS)
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 is proposing to subdivide the subject property into 26 lots for detached single family homes. Public streets to be improved as a part of this proposal include NE 74th Avenue, NE 75th Avenue, NE Roselawn Street, and NE Sumner Street. Sewer and water improvements are proposed within the new public street extensions. Stormwater management for individual lots is proposed to be collected and treated on-site then discharged into a new public storm main. The site is void of any improvements or trees.

This subdivision proposal is reviewed through a Type III procedure because: (1) the site is in a residential zone; (2) more than ten dwelling units are proposed, not including accessory dwelling units (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 26 units of land (26 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 March 8, 2019 and determined to be complete on April 12, 2019.

DECISION MAKING PROCESS

The Bureau of Development Services will make a recommendation on this proposal. The staff report and recommendation will be available 10 days before the hearing. The staff report will be posted on the Bureau of Development Services website at <https://www.portlandoregon.gov/bds/35625>. Land use review notices are listed by the District Coalition shown at the beginning of this document.

If you are interested in viewing information in the file, please contact the planner listed on the front of this notice. The planner can provide information over the phone or via email. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandoregon.gov/zoningcode>.

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled 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.

We are seeking your comments on this proposal. The evidentiary proceeding before the Hearings Officer will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Hearings

Officer decision and the evidence in the record compiled by the Hearings Officer in support of that decision.

To comment, you may write to the Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201, FAX your comments to 503-823-4347, or e-mail your comments to HearingsOfficeClerks@portlandoregon.gov, or testify during the hearing. Please see the enclosed insert for further information on how to testify. In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. Please note that all correspondence and testimony received will become part of the public record. The applicant and Bureau of Development Services staff will be available during the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. Hearings Officer will make a decision about this proposal within 17 days of the close of the record.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Hearings Officer to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Hearings Officer how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Hearings Officer, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

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.

APPEAL PROCESS

You can appeal the Hearings Officer decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Hearings Officer decision. The City Council will consider legal arguments (for example arguments pointing out ways the Hearings Officer decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Hearings Officer findings are not supported by the evidence submitted to the Hearings Officer. However, the City Council will not accept or consider new evidence that was not submitted to the Hearings Officer.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Hearings Officer in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Hearings Officer, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Thank you for any information you can provide to help us make this decision. Please call me if you have any questions. My name and number are on the first page of this notice.

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.

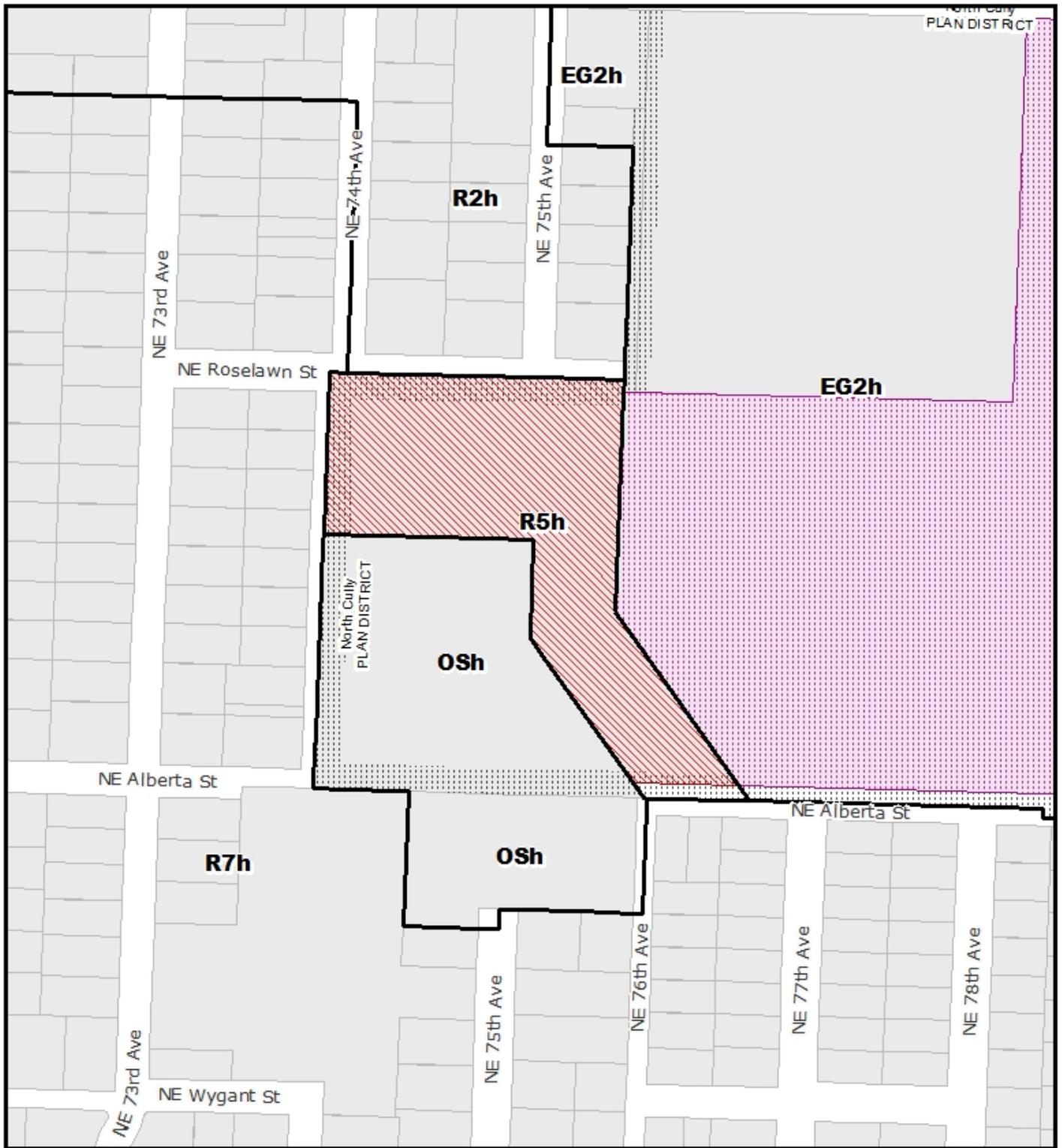
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures:

Zoning Map

Site Plan(s)

COVID19 Land Use Participation Information

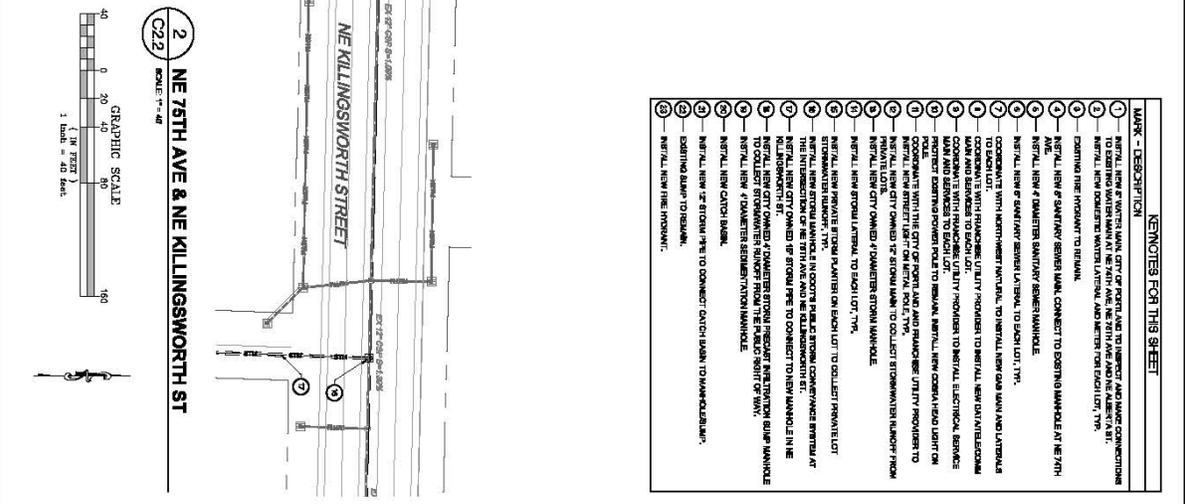
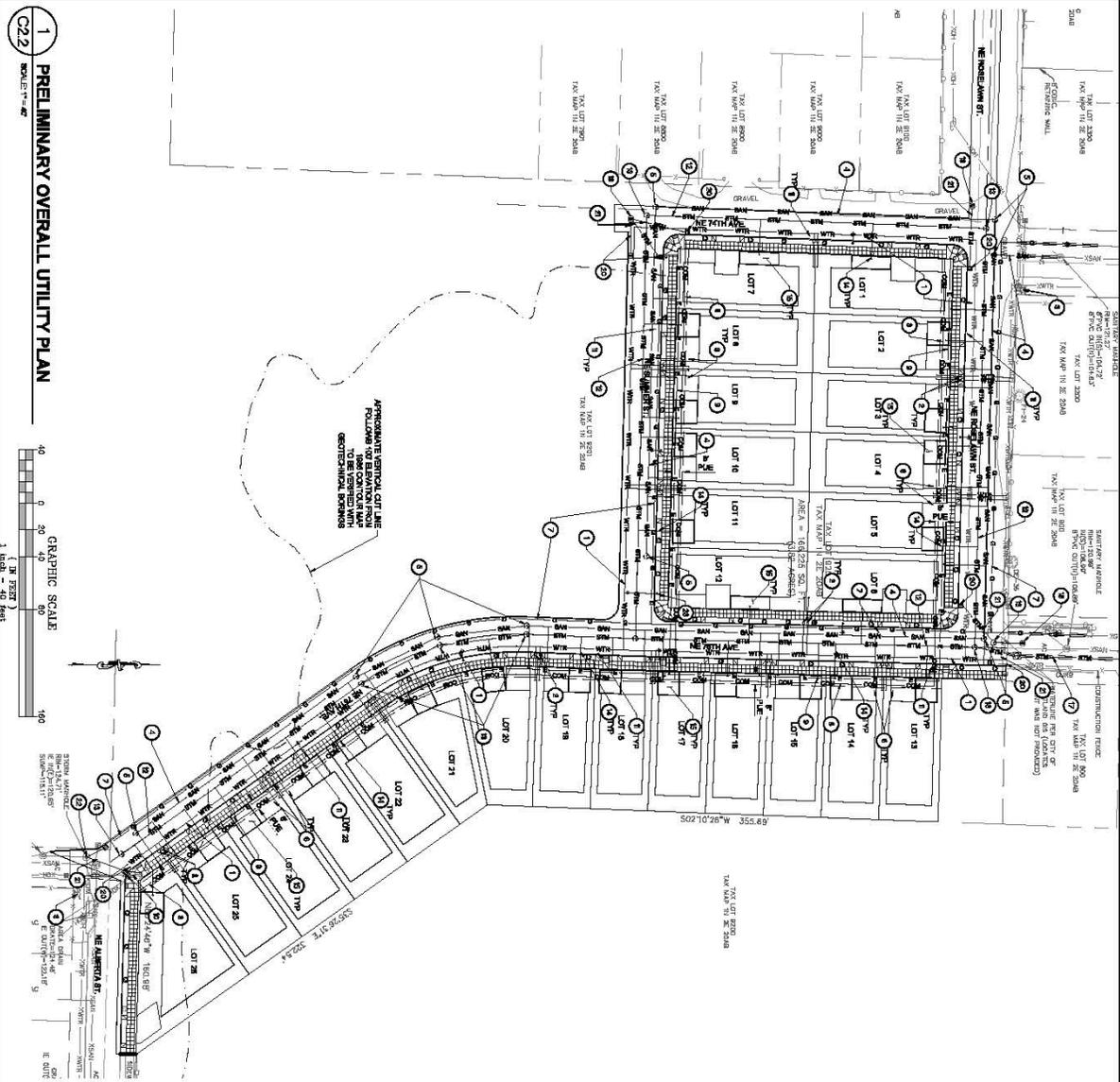


ZONING

THIS SITE LIES WITHIN THE:
NORTH CULLY PLAN DISTRICT

-  Site
-  Also Owned Parcels

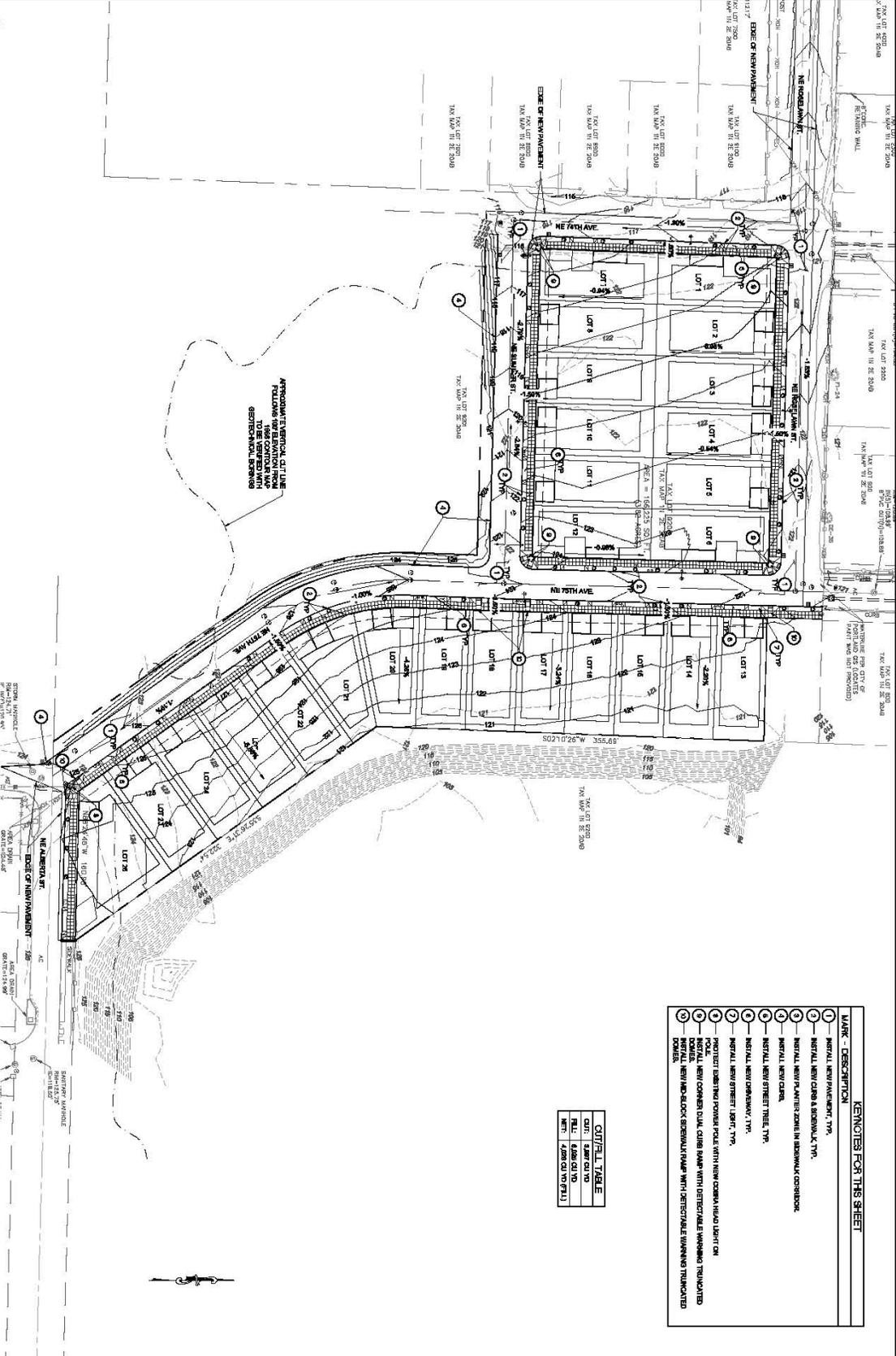
File No.	LU 19-130312 LDS
1/4 Section	2538
Scale	1 inch = 200 feet
State ID	1N2E20AB 9200
Exhibit	B Mar 11, 2019



- MARK - DESCRIPTION**
- 1. INSTALL NEW 12" DIAMETER WATER MAIN TO COLLECT SANITARY CONNECTIONS TO EXISTING WATER MAIN AT NE 75TH AVE, NE 75TH AVE AND NE KILLINGSWORTH ST.
 - 2. INSTALL NEW 12" DIAMETER WATER MAIN TO COLLECT SANITARY CONNECTIONS TO EXISTING WATER MAIN AT NE 75TH AVE AND NE KILLINGSWORTH ST.
 - 3. INSTALL NEW 12" DIAMETER WATER MAIN TO COLLECT SANITARY CONNECTIONS TO EXISTING WATER MAIN AT NE 75TH AVE AND NE KILLINGSWORTH ST.
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<p>C2.2</p> <p>DATE: 08/21/19 DRAWN: RJK JOB NUMBER: 18132 CHECKED: CJD</p>	<p>REVISIONS</p>	<p>ROSELAWN SUBDIVISION NE 75TH AVE. & NE ROSELAWN ST.</p> <p>PRELIMINARY OVERALL UTILITY PLAN</p>	<p>WDY</p> <p>6443 8th Street, Portland, OR 97221 503.288.2111 503.288.9122 www.wdy.com</p>	<p>ROSELAWN SUBDIVISION NE 75TH AVE. & NE KILLINGSWORTH ST.</p>
	<p>DATE: 08/21/19 DRAWN: RJK JOB NUMBER: 18132 CHECKED: CJD</p>			

1
PRELIMINARY OVERALL GRADING PLAN
C2.3
SCALE: 1" = 40'



KEYNOTES FOR THIS SHEET	
1	INSTALL NEW PAVEMENT, 1" TP
2	INSTALL NEW CURBS & SIDEWALK, 1" TP
3	INSTALL NEW PLANTER ZONE IN SIDEWALK CORNER
4	INSTALL NEW CURB
5	INSTALL NEW STREET TREE, 1" TP
6	INSTALL NEW DRAINAGE, 1" TP
7	INSTALL NEW STREET LIGHT, 1" TP
8	INSTALL NEW SIGN AND POWER POLE WITH NEW CORNER HEAD LIGHT ON
9	INSTALL NEW CORNER DUAL CURB RAMP WITH DETECTABLE WARNING TRUNCATED DOMES
10	INSTALL NEW MED-BLOCK SIDEWALK (VAPOR MATT DETECTABLE WARNING) TRUNCATED DOMES

GRID TABLE	
CUT:	1.0000 TO 0
FILL:	0.0000 TO 1.0000
VERT.:	1.0000 TO 2.0000

C2.3
07 OF 09

REVISIONS			
DATE	DRAWN	CHKD	BY
08/21/2019			
JOB NUMBER	CHECKED	CD	
18152			

ROSELAWN SUBDIVISION
NE 75TH AVE. & NE ROSELAWN ST.
PRELIMINARY OVERALL GRADING PLAN

WDY WISCONSIN DESIGN & CONSTRUCTION
8443 6th Wisconsin - 18th Ave., Suite 210, Portland, OR 97221
503.500.2111 503.525.9122 www.wdy.com

REGISTERED PROFESSIONAL ENGINEER
STATE OF OREGON
NO. 12345
EXPIRES 12/31/2021



Hearings Office

City of Portland

1900 SW 4th Avenue, Room 3100, Portland, OR 97201 phone: 503.823.7307
www.portlandoregon.gov/hearings fax: 503.823.4347
email: HearingsOfficeClerks@portlandoregon.gov



COVID19 Emergency Response Land Use Hearing Participation Information

Case Number: LU 19-130312 LDS (Hearings Office Case Number 420009)

Site Address: NE 74th & Roselawn (R318181), Portland, Oregon

Date: June 8, 2020

Time: 9:00 AM (PST)

Due to the City's Emergency Response to COVID-19 the above-referenced land use hearing will be limited to remote participation. There is not an in-person attendance option.

Participation Options and Instructions

Zoom Option

- You will need an internet connection and a personal computer.
- You can listen, view the City Planner's PowerPoint presentation, and you have the opportunity to provide oral testimony.
- Instructions:

Go to: [www.https://zoom.us/join](https://zoom.us/join)
Meeting ID: 938 1136 4744

Telephone Option

- You will need a telephone
- This is a *listen-only* option. Submit written testimony (see below).
- Instructions:

Dial: +1 669 900 6833
Meeting ID: 938 1136 4744 #

Written Testimony

- Prior to the Hearing and until the close of evidence, you may submit written testimony. In other words, written testimony can be provided up to the close of the record, which will be announced at the hearing.

- *Note: A document's timeliness is determined by the date/time when it is received by the Hearings Office Clerks.*
- Please reference the case number in any documents you wish to submit.
- Instructions/Options:

Email: HearingsOfficeClerks@portlandoregon.gov

Fax: 503-823-4347

Mail: Hearings Office, 1900 SW 4th Avenue, Room 3100,
Portland, OR 97201

Meaningful Access

The City of Portland is committed to providing meaningful access.

For accommodations, modifications, translation, interpretation or other services, please call 503-823-7300, the TTY at 503-823-6868 or the Oregon Relay Service:

711. Traducción e interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译

Письменный или устный перевод | 翻訳または通訳 | Traducere sau

Interpretare 번역 및 통역 | Письмовий або усний переклад | Turjumida ama Fasiraadda|

Questions or Concerns

You may contact the Hearings Clerks via email or by leaving a voicemail with the office: HearingsOfficeClerks@portlandoregon.gov; 503-823-7307.