



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

Date: January 13, 2023
To: Interested Person
From: Diane Hale, Land Use Services
503-865-6431 / Diane.Hale@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 February 13, 2023. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 22-182205 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 22-182205 LDS

Applicant: Sarah Radelet, Strata Land Use Planning (503) 320-0273
PO Box 90833 / Portland OR 97290

Owner: Tuvo Land LLC
5444 Westheimer Rd #1435 / Houston, TX 77056-5327

Site Address: 4564 NE 72nd Ave

Legal Description: TL 15100 1.00 ACRES, SECTION 20 1N 2E
Tax Account No.: R942200210
State ID No.: 1N2E20AC 15100
Quarter Section: 2538

Neighborhood: Cully, contact Zach Powers at zachmull@gmail.com
Business District: None
District Coalition: Central Northeast Neighbors, contact Alison Stoll at alisons@cnncoalition.org

Zoning: R7h – Single dwelling residential 7,000 with an “h” Aircraft Landing Zone overlay

Case Type: LDS – Land Division Subdivision
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing a 5-lot subdivision for this 43,557 square foot site (see attached site plan). The existing development will be removed. At this time, the applicant is proposing a new fourplex on each lot. However, the future development on Lots 1 to 5 is only conceptual for the

purpose of this land use review; it will be subject to full review in the future when a building permit application is submitted. A new public street will be developed with the subdivision, connecting NE 73rd to NE 72nd Avenue through the site. A Common Green (private street for bike/ped/utility access only with an amenity area to serve residents) is also proposed as part of the subdivision. There are several trees on the site, many of which are nuisance species; the applicant is proposing to preserve three trees, including a Japanese maple and two large Douglas fir trees in the middle of the site. The applicant is also proposing to protect a large Douglas fir tree on the abutting site to the south, and two large Bigleaf maples trees that are on the north part of the site at this time, but will become street trees once the new street is installed. To better protect the Douglas fir tree to the south of the site, the applicant has requested to modify the front setback of the future development on Lot 3 from 15 feet to 12 feet.

This subdivision proposal is reviewed through a Type IIx procedure because (1) the site is in a residential zone; and (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 6 units of land (5 lots and 1 common green tract). Therefore, this land division is considered a subdivision.

Relevant Approval Criteria:

In order to be approved, the proposal must comply with the approval criteria of Title 33.

The relevant land division approval 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 September 12, 2022 and determined to be complete on January 10, 2023.

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.

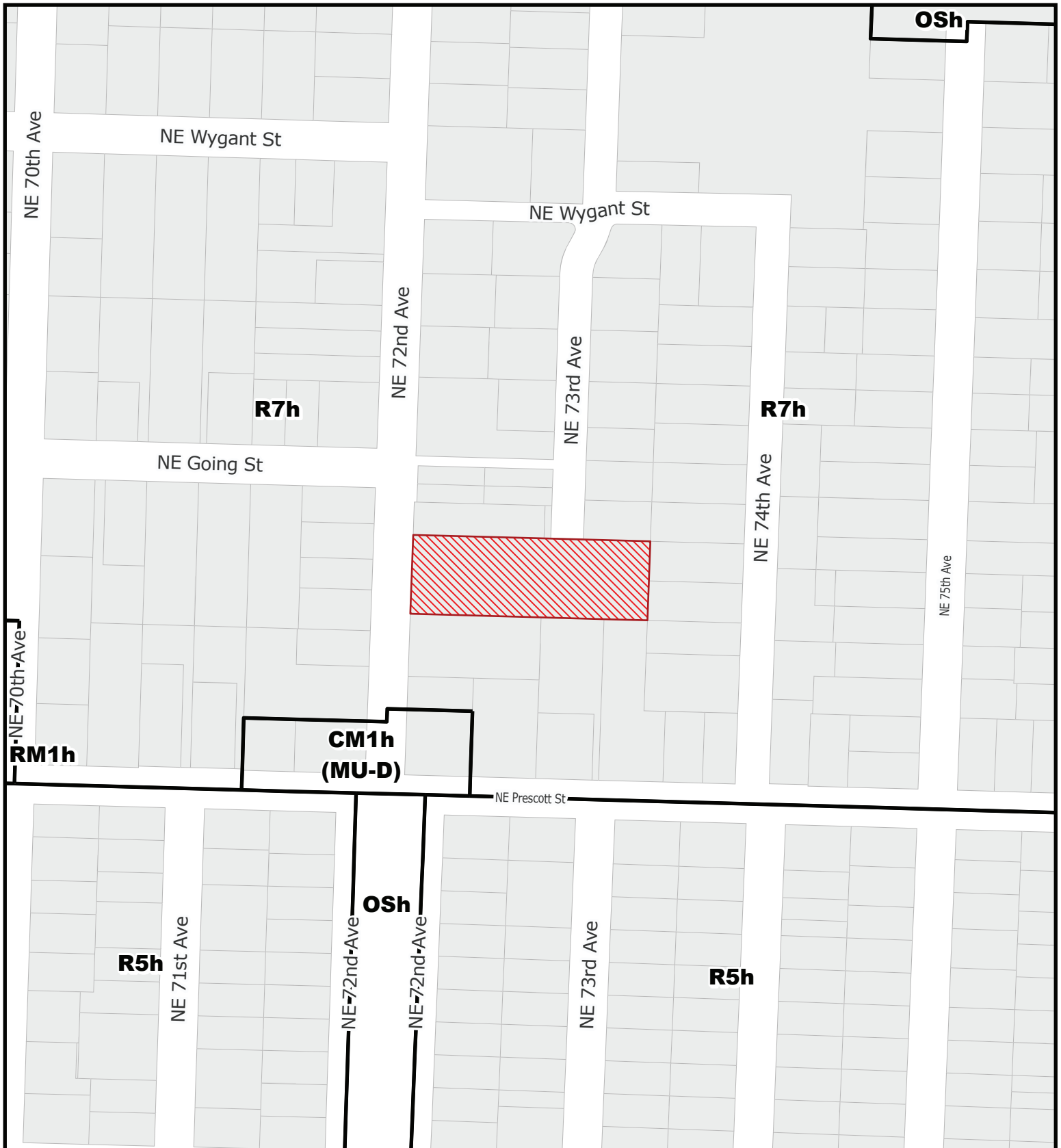
APPEAL OF THE FINAL CITY DECISION

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
Site Plan

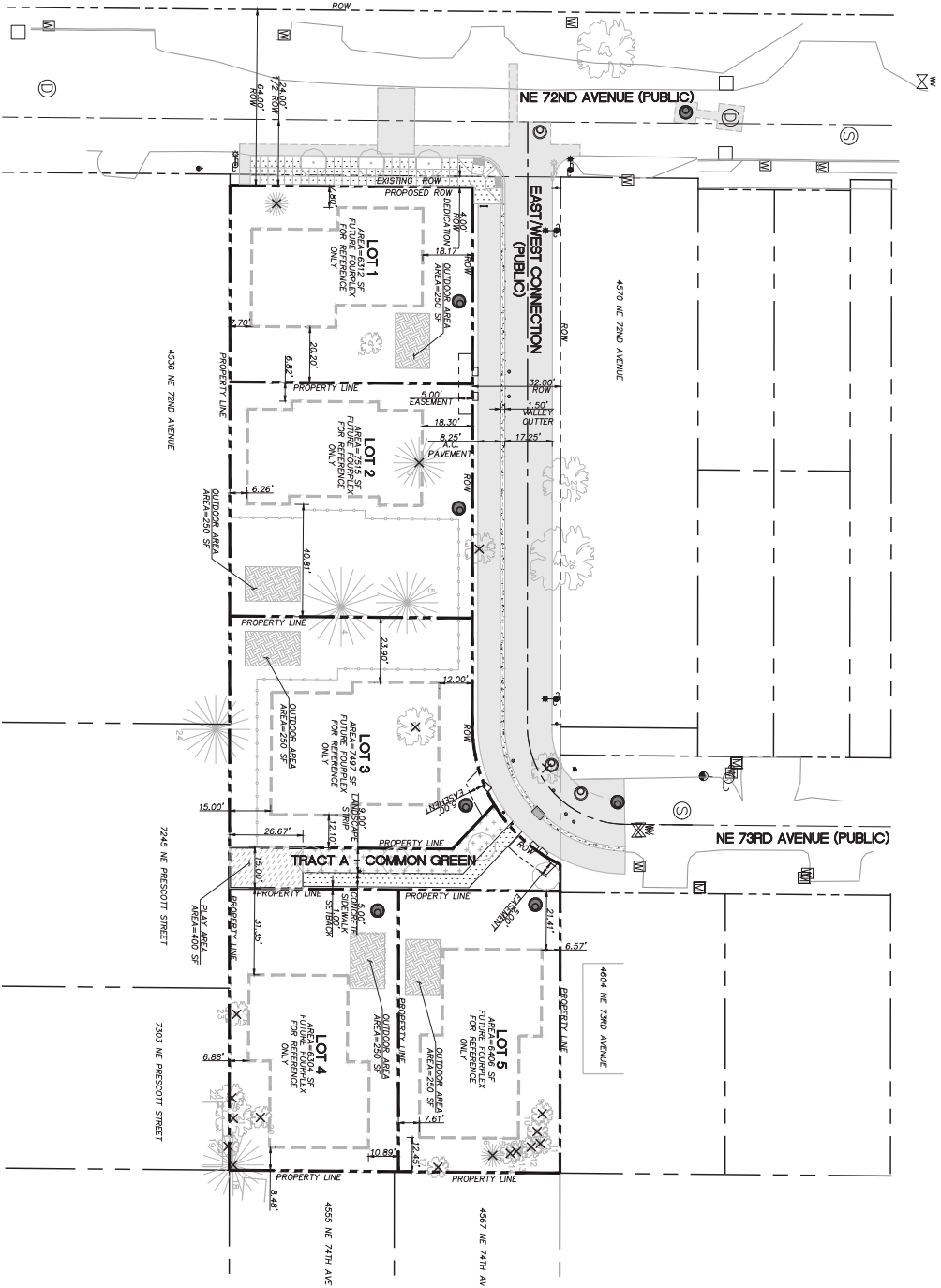


For Zoning Code in effect Post August 1, 2021

ZONING 

 Site

File No.	<u>LU 22 - 182205 LDS</u>
1/4 Section	<u>2538</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N2E20AC 15100</u>
Exhibit	<u>B</u> <u>Sep 12, 2022</u>



PROPOSED IMPROVEMENTS PLAN
SCALE: 1" = 20'

SHEET LEGEND

- ROW
- RIGHT-OF-WAY
- SAWCUT
- PROPERTY LINE
- EASEMENT
- CURB
- CONCEPTUAL BUILDING FOOTPRINT
- OUTDOOR AREA
- CONCRETE SIDEWALK
- PUBLIC ASPHALT PAVEMENT
- GRAVEL SIDEWALK
- LANDSCAPE STRIP
- WATER METER
- WATER VALVE
- DRYWELL
- SEDIMENT MANTHOLE
- PROPOSED TREE
- TREE ROOT PROTECTION ZONE
- REMOVE EXISTING TREE

GRAPHIC SCALE
1 inch = 20 ft.

NO.	DATE	DESCRIPTION

PREPARED BY: **PROPOSED IMPROVEMENTS PLAN**
 DRAWN BY: **PROPOSED IMPROVEMENTS PLAN**
 CHECKED BY: **PROPOSED IMPROVEMENTS PLAN**
 DATE: **PROPOSED IMPROVEMENTS PLAN**

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Portland, OR



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 EXP. 6-30-23

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