



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 6, 2013
To: Interested Person
From: Rachel Whiteside, Land Use Services
503-823-7605 / Rachel.Whiteaside@portlandoregon.gov

NOTICE OF A TYPE I 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 45 days, **we need to receive your written comments by 5 p.m. on June 5, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-115709 LDP, in your letter. It also is helpful to address your letter to me, Rachel Whiteside.

CASE FILE NUMBER: LU 13-115709 LDP

Applicant: Chris Fischborn,
ZTEC Engineers
3737 SE 8th
Portland, OR 97202

Owner: Loren Brimingham,
Tri County Developers
2474 SE Jasmine Way
Gresham, OR 97080

Site Address: 5414 SE MALL ST

Legal Description: BLOCK E NE 1/4 OF LOT 8, OVERTON PK
Tax Account No.: R634406280
State ID No.: 1S2E07DC 09500
Quarter Section: 3436

Neighborhood: Creston-Kenilworth Tyler King at 503-735-5818.
Business District: None
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District: None
Zoning: R5

Case Type: LDP – Land Division (Partition)

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to divide the 11,093 square foot site into two parcels that are 6,592 and 4,500 square feet in size. The site is currently developed with a single-family residence and associated accessory structures which are proposed to remain on Parcel 1. Parcel 2 is intended for development with a detached, single-family home.

There are numerous trees on the site and the applicant has provided a Tree Preservation Plan prepared by a certified arborist. The applicant proposes to keep the 34-inch maple on the parcel with the existing house. Stormwater from the proposed new lot will be disposed of in a drywell, while the existing house on Parcel 1 has downspouts that drain onto the ground.

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (*See ORS 92.010*). *ORS 92.010* defines "parcel" as a single unit of land created by a partition of land. The applicant proposes to create two parcels.

RELEVANT APPROVAL CRITERIA:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: **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 February 13, 2013 and determined to be complete on May 1, 2013.

DECISION MAKING PROCESS

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

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

We will mail you a copy of our decision only if you comment in writing to us at the City of Portland Bureau of Development Services, 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201. There will be no public hearing.

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.

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. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandonline.com.

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

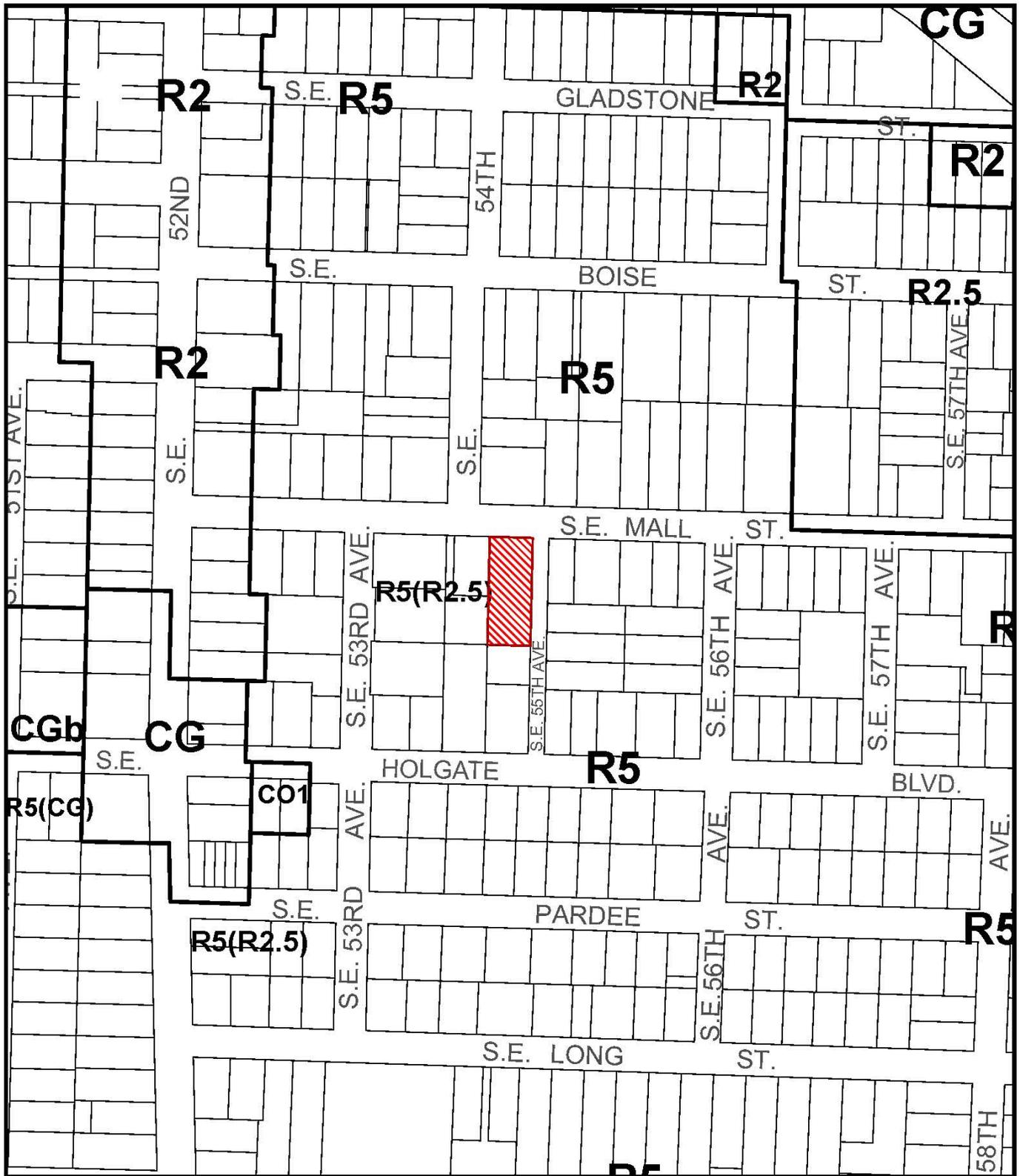
If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Issues which may provide the basis for an appeal to LUBA must be raised in writing before the deadline for comments, or you may not be able to raise that issue in an appeal. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that also may 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



File No. LU 13-115709 LDP
 1/4 Section 3436
 Scale 1 inch = 200 feet
 State_Id 1S2E07DC 9500
 Exhibit B (Feb 14, 2013)

LEGEND:

- MONUMENTS FOUND AS NOTED
- IR. ROD
- AP IRON PIPE
- CE CEDAR
- CH CHERRY
- F FR MEASURED
- HA EXISTING SEWER
- HO EXISTING COMBINED SEWER
- L EXISTING STORM
- S EXISTING WATER
- W EXISTING GAS
- P EXISTING POWER
- X EXISTING FENCE
- SA EXISTING CONCRETE SIDEWALK
- ST EXISTING CONTOUR
- W EXISTING TREE (HYDRANT CAN BE REMOVED IF REQUIRE (SEE ARBORIST REPORT))
- G EXISTING CATCH BASIN
- M EXISTING STORM MANHOLE
- SA EXISTING SANITARY MANHOLE
- L EXISTING LIGHT POLE
- P EXISTING POWER POLE
- V EXISTING WATER VALVE
- W EXISTING WATER METER
- G EXISTING GAS METER
- G EXISTING GAS METER
- PP(1) PARTITION PLAT NO. 1992-006
- PP(2) PARTITION PLAT NO. 2001-045
- PP(3) PARTITION PLAT NO. 1997-083
- SN(1) SN 37158
- SN(2) SN 30483
- EP. EDGE OF PAVEMENT
- (NO CURBS) PROPOSED A.C. PAVING

- EXISTING TREE
- AP APPLE
- CE CEDAR
- CH CHERRY
- F FR HAWTHORNE
- HO HOLLY
- L LAUREL
- S SUNK TREE
- W MAPLE
- P PINE
- SP SPRUCE
- X TREE TO REMAIN FOR CONSTRUCTION
- (C) EMPTY TREE (CAN BE REMOVED IF REQUIRE (SEE ARBORIST REPORT))
- (R) TREE NO. (SEE ARBORIST REPORT)
- RPZ ROOT PROTECTION ZONE

NARRATIVE:
 BASIS OF BEARINGS: N 00°35'7" E BETWEEN THE BRASS SCREWS FOUND AT POINTS "A", "B" & "C", AS CALCULATED FROM PARTITION PLAT NO. 1992-006.
 PURPOSE OF SURVEY: TO PARTITION THAT TRACT OF LAND DESCRIBED IN THAT DEED RECORDED AS DOCUMENT NO. 2012-142743, MULTNOMAH COUNTY DEED RECORDS.
 S.E. MALL ST.: HELD THE BRASS SCREWS FOUND AT POINTS "B" & "C" AS 5.00 FOOT OFFSETS TO THE SOUTH RIGHT OF WAY LINE OF S.E. MALL ST., AS INDICATED ON SN(1) & SN(2).
 S.E. 53RD AVE.: HELD THE BRASS SCREW FOUND AT POINT "D" FOR EASTING AND HELD THIS LINE AS PARALLEL WITH S.E. 53RD AVE., AS PER PP(1).
 SOUTH BOUNDARY LINE: HELD THE 5/8" IRON ROD FOUND AT POINT "E" FOR NORTHING AND HELD THE PP(2) BEARING OF N 89°40'15" W FOR THIS LINE.
 WEST BOUNDARY LINE: HELD THE BRASS SCREW FOUND AT POINT "C" FOR EASTING AND HELD THIS LINE AS PARALLEL WITH S.E. 53RD AVE., AS PER PP(2) AND PP(3).
 1) FUTURE SEWER SERVICE. LOCATE TO ACCOMMODATE PROPOSED DEVELOPMENT.
 2) FUTURE WATER SERVICE. LOCATE TO ACCOMMODATE PROPOSED DEVELOPMENT.
 3) FUTURE DRYWELL FOR ROOF RUNOFF DISPOSAL. SIZE TO ACCOMMODATE FUTURE ROOF. LOCATE 5' MIN. FROM PROPERTY LINE & 10' MIN. FROM BUILDING FOUNDATION.
 4) DOWNSPOUTS ON EXISTING BUILDING TO DISCHARGE TO SURFACE MIN. 5' FROM PROPERTY LINE AND 2' FROM BUILDING.
 5) FUTURE CONSTRUCTION WITHIN RPZ TO BE INSPECTED BY QUALIFIED ARBORIST.
 6) OUTLINE OF POSSIBLE FUTURE HOME.
 7) RELOCATED 0/4" POWER SERVICE FROM S.E. MALL PERMIT 13-08088-ET.
 8) RPZ TYPING TO BE LOCATED PER ARBORIST REPORT (4-P-13).
 9) 16" WIDE A.C. PAVED SHARED STREET EXACT EXTENT SUBJECT OF CITY APPEAL.
 10) 7" WIDE STORM WATER PLUMBER/SWALE, GRAVEL PARKING & LANDSCAPE/TREE AREA. SEE FOOT DESIGN PLANS FOR ACTUAL IMPROVEMENTS.

S.E. HOLGATE BLVD.

ZONE: R5

S.E. 53RD AVE.

S.E. 53TH AVE.

S.E. MALL ST.

LOREN BIRMINGHAM

PRELIMINARY PARTITION PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR

CREATED BY CHRIS FISCHBORN 1944

RENEWAL DATE: 1/1/2014

5414 S.E. MALL ST.

RECORDED

FILED

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE

COUNTY

PLAT

NO.

DATE

BY

OFFICE

ADDRESS

CITY

STATE