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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: November 30, 2010

To: Interested Person

From: Sean Williams, Land Use Services
503-823-7612 / sean.williams@ci.portland.or.us

REVISED 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 December 30, 2010**. Please mail or deliver your comments to the address above, and include the Case File Number, LU 10-115610 LDP AD, in your letter. It also is helpful to address your letter to me, Sean Williams.

CASE FILE NUMBER: LU 10-115610 LDP AD

Applicant: Kenneth & Carol Van Domelen
4833 SW Evans Street
Portland, OR 97219-3303

Representative: Robert Price
Planning & Development Services
3935 NE 72nd Avenue
Portland, OR 97213-5711

Site Address: 4833 SW Evans Street

Legal Description: TL 3900 1.05 ACRES, SECTION 19 1S 1E
Tax Account No.: R991192010
State ID No.: 1S1E19DA 03900
Quarter Section: 3824
Neighborhood: Ashcreek, contact Gary Miniszewski at 503-892-3903.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: None
Other Designations: Potential Landslide Hazard Area
Zoning: Residential 10,000 (R10) w/ Scenic Resource Zone (s)
Case Type: Land Division Partition (LDP) w/ Adjustment (AD)
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal:
The applicant is proposing to alter the original proposal to include reduction of one lot due to development constraints associated with creation of the westernmost parcel (Parcel 3). The resulting lot sizes will be approximately 16,957 (Parcel 1) and 31,023 (Parcel 2) square feet.

Incidentally, an adjustment to the maximum lot size of the R7 zone from 17,000 to 31,023 square feet will be necessary. All stormwater runoff is now proposed to be managed on-site. All other elements of the original proposal will remain the same with the exception of any improvements associated with the creation of Parcel 3. The original proposal description is listed below:

"The applicant is requesting to partition the subject property into three parcels of approximately 16,999 (Parcel 1), 16,913 (Parcel 2) and 14,620 (Parcel 3) square feet in size. A concurrent adjustment review is also requested to allow for the creation of through lots (33.610.300) based on the street classification of SW Multnomah Boulevard. Existing development consists of a single family dwelling and associated accessory structures that will be retained within proposed Parcel 2. The applicant has proposed to retain enough trees to comply with Option 1 of tree preservation standards. Stormwater management is proposed via an infiltration facility for development on Parcel 1 and a detention pond that will collect stormwater from Parcels 2 and 3 and then discharge to an offsite location."

This partition 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 review (Adjustment) is required (see 33.660.110).

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's proposal is to create 2 units of land. Therefore this land division is considered a partition.

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(s):

- **33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**
- **33.805.040 A.-F., Approval Criteria for Adjustments.**

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 3, 2010 and determined to be complete on August 24, 2010.

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.

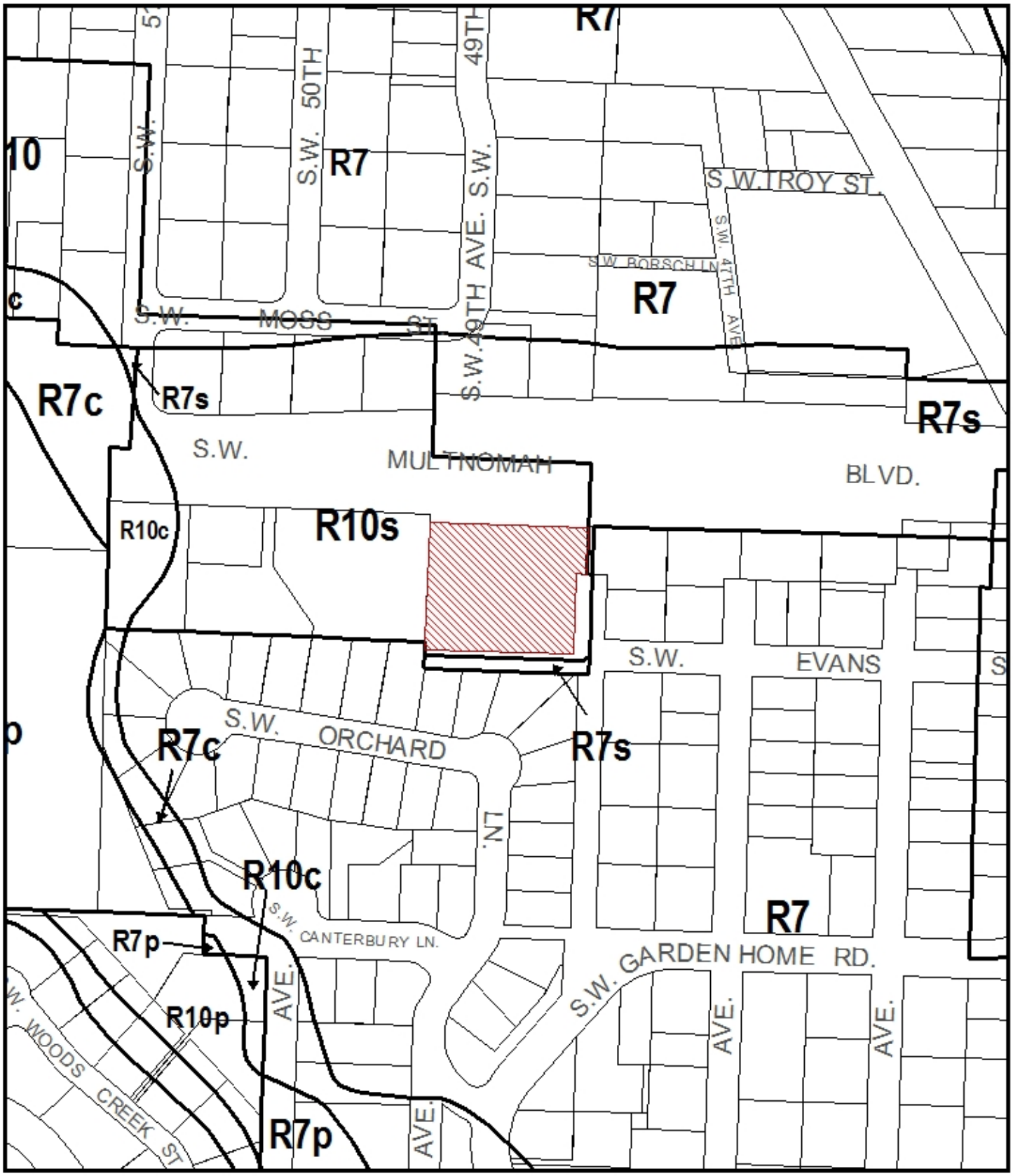
There is a fee charged for appeals. Recognized neighborhood associations and low-income individuals appealing a decision for their personal residence may qualify for an appeal fee waiver.

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
Proposed Partition
Proposed Improvement Plan

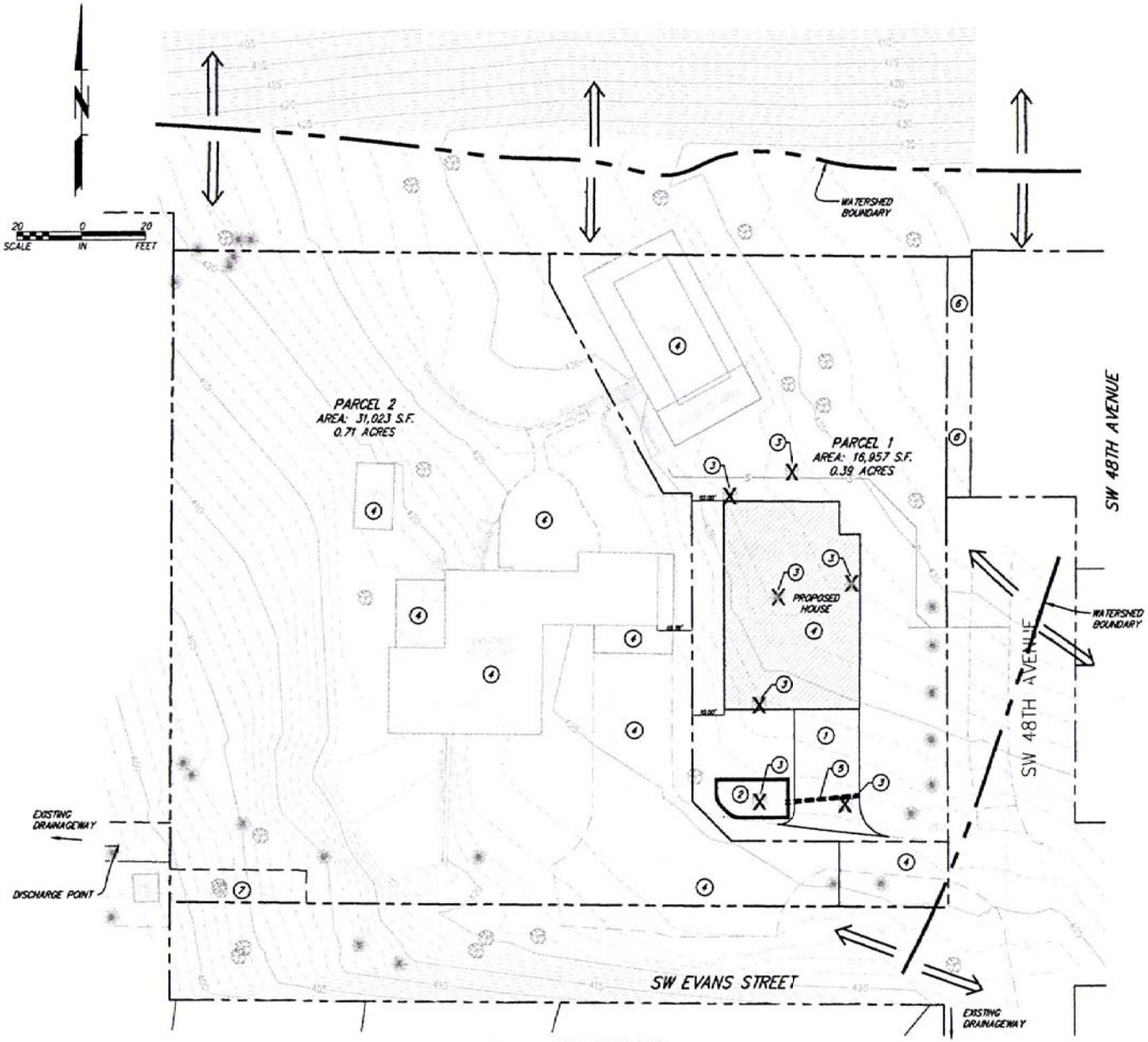


ZONING

Site

NORTH

File No.	LU 10-115610 LDP,AD
1/4 Section	3824
Scale	1 inch = 200 feet
State_Id	1S1E19DA 3900
Exhibit	B (Mar 04,2010)



SITE PLAN

ZONING R-10
SCALE: 1"=20'

CONSTRUCTION NOTES

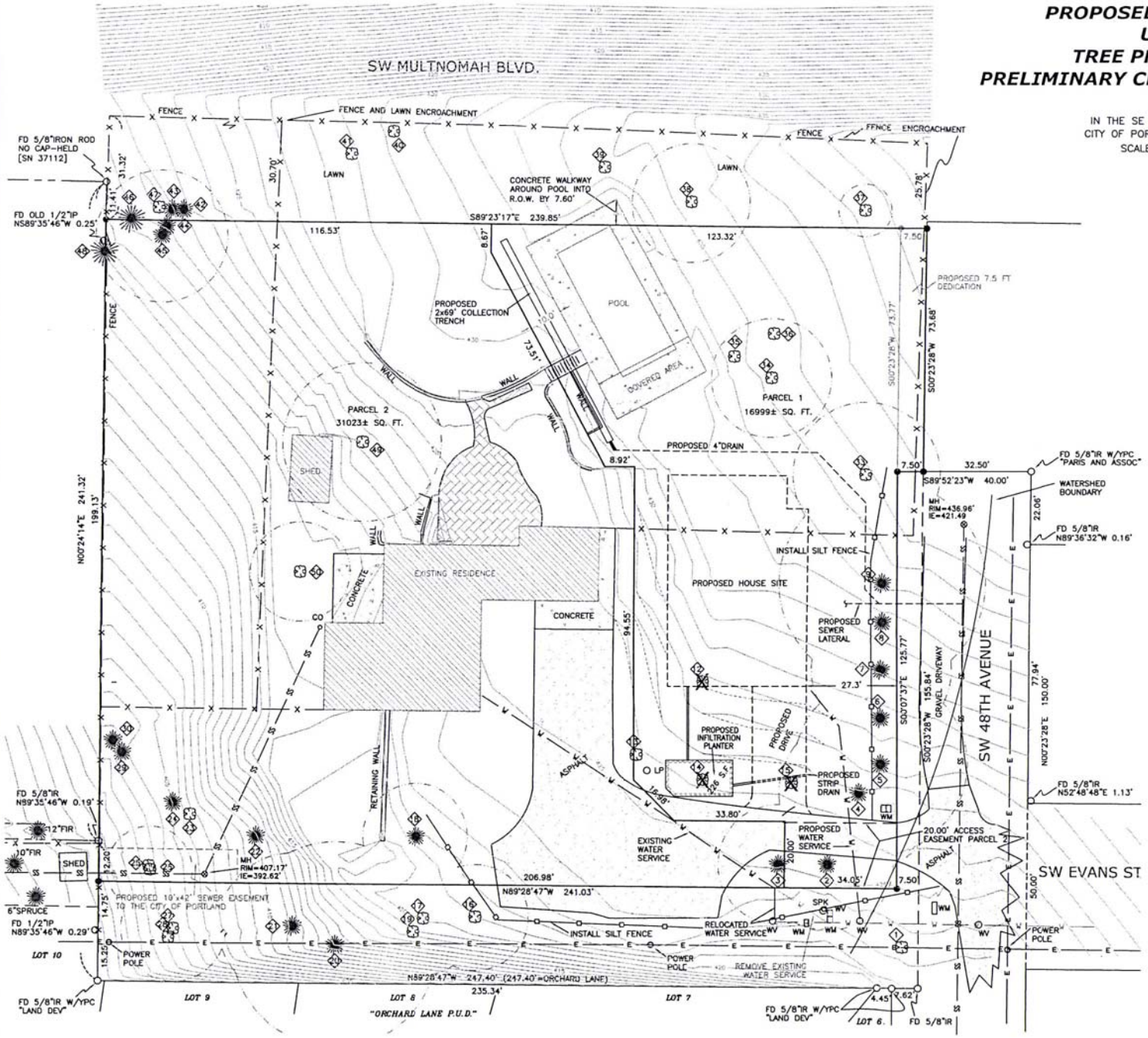
1. CONSTRUCT DRIVEWAY WITH 3" A.C / 8" ROCK.
2. PROPOSED VEGETATIVE INFILTRATION PLANTER. SEE SHEET R-5 & R-6.
3. REMOVE EXISTING TREE.
4. IMPERVIOUS AREA.
5. INSTALL SLOTTED DRAIN. PIPE TO INFILTRATION POND. SEE SHEET R-5.
6. 7.5' DEDICATION.
7. PROPOSED 10' PUBLIC SEWER EASEMENT.

PROPOSED IMPROVEMENT PLAN, UTILITY PLAN, TREE PRESERVATION PLAN, PRELIMINARY CLEARING and GRADING PLAN

FOR KEN VANDOMELEN

IN THE SE 1/4 OF SEC. 19, T. 1S, R.1E, W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
SCALE: 1"=20' AUGUST 6, 2010
REVISED 11/16/2010

0 10 20 30 40



CASWELL/ HERTEL
SURVEYORS INC.
6150 S.W. 124th AVE.
BEAVERTON, OREGON 97008
(503) 644-3179

REGISTERED PROFESSIONAL LAND SURVEYOR
Albert Hertel 11/19/10
OREGON JULY 16, 1980 ALBERT HERTEL 1896
EXPIRES 6/30/2011

LEGEND

LP	LAMP POST
MH	MANHOLE
UV	UTILITY VALVE
WM	WATER METER
WV	WATER VALVE
-E-	ELECTRIC LINE
-X-	FENCE
-SS-	SANITARY SEWER LINE
X	TREE TO BE REMOVED

TREE INVENTORY

1	6"CHERRY	26	8"WILLOW
2	20"DOUGLAS FIR	27	16"BIG LEAF MAPLE
3	18"DOUGLAS FIR	28	11"BIG LEAF MAPLE
4	24"DOUGLAS FIR	29	46"DOUGLAS FIR
5	26"DOUGLAS FIR	30	21"DOUGLAS FIR
6	18"ENGLEMAN SPRUCE	33	22"ELM
7	21"ENGLEMAN SPRUCE	34	18"WHITE BIRCH
8	17"ENGLEMAN SPRUCE	35	19"WHITE BIRCH
9	31"DEODAR CEDAR	36	22"WHITE BIRCH
12	13"CHERRY	37	8"DOGWOOD
13	13"PLUM	38	18"CHERRY
14	20"CHERRY	39	14"RED MAPLE
15	19"CHERRY	40	7"APPLE
16	16"RED ALDER	41	12"BIG LEAF MAPLE
17	17"WILLOW	42	24"DOUGLAS FIR
18	16"SITKA SPRUCE	43	25"DOUGLAS FIR
19	12"BIG LEAF MAPLE	44	11"DOUGLAS FIR
20	31"DOUGLAS FIR	45	20"DOUGLAS FIR
21	22"DOUGLAS FIR	46	41"DOUGLAS FIR
22	28"DOUGLAS FIR	47	24"BIG LEAF MAPLE
23	17"BIG LEAF MAPLE	48	34"DOUGLAS FIR
24	36"DOUGLAS FIR	49	24"APPLE
25	13"WILLOW	50	15"OREGON ASH

JOB NO. 7471