



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: December 30, 2021
To: Interested Person
From: Clare Fuchs, Land Use Services
503-865-6423 / Clare.Fuchs@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 January 31, 2022** Your comments must be e-mailed to the assigned planner listed above; please include the Case File Number, LU 21-027354 LDP, 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 21-027354 LDP

Applicant: Mike Montgomery, Simpl Home Designs
4931 SW 76th Ave, Pmb 211 Portland, OR 97225
mike@simplhomedesigns.com 503-515-6495

Owner: Douglas Tansill, 4914 NE 17th Ave Portland, OR 97211
luketansill@yahoo.com 917-678-0230

Site Address: 4553 NE ALBERTA STREET UNIT A

Legal Description: E 50' OF LOT 39 W 25' OF LOT 40, BOUNDARY ACRES
Tax Account No.: R094101110
State ID No.: 1N2E19BB 13700
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.

Zoning: Residential 5,000 (R5) **Overlay Zone:** Aircraft Landing Zone ("h")
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 to divide this 13,500 square foot lot into 2 parcels. Parcel 2 is proposed to be 5,400 square feet and will contain the existing house and existing accessory dwelling unit (ADU). Parcel 1 is proposed to be an 8,100 square foot flag lot, with the “flag” portion of that lot proposed to be 6,750 square feet. Parcel 1 will be available for residential development. The applicant proposes to preserve the 1 on-site tree.

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**.

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 3 units of land (3 lots). Therefore, this land division is considered a partition.

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 March 19, 2021 and determined to be complete on September 15, 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

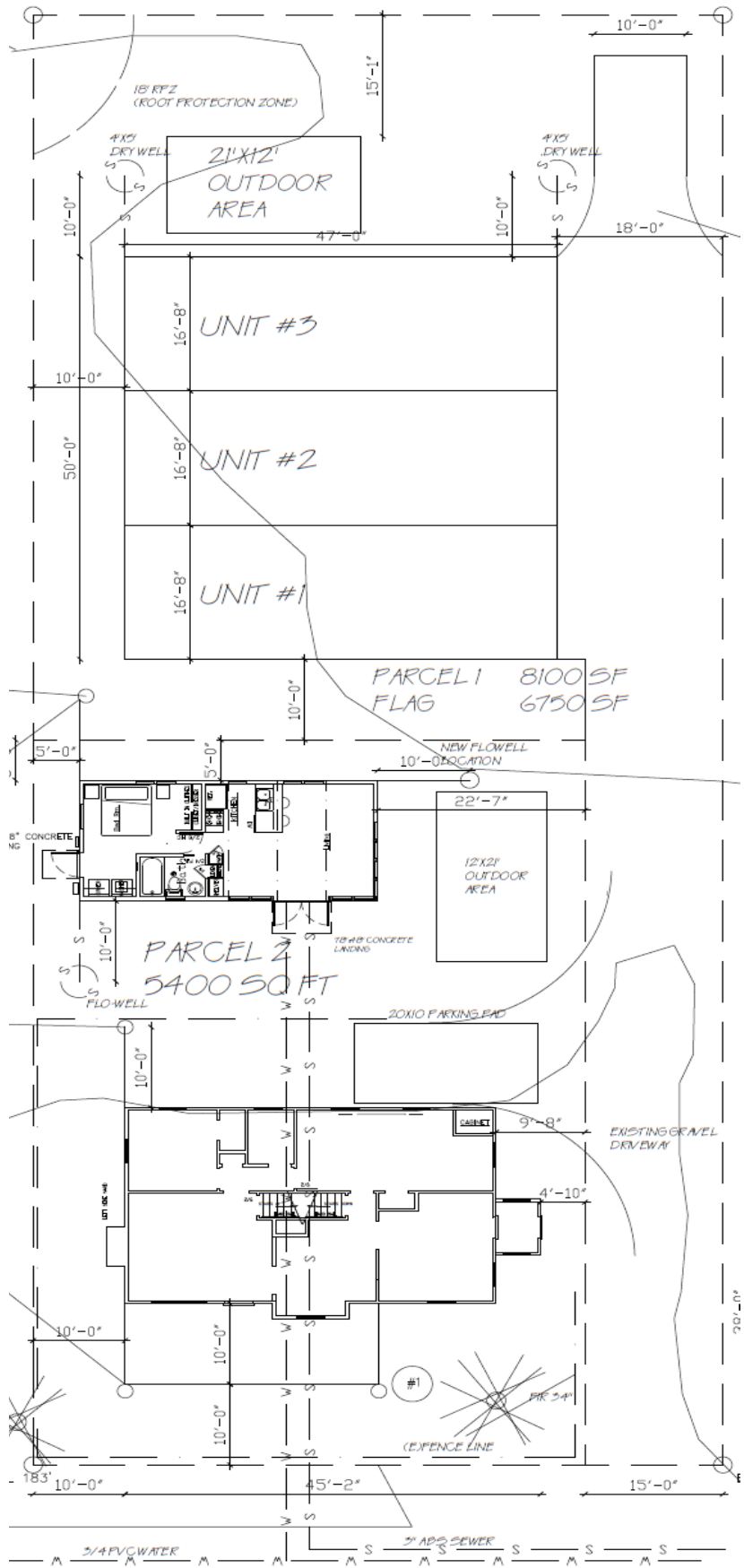
Site Plan



ZONING 
NORTH

 Site

File No.	LU 21 - 027354 LDP
1/4 Section	2535
Scale	1 inch = 200 feet
State ID	1N2E19BB 13700
Exhibit	B Mar 19, 2021



4553 NE ALBERTA ST

21-027354-LDP
Site Plan