



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

Ted Wheeler, Mayor
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www.portlandoregon.gov/bds

Date: July 2, 2019
To: Interested Person
From: Diane Hale, Land Use Services
503-823-7705 / Diane.Hale@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 August 1, 2019**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-144767 LDS, in your letter. It also is helpful to address your letter to me, Diane Hale. 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 18-144767 LDS

Applicant: Mark Dane, Mark Dane Planning / (503) 332-7167
12725 SW Glenhaven St, Portland, OR 97225

Owner: Vladimir V Kaminskiy / 722 SE 111th Ave / Portland, OR 97216

Site Address: 722 SE 111TH AVE
Legal Description: LOT 30-33 TL 800 S 110' OF N 170' OF LOT 31-33, HOMESTAKE GARDENS
Tax Account No.: R400901190
State ID No.: 1S2E03BA 00800
Quarter Section: 3141
Neighborhood: Mill Park, contact Trevor Hopper at mill.park.pdx.chair@gmail.com
Business District: Gateway Area Business Association, contact at gabapdxboard@gmail.com
District Coalition: East Portland Community Office, contact Victor Salinas at 503-823-6694.
Zoning: R5a – Single Family Residential 5,000 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 a 3-lot subdivision for this 21,670 square foot interior site, with 2 standard lots, one flag lot and a tree preservation tract. Lots will range from 4,905 to 7,406 square feet. The existing house will remain on lot 1. Off-street parking is proposed for all lots. Right-of-way dedication and frontage improvements (sidewalk) will be required for the site.

There are 6 trees on the site that are subject to the tree preservation requirements of 33.630 (including trees that are partially on the site). The applicant has proposed to preserve five of the trees in a tree preservation tract at the east end of the site. In order to improve the tree preservation proposal, the applicant has requested to modify the flag lot landscaping standard of 33.110.240.F.2 along the east property line of lot 3 to minimize disturbance within the proposed root protection zone of trees 1 to 5, which is allowed per 33.630.400. The existing trees preserved within the tract will provide a landscape buffer. The modification can be approved if it results in improved tree preservation and is consistent with the purpose of the regulation being modified.

This subdivision 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 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 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 April 3, 2018 and determined to be complete on September 27, 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.

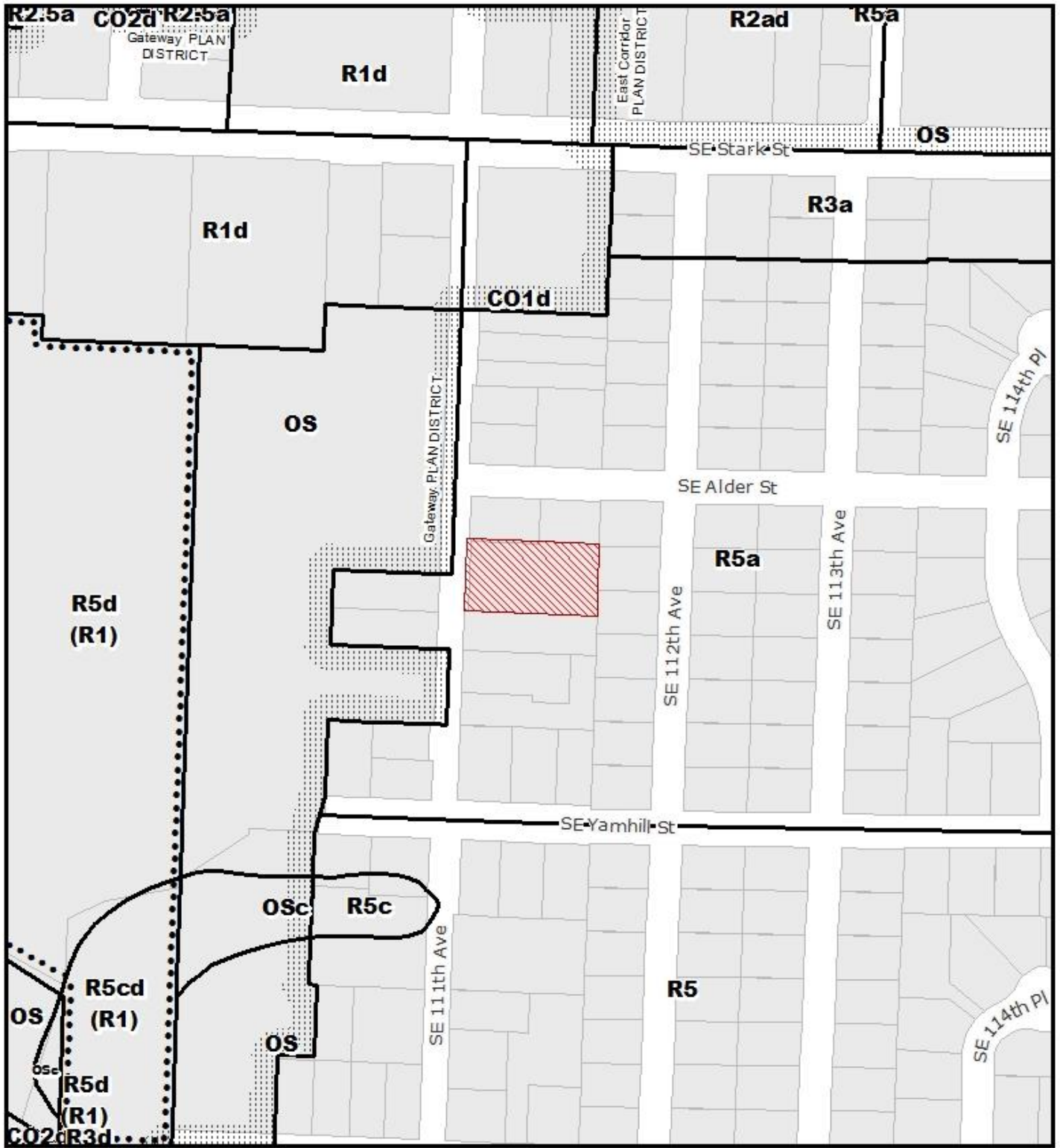
APPEAL PROCESS

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



| | |
|-------------|-------------------|
| File No. | LU 18-144767 LDS |
| 1/4 Section | 3141 |
| Scale | 1 inch = 200 feet |
| State ID | 1S2E03BA 800 |
| Exhibit | B May 24, 2019 |

**SITE PLAN FOR A PROPOSED THREE PARCEL
PARTITION PLAT, S. 110.0' OF N. 170.0',
LOTS 30 TO 33, HOMESTAKE GARDENS,
DOCUMENT NO. 2016-029115**

SITUATED IN THE N.W. 1/4 OF SECTION 3 T.1S., R.2E., W.M.
MULTNOMAH CO., OREGON
CITY OF PORTLAND

MARK ASSOCIATES
18615 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-666-8866
FAX: 503-666-8866
EMAIL: DALE@MARKASSOCIATES.NET

DATE DRAWN: JANUARY 19, 2017
DRAWING NO.: 16155EXC
ACCOUNT NO.: 16155
REVISED: FEBRUARY 10, 2017

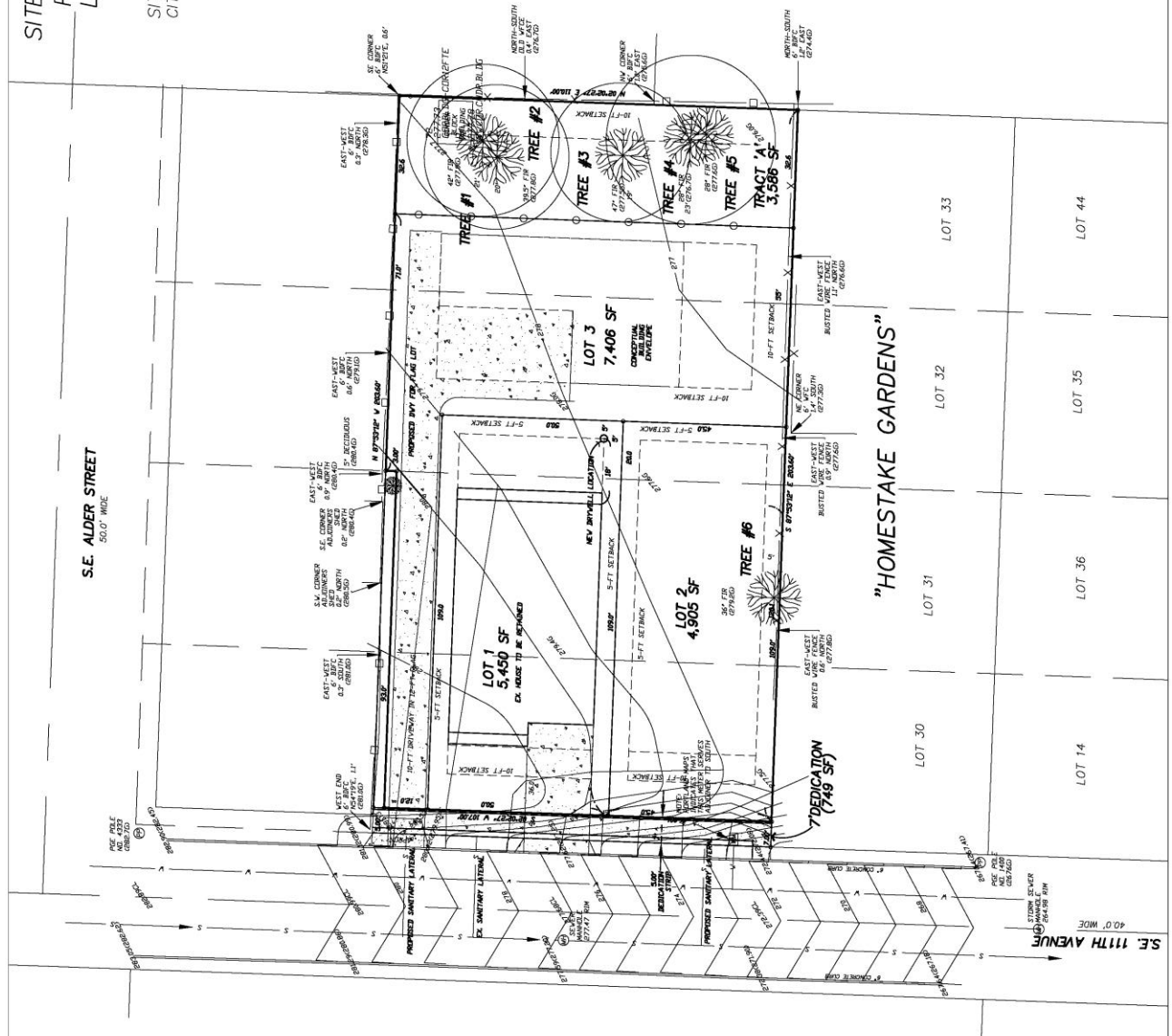
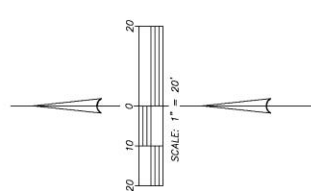
TOWNSHIP: MUNICIPAL 5000
SITE SIZE: 22,388 SQUARE FEET
PARCEL DATA: PLAT NO. 2016-029115
HOMESTAKE GARDENS
DOCUMENT NO. 2016-029115

BENCHMARK: CITY OF PORTLAND BENCHMARK NO. 1206
30' EAST, S.E. CORNER, S.E. 1/4 SEC. 3, T.1S. AND S.E. 1/4 12TH
AVENUE. ELEVATION IS 2881.24, CITY OF PORTLAND DATUM.

NOTES & LEGEND:

- "TM" - DEPICTS WATER METER
- "M" - DEPICTS MANHOLE
- "P" - DEPICTS POWER POLE
- "BO" - DEPICTS BOARD FENCE
- "-B-" - DEPICTS BOARD FENCE
- "WF" - DEPICTS WIRE FENCE
- "-W-" - DEPICTS WIRE FENCE
- "-M-" - DEPICTS WATER LINE
- "-S-" - DEPICTS SEWER LINE
- "-PM-" - DEPICTS PROPOSED WATER LINE
- "-CS-" - DEPICTS PROPOSED SEWER LINE
- "YS" - DENOTES EXISTING PROPERTY LINE
- "1214(12140)" - DENOTES TOP OF CONCRETE FOUNDATION (ELEVATION IS AT THE DECIMAL POINT OF THE TOP OF CURB ELEVATION)
- "1214(12140)" - DENOTES TOP OF CONCRETE FOUNDATION (ELEVATION IS AT THE DECIMAL POINT)
- "1214(12140)" - DENOTES GROUND ELEVATION AT ITEM NOTED (ELEVATION IS AT THE DECIMAL POINT)
- "1214(12140)" - DENOTES SPOT ELEVATION (ELEVATION IS AT THE DECIMAL POINT)
- "S" - DENOTES SQUARE FEET.

NOTE: UTILITIES ARE LOCATED AS SHOWN PER FIELD, SEE OR CITY OF PORTLAND AS-BUILT DATA. ACTUAL LOCATION SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION.



S.E. ALDER STREET
50.0' WIDE

"HOMESTAKE GARDENS"

LOT 33

LOT 32

LOT 31

LOT 30

LOT 44

LOT 35

LOT 36

LOT 14

S.E. 11TH AVENUE
40.0' WIDE