

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: November 27, 2012

To: Interested Person

From: Kathy Harnden, Land Use Services

503-823-7318 / Kathy.Harnden@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 December 27, 2012**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 12-202549 LDP, in your letter. It also is helpful to address your letter to me, Kathy Harnden.

CASE FILE NUMBER: LU 12-202549 LDP

Applicant: Kevin Partain

Urban Visions

223 NE 56th Avenue Portland, OR 97213

Owners: Garden Properties, LLC

Attn: Gary Ives 14210 SE Harney Portland, 97236

Site Address: 5239 SE 109TH AVE

Legal Description: BLOCK 3 N 1/2 OF LOT 7, GAMMANS

Tax Account No.: R303100950 **State ID No.:** R302E15BD 06700

Quarter Section: 3541

Neighborhood: Powellhurst-Gilbert, contact Mark White at 503-761-0222.Lents, contact

Cora Potter at 503-823-4550.

Business District: Midway, contact Bill Dayton at 503-252-2017.

District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-

4550.

Plan District: Johnson Creek Basin

Zoning: R5a – Residential 5,000 with the Alternative Design Density (a) overlay

Case Type: Land Division Partition (LDP)

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use

Board of Appeals (LUBA).

Proposal:

The applicant is proposing to partition the subject site into two parcels. Both parcels will be 35 feet wide, 140 feet long, and 2,895 square feet in area. Both parcels will have direct frontage on SE 109th Avenue and will be developed with one detached house each. The existing house will be demolished. Two existing fir trees located in the southwest corner of the site will be preserved to meet the Tree Preservation requirements.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

• 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 November 6, 2012 and determined to be complete on November 21, 2012.

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

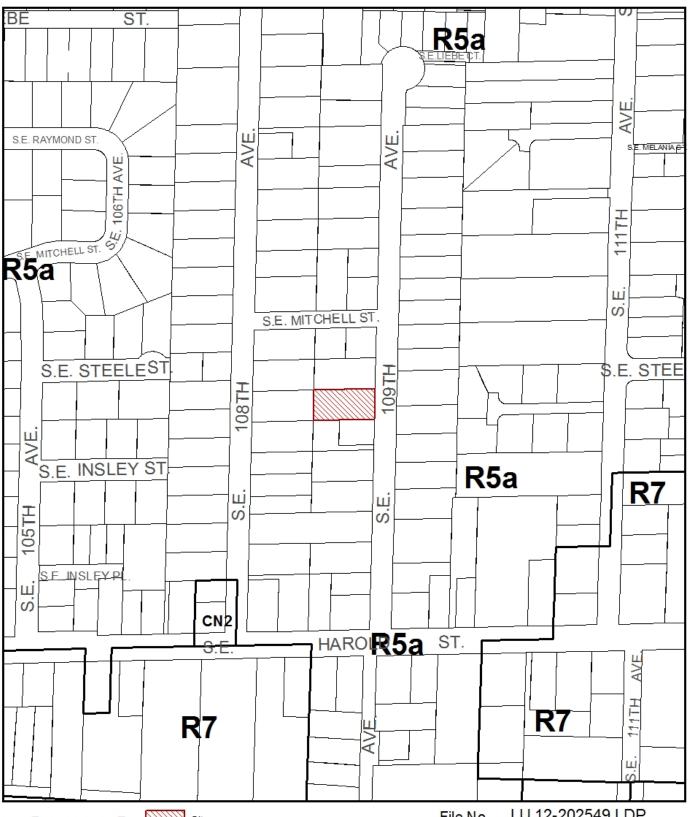
If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Issues which may provide the basis for an appeal 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

LU 12-202549 LDP File No. 3541 1/4 Section

1 inch = 200 feetScale 1S2E15BD 6700 State_Id В (Nov 07,2012) Exhibit.



