



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 31, 2014
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 March 3, 2014**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-186522 LDP, in your letter. It also is helpful to address your letter to me, Rachel Whiteside.

CASE FILE NUMBER: LU 13-186522 LDP

Applicant: Mark Dane Planning Inc
13630 SW Butner Rd
Beaverton OR 97005

Owner: G&K Investments One
8733 SE Division St Suite 201
Portland OR 97226

Site Address: 4105 SE 80TH AVE

Legal Description: TL 7400 0.33 ACRES, SECTION 08 1S 2E
Tax Account No.: R992080670
State ID No.: 1S2E08DD 07400
Quarter Section: 3438

Neighborhood: Foster-Powell, contact Li Alligood at 503-449-7709.
Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District: None
Zoning: R2a – Multi-Dwelling Residential with the Alternative Design Density Overlay Zone

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 partition the 14,000 square foot site into two parcels. Parcel 1 is proposed to be 3,380 square feet and would keep the existing house and driveway. At 10,897 square feet, proposed Parcel 2 is considered a multi-dwelling lot eligible for up to 5 units or a further land division.

Public water and sanitary sewer are located in SE 80th Avenue. Stormwater from existing and new development will be managed onsite through new drywells. A 2-foot right-of-way dedication is proposed to accommodate a wider sidewalk corridor.

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 approval 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 July 30, 2013 and determined to be complete on January 27, 2014.

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.

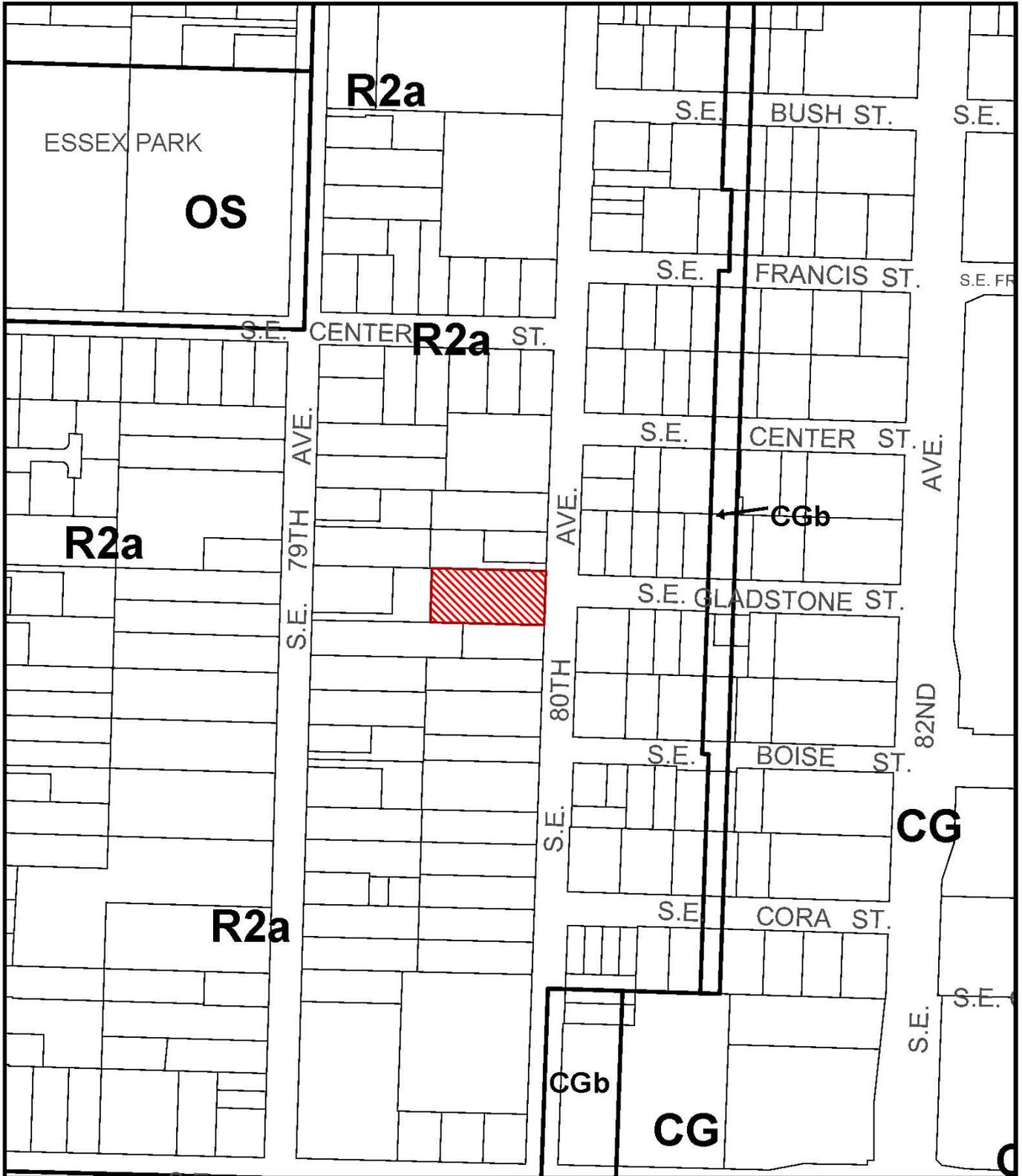
APPEAL PROCESS

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 775 Summer St NE, Suite 330, Salem OR 97301-1283. 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 13-186522 LDP
 1/4 Section 3438
 Scale 1 inch = 200 feet
 State_Id 1S2E08DD 7400
 Exhibit B (Aug 02, 2013)

PRELIMINARY SITE PLAN

4105 SE 80th

PROJECT NO.
SAM-015

FILE: S15113
 DESIGNER: MSD
 DRAWN: MSD

TOWNSHIP/RANGE/SECTION
 T11N 16 00

COUNTY
 MULTNOMAH
 TAX LOTS
 11600

SHEET TITLE
 PRELIMINARY
 PLAT

SHEET NUMBER
D2

OWNER
 G AND K INVESTMENTS ONE
 8733 SE DIVISION #201
 PORTLAND OR 97226
 503-257-6674

APPLICANT
 G AND K INVESTMENTS ONE
 8733 SE DIVISION #201
 PORTLAND OR 97226
 503-257-6674

PLANNER
 MARK DANE PLANNING, INC.
 13600 SW BUTNER ROAD
 BEAVERTON, OR 97006
 503-332-7167

SURVEYOR
 MARK ASSOCIATES
 18615 E. BURNSIDE STREET
 PORTLAND OR 97233
 503-666-8566

NOTES
 PROPERTY ID: R333143
 STATE ID: 152108070 7400
 ADDRESS: 4105 SE 80TH AVENUE
 PARCEL SIZE: 14,429 SF
 ZONING: R2

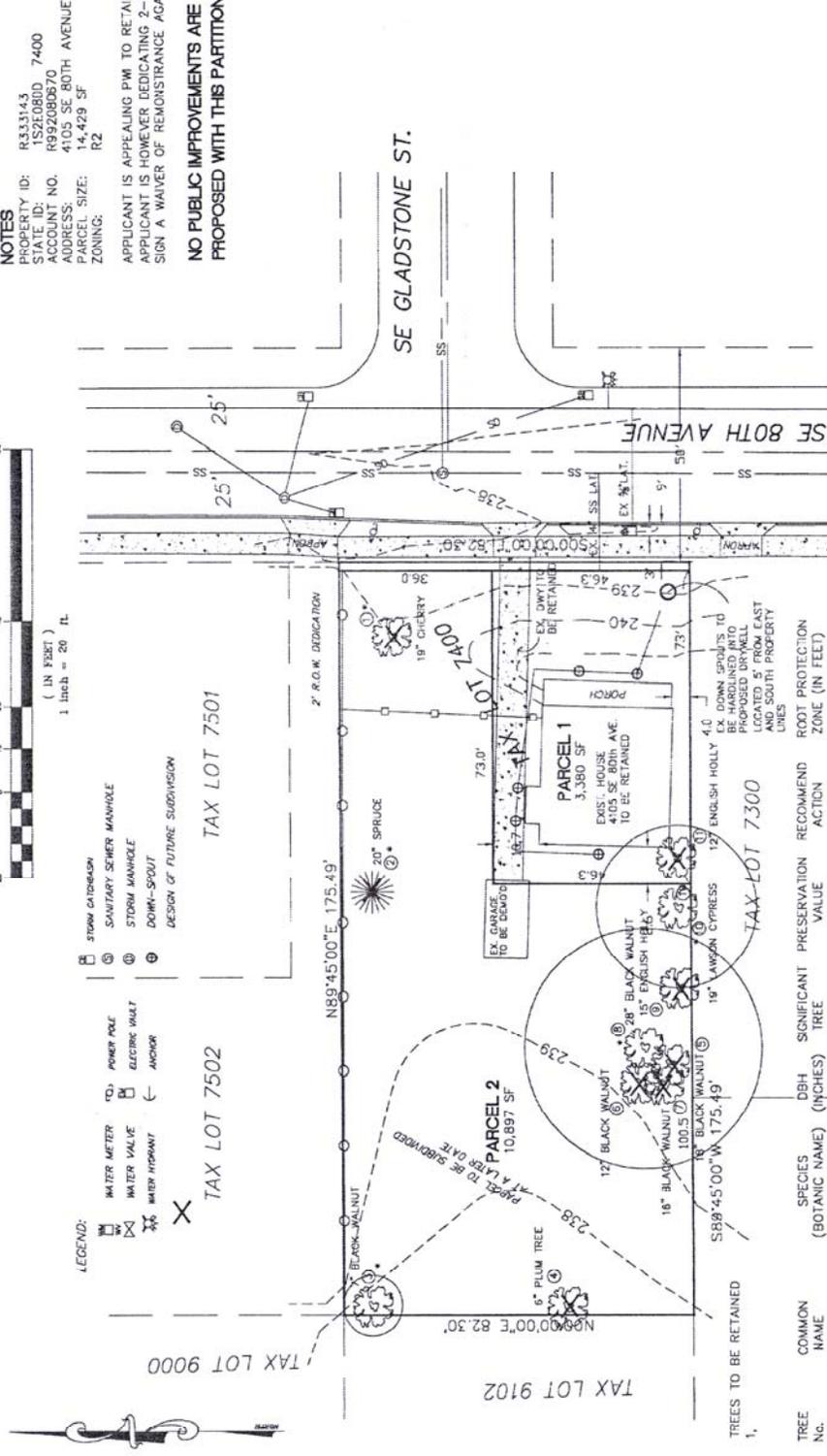
APPLICANT IS APPEALING PWA TO RETAIN EXISTING S/W STRIP, AND CURB.
 APPLICANT IS HOWEVER DEDICATING 2'-FT OF RIGHT-OF-WAY AND WILL
 SIGN A WAIVER OF REMONSTRANCE AGAINST FUTURE IMPROVEMENTS

**NO PUBLIC IMPROVEMENTS ARE
 PROPOSED WITH THIS PARTITION**

SITUATED IN THE SE 1/4 OF SECTION 8 T.1S., R.2E. W.M.
 CITY OF PORTLAND MULTNOMAH CO., OREGON

DATE DRAWN: JULY 15, 2013
 DRAWING NO. 13059EXC
 ACCOUNT NO. 13059
 BENCH MARK:
 CITY OF PORTLAND 2" BRASS DISC, BM NO. 2021, ELEVATION = 238.273 COP
 DATUM

GRAPHIC SCALE
 1 inch = 20 ft
 (IN FEET)



AT THE TIME OF THE SUBDIVISION OF PARCEL 2
 TREES 1 AND 2 BEING IN THE STREET WOULD BE
 EXCLUDED FOR THE TREES THAT COULD BE KEPT
 REDUCING THE RETAINED DBH TO 54". OF WHICH
 19" WOULD BE REQUIRED TO BE RETAINED
 RETAINING TREE 10 WOULD MEET THAT REQUIREMENT

TREE No.	COMMON NAME	SPECIES (BOTANIC NAME)	DBH (INCHES)	SIGNIFICANT TREE	PRESERVATION VALUE	RECOMMEND ACTION	ROOT PROTECTION ZONE (IN FEET)
01	CHERRY TREE	PRUNUS SPECIES	19"	NO	MEDIUM	SAVE	19
02	BILE SPRUCE	PICEA PUNGENS	20"	YES	MEDIUM	SAVE	20
03	BLACK WALNUT	JUGLANS NIGRA	7"	NO	MEDIUM	SAVE	7
04	PLUM TREE	PRUNUS COCOMILLA	6"	NO	LOW	REMOVE	
05	BLACK WALNUT	JUGLANS NIGRA	18"	NO	LOW	REMOVE	
06	BLACK WALNUT	JUGLANS NIGRA	12"	NO	LOW	REMOVE	
07	BLACK WALNUT	JUGLANS NIGRA	16"	NO	LOW	REMOVE	
08	BLACK WALNUT	JUGLANS NIGRA	28"	YES	MEDIUM	SAVE	28
09	ENGLISH HOLLY	LLEX AQUAFOLIUM	19"	NO	NUISANCE	REMOVE	19
10	LAWSON CYPRESS	CHAMECYPARIS LAWSONIANA	19"	NO	MEDIUM	SAVE	
11	ENGLISH HOLLY	LLEX AQUAFOLIUM	12"	NO	NUISANCE	REMOVE	
			156"				

TOTAL DBH (INCHES) 93"
 DBH RETAINED 93"
 TOTAL NUMBER OF SIGNIFICANT TREES TWO
 OF THE TOTAL 156" OF TREES ON SITE 63" ARE RECOMMENDED TO BE REMOVED
 OF THE 93" TREES THAT COULD BE KEPT THE APPLICANT IS REQUIRED TO RETAIN 35%
 THUS THE APPLICANT IS REQUIRED TO KEEP 31"