



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

Chloe Eudaly, Commissioner
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Date: August 8, 2018
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or lois.jennings@portlandoregon.gov

REVISED NOTICE OF A TYPE I_x PROPOSAL IN YOUR NEIGHBORHOOD

This proposal notice has been revised since the applicant is no longer proposing to construct the street improvements." See additional information below in the revised proposal.

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 September 7, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-235704 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. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 17-235704 LDP

Applicant: Colleen Spurgeon, Township Surveys Llc
1415 Washington St., Oregon City, OR 97045
Phone: 503-656-4915 or colleen@townshipsurveys.com

Owner: Dereje D. Tessema
7414 SE Clackamas Road, Milwaukie, OR 97267

Site Address: 13242 SE BUSH ST

Legal Description: LOT 2, WILSONS SUB
Tax Account No.: R919800070
State ID No.: 1S2E11DB 11300
Quarter Section: 3444

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 "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).

Revised Proposal: The applicant is proposing a two-lot land division. The existing single-family residence is being retained on Parcel 1, which will be 5,152 s.f. in area. Parcel 2 will be 4,999 s.f. and will be developed with a single-family residence with off-street parking. Two trees on the site, a 11- caliper inch Dogwood (identified as #1) and a 36-caliper inch Douglas Fir tree (identified as #5), are being proposed to be preserved in order to meet the Zoning Code Tree Preservation requirement (33.630). Portland Bureau of Transportation (PBOT) is requiring a 3-foot street dedication along S.E. Bush Street. Southeast Bush Street is currently not improved to the City's right-of-way standards along this site's frontage.

The original notice of proposal mailed on March 8, 2018 stated the owner was proposing to construct the right-of-way within this frontage to meet City standards. During the Public Works Permitting process it was discovered that the proposed design had potential conflicts with the existing water main infrastructure. The owner has decided not to proceed with the right-of-way improvements and instead pay the Local Transportation Infrastructure Charge (LTIC). The applicant will also be required to execute street and storm sewer waivers of remonstrance and provide the required dedication to allow for future improvements.

The zoning map indicates the site is zoned R5 since this land division application is vested in the zoning and zoning code in effect at the time the application was submitted on September 6, 2017. The current zoning of the site, as of May 24, 2108, is R7.

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. 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 September 6, 2017 and determined to be complete on March 5, 2018. The original notice was mailed out on March 8, 2018 and the comment period ended on April 9, 2018. The applicant provided an extension to the state timeline to resolve and provide additional information to show how the land division approval criteria can be met.

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. In this case, the applicant requested that the 120-day review period timeline be extended to the maximum allowance of an additional 245 days.

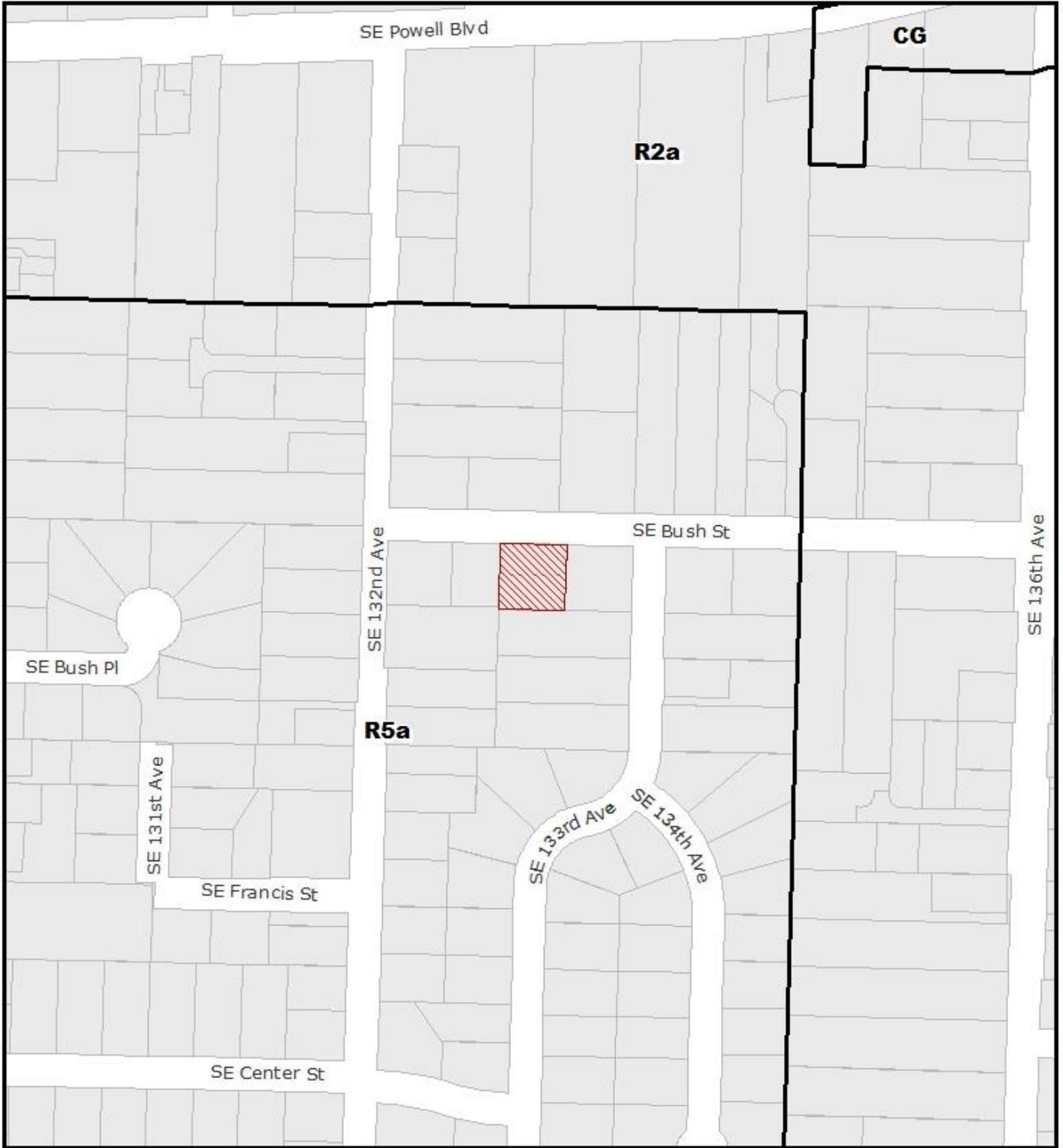
APPEAL PROCESS

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

NORTH

THIS SITE LIES WITHIN THE:
JOHNSON CREEK BASIN PLAN DISTRICT

 Site

File No.	LU 17-235704 LDP
1/4 Section	3444
Scale	1 inch = 200 feet
State ID	1S2E11DB 11300
Exhibit	B Sep 08, 2017

