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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TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: January 9, 2014

To: Interested Person

From: Sean Williams, Land Use Services
503-823-7612 / Sean.Williams@portlandoregon.gov

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 February 10, 2014**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-163434 LDP , in your letter. It also is helpful to address your letter to me, Sean Williams.

CASE FILE NUMBER: LU 13-163434 LDP

Applicant: Kevin Partain
Urban Visions
223 NE 56th Avenue
Portland, OR 97213

Owner: Eden Enterprises LLC
5505 SW Delker Road
Tualatin, OR 97062-9710

Site Address: 8906 SW 8th Ave

Legal Description: BLOCK 3 LOT 8, KILPATRICK COLLINS TRACT
Tax Account No.: R450500410
State ID No.: 1S1E28AA 09600
Quarter Section: 3928
Neighborhood: Collins View, contact Dave and Dixie Johnston at 503-636-0959.
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 2,500 (R2.5)
Case Type: Land Division Partition (LDP)
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal:
The applicant is proposing to partition the subject property into three parcels ranging in size from 2,640 to 3,080 square feet in size. Proposed Parcel 3 is considered a narrow lot as the width is less than the minimum standard for the zone. Existing development consists of a

single family dwelling and detached garage that will be removed. Stormwater management is proposed via individual infiltration facilities. Water and sanitary sewer service is proposed from both SW 8th Avenue and SW Lobelia Avenue. A 21-inch spruce tree will be retained for compliance with tree preservation standards.

This partition proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (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 3 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 5, 2013 and determined to be complete on November 21, 2013.

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.

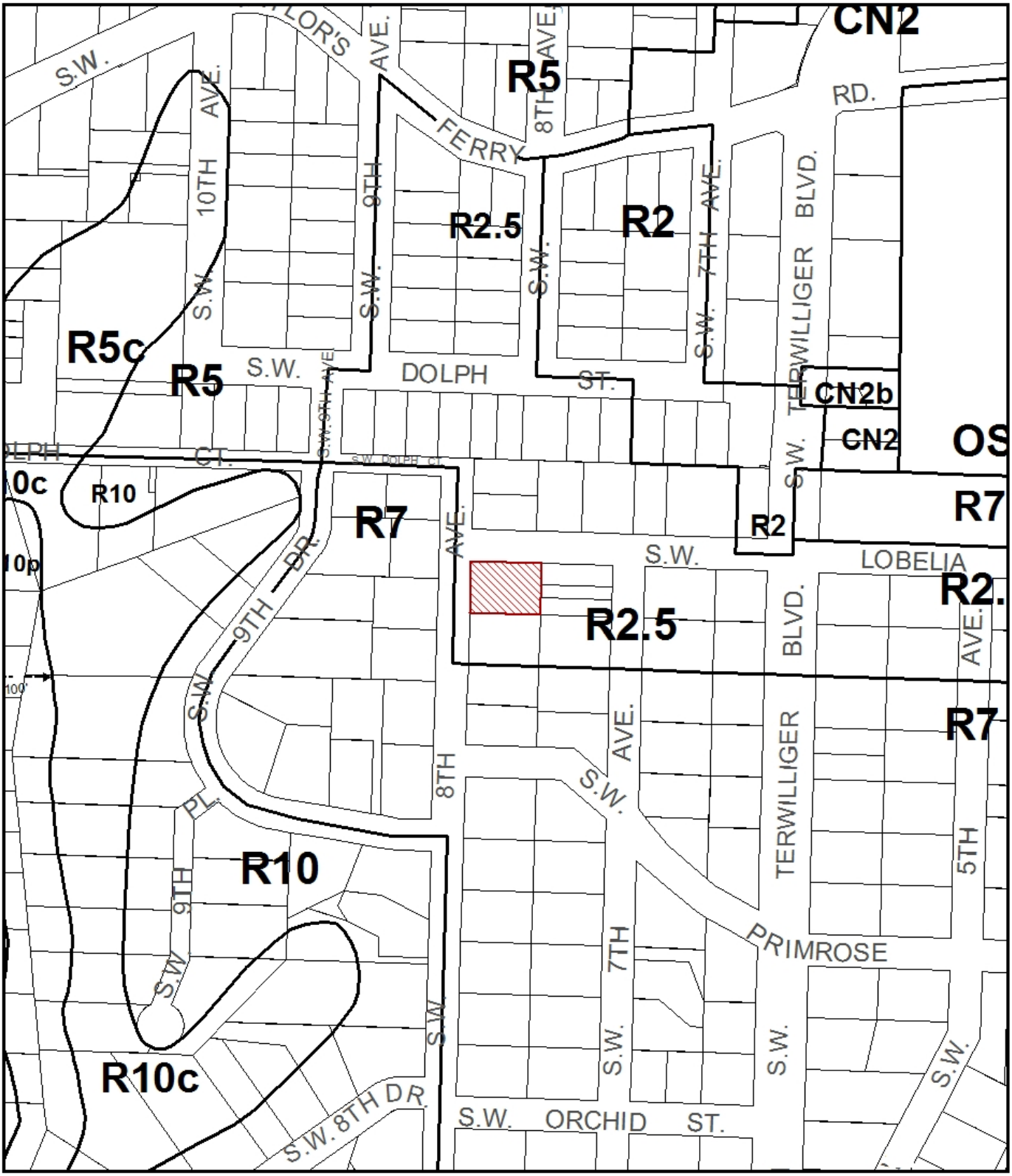
There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

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 775 Summer St NE, Suite 330, Salem, OR 97301-1283. 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
Site Plan

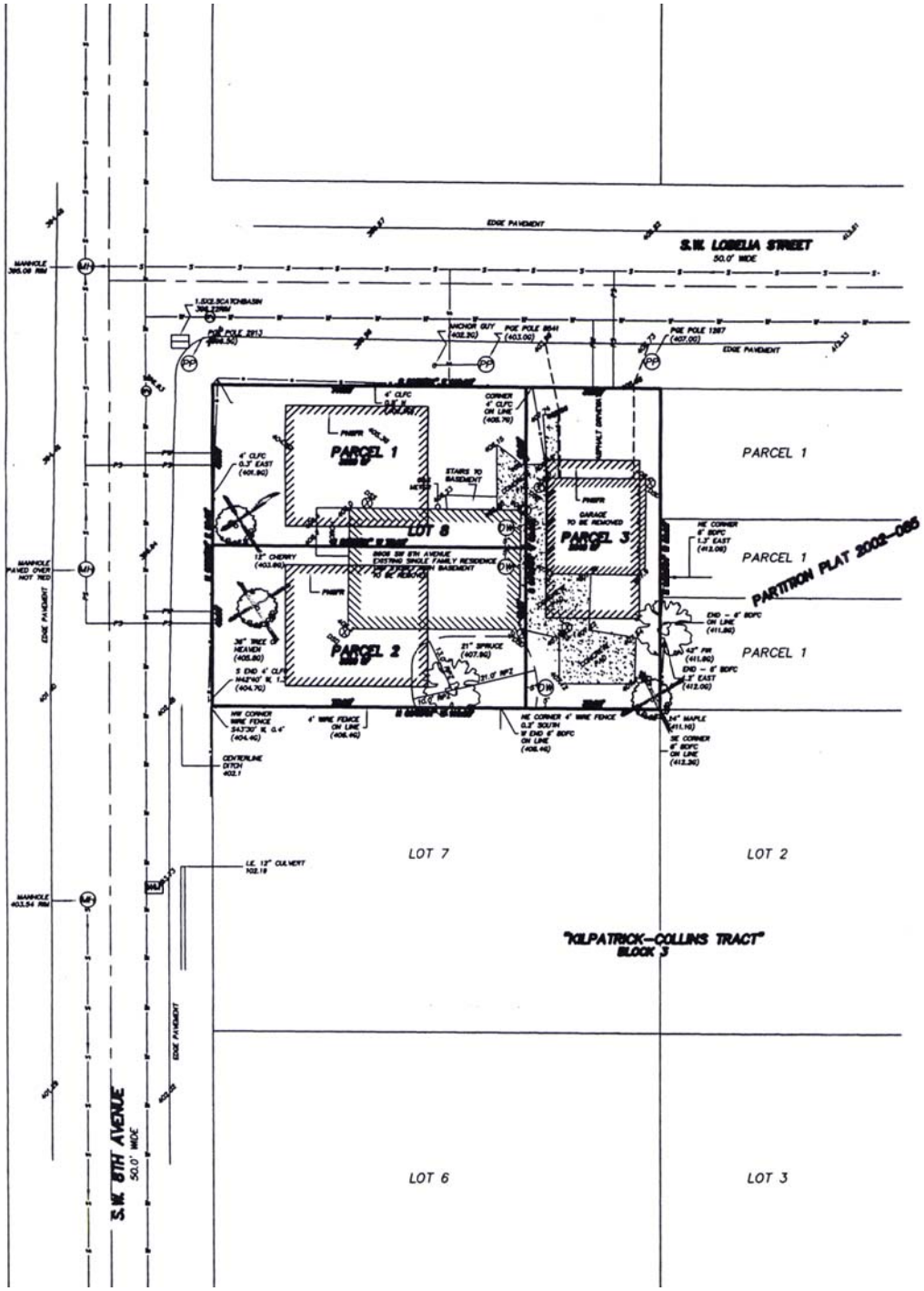


ZONING

Site

NORTH

File No.	LU 13-163434 LDP
1/4 Section	3928
Scale	1 inch = 200 feet
State_Id	1S1E28AA 9600
Exhibit	B (Jun 07,2013)



EXISTING CONDITIONS FOR TENTATIVE PLAN, SITE UTILITY PLAN AND TREE SURVEY, PROPOSED PARTITION PLAT, LOT 8, BLOCK 3, KILPATRICK-COLLINS TRACT PER BOOK 2019, PAGE 2691, JUNE 30, 1987,

SITUATED IN THE NE 1/4 OF SECTION 28 T.1S., R.1E. W.M.
CITY OF PORTLAND MULTNOMAH CO., OREGON

MARX ASSOCIATES
18615 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-667-5550
FAX: 503-666-8666
EMAIL: DALE@MARXASSOCS.NET

DATE DRAWN: MAY 13, 2013
DRAWING NO. 13040EXC
ACCOUNT NO. 13040

ZONING:
R2.5

SITE SIZE:
8800 SQUARE FEET

PARCEL DATA:
LOT 8, BLOCK 3, KILLPATRICK-COLLINS TRACT, MULTNOMAH COUNTY PLAT RECORDS, PER BOOK 2019, PAGE 2691, JUNE 30, 1987, MULTNOMAH COUNTY DEED RECORDS.

BENCH MARK:
CITY OF PORTLAND 2" BRASS DISC, BM NO. 2813, IN CONCRETE WALL, BASEMENT STEPS, HOUSE NO. 8927 SW TERWILLIGER BLVD, ELEVATION = 463.322 COP DATUM

SCALE: 1"=20'

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
FEBRUARY 14, 1985
DANIEL R. BAUER
2123
EXPIRATION DATE: 12/31/13

NOTES & LEGEND:

"WM" DEPICTS WATER METER

"PP" DEPICTS POWER POLE

"▭" DEPICTS 3' X 3' CURB INLET

"MH" DEPICTS SANITARY SEWER MANHOLE UNLESS OTHERWISE NOTED

"FH" DEPICTS FIRE HYDRANT

"⊗" DEPICTS DOWNSPOUT TO SPLASH BLOCK EXCEPT AS NOTED
DSS DENOTES DOWNSPOUT TO SURFACE
DSD DENOTES DOWNSPOUT TO DRYWELL

"WV" DENOTES WATER VALVE

"DW" DEPICTS PROPOSE DRYWELL.

"123.45G" DENOTES GROUND ELEVATION (ELEVATION IS AT DECIMAL POINT)

"(123.45G)" DENOTES GROUND ELEVATION AT ITEM NOTED

"123.45(123.05)" DENOTES TOP.CURB ELEVATION(GUTTER ELEVATION) (ELEVATION IS AT DECIMAL POINT OF TOP.CURB)

"123.45TC" DENOTES TOP CURB ELVATION (ELEVATION IS AT DECIMAL POINT)

"123.45CL" DENOTES CENTERLINE ELEVATION (ELEVATION IS AT DECIMAL POINT)

"123.45GUT" DENOTES GUTTER ELEVATION (ELEVATION IS AT DECIMAL POINT)

"BOFC" DENOTES BOARD FENCE

"-o-" DEPICTS BOARD FENCE

"CLFC" DENOTES CHAINLINK FENCE

"-+-" DEPICTS CHAINLINK FENCE

"-W-" DEPICTS WATER LINE

"-S-" DEPICTS SEWER LINE

"-PS-" DEPICTS PROPOSED SEWER LINE.

"-PW-" DEPICTS PROPOSED WATER LINE.

"EPL" DENOTES EXISTING (CONFIRMED) PROPERTY LINE

"PAPL" DENOTES PROPOSED ADJUSTED PROPERTY LINE

"SF" DENOTES SQUARE FEET.

"PNSFR" DENOTES PROPOSED NEW SINGLE FAMILY RESIDENCE

"RPZ" DENOTES ROOT PROTECTION ZONE

NOTE: UTILITY LOCATIONS ARE FROM FIELD TIES AND CITY OF PORTLAND AS BUILT DATA.
ACTUAL LOCATIONS SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION.
WATER SERVICE UNAVAILABLE, COULD NOT LOCATE WATER METER FOR SITE.