



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

Dan Ryan, Commissioner  
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[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** September 7, 2021  
**To:** Interested Person  
**From:** Sean Williams, Land Use Services  
503-865-6441 / [Sean.Williams@portlandoregon.gov](mailto:Sean.Williams@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 October 7, 2021. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 21-045879 LDS, 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 21-045879 LDS**

**Applicant:** Max Brunke  
KLK Consulting LLC  
906 NW 23<sup>rd</sup> Avenue  
Portland, OR 97210  
(503) 550-1639 | [mbrunke@klkarlsson.com](mailto:mbrunke@klkarlsson.com)

**Owner:** Redtail Nest LLC  
906 NW 23<sup>rd</sup> Ave  
Portland, OR 97210

**Site Address:** 1037-1041 SE 111<sup>th</sup> Avenue

**Legal Description:** LOT 48-51 TL 3300, HOMESTAKE GARDENS  
**Tax Account No.:** R400901790  
**State ID No.:** 1S2E03BA 03300  
**Quarter Section:** 3141  
**Neighborhood:** Mill Park, contact Trevor Hopper at [mill.park.pdx.chair@gmail.com](mailto:mill.park.pdx.chair@gmail.com)  
**Business District:** Gateway Area Business Association, contact at [gabapdxboard@gmail.com](mailto:gabapdxboard@gmail.com)  
**District Coalition:** East Portland Community Office, contact at 503-823-4550.  
**Plan District:** None  
**Zoning:** Residential 5,000 (R5) w/ Environmental Conservation (c) Overlay  
**Case Type:** LDS  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:**

The applicant is proposing to subdivide the subject property into three parcels of approximately 4,228 (Parcel 1), 3,250 (Parcel 2), and 4,502 (Parcel 3) square feet in size. A private street tract (Tract A) and environmental resource tract (Tract B) are also proposed. Existing development consists of two dilapidated single-family homes that are currently being deconstructed. The lots are proposed to be developed with single-family homes with accessory dwelling units.

Sanitary sewer and water service is proposed from the mains in SE 111<sup>th</sup> Avenue via laterals within the private street tract. Stormwater runoff associated with future homes and the private street are all proposed to be managed via an infiltration facility within the private street tract.

3 of 7 trees outside of the environmental zone will be preserved for compliance with Tree Preservation standards. Some trees are proposed for removal within the transition area of the environmental zone, which will require replacement planting per standards.

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 5 units of land (3 lots and 2 tracts). 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 May 10, 2021 and determined to be complete on August 20, 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 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 Partition Plat  
Proposed Improvements Plan