



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** September 29, 2016  
**To:** Interested Person  
**From:** Leah Dawkins, Land Use Services  
503-823-7830 / [Leah.Dawkins@portlandoregon.gov](mailto:Leah.Dawkins@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 October 31, 2016.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-195163 LDS, in your letter. It also is helpful to address your letter to me, Leah Dawkins. You can also e-mail your comments to me at my e-mail address identified above.

## **CASE FILE NUMBER: LU 16-195163 LDS**

**Applicant:** John DeJong, Tech Engineering  
PO Box 80483 / Portland OR 97280  
(503) 819-6494

**Owner:** Gregory L Lancaster  
PO Box 800 / Lake Oswego, OR 97034

**Site Address:** 6055 SE Tenino St

**Legal Description:** BLOCK 20 LOT 9&10 TL 500, DARLINGTON  
**Tax Account No.:** R197905270  
**State ID No.:** 1S2E19DD 00500  
**Quarter Section:** 3836

**Neighborhood:** Brentwood-Darlington, contact David Messenheimer at [trimess@hotmail.com](mailto:trimess@hotmail.com)

**Business District:** Woodstock Community Business Association, contact Ann Sanderson at [anndango@gmail.com](mailto:anndango@gmail.com).

**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

**Zoning:** R5a- Single Dwelling Residential with "a" Alternative Design Density Overlay

**Case Type:** LDS- Land Division Subdivision

**Procedure:** Type IIx, an administrative decision with appeal to the Hearings Officer.

### **Proposal:**

The applicant is proposing to divide the subject site into four lots with a private street tract to access all proposed lots. Lot sizes range between 4,000 square feet and 6,740 square feet.

There is an existing residence on the site which will be retained on Lot 1. There are 24 non-exempt trees on the site and the applicant is proposing to retain and protect 11 of the trees.

The applicant is also submitting a Public Works application for the construction of street and sidewalk improvements in the right-of-way adjacent to the site.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines "lot" as a single unit of land created by a subdivision of land. The applicant's proposal is to create 5 units of land (4 lots and 1 tract). Therefore this land division is considered a subdivision.

**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 July 22, 2016 and determined to be complete on September 26, 2016.

#### **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.

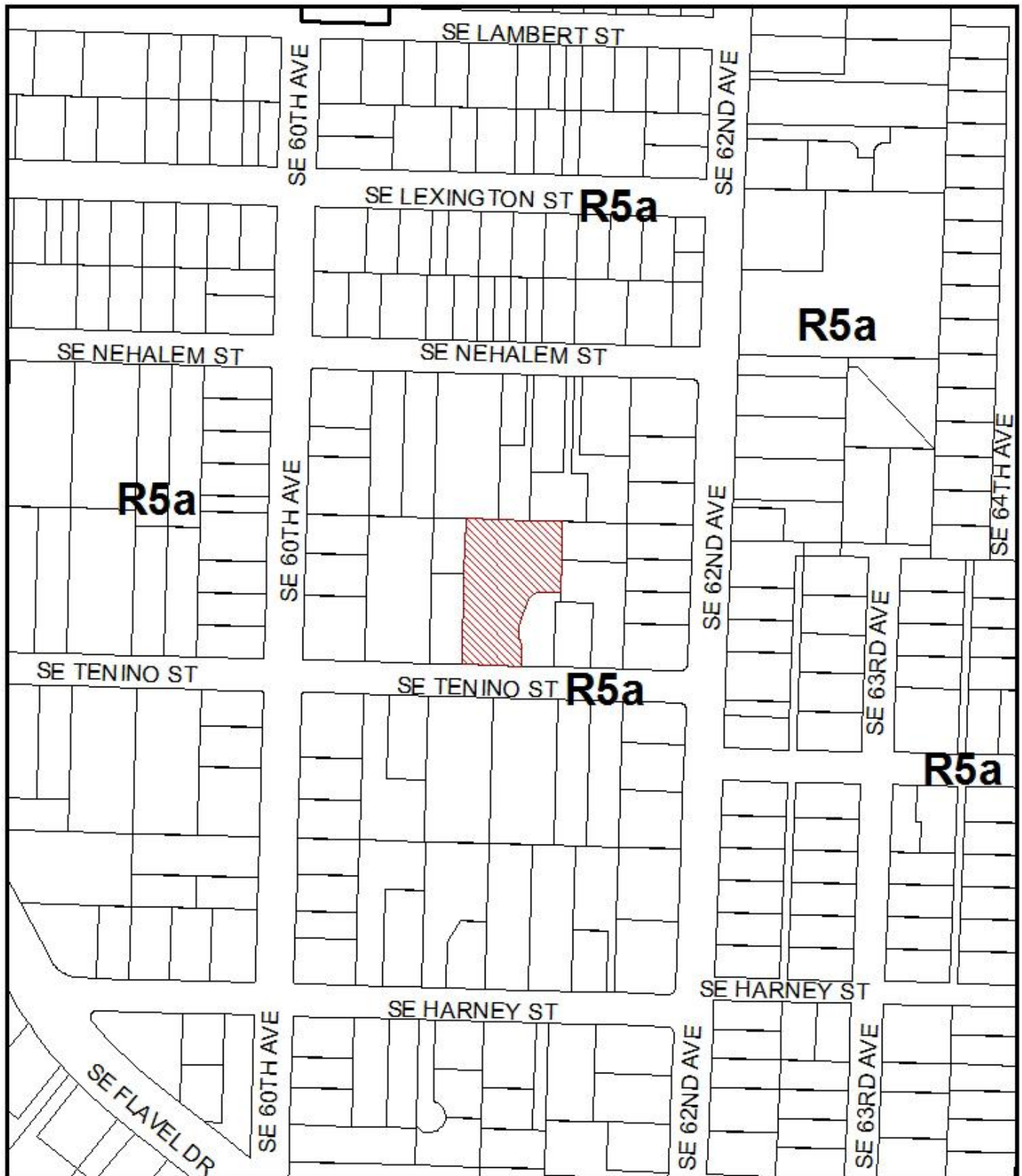
**APPEAL OF THE FINAL CITY DECISION**

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  
Site Plan



# ZONING

 Site



File No.	<u>LU 16-195163 LDS</u>
1/4 Section	<u>3836</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E19DD 500</u>
Exhibit	<u>B</u> <span style="float: right;">July 22, 2016</span>



- T8. DF 36" dbh in good condition
- T9. DF 24" dbh in good condition
- T11. EW 26" dbh in fair condition
- T13. EW 11" dbh in fair condition
- T14. EW 14" dbh in fair condition
- T16. DF 35" dbh in fair condition
- T17. DF 28" dbh in good condition
- T18. DF 19" dbh in fair condition
- T20. DF 20" dbh in good condition
- T21. DF 20" dbh in good condition
- T22. DF 40" dbh in good condition
- T23. DF 9" dbh in good condition
- T24. DF 30" dbh in good condition

- T14. SW 16" dbh in fair condition
- T15. LW 11" dbh and is dying.

Trees selected for protection will be RPZ. The prescriptive RPZ is d of tree diameter at dbh. The RPZ and other site conditions. It is to take place while still providing tree protection fencing should be driven into the ground. All fence and should not be opened or cut

Douglas Fir (*Pseudotsuga menziesii*) DF in report.  
 Sweet Cherry (*Prunus avium*) SC in report.  
 English Walnut (*Juglans regia*) EW in report.  
 Golden Chain Tree (*Laburnum x Watereri*) LW in report.

Tree diameter (dbh) for single stemmed and multi-stemmed trees was measured in accordance with chapter 33.930.130 of the City of Portland Zoning code.

Tree survey and assessment was performed on January 14, 2016. At that date tree location, species, condition and diameter were verified.

**Summary**

There are 22 trees of interest on this site and the sum of the non-exempt diameters is 510 inches. The subject trees are described in the following table. Two of the 22 trees are exempt. Nine non-exempt trees are directly in or in close proximity of the proposed buildings or fixed infrastructure, preservation is impossible or not recommended and removal is required. Tree removal requirements were determined using survey and site plan provided by Greg Lanoater. The requirements of Chapter 33.630.100 are not met.

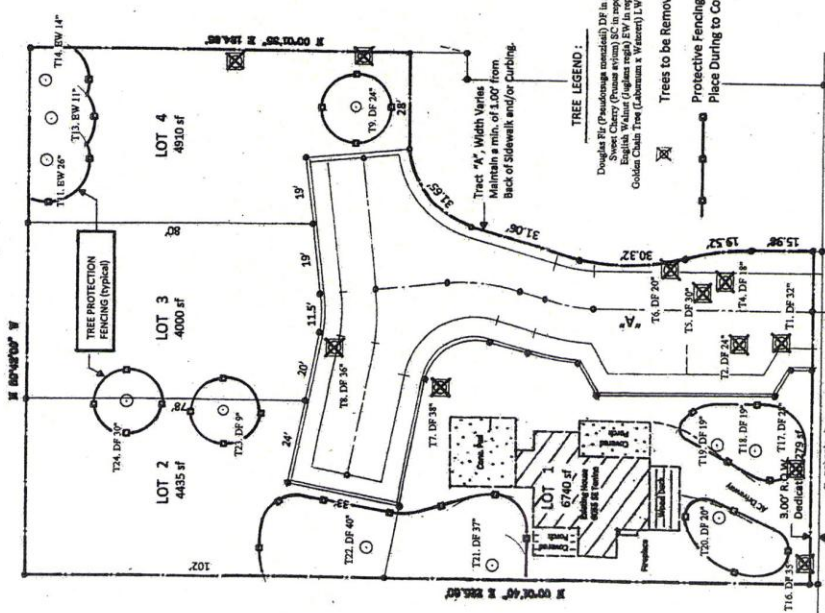
**Non exempt trees**

- T1. DF 32" dbh in good condition.
- T2. DF 24" dbh in good condition.
- T4. DF 18" dbh in good condition.
- T5. DF 30" dbh in good condition.
- T6. DF 20" dbh in fair condition.
- T7. DF 38" dbh in good condition.

**TREE LEGEND :**  
 Douglas Fir (*Pseudotsuga menziesii*) DF in report.  
 Sweet Cherry (*Prunus avium*) SC in report.  
 English Walnut (*Juglans regia*) EW in report.  
 Golden Chain Tree (*Laburnum x Watereri*) LW in report.

Trees to be Removed

Protective Fencing to remain in Place During Construction Phases



Species	dbh	Scaled dbh	Status	Remarks	Action	RPZ, ft.	Protected Sum
1 DF	32"	32"	non-exempt	good	remove	0'	0'
2 DF	24"	24"	non-exempt	good	remove	0'	0'
4 DF	18"	18"	non-exempt	good	remove	0'	0'
6 DF	30"	30"	non-exempt	good	remove	0'	0'
7 DF	20"	20"	non-exempt	fair	remove	0'	0'
8 DF	38"	38"	non-exempt	good	remove	0'	0'
9 DF	38"	38"	non-exempt	good	remove	0'	0'
11 EW	26"	26"	non-exempt	fair	protect	12'	24'
12 EW	11"	11"	non-exempt	fair	protect	13'	26"
13 EW	14"	14"	non-exempt	fair	protect	13'	11"
14 SC	18"	0'	exempt	fair	protect	13'	14"
15 LW	11"	0'	exempt	fair	remove	0'	0'
16 DF	35"	35"	non-exempt	Dying	remove	0'	0'
17 DF	28"	28"	non-exempt	fair	remove	0'	0'
18 DF	19"	19"	non-exempt	good	remove	0'	0'
19 DF	19"	19"	non-exempt	fair	protect	13', 10', 19"	19"
20 DF	20"	20"	non-exempt	good	protect	12', 14', 19", 18', 22"	19"
21 DF	37"	37"	non-exempt	good	protect	20', 10', 37"	37"
22 DF	40"	40"	non-exempt	good	protect	10', 30'	40"
23 DF	9"	9"	non-exempt	good	protect	10', 9'	9"
24 DF	30"	30"	non-exempt	good	protect	10', 30'	30"
Sum		510"					248'

non-exempt dbh 510"  
 Percent significant protected 49%  
 Percent non-exempt protected 45%



PRELIMINARY PLAT  
 Scale: 1" = 20'

NOT TO SCALE

LU 16-195163 LDS