



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** November 4, 2011  
**To:** Interested Person  
**From:** Kathy Harnden, Land Use Services  
503-823-3581 / [Kathy.Harnden@portlandoregon.gov](mailto:Kathy.Harnden@portlandoregon.gov)

## **NOTICE OF A TYPE I 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 December 5, 2011.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 11-137176 LDP, in your letter. It also is helpful to address your letter to me, Kathy Harnden.

### **CASE FILE NUMBER: LU 11-137176 LDP**

**Applicant:** Ed Wagner  
Oregon Custom Home Builders, LLC  
2810 SE Cleveland Dr.  
Gresham, OR 97080

**Owner:** 170th and Broadway LLC  
19275 SE Tickle Creek Rd  
Boring, OR 97009-9513

**Site Address:** 2925 SE 170TH AVE

**Legal Description:** TL 3700 0.53 ACRES, SECTION 07 1S 3E  
**Tax Account No.:** R993070280  
**State ID No.:** 1S3E07BA 03700  
**Quarter Section:** 3347

**Neighborhood:** Centennial, contact Louise Cody at 503-252-4302.  
**Business District:** None  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Plan District:** None  
**Other Designations:** None

**Zoning:** R7h – Residential 7000, Medium Density Single-Dwelling Residential with the “h” – Aircraft Landing, overlay zone

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

**Proposal:**

The applicant proposes to divide this 23,011 square-foot lot into two regular lots and one flag lot. Proposed Parcels 1 and 2 will each contain 5400 square feet and will be located at the front of the lot. Proposed Parcel 3 will contain 11,551 square feet altogether in a “flag” shaped lot. The flag area will contain approximately 9,010 square feet and the 18.82-foot-wide by 135-foot long “pole” will contain approximately 2,541 square feet. Access to Parcel 3 will be via the pole along the right, or north side of the lot. Both Parcels 1 and 2 will have individual access directly onto SE 170<sup>th</sup> Avenue. An existing house on the site will be removed. Three of nine trees are proposed for preservation; the other six trees are exempt because they are either City classified nuisance species or are hazardous trees.

This partition is reviewed through a Type I 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 2 units of land. Therefore this land division is considered a partition.

**Relevant Approval Criteria:**

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 5, 2011 and determined to be complete on **October 28, 2011**.

**DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and either:

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

**We will mail you a copy of our decision only if you comment in writing to us at the City of Portland Bureau of Development Services, 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201.** There will be no public hearing.

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.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617,

to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at [www.portlandonline.com](http://www.portlandonline.com).

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.

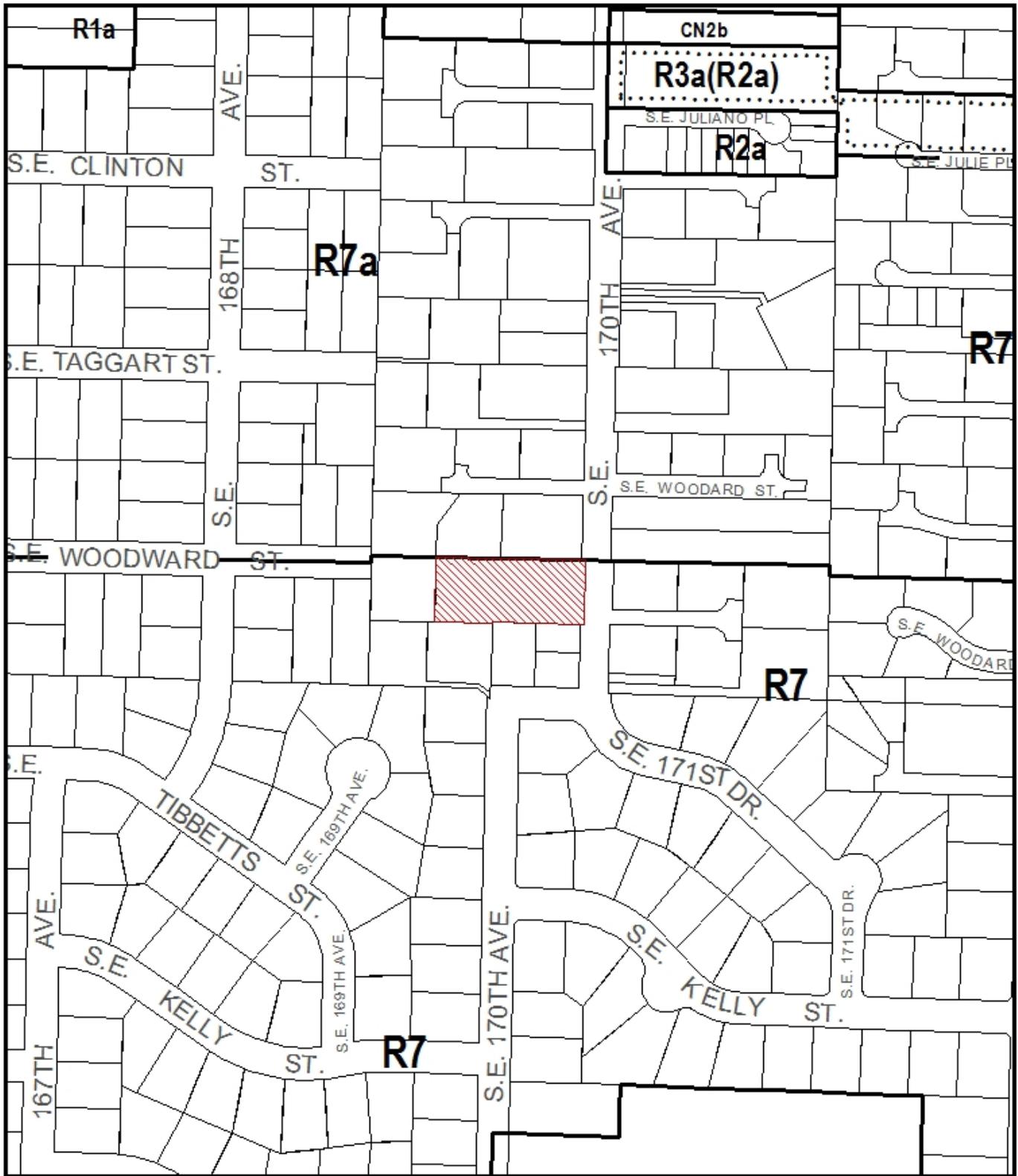
**APPEAL PROCESS**

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 550 Capitol St. NE, Suite 235, Salem, OR 97301. 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

 Site



File No.	<u>LU 11-137176 LDP</u>
1/4 Section	<u>3347</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S3E07BA 3700</u>
Exhibit	<u>B</u> (May 12,2011)

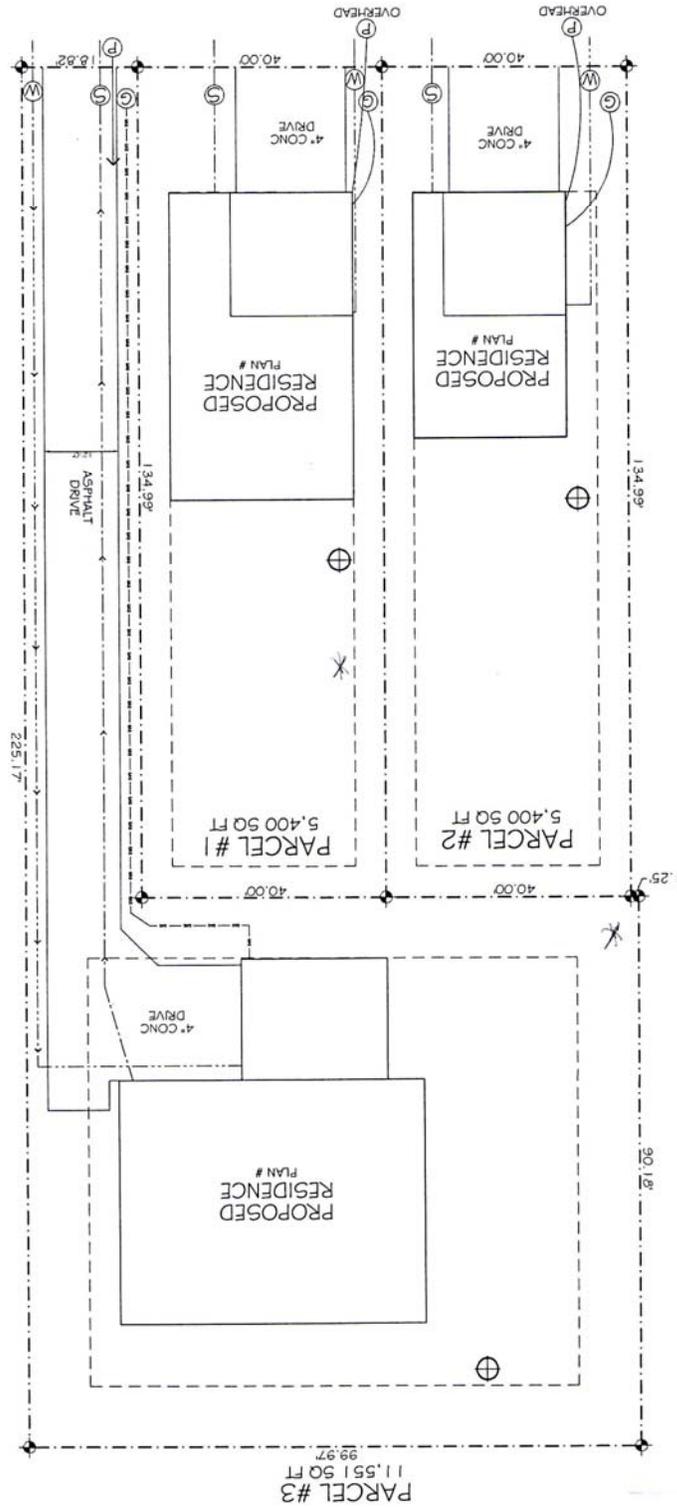
**TROXEL'S HOME DESIGN**

SCALE: 1" = 30.00'	1217 NE BURNSIDE #303 GRESHAM, OREGON 97030 (503) 665-2684	DESIGNED BY: NICK POVEY
DATE:	LOT:	
NAME:		PLAN NUMBER:
ADDRESS:		#
THIS PLAN SET HAS BEEN AUTHORIZED FOR THE CONSTRUCTION OF ONE BUILDING BY THE ORIGINAL PURCHASER. AUTHORIZED COPIES OF THIS PLAN MUST HAVE A RED INKED STAMP ON ALL SHEETS.		
SHEET: 1		

LEGEND	
⊙	3" SEWER
⊙	1" WATER
⊙	GAS
⊙	POWER
---	RAIN DRAIN
⊕	48" DRYWELL

PROPOSED SITE PLAN

2925 SE 170TH AVE



P47 971131-11 n