



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

Ted Wheeler, Mayor
Rebecca Esau, Director
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www.portlandoregon.gov/bds

Date: November 2, 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 December 3, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-251568 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 18-251568 LDP

Applicant/owners: Daniel Silvey, DBS Group Llc
PO Box 96
Tualatin, OR 97062
503-201-8537 or danielsilvey@kniperealty.com

Representative: Danelle Isenhardt, Emerio Design
6445 SW Fallbrook Place, Suite 100
Beaverton, OR 97008
503-746-8812 or danelle@emeriodesign.com

Party of Interest: Bradlee Hersey, Faster Permits
2000 SW 1st Avenue
Portland, OR 97201

Site Address: 5526 NE SIMPSON ST

Legal Description: BLOCK 11 N 92.37' OF LOT 1, KILLINGSWORTH GARDENS
Tax Account No.: R450004540
State ID No.: 1N2E18DC 02700
Quarter Section: 2436

Neighborhood: Cully, contact David Sweet at 503-493-9434.
Business District: Midway, contact info@midwaybusiness.org.

District Coalition: Central Northeast Neighbors, contact Sandra Lefrancois at 503- 823-2780.

Plan District: None

Zoning: R5- Single-Dwelling Residential -1 unit per 5,000 s.f. with an “h”-Aircraft Landing Zone overlay

Case Type: LDP-Land Division Partition

Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant is proposing to divide this currently vacant 11,615 s.f. corner property into three (3) parcels. The applicant is utilizing the corner lot alternative development option (33.110.240.E) to create attached housing lots for Parcels 1 and 2. This provision requires attached housing lots to meet the minimum lot dimension standards of the R2.5 zone. Parcels 1 and 2 will be 2,625 s.f. in area with a width of 44 ft. Parcel 3 will be 5,988 s.f. and will be developed with a detached single-family house. The applicant’s preliminary site & utility plan shows how services (sanitary, stormwater, and water) will be provided for each lot.

Prior to this land division application being submitted, the applicant received approval to demolish the existing house under permit #18-149654 RS. A building permit for a new single-family house to replace the previous house was approved and issued under 18-181388 RS. Trees on site were removed with approval of the new single-family house permit, 18-181388 RS, and met the applicable standards of Title 11, the Tree Code. As part of that building permit approval Portland Bureau of Transportation (PBOT) required 3 ft. street dedication along NE Simpson Street and 2 ft. street dedication along NE 55th Avenue street frontage. NE Simpson Street is currently not improved to City’s right-of-way standards along this frontage. The owner as part of the building permit chose to pay the Local Transportation Infrastructure Charge (LTIC) versus constructing the right-of-way improvements along SE Simpson Street. As part of paying LTIC the applicant also executed street and storm sewer waivers of remonstrance for future improvements along this frontage through a Local Improvement District. For this land division proposal PBOT notes NE 55th Avenue currently does not meet City standards and therefore PBOT will require reconstruction of the pedestrian corridor along NE 55th Avenue’s frontage at the time of development of the attached housing lots (Parcels 1 & 2).

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 units of land (2 lots). 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 October 11, 2018 and determined to be complete on November 1, 2018.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal.

After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- 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 by making a request online or contacting me.

- Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. Copies of all information in the file can be obtained for the cost of making copies during the appointment.
- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

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.portlandoregon.gov.

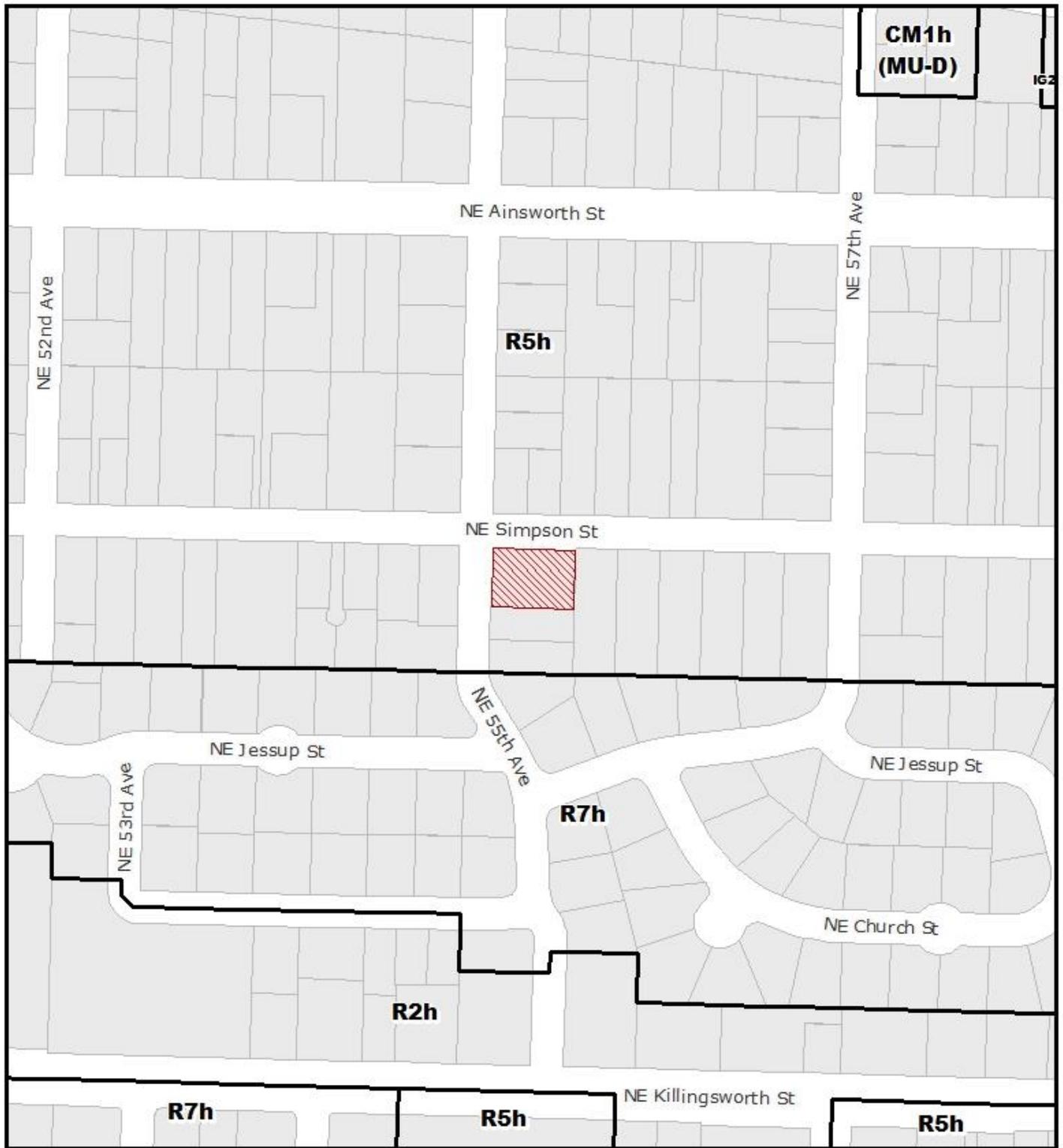
APPEAL PROCESS

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

 Site

File No.	LU 18-251568 LDP
1/4 Section	2436
Scale	1 inch = 200 feet
State ID	1N2E18DC 2700
Exhibit	B Oct 15, 2018

5506 NE SIMPSON STREET
 3-LOT PARTITION
 TAX MAP 11N R2E 18DC
 PORTLAND, OREGON

PRELIMINARY
 SITE/UTILITY PLAN

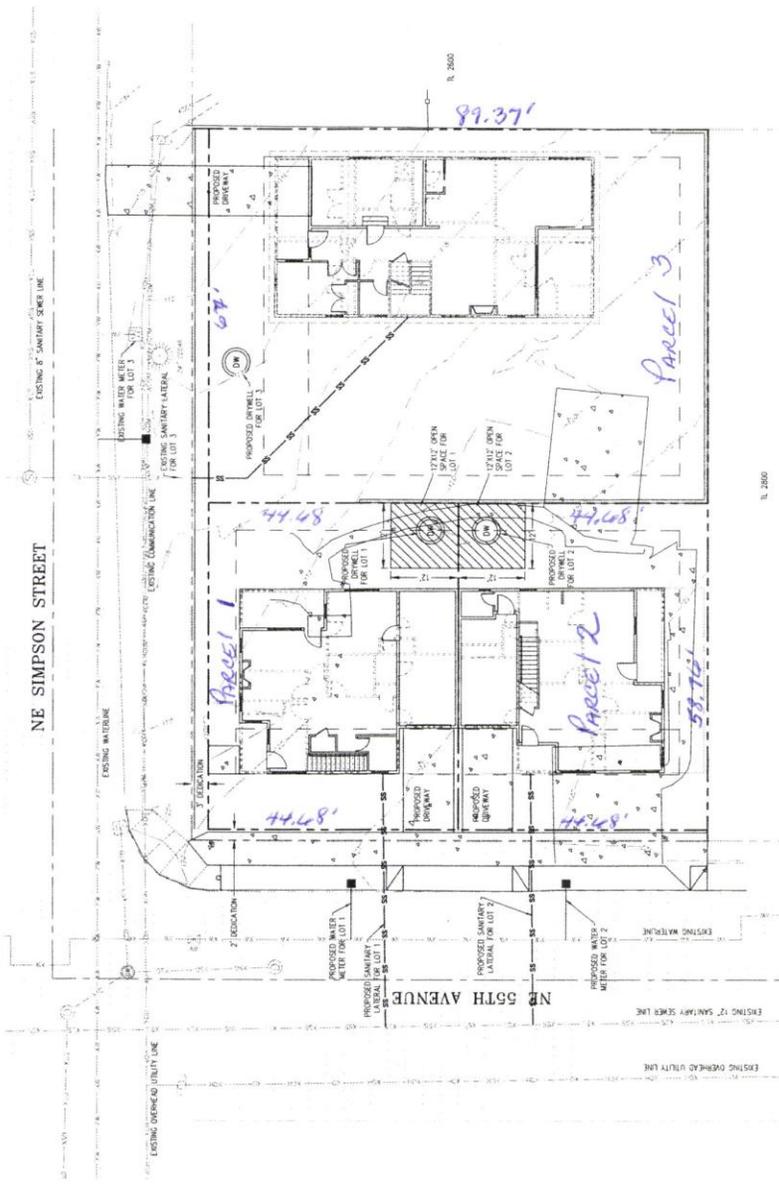
EMERIO
Design
 6445 SE WATSON AVENUE SUITE 100
 PORTLAND, OREGON 97206
 TEL: (503) 429-8882
 FAX: (503) 429-8883
 WWW.EMERIODESIGN.COM

SHEET
 4 OF 5



- LEGEND**
- PROPERTY LINE
 - ADJACENT/ADJOINING LOT LINE
 - CENTER LINE ROW
 - SET BACK LINE
 - EXISTING 1' CONTOUR LINE
 - EXISTING 5' CONTOUR LINE
 - EXISTING TREE
 - EXISTING PUBLIC DRYWELL
 - EXISTING STORM SEWER MANHOLE
 - EXISTING STORM CATCH BASIN
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING WATER METER
 - EXISTING WATER VALVE
 - EXISTING UTILITY POLE
 - EXISTING SIGN
 - EXISTING SANITARY SEWER LINE
 - EXISTING STORM SEWER LINE
 - EXISTING COMMUNICATION LINE
 - EXISTING WATER LINE
 - EXISTING GAS LINE
 - EXISTING OVERHEAD UTILITY LINE
 - EXISTING EASEMENT
 - PROPOSED SANITARY LATERAL
 - PROPOSED WATER METER

NEAREST FIRE HYDRANT IS LOCATED AT THE
 NORTHEAST CORNER OF THE INTERSECTION OF NE
 55TH AVENUE AND NE SIMPSON STREET
 APPROXIMATELY 60' FROM THE PROPERTY CORNER.



Parcel 1 { *Parcel 2* } *Parcel 3*
Attached Housing lots
Detached House - Parcel 3

Lot Area
Parcel 1 2,625 s.f.
Parcel 2 2,625 s.f.
Parcel 3 5,988 s.f.