



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 8, 2013  
**To:** Interested Person  
**From:** Sean Williams, Land Use Services  
503-823-7612 / [Sean.Williams@portlandoregon.gov](mailto:Sean.Williams@portlandoregon.gov)

## **Notice of a Type IX 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 September 9, 2013.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-150855 LDP, in your letter. It also is helpful to address your letter to me, Sean Williams.

### **CASE FILE NUMBER: LU 13-150855 LDP**

**Applicant:** Kevin Partain, Urban Visions, 223 NE 56<sup>th</sup> Ave, Portland, OR 97213  
**Owner:** Hij Florin, Hij Construction, 16933 SE Foster Rd, Gresham, OR 97080  
**Site Address:** 4310 SE 79<sup>th</sup> Avenue  
**Legal Description:** TL 10200 0.20 ACRES, SECTION 08 1S 2E  
**Tax Account No.:** R992080740  
**State ID No.:** 1S2E08DD 10200  
**Quarter Section:** 3438  
**Neighborhood:** Foster-Powell, contact Aaron Sorenson at 971-235-0025.  
**Business District:** None  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Plan District:** None  
**Zoning:** Residential 2,000 (R2) w/ Alternative Design Density Overlay (a)  
**Case Type:** Land Division Partition (LDP)  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant is proposing to partition the subject property into two parcels of approximately 3,663 (Parcel 1) and 5,156 (Parcel 2) square feet in size in accordance with the Alternative Design Density Overlay provision that allows flag lots averaging 2,500 square feet in the R2 zone (33.405.070.C). Proposals taking advantage of this provision must be approved through design review or meet the Community Design Standards (33.218).

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or 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 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 May 9, 2013 and determined to be complete on August 5, 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](http://www.portlandonline.com).

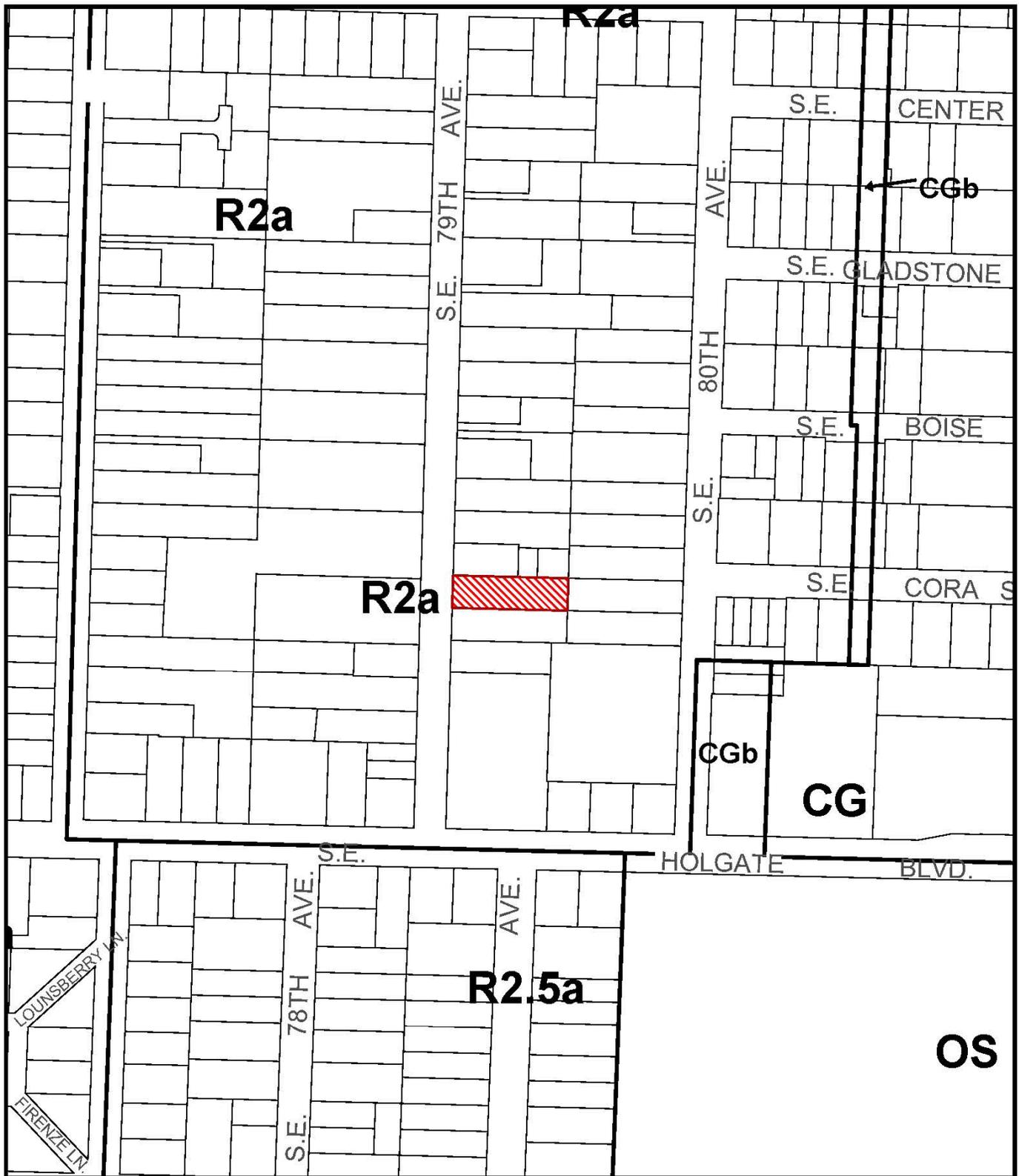
ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

#### **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

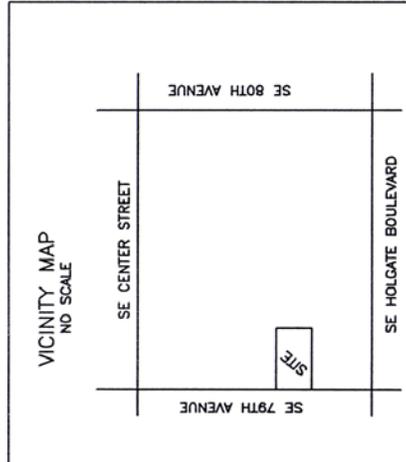
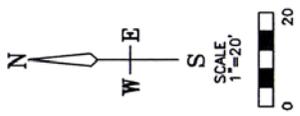
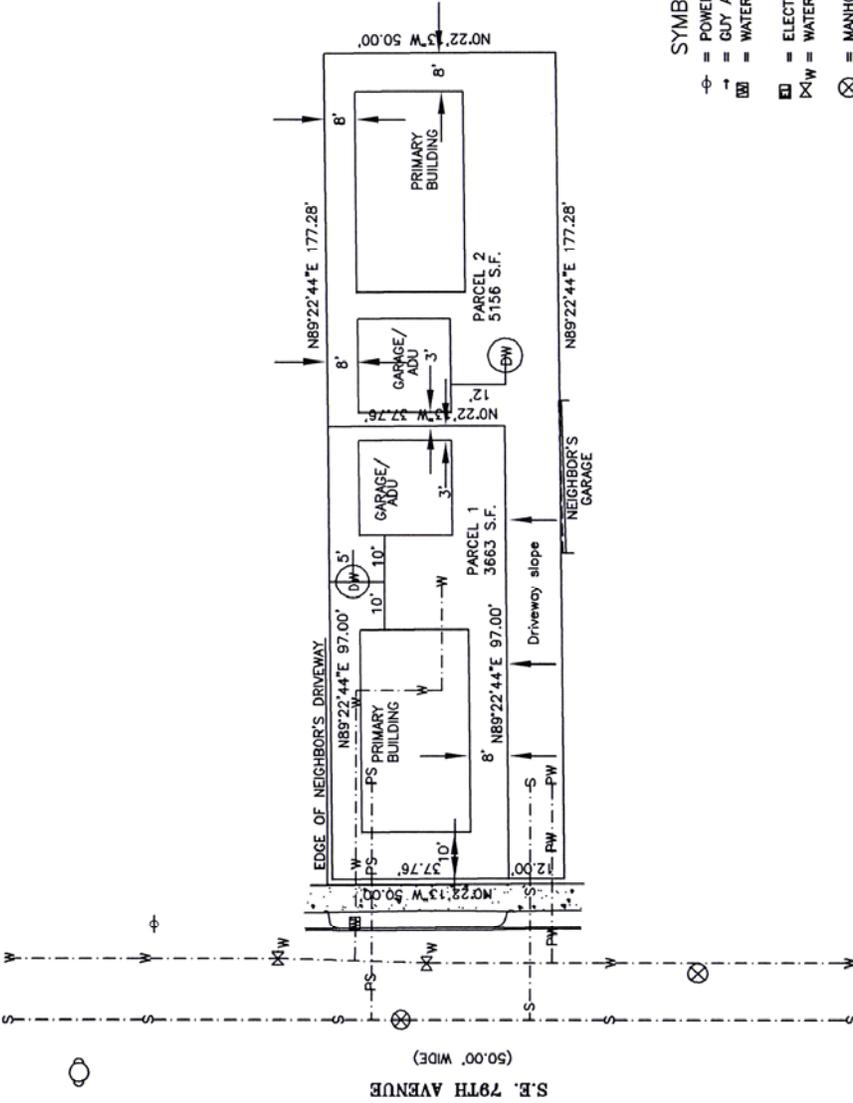
 Site



File No. LU 13-150855 LDP  
 1/4 Section 3438  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E08DD 10200  
 Exhibit B (May 13, 2013)

ZONE IS R2A

DRYWELLS AND OTHER UTILITIES TO BE LOCATED AT THE TIME OF BUILDING PERMITS. PROPOSED BUILDINGS ARE AT THE DISCRETION OF THE OWNER.



**SYMBOLS**

- ⊕ = POWER POLE
- ⊙ = GUY ANCHOR
- ⊞ = WATER METER
- ⊞ = ELECTRIC METER
- ⊞ = WATER VALVE
- ⊗ = MANHOLE
- ⊙ = CLEAN OUT
- ⊞ = CATCH BASIN
- ⊙ = FIRE HYDRANT
- \* = DOWN SPOUTS
- W— = EXISTING WATER LINE
- E— = ELECTRIC LINE
- S— = EXISTING SAN. SEWER
- PS— = PROPOSED SAN. SEWER
- PW— = PROPOSED WATER LINE
- S.F. = SQUARE FOOT
- ⊞ = PROPOSED DRYWELL

REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
 JULY 25, 1980  
 JOE H. FERGUSON  
 2445  
 RENEWAL DATE 12/31/13

I CERTIFY THAT THIS MAP WAS PREPARED USING HP PRODUCT #51640A ON WMP-1824 FLM

4310 SE 79th

**Ferguson Land Surveying, Inc.**

646 SE 106TH AVE. PORTLAND, OR 97216  
 Phone (503) 408-0601 Fax (503) 408-0602  
 www.FergusonLandSurveying.com

**SITE PLAN**

A TRACT OF LAND IN THE SE 1/4, SECTION 8, T.1S., R.2E., W.M. CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

H/LJ CONSTRUCTION  
 18833 SE FOSTER ROAD  
 GRESHAM OR, 97080

JOB NO. 13-050  
 DRAFTED 4/29/13

DATE: REVISED: MAY 8, 2013

SHEET 1 OF 1  
 REVISED