



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

Dan Ryan, Commissioner  
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**Date:** June 4, 2021  
**To:** Interested Person  
**From:** Diane Hale, Land Use Services  
503-865-6431 / Diane.Hale@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 July 6, 2021. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 20-189426 LDP PD AD, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

## **CASE FILE NUMBER: LU 20-189426 LDP PD AD**

**Applicant:** Sarah Radelet, Strata Land Use Planning (503) 320-0273  
Po Box 90833 / Portland OR, 97290

**Owner/Applicant:** Timur and Farida Tursunbaev  
5716 SW Hamilton St / Portland, OR 97221-2072

**Site Address:** 5716 SW Hamilton St.  
**Legal Description:** LOT 2 TL 3200, B P CARDWELL TR  
**Tax Account No.:** R049500430  
**State ID No.:** 1S1E18BA 03200  
**Quarter Section:** 3523  
**Neighborhood:** Bridlemile, contact Claire Coleman-Evans at eclaire27@comcast.net  
**Business District:** NONE  
**District Coalition:** Southwest Neighborhoods Inc., contact at 503-823-4592.  
**Plan District:** NONE  
**Other Designations:** Regulatory Landslide Hazard area  
**Zoning:** R10 – Single dwelling residential, 10,000  
**Case Type:** LDP PD AD – Land Division Partition, Planned Development and Adjustment Reviews  
**Procedure:** Type IIx, an administrative decision with appeal to the Hearings Officer.

### **Proposal:**

The applicant is proposing a Land Division and Planned Development review to create two lots. Parcel 2 will retain the existing house and will be 26,768 sq feet in area; Parcel 1 will be 8,065 sq feet in area and be developed with a new single-family house. The proposed lots do not meet the required front lot line (30 ft) or lot width standards (50 ft); a Planned Development Review

is required to approve these flag-like lots that don't meet the lot dimension standards. Parcel 2 exceeds the maximum lot area of 17,000 square feet. The applicant has requested an Adjustment to allow a 26,768 sq ft lot, noting that over 10,000 sq feet of parcel 2 is located within a shared driveway that serves surrounding development and is therefore not usable for development. The applicant has proposed a set of development standards that will apply to the future home on Parcel 1.

There are six non-exempt trees on the site subject to tree preservation requirements; the applicant is proposing to preserve 3 of these trees, tree #9 (15" pine), tree #12 (20" douglas fir) and tree #22 (14" western red cedar). The applicant is proposing to discharge stormwater to an existing outfall and drainage off-site to the west of the site.

The applicant is proposing the following modifications to development standards through the Planned Development:

1. Increase the front-yard paving limit for Parcel 2 from 40% to 72% (33.266.120.E).
2. Allow eaves to encroach into 25% of the required setback (20% is the standard) 33.110.220).

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) a concurrent review (Adjustment, Planned Development Review) is required (see 33.660.110).

**Relevant Approval Criteria:**

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

- **33.660.120 Approval Criteria for Land Divisions in O, R, and I Zones**
- **33.854.310.E and F Approval Criteria for Planned Developments;**
- **33.854.320 Additional Approval Criteria for Modifications of Site-Related Development Standards; and**
- **33.805.040 Adjustment Approval Criteria**

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 September 8, 2020 and determined to be complete on March 4, 2021.

**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.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of

Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

**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  
Site Plan