



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

FROM CONCEPT TO CONSTRUCTION

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Date: July 15, 2014
To: Interested Person
From: Kate Green, Land Use Services
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-104842 LDS

GENERAL INFORMATION

Applicant: Mike Coyle/Faster Permits
14334 NW Eagleridge Lane / Portland OR 97229

Property Owner: Richard Anderson
585 SW 67th Place / Portland OR 97225

Site Address: 7411 N Ida Avenue

Legal Description: BLOCK 6 LOT 9&10, SOUTH ST JOHNS
Tax Account No.: R779101720
State ID No.: 1N1E07BC 08300
Quarter Section: 2123
Neighborhood: St. Johns/ David Green at davidgreen7373@gm
Business District: St. Johns Business Boosters/ John Englund at 503-247-9113
District Coalition: North Portland Neighborhood Services/ Mary Jaron Kelley at 503-823-4099
Zoning: Multi-Dwelling Residential 2,000 (R2)
Case Type: Land Division-Subdivision (LDS)
Procedure: Type I_x, an administrative decision with appeal to the Hearings Officer

REVISED Proposal: The applicant requests a **Land Division-Subdivision**, in order to divide an 8,885 square foot property into 4 lots for detached homes. During the course of the review, the applicant revised the lot sizes (see Exhibit C.1), as follows:

- Lot 1, now 2,694 square feet instead of 2,247 square feet
- Lot 2, now 2,061 square feet instead of 2,188 square feet
- Lots 3 and 4, now each 2,065 square feet instead of 2,188 square feet.

The existing house and associated development will be removed.

This subdivision proposal is reviewed through a Type I_x procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (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 4 units of land (4 lots). 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.**

FACTS

Site and Vicinity: The 8,885 square foot site is located on the northwest corner of N Ida Avenue and N Jersey Street. The site is currently developed with a one-story house with a basement, and fencing around the perimeter of the site. The site is relatively flat and no trees are located on the property.

The site is situated adjacent to a commercial corridor that extends several blocks to the north and south along the east side of N Ida Avenue and north along N Lombard Street. Properties to the south and west are located in multi-dwelling and single-dwelling residential zones. There is also a multi-track rail corridor located approximately 400 feet west of the site.

Infrastructure:

- **Streets** – The site has approximately 100 feet of frontage on N Ida Avenue, and approximately 88 feet of frontage along N Jersey Street. There two driveways along the site frontages, one on each street.

At this location, N Ida Avenue has Community Transit, City Walkway and City Bikeway classifications, and N Jersey Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Portland Transportation noted: *According to City GIS, N Ida Avenue is improved with 36-feet of paving width and a 4-6-3.5 sidewalk corridor within a 63-foot wide right-of-way. N Jersey Street is improved with 36-feet of paving width and a 4-6-2 sidewalk corridor within a 60-foot wide right-of-way.*

Tri-Met provides transit service approximately 370 feet north of the site along N Lombard Street via Bus Line #75, and approximately 1,300 feet south of the site along N Willamette Boulevard via Bus Line #44.

- **Water Service** – There is an existing 8-inch CI water main in N Jersey Street. The existing house is served by a 5/8-inch metered service from this main. This existing service may be potentially used for proposed Lot 4. There is also an existing 8-inch CI water main in N Ida Avenue.

- **Sanitary Service** - There is an existing 10-inch CSP in N Jersey Street and a 24-inch CSP in N Ida. An existing sewer lateral serving the existing house may potentially be reused for Lot 4. New laterals will be required to service Lots 1-3.

- **Stormwater Disposal** – BES maintains a public 18-inch CSP storm-only sewer in N Ida Avenue. No connections to that facility are proposed. Individual drywells are proposed to manage stormwater on each lot. A vegetated planter or street trees can serve to manage stormwater from the public sidewalk corridors that will be reconstructed.

Zoning: The site is located in the **Residential 2,000 (R2)** zone. *The R2 zone is a low density multi-dwelling zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.*

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits “E” contain the complete responses.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **April 24, 2014**. No written responses have been received.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 *The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.*

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements are proposed or required.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. In the R2 zone the maximum density is 1 unit per 2,000 square feet and the minimum density is 1 unit per 2,500 square feet. The site is 8,885 square feet, so the maximum density is 4 units, and the minimum density is 4, as well. The applicant is proposing 4 lots for detached houses. As noted in the table, below, regarding lot dimensions, the lots are also of sufficient size to allow attached houses, so the applicant could elect to

develop 2 or more of the lots with attached houses. In either scenario, the density provisions will be met.

The required and proposed (based on the revised lot layout, Exhibit C.1) lot dimensions are shown in the following table:

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Attached Houses	1,600	15	none	15
Detached Houses	1,600	25	none	25
Lot 1 – detached	2,694	30	89	30
Lot 2 – detached/attached	2,061	29.5	70	28.5
Lot 3– detached/attached	2,065	29.5	70	29.5
Lot 4– detached/attached	2,065	29.5	70	29.5

* Width is measured from the midpoints of opposite lot lines.

Based on the foregoing, the applicable density and lot dimension standards are met. Therefore, this criterion is met.

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.

Findings: The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

Clearing and Grading: The site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing will be required on the site to make the new lots developable.

To address the Site Development requirements about decommissioning an on-site cesspool, and soil compaction for the house and basement demolition, some grading will be warranted. Additional minor grading will also be warranted to install utilities for the proposed houses. Otherwise, no significant grading is anticipated or warranted to develop the proposed lots.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. The applicant has proposed to remove the existing house and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval.

Additionally, although the site is currently connected to the public sanitary sewer, there is an old cesspool on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility.

With the noted conditions, the new lots can be considered suitable for new development, and this criterion will be met.

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties. The narrowest lots should be interior lots on the south side of a street, and corner lots on the north side of a street. The widest lots should be interior lots on the east or west side of a street.

According to these solar standards, Lot 1, which is an interior lot on the west side of N Ida,

should be the widest lot. In the initial proposal, Lot 1 was the narrowest lot. The applicant subsequently submitted a revised proposal showing a layout with Lot 1 wider than the other lots (Exhibit C.1). Based on this revised lot configuration, this criterion is met.

K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

Portland Transportation evaluated the proposal of provided the following comments:

The applicant included a professionally prepared Traffic Impact Study (TIS) in the submitted application package to demonstrate compliance with the evaluation factors.

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

- 1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.*
- 2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.*

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

To estimate the trips generated by the addition of a single-family dwelling to the subject property, trip rates from the manual Trip Generation are referred to. The data for land use #210, Single-Family Detached Housing are used to calculate trip rates for the additional 3 homes. In relation to the proposed land division partition request, the existing home on the site will be demolished and 4 new detached homes will be constructed. Accordingly, in relation to the impacts from the 3 additional homes on the site, there will be 3 new vehicle trips generated during each of the AM and PM peak hours of travel and an additional 30 total daily trips.

The new peak hour trips will have minimal impacts to the area's nearby intersections and do not warrant any mitigation to said intersections. The intersections will continue to operate at current levels without further degradation from the vehicle trips generated by the proposed project factored into the analysis. The site is situated in an area made up of a robust and gridded street network that will allow vehicle distribution from the new subdivision to disburse throughout the network, thereby minimizing impacts to any one intersection.

No significant negative impacts are expected to occur in relation to any of the other evaluation factors. The site is served by nearby transit service along N Lombard, north of the subject site via Tri-Met route # 75 [Cesar Chavez/ Lombard] and via Tri-Met route #44 [Capitol Hwy/ Mocks Crest] along N Willamette, south of the site. There are existing sidewalk corridors throughout the vicinity that facilitate pedestrian travel. There are identified bike facilities (Portland Bike/ Walk Map) in the area including a Painted Bike Lane along N Ida and along N Willamette, south of the site.

With regard to impacts to on-street parking, the new residences that will be constructed on each of the new lots are shown on the submitted plans to include on-site parking opportunities for at least one vehicle on each lot, with access via individual curb cuts/driveways. In association with

the proposed development on the site, there will be an increase in on-street parking demand that needs to be factored. The parking demand that is expected to be generated as a result of the proposed project is estimated using rates from the Institute of Transportation Engineers (ITE), Parking Generation Manual, 4th Edition, 2010. The data utilized to determine the parking demand for the 3 additional dwelling units on the site is for land use #210, Single-Family Detached Housing. Based upon this data, the 85th percentile peak parking demand for the 3 additional dwelling units is 6 parking spaces.

The proposed individual curb cuts/driveways proposed to serve the new homes will reduce the availability of current on-street parking spaces along the site frontages, especially along the N Jersey frontage where most of the new access points will be located. Currently, there is existing curb length (~70-ft) along the N Jersey frontage to accommodate approximately 3 parked vehicles. There are no restrictions to on-street parking in the area other than other existing driveways (a segment of N Ida north of the subject site to N Lombard prohibits parking). An accounting of the homes throughout the vicinity of the subject site reveals driveways and garages associated with these homes that will accommodate at least one car on each of the nearby lots. Further, it does not appear that there is a high demand for on-street parking in the area upon reviewing a series of aerial photographs of the area spanning back many years. With on-site parking opportunities for at least one vehicle on each of the proposed lots, on-street parking impacts will be minimized.

Given the area in which the site is located, the minimal increase in vehicle trips that will be generated by the proposed partition, and the classification of the street within the transportation system, PBOT expects that the transportation system will be able to support the existing development in the area as well as the proposed development.

Based on the foregoing, this criterion is met.

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Findings: Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods: <u>Public Street Improvements:</u> As noted in the response from Portland Transportation, the required street improvements will include: reconstructing a speed bump in N Ida Avenue, and closing existing curb cuts if they are not used for the proposed development. In the event the curb cuts are closed, BES notes that a vegetated area and/or street trees could serve to manage stormwater from the reconstructed sidewalk, and those features will be reviewed with a public works permit. <u>Lots 1-4:</u> Individual drywells are proposed to manage stormwater on each lot. BES notes no objection to the use of drywells. However, BES initially noted that the location of the drywells on Lots 3 and 4 did not meet the required setbacks. Now, based on a verbal discussion between BDS and BES staff on July 1, 2014, BES finds the drywell locations can meet the required setbacks, as shown in the applicant’s revised Preliminary Site/Utility Plan (Exhibit C.2).

Based on these factors, this criterion is met.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The site is located on a corner of a developed street grid that already meets this spacing provision, so no additional connections are warranted at this location. As such, this criterion is met.

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment

Portland Transportation provided the following comments regarding the width and elements of the right-of-way:

For a City Walkway classified street (N Ida) abutting an R2-zoned site, the City’s Pedestrian Design Guide recommends a 12-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and a 1.5-ft wide frontage zone.

For a Local Service classified street (N Jersey) abutting an R2-zoned site, the City’s Pedestrian Design Guide recommends a 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and a 0.5-ft wide frontage zone.

Though the existing 13.5-ft wide sidewalk corridor along the site’s N Ida frontage exceeds the 12-ft wide overall standard sidewalk corridor width, the existing frontage zone is 0.5-ft shy of the 4-ft wide standard. Similarly, though the existing 12-ft wide sidewalk corridor along the site’s N Jersey frontage exceeds the 11-ft wide overall standard sidewalk corridor width, the existing frontage zone is 0.5-ft shy of the 4-ft wide standard.

Notwithstanding the deficiencies noted above, the existing conditions of the sidewalk corridors and site satisfy all of the characteristics of PBOT’s Administrative Rule TRN-1.22. Accordingly, the existing sidewalk configurations will be accepted as the standard sidewalk configuration for the block lengths. No frontage improvements/property dedications will be required in relation to the proposed subdivision.

However, there is an existing speed bump located in N Ida at approximately the location of the new curb cut/driveway for Proposed Lot 1. If vehicles accessing this lot will traverse said curb cut/driveway, the applicant will be responsible for initiating the removal/re-installation of the speed bump. The applicant will be initially responsible for the cost to have the existing speed bump removed and to re-install a new one (current estimate is \$3,000). The City’s Bureau of Maintenance will actually be responsible for the physical work. Collection of the fee will need to occur as a condition of Final Plat approval while the actual physical work will need to occur prior to Building Permit issuance for the new house on Proposed Lot 1.

Based on the aforementioned, with the noted condition to address changes to the speed bump in N Ida Avenue, this criterion will be met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. As such, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Future Development: Among the various development standards that will be applicable to this lot, the applicant

Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-foot from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The

setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

Existing Development: The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

Fire Bureau: The applicant must meet the requirements of the Fire Bureau in regards to addressing and aerial fire apparatus access roads. These requirements are based on the technical standards of Title 31 and Fire Bureau requirements from the 2007 Oregon Fire Code.

CONCLUSIONS

The applicant has proposed a 4-lot subdivision, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are:

- Removal of the existing house and on-site cesspool
- Fire Bureau requirements regarding addressing and aerial fire department access
- Transportation requirements for speed bump in N Ida Avenue

With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 4-lot subdivision, that will result in 4 lots for attached or detached houses, as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. If the reduced internal side setbacks allowed under 33.120.270.D are proposed, three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use review and approval.

B. The following must occur prior to Final Plat approval:

Streets

1. The applicant shall provide financial assurances for the speed bump relocation in N Ida Avenue to the satisfaction of the Portland Transportation.

Utilities

2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.

Existing Development

3. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.

C. The following conditions are applicable to site preparation and the development of individual lots:

1. The applicant must meet the addressing requirements of the Fire Bureau. The location of the sign must be shown on the building permit.
2. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.
3. Prior to issuance of building permits for development on Lot 1, the speed bump on N Ida Avenue must be relocated to the satisfaction of Portland Transportation.

Staff Planner: Kate Green

Decision rendered by: Kimberly Tallant **on July 10, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed July 14, 2014

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 14, 2014, and was determined to be complete on **April 22, 2014**.

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. Therefore this application was reviewed against the Zoning Code in effect on January 14, 2014.

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 waived or extended at the request of the applicant. In this case, the applicant requested that

the 120-day review period be extended by 60 day (Exhibit G.3). Unless further extended by the applicant, **the 120 days will expire on October 20, 2014.**

Note: Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 29, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 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. 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.ci.portland.or.us.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessor’s Office after it is signed by the Planning

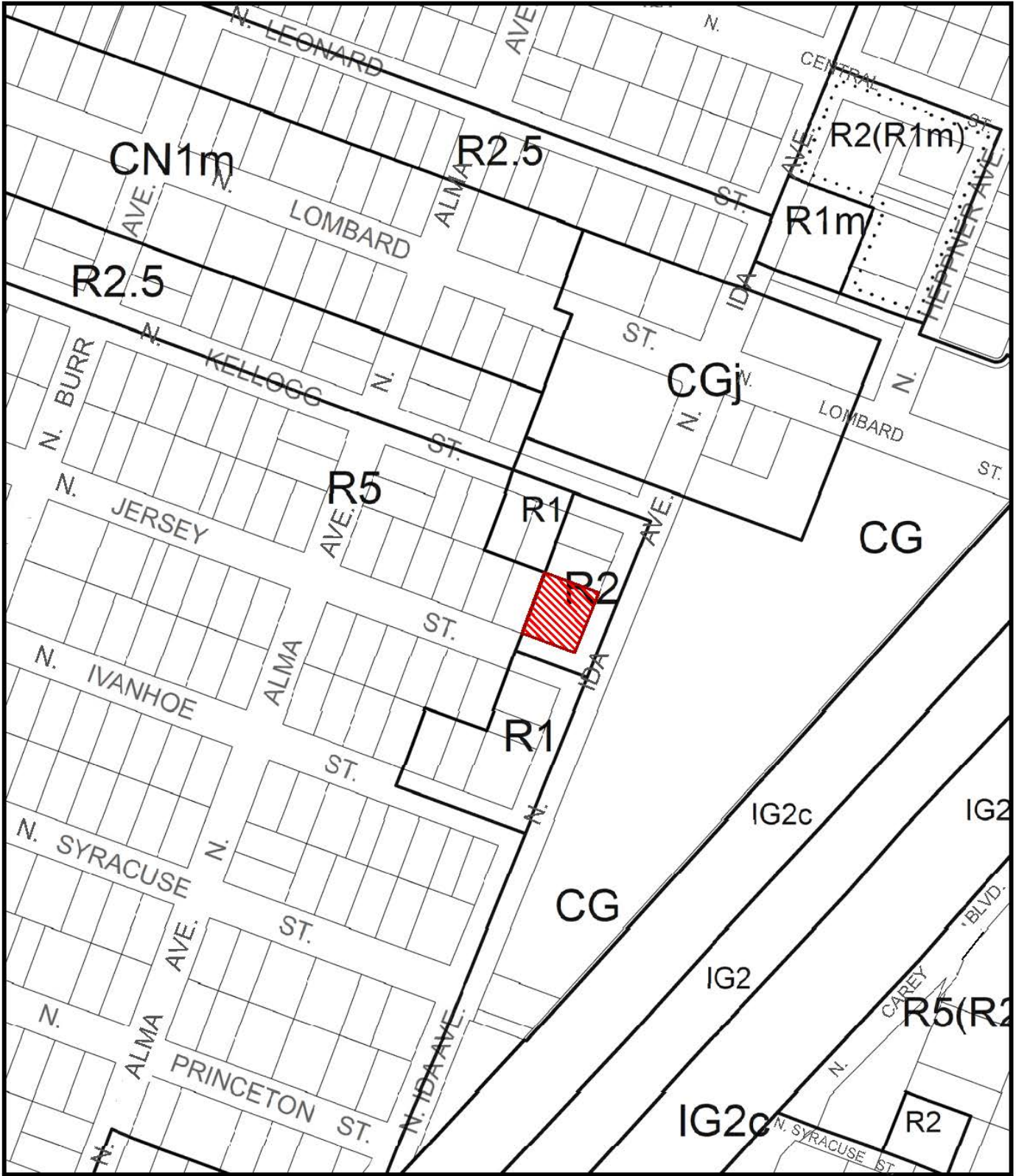
Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Revised Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Revised Preliminary Plan (reduced copy attached)
 - 2. Revised Preliminary Site/Utility Plan
 - 3. Revised Plan Set
 - 4. Site Survey
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development/BDS
 - 6. Life Safety/BDS
- F. Correspondence: (none received)
- G. Other:
 - 1. Original LU Application
 - 2. Letter to applicant re: incomplete application
 - 3. 60-day timeline extension

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).



ZONING



Site



NORTH

File No. LU 14-104842 LDS
 1/4 Section 2123
 Scale 1 inch = 200 feet
 State_Id 1N1E07BC 8300
 Exhibit B (Jan 16, 2014)

TAX MAP T1N R1E 07BC
 TAX LOT 8300
 PORTLAND, OREGON

PRELIMINARY PLAT

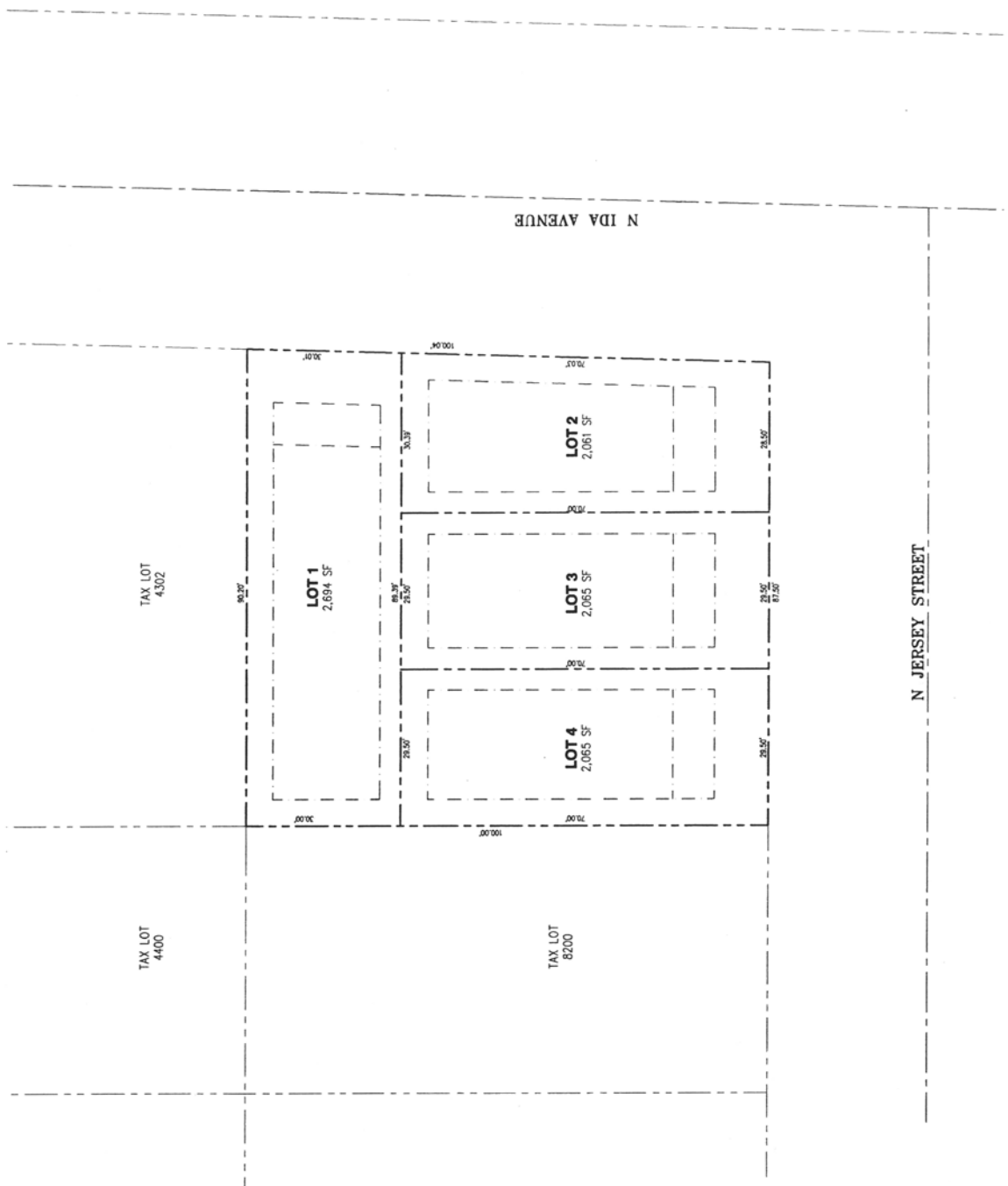
EMERIGO
Design
 6107 SW MURRAY BLVD, SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503) 748-8812

SHEET 3 of 5



LEGEND
 - - - - - PROPERTY LINE
 - - - - - ADJACENT/ADJOINING LOT LINE
 - - - - - CENTER LINE ROW
 - - - - - SETBACK LINE

ZONE
 R2
SETBACKS
 FRONT: 10 FT.
 GARAGE: 18 FT.
 REAR: 5 FT. (EXTERIOR)
 3 FT. (INTERIOR)
 SIDE: 3 FT. (INTERIOR)



June 30, 2014

Exhibit C.1