



**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:** July 18, 2014  
**To:** Interested Person  
**From:** Stephanie Beckman, Land Use Services  
503-823-6979 / [Stephanie.Beckman@portlandoregon.gov](mailto:Stephanie.Beckman@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 August 18, 2014.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 14-134870 LDP, in your letter. It also is helpful to address your letter to me, Stephanie Beckman. You can also e-mail your comments to me at my e-mail address identified above.

## **CASE FILE NUMBER: LU 14-134870 LDP**

**Applicant:** Mladen Baricevic / 503-380-3314  
P.O. Box 284  
Portland, OR 97207

**Site Address:** 3900 SW Baird Street

**Legal Description:** BLOCK 2 LOT 5, BRUGGER VIEW  
**Tax Account No.:** R111000310  
**State ID No.:** 1S1E29BD 05000  
**Quarter Section:** 3925

**Neighborhood:** Multnomah, contact Moses Ross at 503-309-7985.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Other Designations:** Potential Landslide Hazard Area

**Zoning:** R5 – Single Dwelling Residential 5,000

**Case Type:** LDP – Land Division Partition  
**Procedure:** Type IIx, an administrative decision with appeal to the Hearings Officer.

### **Proposal:**

The applicant proposes to divide this 11,239 square foot site to create two parcels for single dwelling residential development. The existing house will be removed. Parcel 1 is proposed to be 3,941 square feet in area and will front on SW Baird Street. Parcel 2 is proposed to be 6,587

square feet and is a flag lot accessed via a pole that connects to SW Baird. An access easement and shared driveway is proposed within the pole that serves both parcels. One tree is proposed to be preserved, a 24" diameter big leaf maple (tree #9) located at the rear of the property.

A public street dedication is shown on the plans to provide additional right-of-way for street improvements on SW Baird. The public works permit for street improvements and a public storm sewer extension has been initiated by the applicant. Stormwater from the new lots is proposed to be directed to the new public storm system to be installed in SW Baird.

This case is related to three other land division applications adjacent to the site that are also owned by the applicant. Those cases are: LU 14-134862 LDP (Lot 6), LU 14-131974 LDP (Lot 7), LU 14-132516 LDP (Lot 8).

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 (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 April 3, 2014 and determined to be complete on July 14, 2014.

**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](http://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**

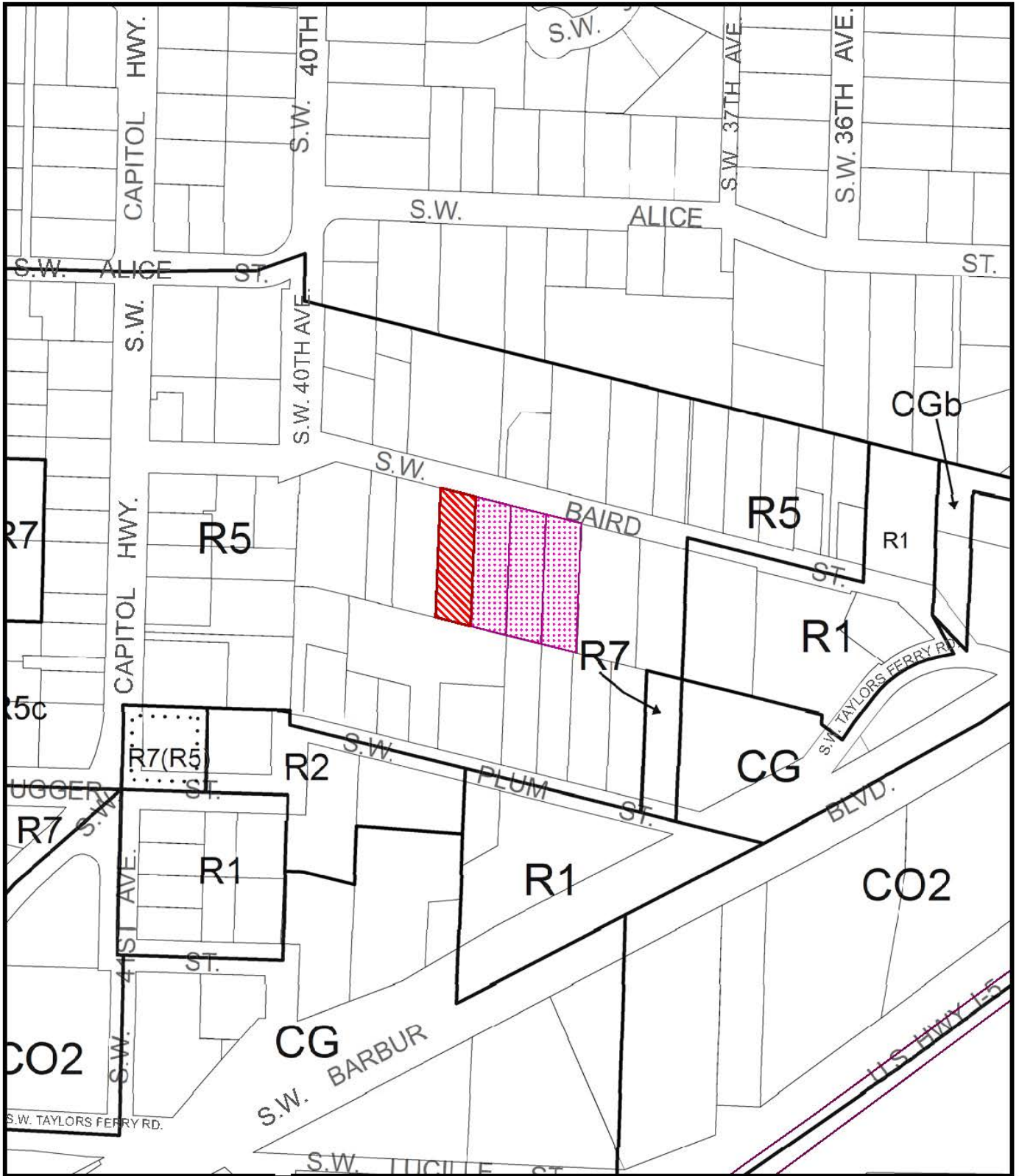
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment 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

Tentative Partition Plan



# ZONING

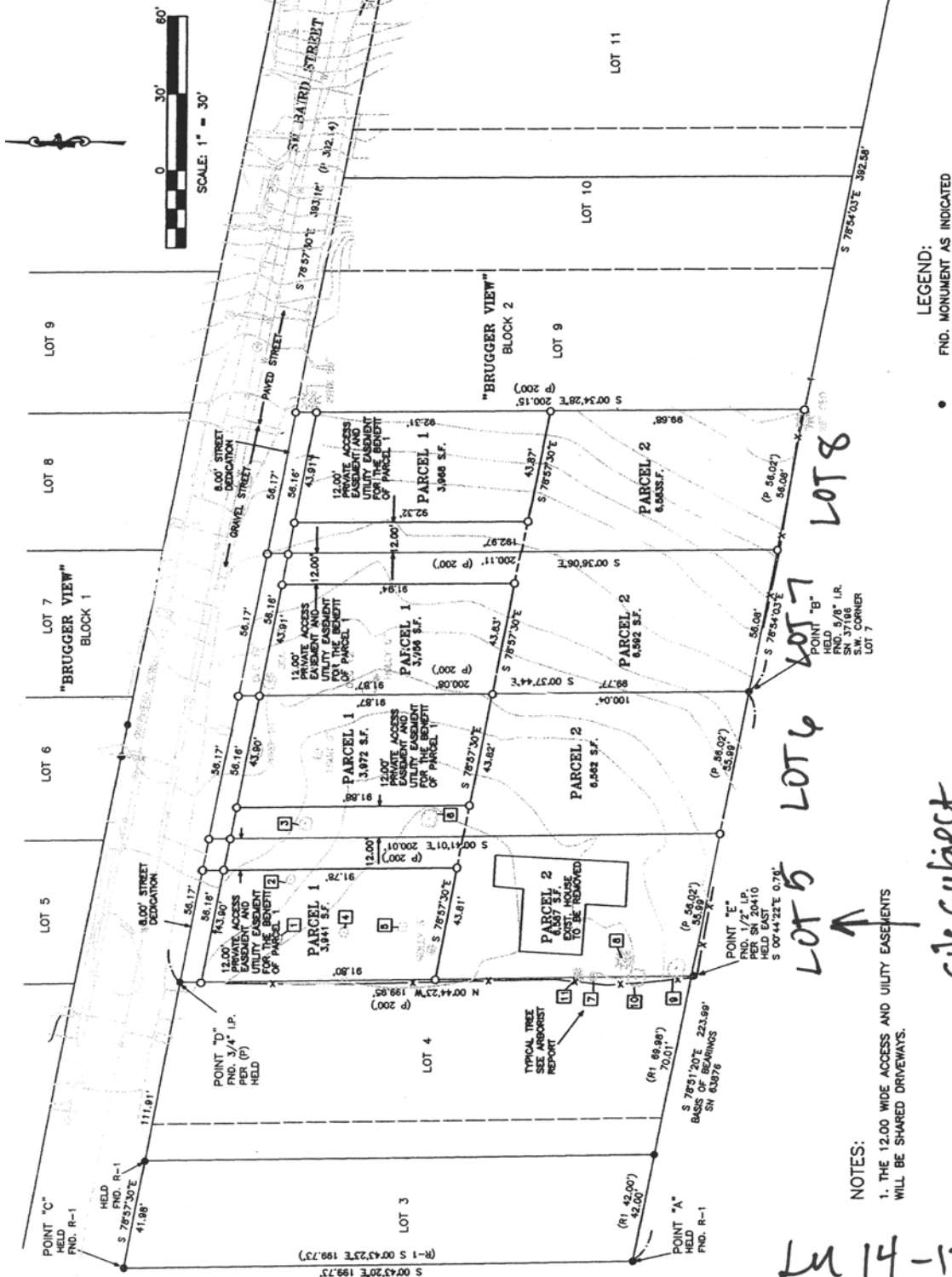
-  Site
-  Also Owned



File No. LU 14-134870 LDP  
 1/4 Section 3925  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E29BD 5000  
 Exhibit B (Apr 08, 2014)

**TENTATIVE PARTITION PLAN**  
 LOTS 5,6,7 AND 8 BLOCK 2, "BRUGGER VIEW"  
 NW 1/4 OF SEC. 29, T1S, R1E, W.M.,  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON.

DATE: JULY 7, 2014 SCALE: 1" = 30'



**LEGEND:**  
 FND. MONUMENT AS INDICATED  
 PER SN 63785 (HELD)

- I.R. IRON ROD
- I.P. IRON PIPE
- R-1 SN 63876
- (P) DATA PER PLAT OF "BRUGGER VIEW"
- O TO BE SET 5/8" BY 30" I.R. WITH ORANGE PLASTIC CAP MARKED, "MANWELL LS 57148"
- FND. FOUND
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- [Symbol] TREE DESIGNATION SEE ARBORIST REPORT

**NOTES:**  
 1. THE 12.00 WIDE ACCESS AND UTILITY EASEMENTS WILL BE SHARED DRIVEWAYS.

*sik subject to misreview*

REGISTERED PROFESSIONAL LAND SURVEYOR  
 Michael Lee Manwell  
 OREGON  
 MICHAEL MANWELL  
 37148  
 LICENSE 12-31-14

**MICHAEL LEE MANWELL**  
 Professional Land Surveyor  
 2847 SE 18TH CIRCLE  
 GRESHAM, OREGON 97080  
 (503) 661-5270

LM 14-134870 LDP