



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: August 23, 2013
To: Interested Person
From: Rachel Whiteside, Land Use Services
503-823-7605 / Rachel.Whiteaside@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 23, 2013**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-167773 LDP, in your letter. It also is helpful to address your letter to me, Rachel Whiteside.

CASE FILE NUMBER: LU 13-167773 LDP

Applicant: Mike Coyle,
Faster Permits
14334 NW Eagleridge Lane
Portland, OR 97229

Owner: Steve Day
3914 SW Martins Ln
Portland, OR 97239-1459

Site Address: 5149 NE DAVIS ST

Legal Description: BLOCK 10 LOT 10, CENTER ADD
Tax Account No.: R145801440
State ID No.: 1N2E31CA 05900
Quarter Section: 3035

Neighborhood: North Tabor, contact Nicole Davenport at 661-965-9602.
Business District: None
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District: None
Zoning: R2.5

Case Type: LDP – Land Division (Partition)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to divide the existing 5,000 square foot lot into two parcels for detached single-family homes. The existing dwelling would remain on a 2,550 square foot parcel (1), with access from NE Davis Street. Modifications to the existing structure are proposed to accommodate required development standards on the reduced lot size. The 2,450-square foot Parcel 2 would be oriented to and take access from NE 52nd Avenue.

Water service for both parcels is proposed from the existing main in NE 52nd Avenue. Sanitary sewer for Parcel 1 is from the combination line in NE Davis Street and for Parcel 2 from the combination line in NE 52nd. The existing house has downspouts that drain to the ground and a drywell is proposed for Parcel 2.

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 June 13, 2013 and determined to be complete on August 21, 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.

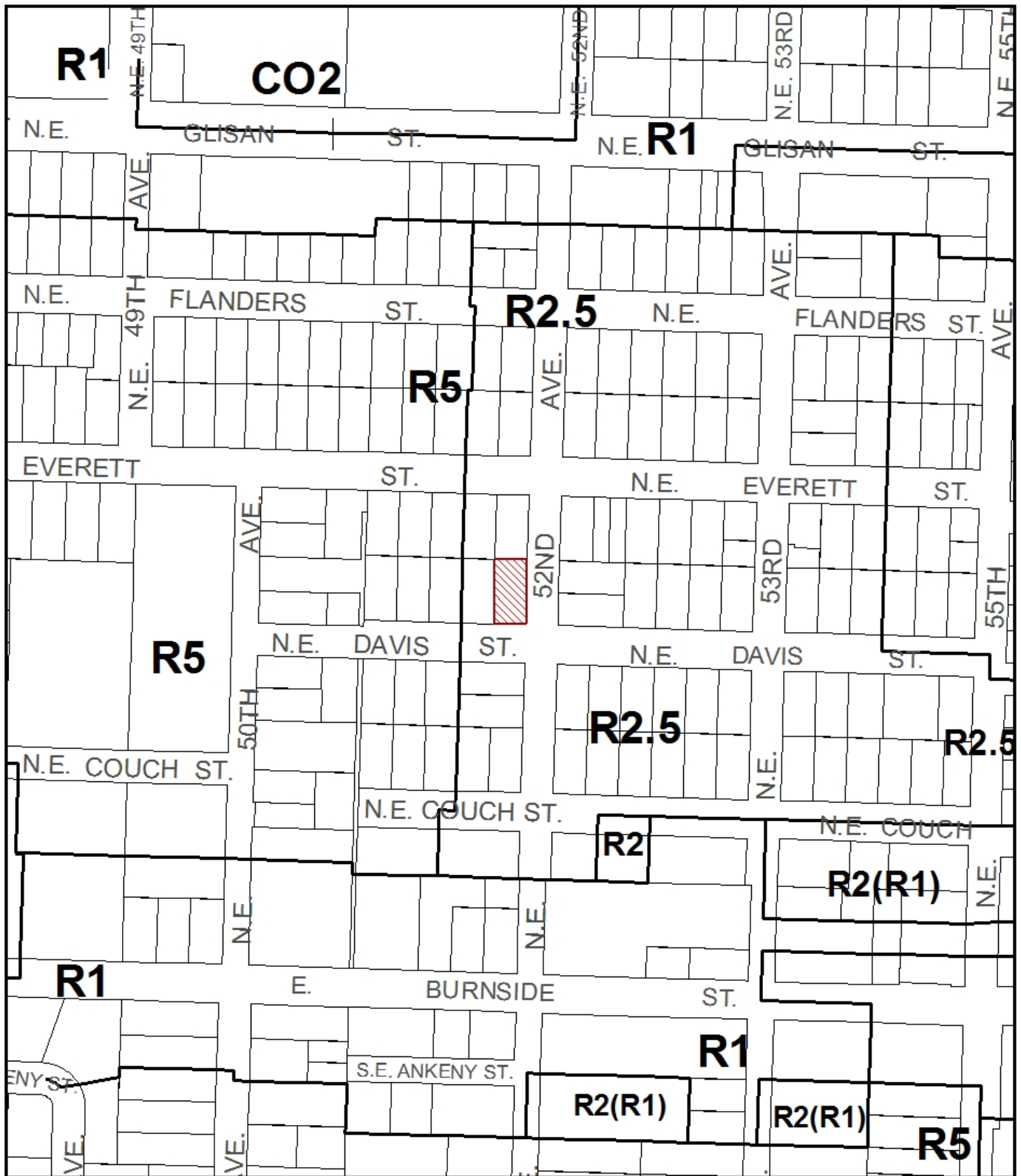
APPEAL PROCESS

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, Utility Plan/Preliminary Plat Map



ZONING

 Site



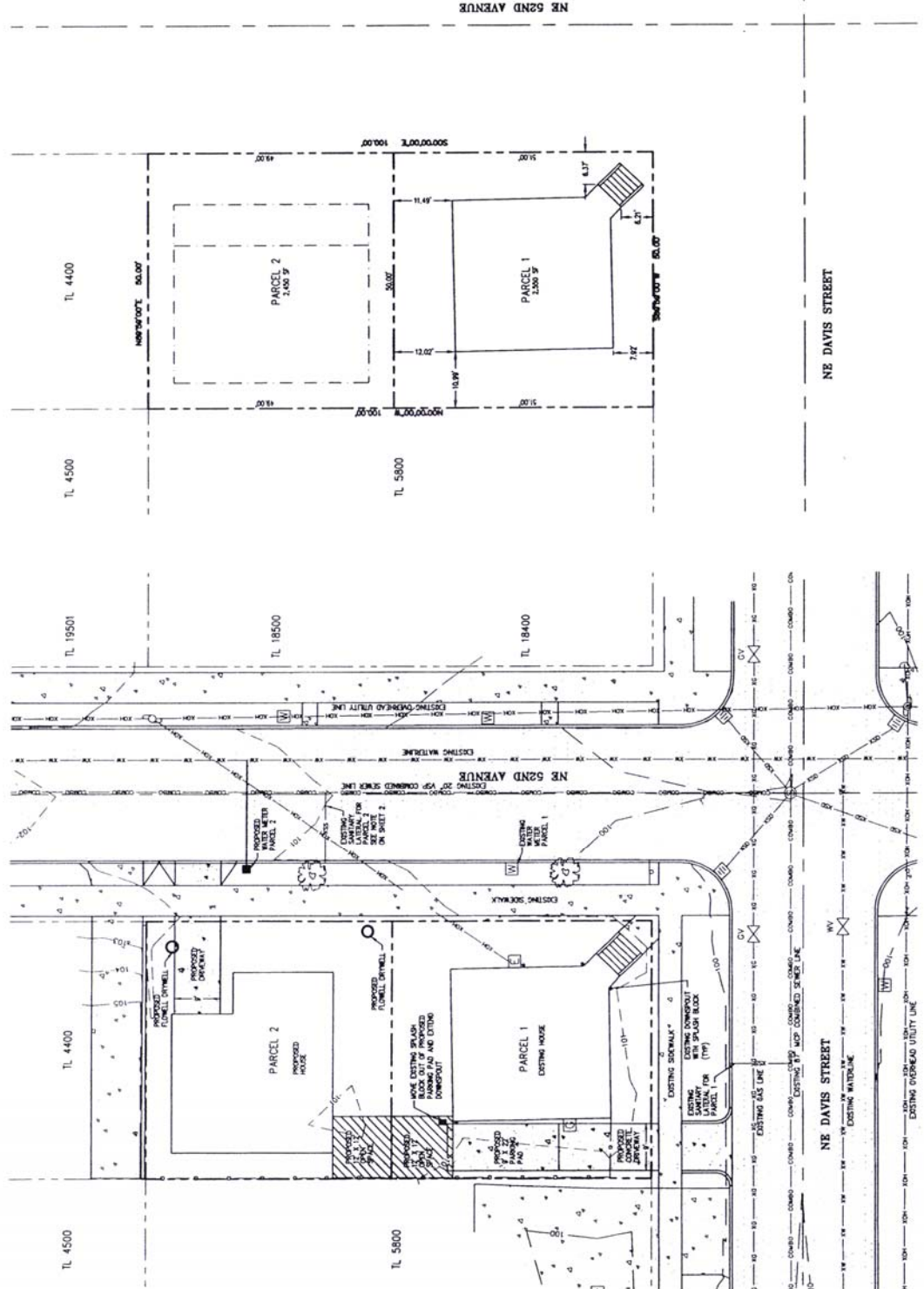
File No.	<u>LU 13-167773 LDP</u>
1/4 Section	<u>3035</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E31CA 5900</u>
Exhibit	<u>B (Jun 18, 2013)</u>



- LEGEND**
- PROPERTY LINE
 - ADJACENT/ADJOINING LOT LINE
 - EXISTING UTILITY LINE
 - EXISTING WATER METER
 - EXISTING GAS LINE
 - EXISTING WATER METER
 - EXISTING UTILITY POLE
 - EXISTING DUTY METER
 - EXISTING OVERHEAD LINE
 - EXISTING GAS LINE
 - EXISTING COMBINED SEWER LINE
 - EXISTING WATER LINE
 - EXISTING FLOODLINE
 - TREE PROTECTION FENCE
 - PROPOSED WATER METER
 - PROPOSED DRYWELL

SETBACKS
 FRONT: 10 FT.
 GARAGE: 18 FT.
 REAR: 8 FT.
 SIDE: 5 FT.

- LEGEND**
- BOUNDARY LINE
 - ADJACENT/ADJOINING LOT LINE
 - EXISTING LINE ROW
 - EXISTING TREE
 - EXISTING SIGN
 - EXISTING STORM CATCH BASIN
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING WATER METER
 - EXISTING GAS VALVE
 - EXISTING UTILITY POLE
 - EXISTING DUTY METER
 - EXISTING OVERHEAD LINE
 - EXISTING GAS LINE
 - EXISTING COMBINED SEWER LINE
 - EXISTING WATER LINE
 - EXISTING FLOODLINE
 - TREE PROTECTION FENCE
 - PROPOSED WATER METER
 - PROPOSED DRYWELL



UTILITY PLAN LU 13-167773 LDP