



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

Chloe Eudaly, Commissioner
Rebecca Esau, Director
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TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: January 30, 2018
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or lois.jennings@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 1, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-267924 LDP, in your letter. It also is helpful to address your letter to me, Lois Jennings. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-267924 LDP

Applicant: Kevin Partain | Urban Visions
223 NE 56th Ave | Portland OR 97213
Phone#: 503-421-2967 or kevin@gorge.net

Owner: James Kosta | B-W Construction Inc.
PO Box 66910 | Portland, OR 97290-6910

Site Address: 2912 SE 115TH AVE

Legal Description: TL 1500 0.41 ACRES, SECTION 10 1S 2E
Tax Account No.: R992101410
State ID No.: 1S2E10AB 01500
Quarter Section: 3342

Neighborhood: Powellhurst-Gilbert, contact at pgnaboard@gmail.com
Business District: Midway, contact info@midwaybusiness.org.
District Coalition: East Portland Neighborhood Office, contact Victor Salinas at 503-823-6694.

Plan District: Johnson Creek Basin
Zoning: R5- High Density Single Family Residential Zone (one unit per 5,000 s.f.) with an "a"-Alternative Design Density Overlay

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 is proposing a two-lot land division and a tree preservation tract. Proposed Parcel 1 will be 7,690 sq. ft. and retain the existing house and attached garage. Proposed Parcel 2 will measure 6,718 sq. ft. and is a flag lot. The Tree Preservation tract will be 3,220 sq. ft. in area. The applicant is proposing to protect two Douglas Fir trees on the site within the tree preservation tract (trees numbered 5 & 6), shown on the attached site plan) in order to meet the Zoning Codes (section 33.630) Tree Preservation requirements. Portland Bureau of Transportation (PBOT) is requiring a three (3) foot street dedication along SE 115th Avenue's street frontage. The owner of the property has chosen to pay the Local Transportation Infrastructure Charge (LTIC) versus constructing the street frontage abutting this property.

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.**

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 two lots and a tree preservation tract. Therefore, this land division is considered a partition.

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 November 8, 2017 and determined to be complete on January 24, 2018.

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.

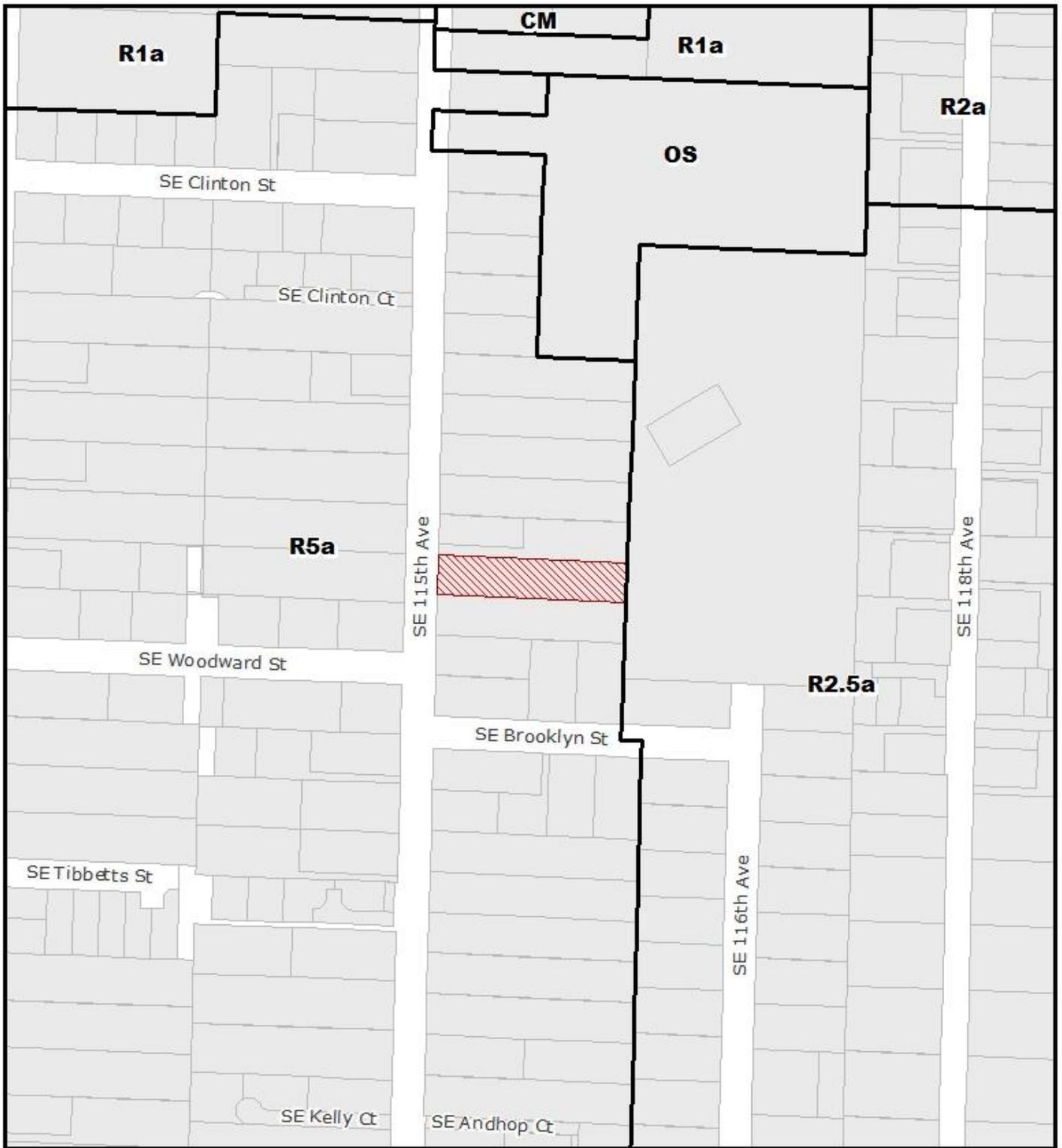
APPEAL PROCESS

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



THIS SITE LIES WITHIN THE:
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	LU 17-267924 LDP
1/4 Section	3342
Scale	1 inch = 200 feet
State ID	1S2E10AB 1500
Exhibit	B Nov 09, 2017

TENTATIVE PLAN, TREE SURVEY AND EXISTING CONDITIONS MAP FOR A PROPOSED PARTITION PLAT 1S2E10AB TAX LOT 01500 - DOCUMENT NO. 2017-039201

S.E. 115TH AVENUE
50.00' WIDE

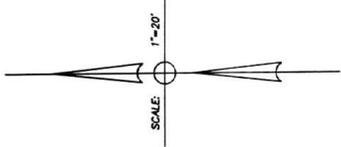
RECEIVED

JAN 12 RECD

SITUATED IN THE N.E. 1/4, SECTION 10, T.1S., R.2E., W.M.
MULTNOMAH COUNTY, OREGON

DATE: MAY 1, 2017
ACCOUNT NO. 17028
DRAWING NO. 17028EYC
REVISION: OCTOBER 11, 2017
REVISION: OCTOBER 19, 2017
REVISION: JANUARY 3, 2018

MARK ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYOR
PORTLAND, OR 97233
TEL: 503-667-6500
FAX: 503-667-6501
EMAIL: DALE@MARKASSOCIATES.NET



REGISTERED PROFESSIONAL LAND SURVEYOR

DALE MARK

OREGON FERRIS W. 1985 LAND SURVEYOR EXPIRES 12/31/19

ZONING:
RS, RESIDENTIAL 5000

SITE SIZE:
17,813 SQUARE FEET

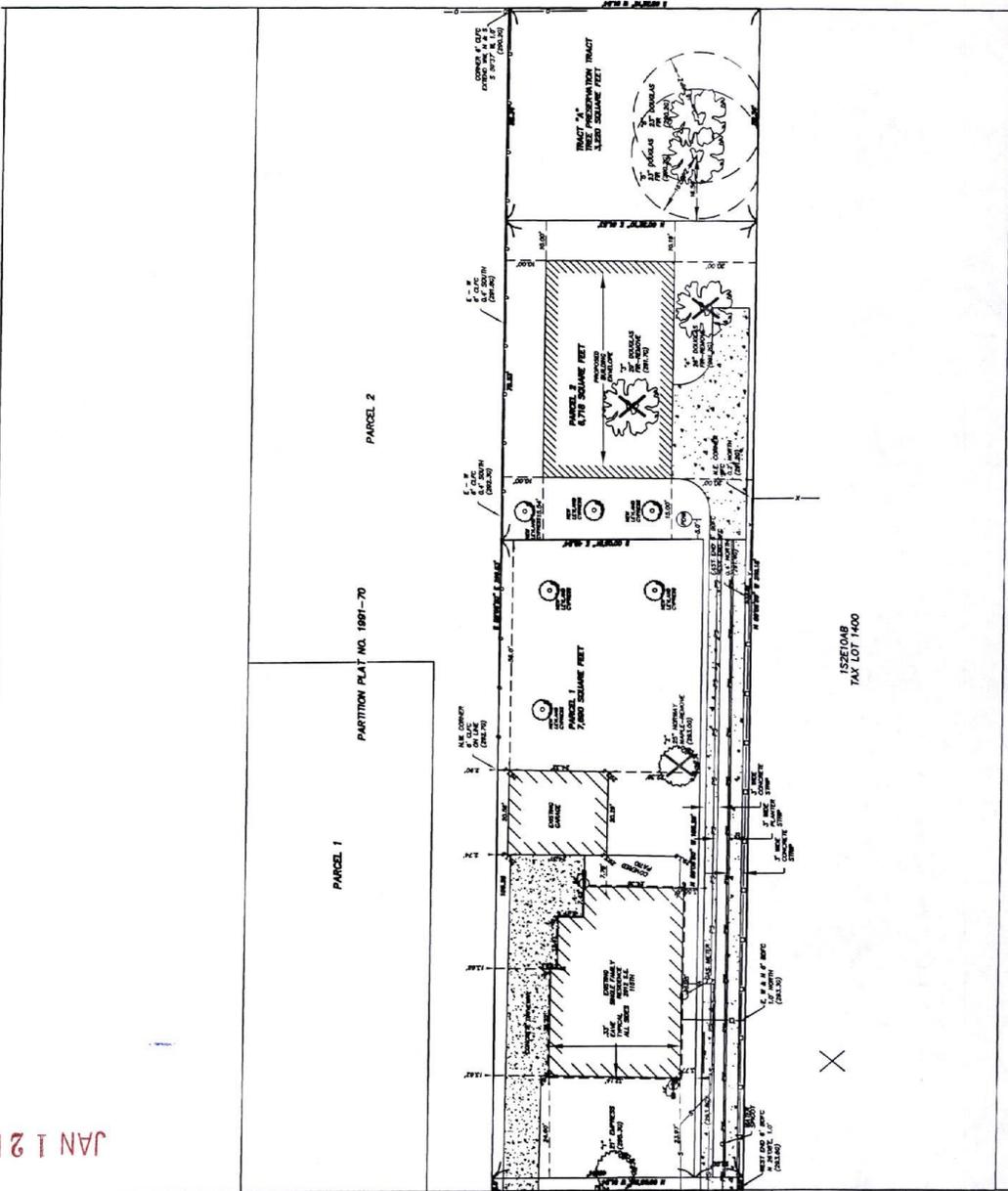
PARCEL DATA: LOCATED BY ORDINANCE 1984, 2-11-1932.
ISSUING TAX LOT 01500 - DOCUMENT NO. 2017-039201

BENCH MARK:
CITY OF PORTLAND 2" BRASS DISC, BM NO. 10671, S. CURB, S.E. CORNER OF INTERSECTION CENTERLINE, S.E. 115TH AVENUE, ELEVATION = 2881.71 CIP DATUM

NOTES & LEGEND:

- "TM" DEPICTS WATER METER
- "P" DEPICTS POWER POLE
- "D" DEPICTS DOWNSPOUT TO SURFACE
- "123.456" DEPICTS GROUND ELEVATION (ELEVATION IS AT DECIMAL POINT)
- "123.45(6)" DEPICTS GROUND ELEVATION AT ITEM NOTED (ELEVATION IS AT DECIMAL POINT)
- "123.45(123.08)" DEPICTS TOP CURB ELEVATION (GUTTER ELEVATION) (ELEVATION IS AT DECIMAL POINT OF TOP CURB)
- "123.457C" DEPICTS TOP CURB ELEVATION (ELEVATION IS AT DECIMAL POINT)
- "123.452" DEPICTS CENTERLINE ELEVATION (ELEVATION IS AT DECIMAL POINT)
- "BOPFC" DEPICTS BOARD FENCE
- "-O-" DEPICTS BOARD FENCE
- "CLFC" DEPICTS CHAIN LINK FENCE
- "-O-" DEPICTS CHAIN LINK FENCE
- "WFC" DEPICTS WIRE FENCE
- "-X-" DEPICTS WIRE FENCE
- "-W-" DEPICTS WATER LINE
- "-S-" DEPICTS SEWER LINE
- "-PW-" DEPICTS PROPOSED WATER LINE
- "-PS-" DEPICTS PROPOSED SEWER LINE
- "(M)" DEPICTS PROPOSED DRYWELL
- "■" DEPICTS SLASHBLOCK
- "T" DEPICTS ARBORIST REPORT TREE NUMBER.
- "RPT" DEPICTS ROOT PROTECTION ZONE.

NOTE: UTILITIES ARE LOCATED AS SHOWN PER FIELD TIES OR RECORD DRAWINGS. ACTUAL LOCATION SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION.



LU 17-267984 LDP