



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: April 26, 2019
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or lois.jennings@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 27, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-176444 LDS LV, 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 18-176444 LDS LV

Applicant: Sarah Radelet | Strata Land Use Planning
PO Box 90833 | Portland OR 97290
503-320-0273 or sarah@stratalanduse.com

Owner/Owner's Representative: HKN Properties One LLC | Attn: Hung Ng
8651 SW Canyon Dr | Portland OR 97225

Parties of Interest: Samson Cheung, AAV One LLC
8733 SE Division Street, Suite #201 | Portland, OR 97266
503-805-5985

Dennis Kelly | Oregon Homes
2421 SE 76th Avenue | Portland OR 97266

Site Address: Vacant property at SE 137th Avenue & SE Woodward Street

Legal Description: TL 1900 0.36 ACRES, SECTION 11 1S 2E
Tax Account No.: R992113810
State ID No.: 1S2E11AB 01900
Quarter Section: 3344
Neighborhood: Powellhurst-Gilbert, contact at pgnaboard@gmail.com
Business District: Midway, contact info@midwaybusiness.org.
District Coalition: East Portland Community Office, contact Victor Salinas at 503-823-6694.
Plan District: Johnson Creek Basin

Zoning: R2-Low Density Multi-Family Residential zone (1 unit per 2,000 s.f. of site area) with an “a”-Alternative Design Density Overlay
Case Type: LDS- Land Division (Subdivision) & LV- Lot Validation
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal: The subject property is a unit of land which is 15,681 square feet in area. On January 12, 1999 this unit of land was sold via a deed from its parent parcel. The current owner purchased the property in September 6, 2005. The applicant representing the owner submitted a land division application on May 23, 2018 to subdivide the property. During the review it was determined the subject property had not been created lawfully. In other words, the subject property was not properly partitioned from its parent parcel in accordance with applicable land division regulations. Oregon Revised Statute 99.176 provides a specific pathway to remedy unlawful division of lands that occurred prior to January 1, 2007.

The applicant has made a request to validate this unit of land under ORS 99.176. The Lot Validation review is occurring concurrently with the land division proposal.

The applicant is proposing to divide the existing 15,681 square foot vacant site into six lots. Lot areas will range from 1,761 s.f. to 2021 s.f. in area. An extension of public right-of-way for SE 136th Place will be provided through the site and a widening of SE 137th Avenue will be provided. A public works permit will be required for these public street improvements and construction of utilities within this new public right-of-way. The preliminary site plan shows how services (water, sanitary & stormwater) will be provided for future development on the individual lots.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) four-ten lots are proposed; and (3) a concurrent review (Lot Validation Review) is required (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 6 units of land (6 lots). Therefore, this land division is considered a subdivision.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- ORS 92.176 Validation of unit of land not lawfully established and the City of Portland Title 34 rules for minor partitions in effect in 1999.
- 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 May 23, 2018 and determined to be complete on November 19, 2018.

The zoning map indicates the site is zoned R2a since this land division application is vested in the zoning and zoning code in effect at the time the application was submitted on May 23, 2018. The current zoning of the site, as of May 24, 2018 @ 1 PM is R5- Single Family Residential with “a”-Alternative Design Density overlay with a Comprehensive Plan designation of R2.

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.

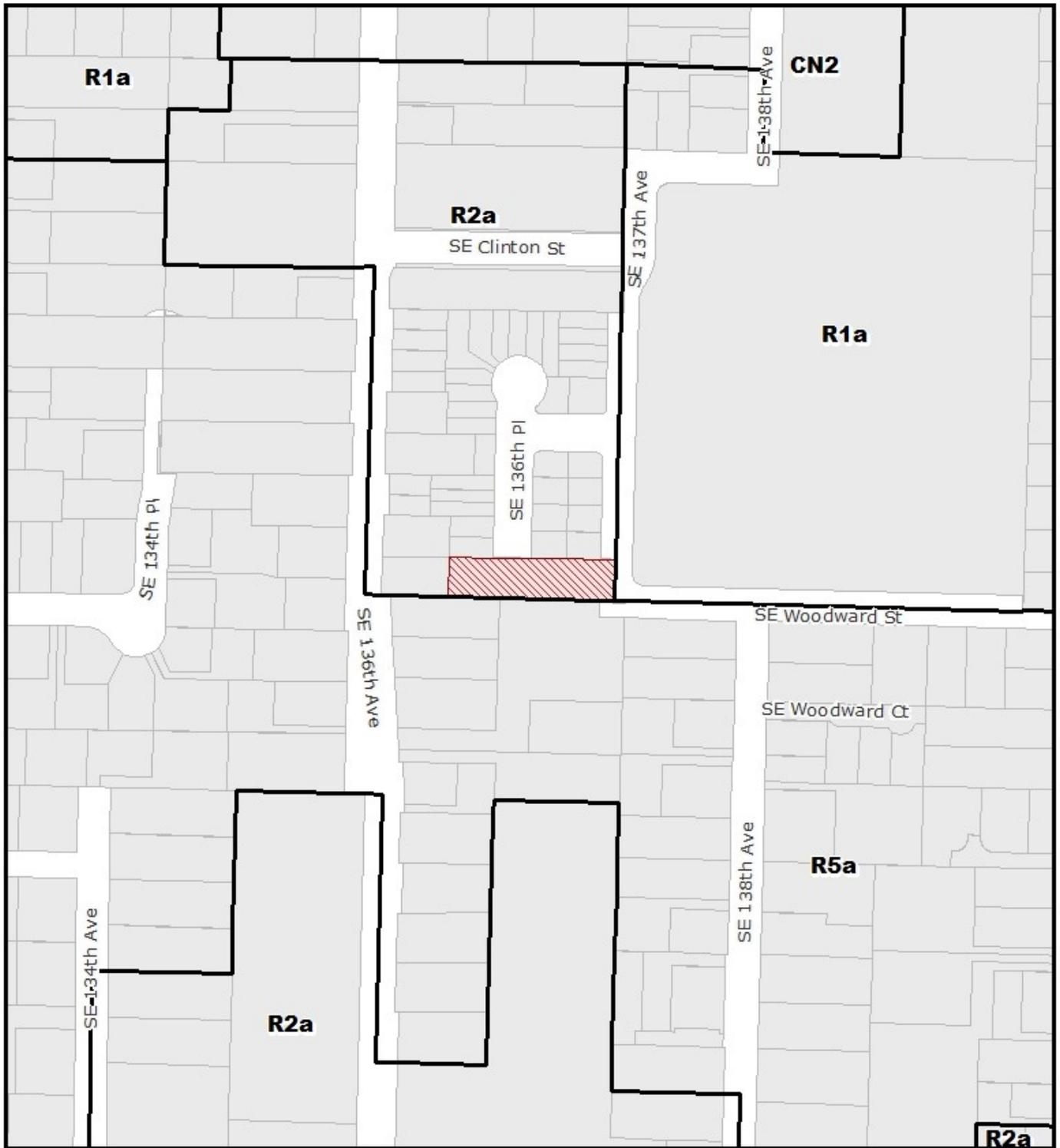
There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

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, Existing Conditions Site Plan for Lot Validation Review, Preliminary Land Division Proposal



ZONING 
 NORTH
 THIS SITE LIES WITHIN THE:
 JOHNSON CREEK PLAN DISTRICT

 Site

File No.	LU 18-176444 LDS LV
1/4 Section	3344
Scale	1 inch = 200 feet
State ID	1S2E11AB 1900
Exhibit	B Apr 22, 2019



SCALE 1" = 30'

LEGEND

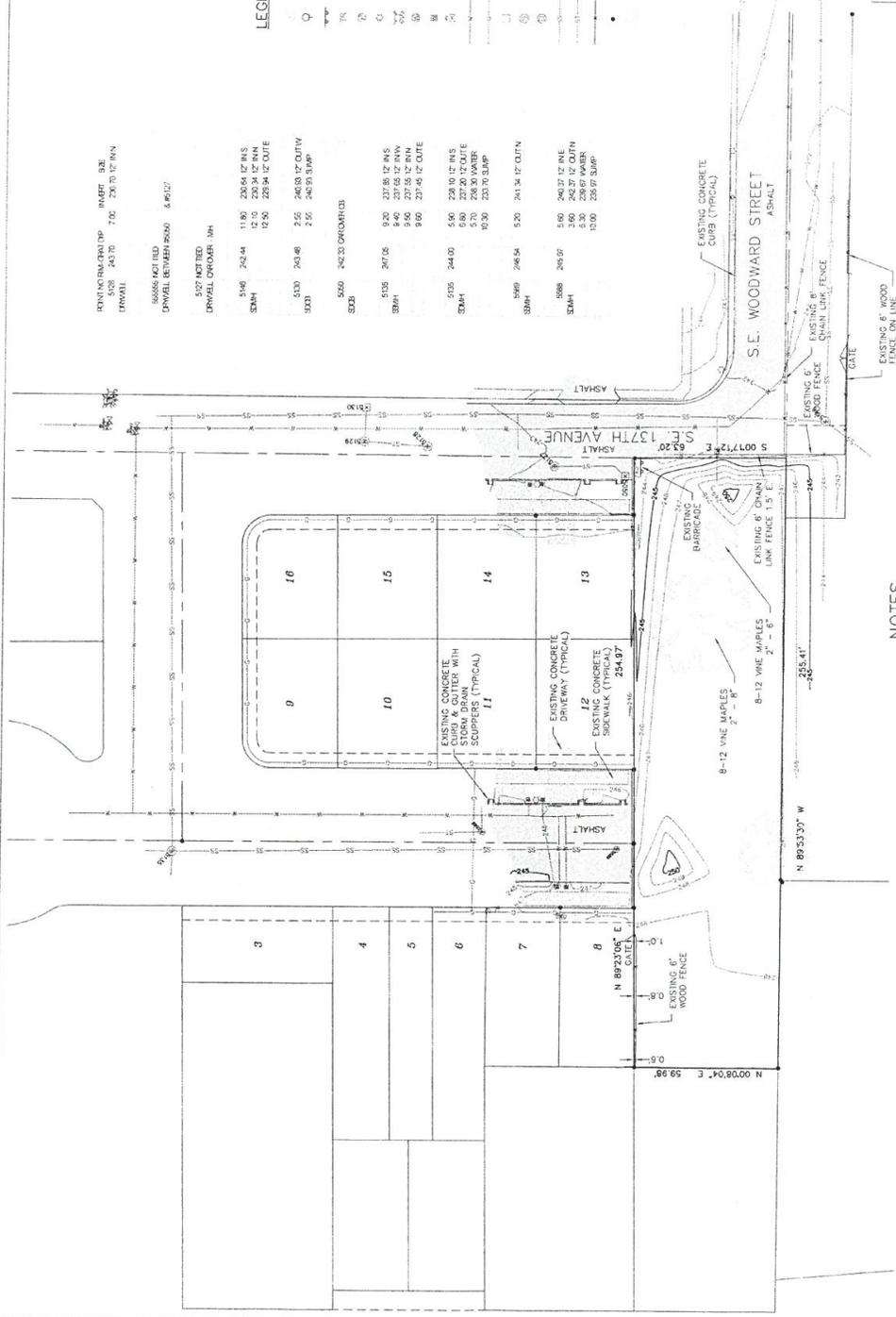
- EXISTING VINE MAPLE CLUSTER
- EXISTING SIGN
- ▭ EXISTING BARRICADE
- ▭ EXISTING TELEPHONE RISER
- ▭ EXISTING ELECTRIC RISER
- EXISTING LIGHT PULL
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING UNDERGROUND WATER
- EXISTING UNDERGROUND GAS LINE
- EXISTING CATCH BASIN
- EXISTING SANITARY MANHOLE
- EXISTING STORM MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING STORM SEWER LINE
- EXISTING FENCE
- FOUND CONCRETE
- EXISTING ASPHALT

POINT NO. (NORTH) OF P
 100 24.70
 101 206.70 12" IN
 102 100.00

56566 400 100
 DRIVEWAY BETWEEN 2650 & 2612'

5377 METERS
 DRIVEWAY OVERLAP 100'

5146 262.44 11.80 200.54 12" IN S
 5147 262.44 12.10 200.54 12" IN N
 5148 262.44 12.50 200.54 12" IN N
 5149 262.44 12.90 200.54 12" IN N
 5150 262.44 13.30 200.54 12" IN N
 5151 262.44 13.70 200.54 12" IN N
 5152 262.44 14.10 200.54 12" IN N
 5153 262.44 14.50 200.54 12" IN N
 5154 262.44 14.90 200.54 12" IN N
 5155 262.44 15.30 200.54 12" IN N
 5156 262.44 15.70 200.54 12" IN N
 5157 262.44 16.10 200.54 12" IN N
 5158 262.44 16.50 200.54 12" IN N
 5159 262.44 16.90 200.54 12" IN N
 5160 262.44 17.30 200.54 12" IN N
 5161 262.44 17.70 200.54 12" IN N
 5162 262.44 18.10 200.54 12" IN N
 5163 262.44 18.50 200.54 12" IN N
 5164 262.44 18.90 200.54 12" IN N
 5165 262.44 19.30 200.54 12" IN N
 5166 262.44 19.70 200.54 12" IN N
 5167 262.44 20.10 200.54 12" IN N
 5168 262.44 20.50 200.54 12" IN N
 5169 262.44 20.90 200.54 12" IN N
 5170 262.44 21.30 200.54 12" IN N
 5171 262.44 21.70 200.54 12" IN N
 5172 262.44 22.10 200.54 12" IN N
 5173 262.44 22.50 200.54 12" IN N
 5174 262.44 22.90 200.54 12" IN N
 5175 262.44 23.30 200.54 12" IN N
 5176 262.44 23.70 200.54 12" IN N
 5177 262.44 24.10 200.54 12" IN N
 5178 262.44 24.50 200.54 12" IN N
 5179 262.44 24.90 200.54 12" IN N
 5180 262.44 25.30 200.54 12" IN N
 5181 262.44 25.70 200.54 12" IN N
 5182 262.44 26.10 200.54 12" IN N
 5183 262.44 26.50 200.54 12" IN N
 5184 262.44 26.90 200.54 12" IN N
 5185 262.44 27.30 200.54 12" IN N
 5186 262.44 27.70 200.54 12" IN N
 5187 262.44 28.10 200.54 12" IN N
 5188 262.44 28.50 200.54 12" IN N
 5189 262.44 28.90 200.54 12" IN N
 5190 262.44 29.30 200.54 12" IN N
 5191 262.44 29.70 200.54 12" IN N
 5192 262.44 30.10 200.54 12" IN N
 5193 262.44 30.50 200.54 12" IN N
 5194 262.44 30.90 200.54 12" IN N
 5195 262.44 31.30 200.54 12" IN N
 5196 262.44 31.70 200.54 12" IN N
 5197 262.44 32.10 200.54 12" IN N
 5198 262.44 32.50 200.54 12" IN N
 5199 262.44 32.90 200.54 12" IN N
 5200 262.44 33.30 200.54 12" IN N



EXISTING CONDITIONS

& UTILITY SURVEY
 TAX LOT 1900, 15 2E 11AB
 NE 1/4 CORNER OF SECTION 2, T. 2 E. W.M.
 CITY OF PORTLAND, OREGON
 MULTNOMAH COUNTY, OREGON
 APRIL 11, 2019
 DRAWN: RLME CHECKED: MRC
 SCALE: 1" = 30' ACCOUNT # 347
 T. 1347-001-DWLS-14-FOR-BASE-DWG.

CMT SURVEYING AND CONSULTING
 20230 SE HIGHWAY 212
 DANANUS, OR 97089
 PHONE (503) 850-4872 FAX (503) 850-4590

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Michael J. Gates
 OREGON
 1996
 MICHAL J. GATES
 2449
 EXPIRES: 6-30-19

NOTES

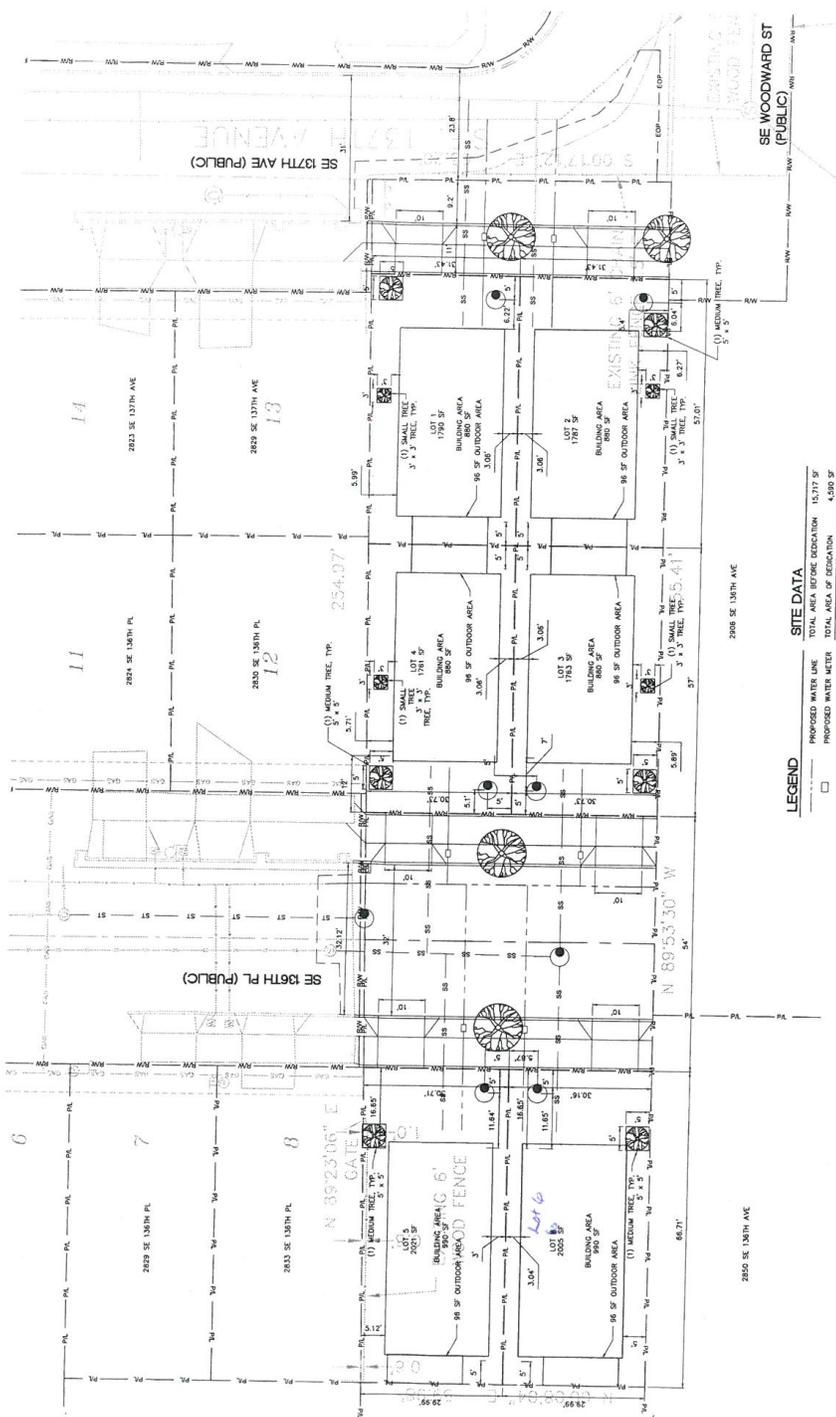
1. THE PURPOSE OF THIS MAP WAS TO SHOW THE EXISTING CONDITIONS FOR THE PROPERTY OF THE CITY OF PORTLAND, SECTION 2, T. 2 E. W.M., 137TH AVENUE AND S.E. WOODWARD STREET, TAX LOT 1900, 15 2E 11AB, MULTNOMAH COUNTY RECORDS.
2. THE BASIS OF BEARINGS WAS PER THE PLAT OF "ANNA'S PLACE," MULTNOMAH COUNTY RECORDS.
3. LOCAL DATUM WAS ESTABLISHED BY CITY OF PORTLAND BENCHMARK NO. 1093, FOUND BRASS DISK SET IN CURB NE CORNER (8' N) OF INTERSECTION OF PORTLAND DATUM AND S.E. 141ST AVENUE, ELEVATION = 222.447 CITY DATUM.
4. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF SAMSON CHEUNG.
5. THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, AND RECORDED BOUNDARY SURVEY WILL BE FILED AT A DATE TO BE DETERMINED.
6. ALL UTILITY LOCATIONS ARE SHOWN BY ABOVE GRADING FEATURES AND LOCATION OF PAINT MARKS SUPPLIED BY THE LOCAL UTILITY COMPANIES. ON THE DATE OF THIS SURVEY, THERE WAS NO UTILITY UNDERGROUND LOCATION. PLEASE NOTIFY THE UTILITY INDICATOR CENTER BEFORE ANY DIGGING 1-800-332-2344.

RECEIVED
 APR 19 2019
 BY

LW 18-176444 LDS LV



Summit Engineering LLC
 1000 N. 17th Ave., Suite 100
 Portland, OR 97208
 Phone: 503.281.1111
 Fax: 503.281.1112
 www.summiteng.com



LEGEND

- PROPOSED WATER LINE
- PROPOSED SANITARY
- PROPOSED STORM
- EXISTING WATER
- EXISTING SANITARY
- EXISTING STORM
- EXISTING WATER

SITE DATA

TOTAL AREA BEFORE DEDICATION	10,770 SF
TOTAL AREA OF DEDICATION	11,020 SF
TOTAL AREA AFTER DEDICATION	11,020 SF
TOTAL LOT AREA	11,020 SF



RECEIVED
 APR 19 2019
 By _____
 Preliminary Land Division



C10
 SHEET TITLE
 SITE PLAN

FIRST SUBMITTAL - APRIL 2009
 18-02

LU 18-176444 LDS LV
 Preliminary Land Division Proposal