



City of Portland, Oregon
Bureau of Development Services
Land Use Services
 FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor
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www.portlandoregon.gov/bds

Date: May 31, 2017
To: Interested Person
From: William Piro, Land Use Services
 503-823-6039 / William.Piro@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 June 30th, 2017.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-109138 LDP, in your letter. It also is helpful to address your letter to me, William Piro. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-109138 LDP

Applicant/Owner: Daniel R Weaver Sandra M Weaver
 31313 SE Walnut Ave 31313 SE Walnut Ave
 Eagle Creek, OR 97022-8620 Eagle Creek, OR 97022-8620

Representative: Kurtis Kuiper | Associated Land Surveyors, Inc.
 375 Portland Ave.
 Gladstone, Oregon 97027

Site Address: 731 SE 139TH AVE

Legal Description: BLOCK 3 S 23' OF LOT 5 N 22.5' OF LOT 6, HOOD ACRES & PLAT 2 & 3
Tax Account No.: R401401950
State ID No.: 1S2E02AA 12400
Quarter Section: 3144

Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Gateway Area Business Association, contact Paul Wild at paul.wild@mhcc.edu
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: None
Other Designations: None

Zoning: *Base Zone:* Single-Family Residential 5,000 (R5)
Overlay: Alternative Design Density Overlay (a)
Case Type: Land Division-Partition (LDP)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant requests a **Land Division-Partition** to divide 13,085 square foot property into 2 lots. The existing house will remain on Parcel 1. The existing detached garage will be removed. The applicant is proposing a flag lot as the site has dimensions that preclude a land division that would otherwise meet the minimum lot width standard of 36 feet in the R5 zone.

This subdivision proposal is reviewed through a Type 1x procedure because: (1) the site is not assigned a Type IIx or Type III review. Please see 33.660.110 for additional information.

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 3 or fewer lots within a calendar year according to ORS 92.010 *Partitioning Land*. ORS 92.010 defines "lot" as a single unit of land created by a subdivision 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:

- Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential zones.
- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

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 January 25, 2017 and determined to be complete on May 23, 2017.

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.

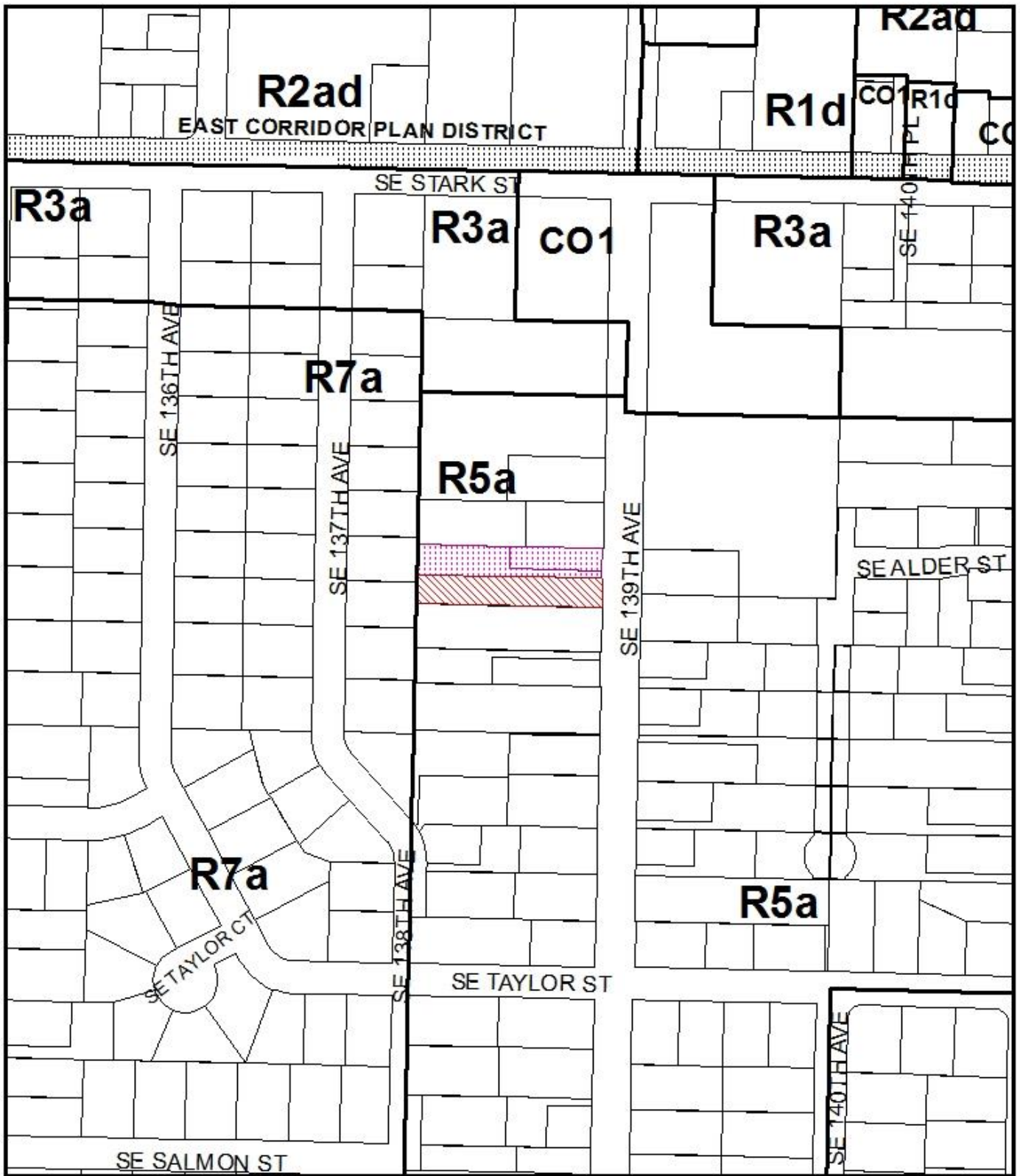
APPEAL PROCESS

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
-  Also Owned Parcels

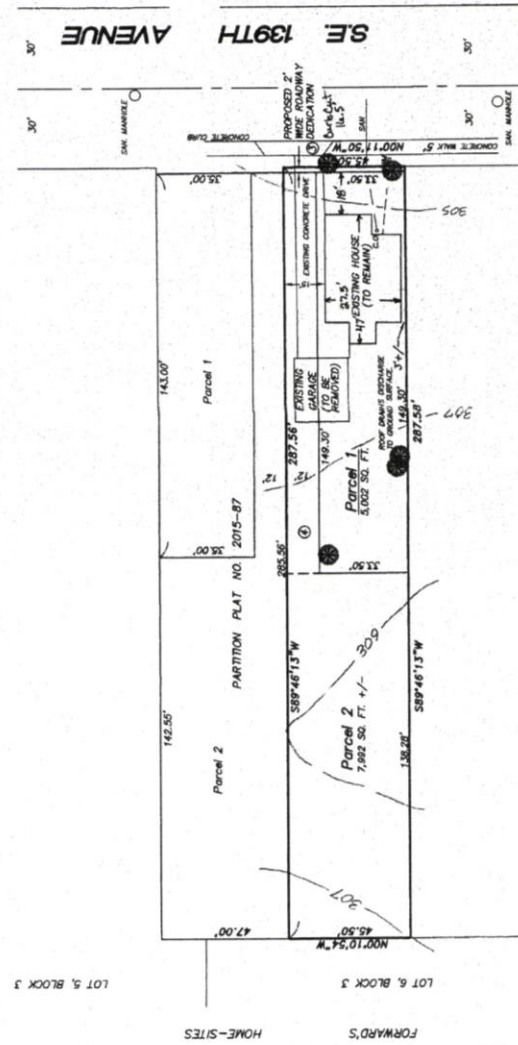
File No. LU 17-109138 LDP
 1/4 Section 3144
 Scale 1 inch = 200 feet
 State_Id 1S2E02AA 12400
 (Jan 27, 2017)

PRELIMINARY LAND DIVISION AND EXISTING CONDITIONS PLAN

REGISTERED
PROFESSIONAL
LAND SURVEYOR
[Signature]
OREGON
JANUARY 19, 1982
RPT'S NUMBER
1978
VALID THRU 6/30/17
PROJECT: 1302

A Partition of a portion of Lot 5 and 6, Block 3, Hood Acres
IN THE NE 1/4 OF SECTION 2, T11S. R.2E, W4M, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
May 16, 2017 Scale: 1"= 30'

For Daniel R. and Sandra M. Weaver



- NOTES:**
1. AREA OF LAND PROPOSED TO BE PARTITIONED = 13,899 SQ. FT.
 2. CURRENT ZONE: R3
 3. EXISTING DRIVEWAY OPENING
 4. PROPOSED ACCESS EASEMENT FOR PARCEL 1
 5. EXISTING TREES 6" OR MORE IN DIAMETER

