



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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TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: October 9, 2019
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or lois.jenning@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 November 8, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 19-157197 LDP, 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 19-157197 LDP

Applicant/Owner: Dmitry Shmelev
6048 SE Knapp Street
Portland, OR 97206-7546
Phone#: 971-331-6457 or e-mail: ds190333@gmail.com

Surveyor: Toby Bolden, Centerline Concepts Inc
19376 Molalla Ave Suite 120
Oregon City, OR 97045

Site Address: 5101 SE MALDEN DR

Legal Description: BLOCK 20 LOT 23, ERROL HTS; BLOCK 20 LOT 24 EXC E 50', ERROL HTS

Tax Account No.: R255304830, R255304840

State ID No.: 1S2E19CA 07600, 1S2E19CA 07700

Quarter Section: 3835

Neighborhood: Brentwood-Darlington, contact bdlanduse@gmail.com.

Business District: Woodstock Community Business Association, contact at norberg@myexcel.com

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

Plan District: None

Other Designations: None

Zoning: R5-Residential 5,000 with the “a”-Alternative Design Density overlay
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 proposes a two-parcel partition of a 10,591 s.f. site. Parcel 1 will be 4,379 s.f. in area and will retain the existing house and utilize the existing driveway. Parcel 2 is a 6,212 square-foot flag lot, with 12-ft driveway within the 21-ft-wide flag access pole. Four trees exist on the site. The applicant is proposing to preserve an English Walnut tree on Parcel 2 and a Sweet Cherry on Parcel 1. The applicant’s preliminary site and utility plan shows house services (sanitary, stormwater and water) will be provided for each parcel.

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 (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 two 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 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 29, 2019 and determined to be complete on October 7, 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.

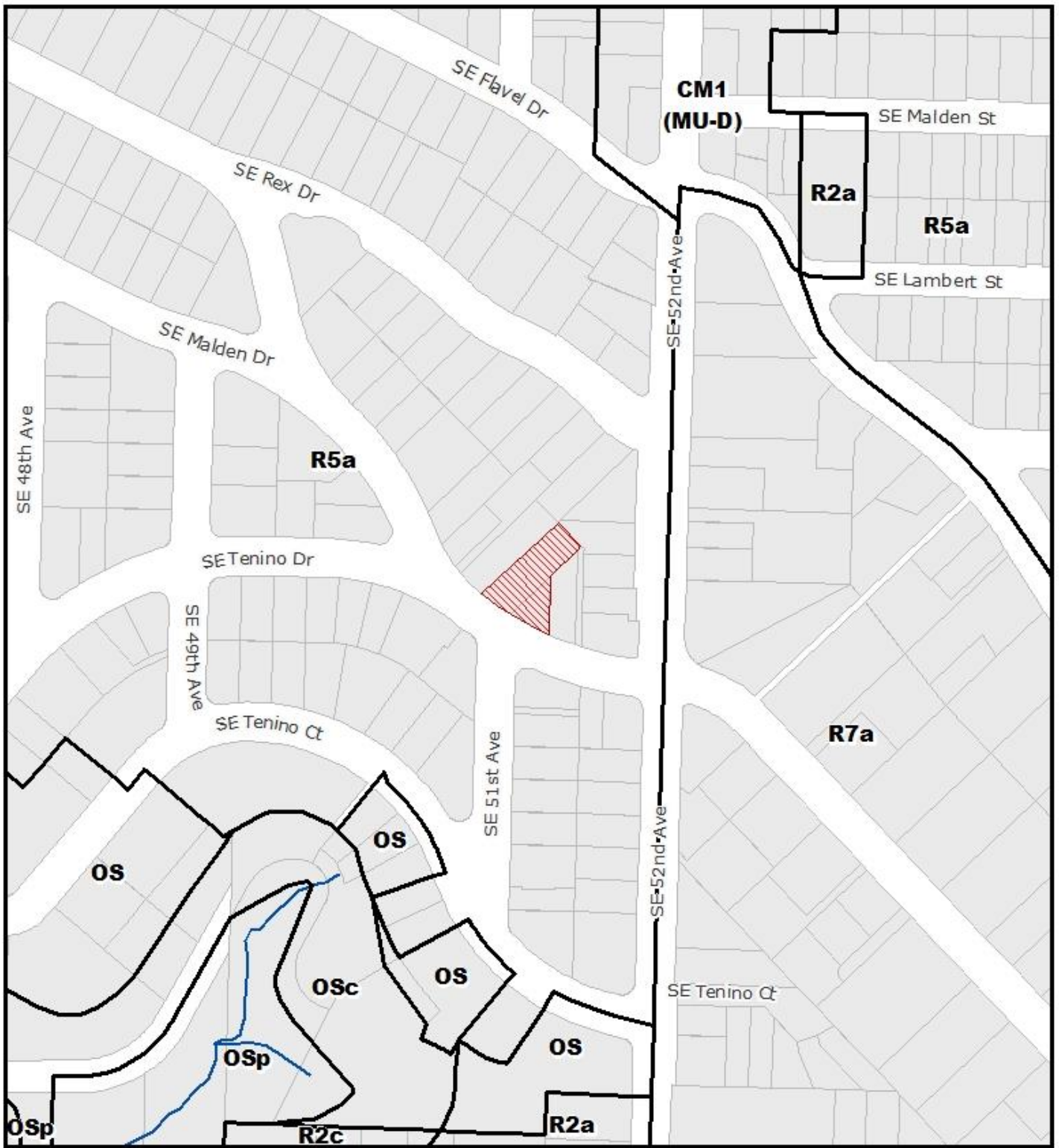
APPEAL PROCESS

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:

Zoning Map
Preliminary Site Plan



ZONING  NORTH

 Site
 Stream

File No.	LU 19-157197 LDP
1/4 Section	3835
Scale	1 inch = 200 feet
State ID	1S2E19CA 7700
Exhibit	B May 02, 2019

RECEIVED

OCT 07 2019

FIRE HYDRANT NOTES:
 FIRE HYDRANT ON EAST RIGHT OF WAY LINE OF SE 52ND AVENUE IS 389 FEET ALONG PUBLIC RIGHT OF WAY FROM THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY, OR 250 FEET FROM THE NORTHWEST CORNER OF THE SUBJECT PROPERTY.
 FIRE HYDRANT ON SOUTH RIGHT OF WAY LINE OF SE 52ND AVENUE IS 211 FEET FROM THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY, OR 199 FEET DIRECT LINE FROM THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY.

SETBACK NOTES:
 FROM SETBACK 10'
 FROM SETBACK 10'
 FROM SETBACK 5'
 FROM SETBACK 5'

PARCEL 1 LOT COVERAGE:
 EXISTING HOUSE (INCLUDING GARAGE AND PORCH) OF PORTLAND MAPS, 2004-035780 AND 2004-035781.
 PARCEL AREA = 4,379 S.F.
 COVERAGE = 29.69%

PRELIMINARY PLAN MAP

LOT 23 AND A PORTION OF LOT 24,
 BLOCK 20, "ERROL HEIGHTS" LOCATED IN THE
 S.W. 1/4 SECTION 19, T.15S, R.2E, W.M.
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 SEPTEMBER 27, 2019 SCALE 1"=20'
 DATE OF LAST REVISION: OCTOBER 3, 2019
 SHEET 1 OF 1

SURVEY NOTES:
 THE BENCH MARK DATA FOR THIS SURVEY IS BASED UPON THE CITY OF PORTLAND BENCH MARK NUMBER 1601, BEING A BRASS PIPER BENCH MARK WITH AN ELEVATION IS 203.54', COP DATUM.
 A TRIMBLE S9-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.
 THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER MULTNOMAH COUNTY RECORDS UNDER PRIVATE SURVEY NUMBER 62091; RECORDS OF MULTNOMAH COUNTY.
 THE BOUNDARY OF THE SUBJECT PROPERTY TO SHOW ALL PERTINENT BOUNDARY ISSUES AND ENCROACHMENTS NO PROPERTY CORNERS WERE SET IN THIS SURVEY.
 NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTATE, ADVERSE, ETC.
 NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.
 THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE GROUND STRUCTURES AND AS MARKED BY OTHERS. THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION SHOWN ON THIS MAP. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE UNDERGROUND UTILITIES AS FAR AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, SURFACE AND ENVIRONMENTAL CONDITIONS CONCERNING THE EXISTENCE OF UNDERGROUND OVERHEAD CONDUITS OR FACILITIES CONSTITUTE A TITLE SEARCH BY SURVEYOR.
 FIRE HYDRANTS LOCATED AND MEASURED BY AERIAL MAPPING ONLY.
 PAVERS SHOWN AS 1' OFF OF MAIN HOUSE AS MEASURED BY OTHERS.

LEGEND:
 FOUND MONUMENT AS NOTED FROM S3
 RECORD DISTANCES & BEARINGS
 R = IRON ROD
 IP = IRON PIPE
 W/P = YELLOW PLASTIC CAP WITH YELLOW PLASTIC CAP
 S1 = SQUARE FOOT
 S2 = SQUARE FOOT
 S3 = SURVEY NUMBER, MULTNOMAH COUNTY SURVEYOR'S OFFICE
 S4 = SURVEY NUMBER, MULTNOMAH COUNTY SURVEYOR'S OFFICE
 S5 = SH 62091
 S6 = SH 62091
 S7 = PARTITION PLAT NO. 2004-80
 S8 = DOCUMENT NO. 2019-020717
 S9 = 42.1' = 4 CHAINLINK FENCE

CURVE#	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	167.75	470.00	20726.97	S54°02'00"E	166.88'
C2	52.90'	470.00	6765.55'	S71°02'00"E	52.87'
C3	114.85'	470.00	14700.22'	N65°46'41"W	114.55'
C4	98.96'	470.00	11497.72'	S81°54'06"E	96.79'
C5	17.89'	470.00	270.50'	S54°34'04"E	17.89'
C6	52.68'	223.00'	13327.01'	S47°02'35"E	52.50'
C7	3.40'	223.00'	07322.91'	N05°22'29"W	3.40'
C8	49.29'	223.00'	12239.99'	S49°36'24"E	49.19'

CURVE DATA TABLE

CURVE#	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	170.08'	470.00'	N/A	N/A	N/A
C2	50.13'	223.00'	N/A	N/A	N/A
C3	46.30'	223.00'	N/A	N/A	N/A
C4	3.83'	223.00'	N/A	N/A	N/A

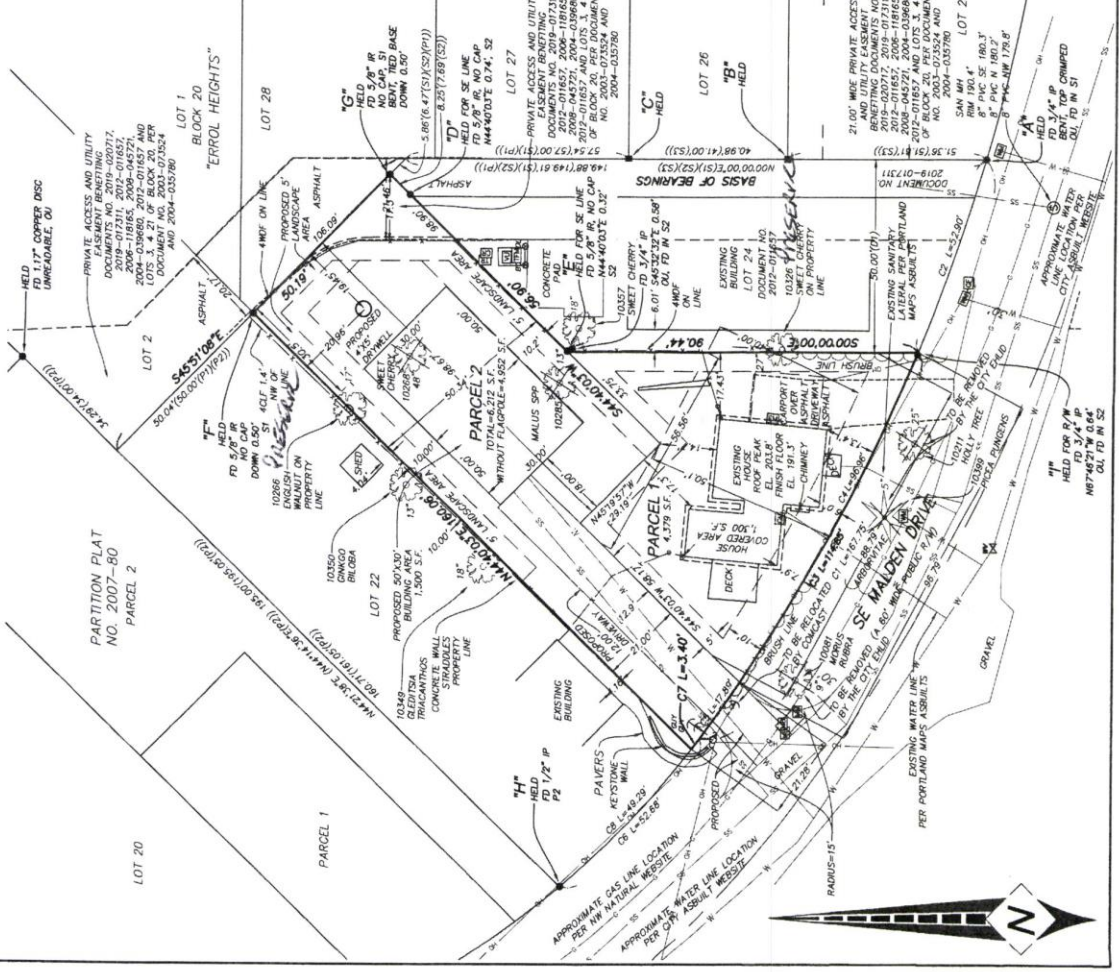
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

JULY 2004
 OREGON
 TORY G. BOLDEN
 60377LS

RENEWS: DECEMBER 31, 2019

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

PLOTTED BY: PROJECTS\SMILEY-HALSDEN DR-3E-5101\DWG\PLAN MAP.dwg



LV 19-157197 LDP