



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: December 3, 2018
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 January 2, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-224543 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. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 18-224543 LDP

Applicant: Kevin Partain | Urban Visions Planning Services Inc.
223 NE 56th Avenue | Portland, OR, 97213
503-421-2967 | kevin@gorge.net

Owner: Urban Housing Development LLC
P.O. Box 11930 | Portland, OR, 97211
503-998-8444 | begletsalex@gmail.com

Site Address: 28 SE 50TH AVE
Legal Description: N 32.67' OF LOT 21 S 34' OF LOT 22, CURRYS MT TABOR ADD
Tax Account No.: R191400830
State ID No.: 1N2E31CD 00500
Quarter Section: 3035
Neighborhood: Mt. Tabor, contact Stephanie Stewart at 503-230-9364.
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
Other Designations: None
Zoning: Single Dwelling Residential 5,000 (R5)
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 to partition a 10,017 square foot site into two parcels. Parcel 1 will be 4,107 square feet in area and Parcel 2 will be 5,910 square feet and will be configured as a flag lot. The existing single family dwelling will remain on Parcel 1. The subject site is located within 500-feet of a transit street (Burnside St.) with 20-minute peak hour transit service via Bus #20. Therefore, parking is not required, and the applicant has elected not to provide replacement Parking for Parcel 1. Parking will be provided for Parcel 2 and will be accessed via the “pole” portion of the flag lot abutting SE 50th Ave. At this location, the SE 50th Ave. right-of-way does not meet the pedestrian corridor standards for Local Service Streets; however, Administrative Rule TRN 1.22 applies at this location. Therefore, the applicant is not required to replace the existing sidewalk corridor. The existing house on Parcel 1 will maintain the water and sewer services from SE 50th Ave and stormwater will be managed via existing downspouts and splash blocks. Downspouts for the existing house will be modified to be 6-feet from the foundation of the building and 5-feet from property lines. Parcel 2 will gain water service and sewer service from SE 50th Ave. via the “pole” portion of the flag lot. Parcel 2 will utilize a standard drywell behind the new single-family residence to manage stormwater.

There are a total of 4 trees onsite which are subject to tree preservation requirements. One tree will be retained to address the tree preservation requirements of Chapter 33.630. On Parcel 2 the applicant has proposed to preserve a mature 41-inch chestnut tree (*Castanea dentata*).

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.

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 2 units of land (2 parcels). 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 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 August 21, 2018 and determined to be complete on November 26, 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.

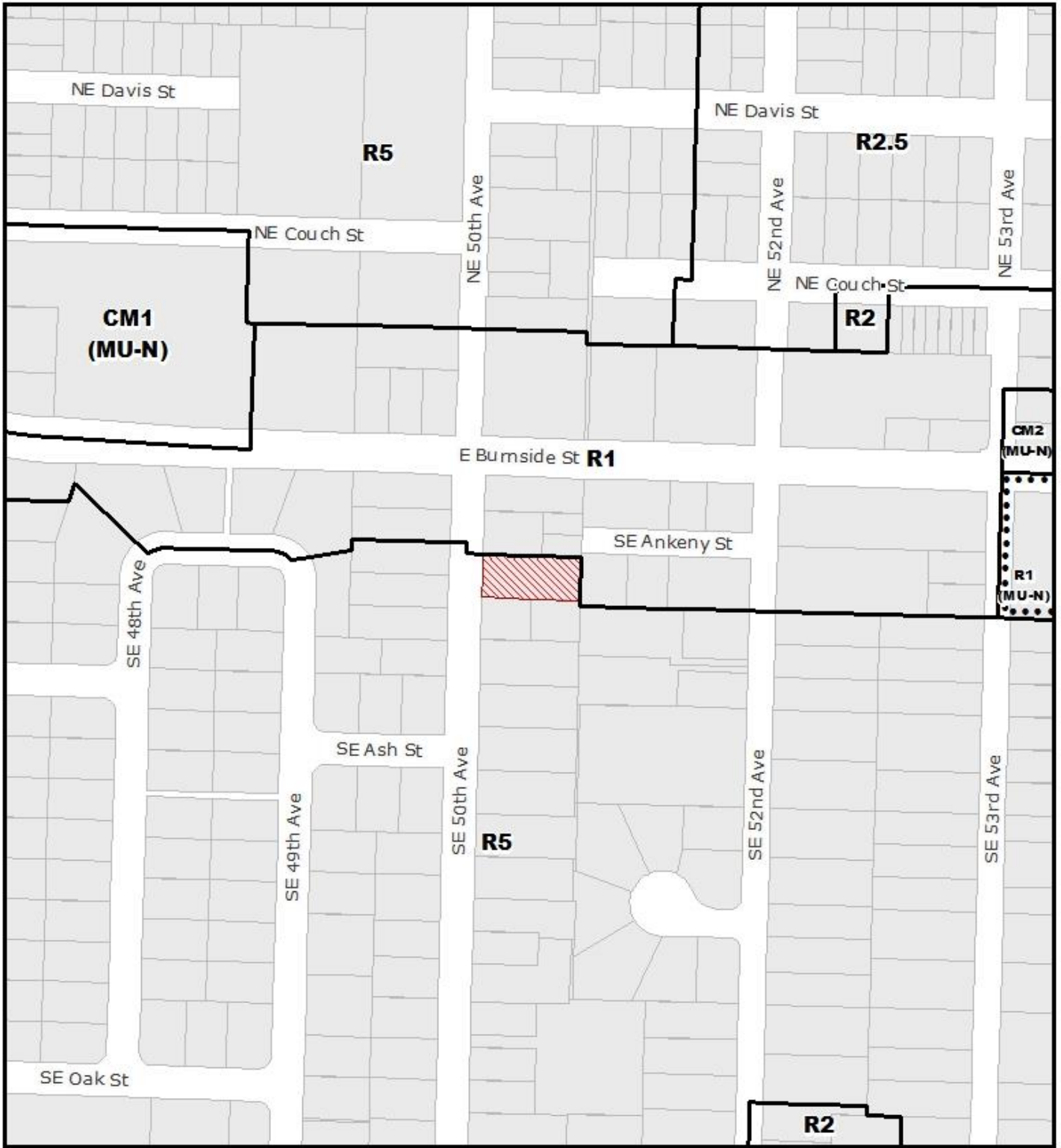
APPEAL PROCESS

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:

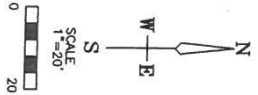
Zoning Map
Site Plan



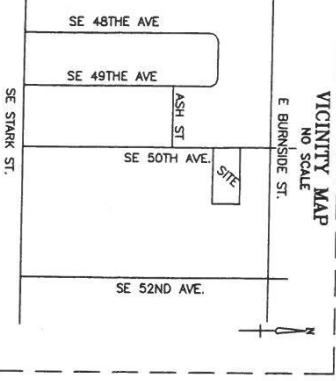
ZONING  NORTH

 Site

File No.	LU 18-224543 LDP
1/4 Section	3035
Scale	1 inch = 200 feet
State ID	1N2E31CD 500
Exhibit	B Aug 24, 2018



① NEW CURB CUT FOR PARCEL 2



Ferguson Land Surveying, Inc.
 646 SE 106TH AVE. PORTLAND, OR 97216
 Phone (503) 408-0601 Fax (503) 408-0602
 www.fergusonlandsurveying.com

PRELIMINARY PLAT
 A PART LOTS 21 AND 22, TOWNSHIP 40N, RANGE 12E, SECTION 31, T1N, R22E, W1E, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

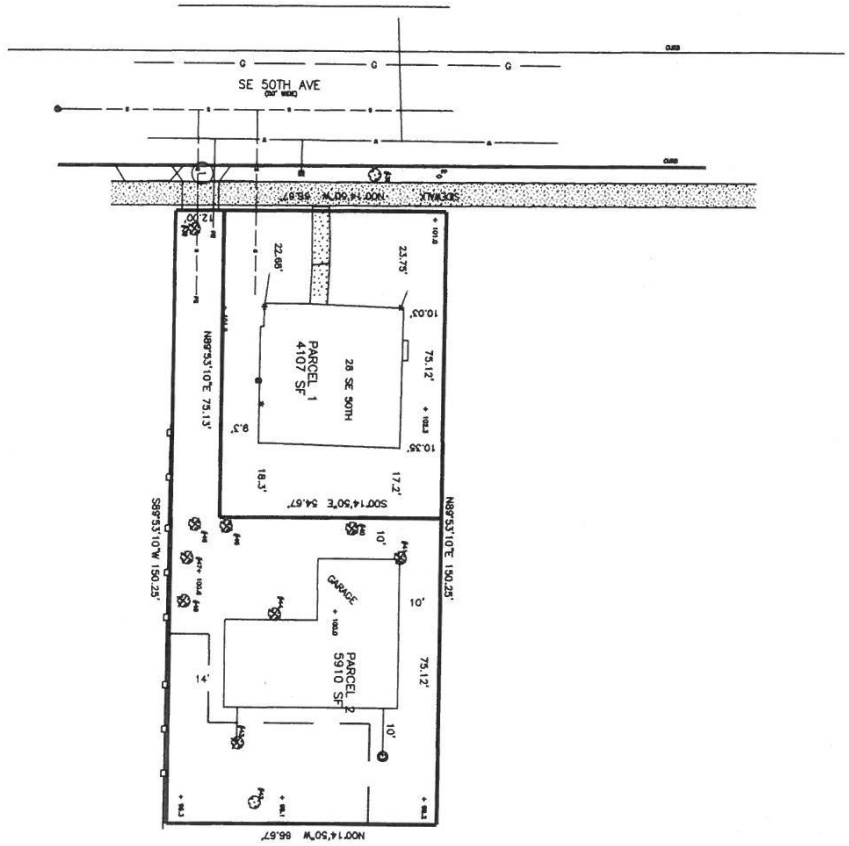
CLIENT:
 URBAN HOUSING DEVELOPMENT
 PO BOX 11930
 PORTLAND, OR 97211

DATE: SEPTEMBER 27, 2018
 REVISION: 9/10/2018
 REVISION: 9/28/2018
 REVISION: 11/19/2018

JOB NO. 18-083
DRAFTED 03.25.18
SHEET 1 OF 1

- NOTE: LOCATION DATA IS ASSUMED
1. LOCATION DATA IS ASSUMED
 2. LOCATION DATA IS ASSUMED
 3. SEE THESE REPORT BY WALTER GIBSON CONSULTING
 4. MEASUREMENTS FOR EXISTING HOUSE WILL BE MEASURED TO BE 6" FROM THE FOUNDATION AND 5" FROM ANY PROPERTY LINE.

REGISTERED PROFESSIONAL LAND SURVEYOR
 JULY 25, 1990
 JOE H. FERGUSON
 2445
 OREGON
 RENEWAL DATE 12/31/19



- SYMBOLS**
- ⊕ = POWER POLE
 - ⊙ = GUY ANCHOR
 - ⊖ = ELECTRIC METER
 - ⊗ = GAS METER
 - ⊕ = GAS VALVE
 - ⊙ = SANITARY MANHOLE
 - ⊖ = CLEAN OUT
 - ⊕ = WATER METER
 - ⊙ = WATER VALVE
 - ⊖ = FIRE HYDRANT
 - ⊕ = CATCH BASIN
 - ⊙ = DOWN SPOUTS
 - W— = WATER LINE
 - G— = GAS LINE
 - E— = ELECTRIC LINE
 - S— = SAN. SEWER
 - D— = STORM LINE
 - ⊙ = DECIDUOUS TREE
 - ⊙ = CONIFER TREE
 - ⊙ = 4X3 DRYWELL
 - = ROOT PROTECTION ZONE