



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

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Date: July 1, 2019
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 July 31, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 19-141837 LDS, 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 19-141837 LDS

Applicant: Steven Farnsworth | Roadway Engineering, Inc.
20015 SW Tillamook Ct, Tualatin OR 97062
Phone#: 503267-8433 or roadengr@comcast.net

Owner: Armando Garcia | Garcia Construction
1739 NE 155th Ave, Portland OR97230
Phone#: 503-853-4876 or e-mail: garciaconstruction1996@gmail.com

Site Address: 4601 SE 118TH AVE

Legal Description: TL 6300 0.42 ACRES, SECTION 15 1S 2E
Tax Account No.: R992151390
State ID No.: 1S2E15AA 06300
Quarter Section: 3542

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: R5-Single Dwelling Residential-1 unit per 5,000s.f. with an "a"-Alternative Design Density overlay

Case Type: LDS-Land Division(Subdivision)
Procedure: Type IX, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant is proposing subdivision for detached housing for this 18,304 square foot interior lot. A private street will serve the new lots. Lot 1 will retain the existing house and will be 5,931 s.f. in area. Lot 2 is proposed to be 4,454 s.f. in area and Lot 3 is proposed to be 4,636 s.f. in area. Parking is proposed for all of the new homes on the individual lots with vehicle access from the private street (Tract A) which receives access via SE 118th Avenue, a public right-of-way.

The applicant is proposing to preserve a Deodar Cedar on Lot 2, identified as Tree #2, to meet the tree preservation standard. The applicant's preliminary site and utility plan show how services (sanitary, stormwater and water) will be provided for each lot.

Portland Bureau of Transportation (PBOT) noted a public works permit will be required to construct frontage improvements along SE 118th Avenue. The site plan reflects a 2-ft. street dedication along SE 118th Avenue for that purpose.

This subdivision is reviewed through a Type 1x 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 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 4 units of land (3 lots and 1 tract). 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 approval criteria 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 April 2, 2019 and determined to be complete on June 26, 2019.

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:

Preliminary Plat map

Preliminary Site & Utility plan



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

 Site

File No.	LU 19-141837 LDS
1/4 Section	3542
Scale	1 inch = 200 feet
State ID	1S2E15AA 6300
Exhibit	B Apr 05, 2019

