



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: August 3, 2020
To: Interested Person
From: Lois Jennings, Land Use Services
503-865-6433 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 September 2, 2020. **During the COVID-19 pandemic, your comments must be e-mailed to the assigned planner listed above**; please include the Case File Number, LU 20-144970 LDP, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 20-144970 LDP

Applicant: Daniel Silvey for DBS Group LLC
Po Box 96
Tualatin, OR 97062
Phone# 503-201-8537 or danielsilvey@kniperealty.com

Owner: DBS Group LLC
Po Box 96
Tualatin, OR 97062-0096

Representative: Danelle Isenhardt, Emerio Design
6445 SW Fallbrook Pl #100
Beaverton, OR 97008
Phone: 503-746-8812 or danelle@emeriodesign.com

Site Address: 4642 NE SUMNER ST

Legal Description: LOT 14, BOUNDARY AC
Tax Account No.: R094100340
State ID No.: 1N2E19BB 13300
Quarter Section: 2535

Neighborhood: Cully, contact David Sweet at 503-493-9434.
Business District: None

District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503- 823-2778.

Plan District: None

Zoning: R5-Single-Dwelling Residential (1 unit per 5,000 s..f) with an “h”-Aircraft Landing Zone overlay

Case Type: LDP- Land Division Partition

Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant is proposing to divide the subject property into three (3) parcels. The existing house will be removed. Parcel 1 will be 4,500 s.f, Parcel 2 will be 4,642 s.f. and Parcel 3 will be 4632 s.f. in area. Parcels 2 and 3 will be developed with a detached single-dwelling. Parcel 1 will be developed with a duplex by utilizing the alternative development provision of the code Section 33.110.240.E which allows an extra unit to be developed on a corner lot. The applicant is proposing to preserve two trees, a Douglas Fir (#5) and a Port Orford Cedar (#6), which straddle the southern property line of Parcel 3 and the adjacent property. The applicant’s preliminary site and utility plan shows how services (sanitary, stormwater and water) will be provided for each lot.

Portland Bureau of Transportation (PBOT) notes NE Sumner Street and NE 47th Place currently are not improved to City’s right-of-way standards along both street frontages and will require street dedication along each frontage. NE Sumner Street is a local street and qualifies for the Local Transportation Infrastructure Charge (LTIC). The owner will be required to pay into Local Transportation Infrastructure Charge (LTIC) and execute street and storm sewer waivers of remonstrance for future improvements along this frontage through a Local Improvement District project. Frontage improvements will be required along NE 47th Place to bring the street and corner into compliance with City street standards.

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 three units of land (3 lots). 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 approval:

- **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 6, 2020 and determined to be complete on July 29, 2020.

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.

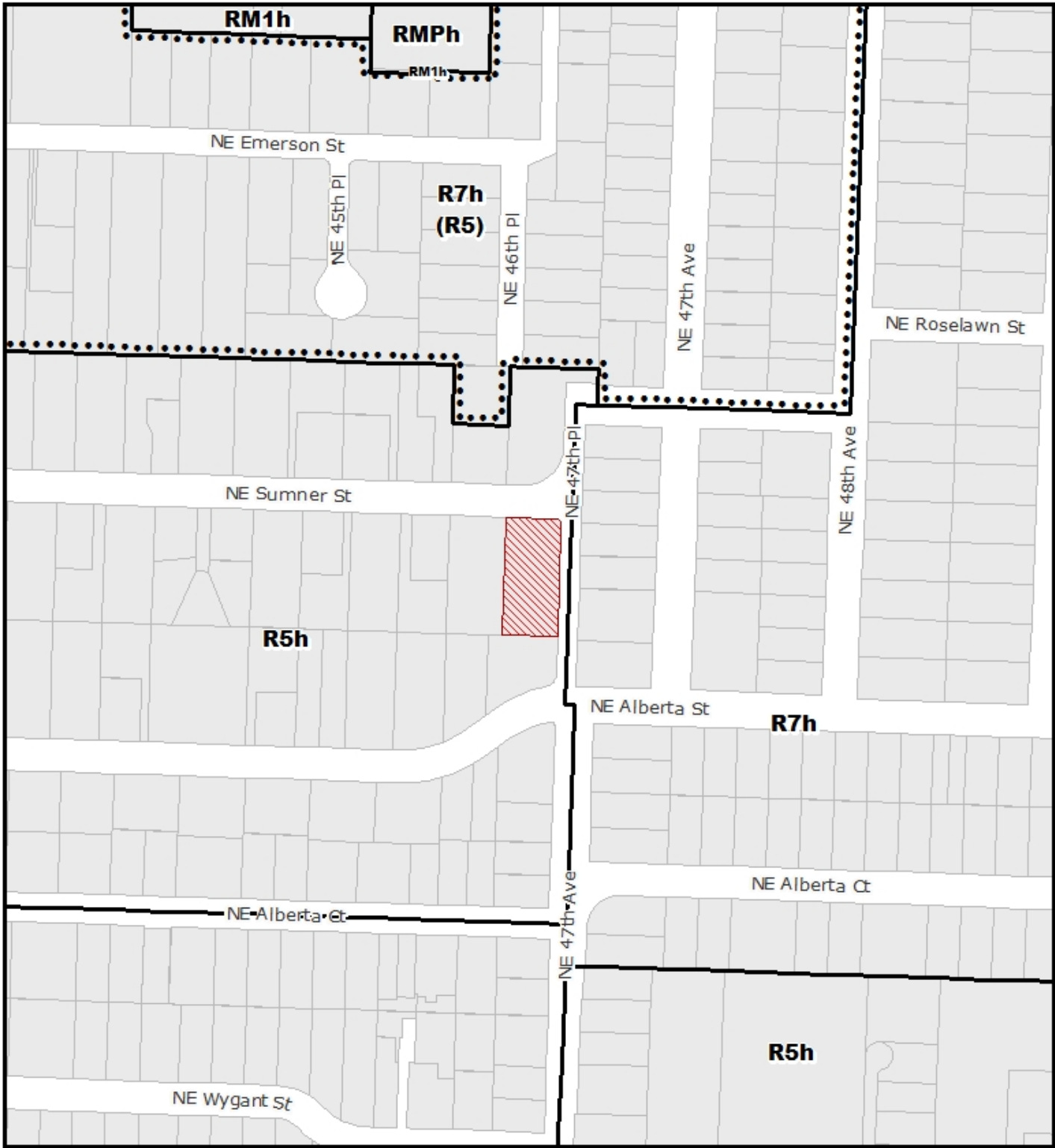
APPEAL PROCESS

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:

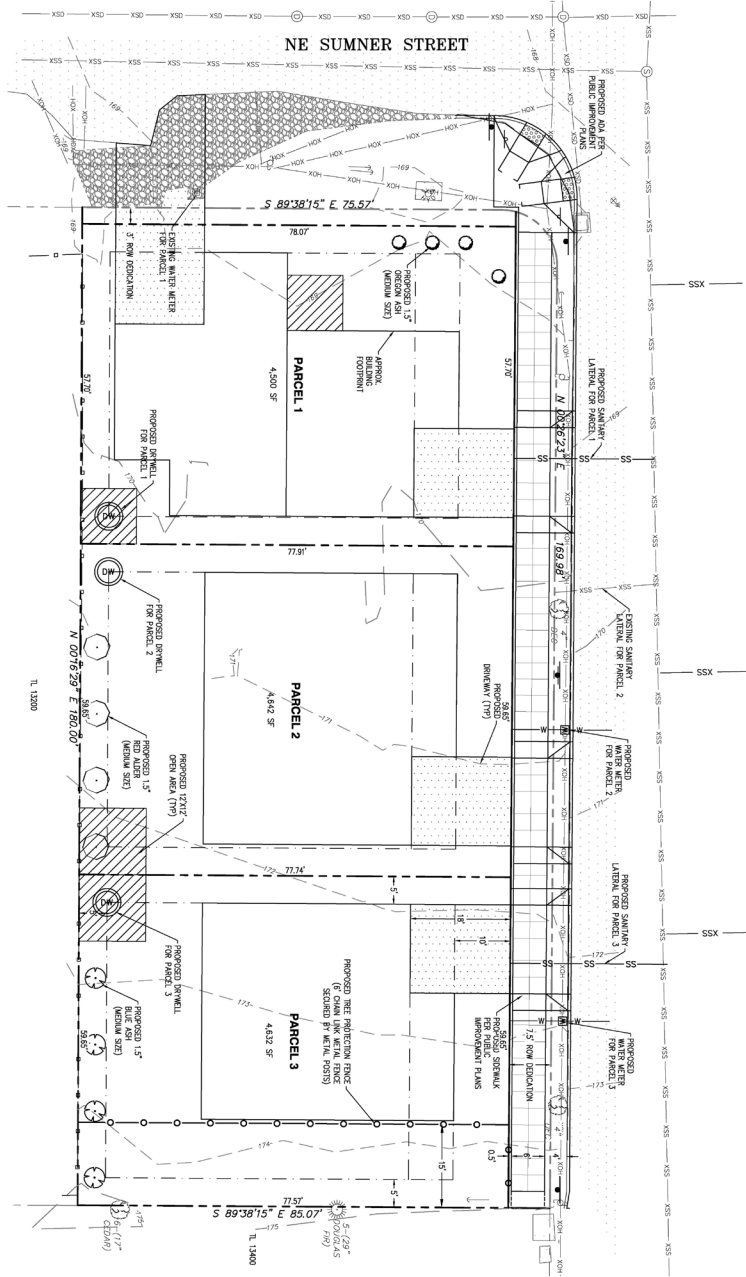
Zoning Map
Preliminary Site and utility Plan



ZONING 
NORTH

 Site

File No.	LU 20 - 144970 LDP
1/4 Section	2535
Scale	1 inch = 200 feet
State ID	1N2E19BB 13300
Exhibit	B May 18, 2020



NE 47TH PLACE

- LEGEND**
- BOUNDARY LINE
 - - - - - ADJACENT/ADJOINING LOT LINE
 - CENTER LINE ROW
 - SET BACK LINE
 - EXISTING 1" CONDUIT LINE
 - EXISTING 2" CONDUIT LINE
 - EXISTING TREE
 - EXISTING STORM MANHOLE
 - EXISTING STORM WAREHOUSE
 - EXISTING STORM WAREHOUSE
 - EXISTING SANITARY MANHOLE
 - EXISTING SANITARY WAREHOUSE
 - EXISTING WATER METER
 - EXISTING WATER WALK
 - EXISTING FIRE TRENCH
 - EXISTING UTILITY POLE
 - EXISTING MANHOLE
 - EXISTING SIGN
 - EXISTING SANITARY SUMNER LINE
 - EXISTING STORM SUMNER LINE
 - EXISTING WATER LINE
 - EXISTING OVERHEAD UTILITY LINE
 - EXISTING FENCE
 - PROPOSED SANITARY LATERAL
 - PROPOSED WATER METER



REVISIONS	
NO.	DESCRIPTION

PRELIMINARY SITE/UTILITY PLAN

**4642 NE SUMNER STREET
3-PARCEL PARTITION
TAX MAP T1N R2E 198B
TAX LOT 13300
PORTLAND, OREGON**

EMERIO Design
 9445 SW FALLBROOK PLACE, SUITE 100
 BEAVERTON, OREGON 97008
 TEL: (503) 341-3949 FAX: (503) 638-9992
 WWW.EMERIODSIGN.COM

SHEET 4 OF 5