



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: April 1, 2019
To: Interested Person
From: Leah Dawkins, Land Use Services
503-823-7830 / Leah.Dawkins@portlandoregon.gov

NOTICE OF A TYPE IIx 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 42 days, **we need to receive your written comments by 5 p.m. on May 1, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-176513 LDP AD, in your letter. It also is helpful to address your letter to me, Leah Dawkins. 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 18-176513 LDP AD PC # 16-291662

Applicant: Colleen Spurgeon, Township Surveys LLC
1415 Washington St / Oregon City, OR 97045
(503)656-4915

Owner: Thomas R Peabody and Rose M Kurtti
1733 SE 40th Ave / Portland, OR 97214-5223

Site Address: 1733 SE 40th Ave, 1815 SE 40th Ave

Legal Description: TL 5900 0.40 ACRES, SECTION 01 1S 1E; TL 6000 0.20 ACRES,
SECTION 01 1S 1E

Tax Account No.: R991012350, R991012370

State ID No.: 1S1E01DA 05900, 1S1E01DA 06000

Quarter Section: 3234

Neighborhood: Richmond, contact Matt Otis at richmond.pdx.lutc@gmail.com

Business District: Hawthorne Blvd. Bus. Assoc., contact Greg Moon at
gmoon@westernseminary.edu

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Zoning: R5- Single Dwelling Residential

Case Type: LDP- Land Division Partition; AD- Adjustment Review

Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to divide the subject site into two parcels. Parcel 1 is proposed to be 6,250 square feet in size and will retain the existing single dwelling structure. Parcel 2 is proposed to be 11,262 square feet in size and will retain the existing accessory dwelling unit, which will be converted to a primary structure. Three trees are proposed for preservation.

An Adjustment to maximum lot size is being requested to allow Parcel 2 to be larger than the maximum allowed lot size of 8,500 square feet in the R5 zone.

The current zoning on the subject site is R2.5. However, this application was submitted prior to May 24th, 2018, when the 2035 Comprehensive Plan and associated zoning code changes went into effect. Therefore, this proposal is being reviewed under the prior zoning regulations for the R5 zone.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent review (Adjustment) is 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 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 criteria are:

- **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones**
- **Section 33.805.040, Approval Criteria for Adjustments**

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 May 23, 2018 and determined to be complete on November 13, 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 Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

APPEAL OF THE FINAL CITY DECISION

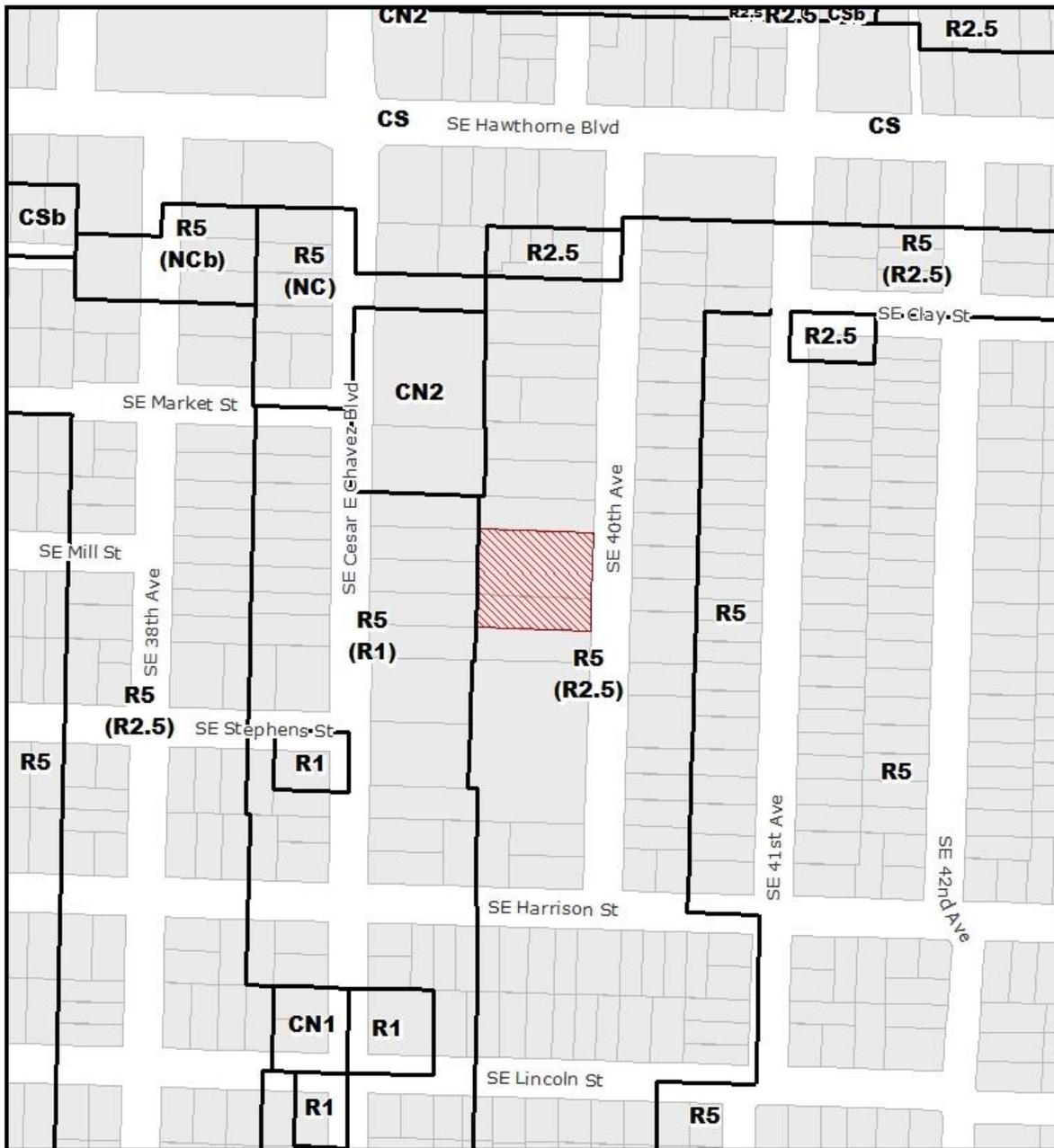
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also 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

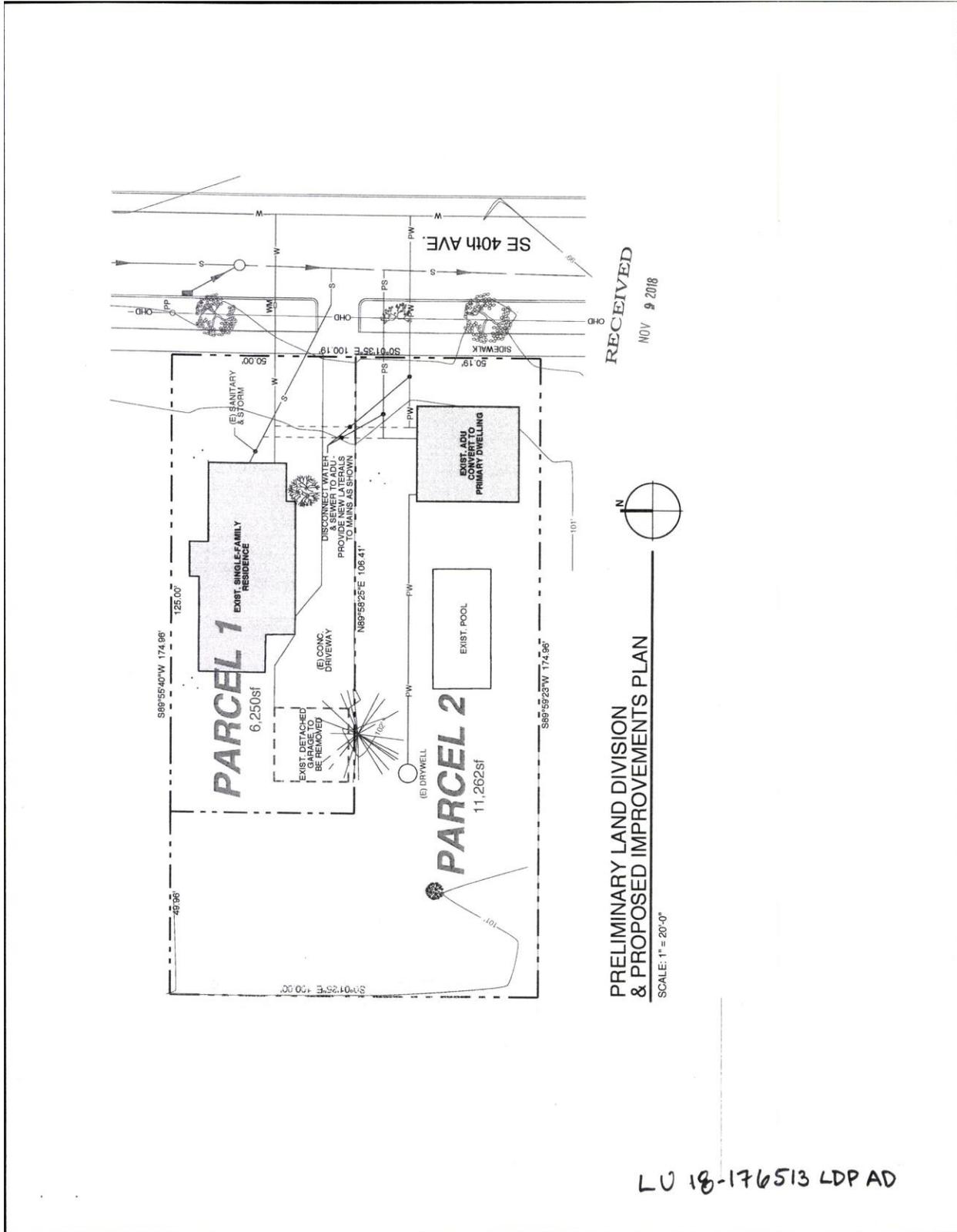
Site Plan



ZONING ↑
NORTH

 Site

File No.	LU 18-176513 LDP
1/4 Section	3234
Scale	1 inch = 200 feet
State ID	1S1E01DA 5900
Exhibit	B May 29, 2018



LU 18-176513 LDP AD