



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 24, 2012
To: Interested Person
From: Kate Green, Land Use Services
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**NOTICE OF A REVISED TYPE I DECISION ON A PROPOSAL
IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. You recently received a copy of a decision report for this case. Some changes have been made to the Tree Preservation findings and conditions. This revised decision reflects those changes. For clarity, the revised findings and conditions have been underlined. Otherwise the balance of the prior decision remains unchanged.

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 it 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. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-101491 LDP

GENERAL INFORMATION

Applicant: Garner Moody, Lloyd Development LLC
PO Box 11560 / Portland OR 97211

Site Address: lot east of 1805 N Ainsworth
Legal Description: BLOCK 2 LOT 1, INTERSTATE ADD
Tax Account No.: R416900160
State ID No.: 1N1E16DA 16100
Quarter Section: 2428
Neighborhood: Arbor Lodge, Chris Duffy at 971-506-0541
Business District: Interstate Corridor Business Assoc, Alexsandra Johnson at 503-735-4420
District Coalition: North Portland Neighborhood Services, Mary Jaron Kelley at 503-823-4099
Zoning: Multi-Dwelling Residential 1,000 (R1)
Design Overlay (d)

Plan District: North Interstate
Case Type: Land Division-Partition (LDP)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA)

Proposal: The applicant proposes to divide a 5,000 square foot lot into two, 2,500 square foot parcels for attached houses. Each house will also have an attached Accessory Dwelling Unit (ADU). An existing garage is proposed to be removed.

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) the land division does not trigger other concurrent land use reviews (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 two units of land (two parcels), so this land division is considered a partition.

Additionally, the site is located in a Design-overlay zone and the applicant requested Design Review approval for the proposed attached houses through two separate Design Review applications (LU 12-151175 DZ and LU 12-151196 DZ), which are currently under review.

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 subject site is a 5,000 square foot lot fronting on N Ainsworth Street. The site is developed with a garage and driveway, which appear to have been originally associated with the residence on the neighboring lot to the west. The lot is similar in size and configuration to many of the nearby lots, which are in the R5 zone and developed with one or two-story single dwelling residences.

The abutting development to the north and east includes a multi-dwelling residential complex in the R1 zone, which is made up of single and multi-story apartments and associated parking and landscaped areas.

Approximately 800 feet to the east of the site there are higher density residential (RH) and mixed employment (EX) zones along the N Interstate corridor and a neighborhood school and park (Ockley Green Middle School) in the OS zone.

Infrastructure:

Streets – The site has approximately 50 feet of frontage on N Ainsworth Street. At this location, N Ainsworth has a 40-foot wide paved roadway surface within an 80-foot wide right-of-way. The existing pedestrian corridor improvements on N Ainsworth provide a 6-foot wide sidewalk and two street trees are located along the site frontage. In the Transportation System Plan, N Ainsworth Street is classified as a City Walkway, and as a Local Service Street for all other modes, at this location. Parking is currently allowed on both sides of the street. There is one driveway entering the site that serves the existing garage on the property.

The nearest transit service is approximately 1,250 feet from the site at the Rosa Parks MAX station on N Interstate Avenue.

Water Service – There are currently no existing water services to this property, but there is available water from the existing 16-inch cast iron (CI) water main in N Ainsworth Street.

Sanitary Service - There is a public 8-inch concrete combined sewer in N Ainsworth that can serve the sanitary disposal needs of this project (BES project # 0422).

Zoning: The zoning designations for this site include the **Multi-Dwelling Residential 1,000 (R1)** zone, the **Design (d)** overlay zone, and the site is within the boundary of the **North Interstate Plan District.**

The R1 zone is a medium density multi-dwelling zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Design overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. In addition, design review

or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

As noted above, the proposed development on the site is being evaluated through separate Design Review applications, and the ADU units must also comply with the Accessory Dwelling Unit Standards (33.205) at the time of development.

The North Interstate Plan District is intended to provide for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density.

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. Please see Exhibits “E” for details.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **October 18, 2012**. 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:
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.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
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.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.

The minimum density in the R1 zone is one unit per 2,000 square feet (for sites less than 10,000 square feet in area per 33.120.205.C.2) and the maximum density is one unit per 1,000 square feet. The total site area shown on the applicant’s survey is 5,000 square feet. So, the site has a minimum density of 3 units and maximum density of 5 units.

As shown in the following table, the proposed lots are of sufficient width and area to allow attached houses, detached houses, or duplexes:

R1	Minimum lot area (square feet)	Minimum lot width (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)	Density	
					Minimum	Maximum
Attached Houses	none	15	none	15	--	--
Detached Houses	none	25	none	25	--	--
Duplexes	2,000	none	none	10		
Parcel 1	2,500	25	100	25	2	2
Parcel 2	2,500	25	100	25	2	2

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

The applicant is proposing 2 parcels for an attached house development. Both Parcel 1 and Parcel 2 are proposed to be developed with a house with an internal Accessory Dwelling Unit (ADU). This will result in 2 units on each parcel for an overall density of 4 units, so the density provisions should be met.

However, after the land division, the proposed area of Parcels 1 and 2, individually, would only trigger a minimum density requirement of one unit per parcel. Additionally, both parcels will have sufficient lot width and lot area to allow attached houses, detached houses, or duplexes; and, further division of lots in the future could result in non-compliance with the overall density requirements of the site as it exists in this proposal. Also, since neither parcel will be large enough to allow for multi-dwelling development, the maximum density must be designated for each parcel to ensure the overall maximum density is not exceeded. For these reasons, it is necessary to condition the minimum and maximum density allowance on each parcel.

With a condition that allocates the required density for each parcel, as noted above, the applicable density and lot dimension standards will be met, and this criterion will be met.

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The applicant provided an arborist report (Exhibit A) that inventories the trees within the land division site and evaluates their condition. Three trees are identified: a 14-inch caliper magnolia, an 8-inch caliper Japanese maple, and a 9-inch caliper dogwood. The combined diameter of these trees is 31-inches. In order to meet Option 1 of the Tree Preservation Standards, which requires that a minimum of 35 percent of the total tree diameter must be retained, the applicant would need to either: a) retain the magnolia; or b) retain both the maple and dogwood.

In this case, the applicant proposes to remove all of the trees on the site, so the proposal does not meet any of the tree preservation options in 66.630.100. Instead, the applicant proposes to use the mitigation options of 33.630.300.

The applicant notes the proposed development is an allowed housing type in the R1 zone and the conceptual design will preclude the retention of the existing trees. To mitigate for the

removal of the trees, the arborist recommends installing a total of six mitigation trees on the site, with three 2-inch caliper trees on each parcel.

However, the proposed parcels will be relatively small, and the applicant will be required to meet the landscaping standard for new houses (known as the T1 tree planting standard, 33.248.020.H), which will require at least 3 inches of new tree diameter to be planted on each of the proposed parcels, so it may be impractical to also install 6 additional mitigation trees on the site.

Alternatively, if the applicant planted one 2-inch caliper mitigation tree on each lot and made a contribution to the City's Tree Fund for 10-inches of tree mitigation, this would replace the 14 inches of tree diameter presently provided by the magnolia tree. This condition would allow for some mitigation on the site, and provide for the balance of the mitigation to consist of the installation of trees in other locations in the Willamette watershed. The trees planted on the site and those planted through the Tree Fund will help absorb air pollutants and contamination, and contribute to the City's general beauty.

Mitigation fees paid to Tree Fund provide for purchase and installation of trees, and are determined each year by the Urban Forester based on current market prices per inch for materials, labor, and maintenance. At this time, the requirement is \$300 per inch of tree to be installed.

With the conditions outlined above, this will provide for the installation of trees on the site and in the same watershed as the site and will serve to equally meet the purpose of the Tree Preservation regulations. Based on these factors, this criterion will be 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: In this case, the site is not located within the Potential Landslide Hazard Area, and no significant clearing or grading will be required to make the new lots developable. However, the majority of the site is approximately two to four feet above the adjacent sidewalk grade, so the site will require grading to accommodate the proposed building foundation, driveways, and utilities. The grading activities will be evaluated in detail at the time of permit review, and will be required to comply with the building code regulations for grading and erosion control.

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 garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for the demolition of all structures on the site prior to final plat approval. With this condition, the new lots can be considered suitable for development, and this criterion will be met.

H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

Findings: No tracts are proposed or required. The following easements is required:

- A Reciprocal Access Easement is proposed to allow shared use of the driveways that will straddle proposed lot lines.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance

agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for the agreement, substantially similar to the following example:

“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

With the conditions of approval discussed above, this criterion is met.

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

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

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. 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:

<p>33.651 Water Service standard - See Exhibit E-3 for detailed bureau comments.</p> <p>The water standards of 33.651 have been verified. Water is available to serve the proposed development from an existing 16-inch cast iron (CI) water main in N Ainsworth Street.</p>
<p>33.652 Sanitary Sewer Disposal Service standards - See Exhibit E.1 for detailed comments.</p> <p>The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch concrete combined sewer located in N Ainsworth that can serve the sanitary needs of the proposed lots.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards– See Exhibit E.1.</p> <p>BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.</p> <p>No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods:</p> <p>Parcels 1 and 2: The applicant has submitted a Simplified Approach stormwater report, including infiltration test results of 4 inches per hour at a tested depth of 4 feet. The applicant proposes on-site infiltration by means of individual drywells on each parcel. BES has no objections to the proposed stormwater management approach for the purposes of land use review.</p>
<p>33.654.110.B.1 -Through streets and pedestrian connections 33.654.130.B - Extension of existing public dead-end streets & pedestrian connections 33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections</p> <p>Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located meets the noted spacing requirements, and, is developed in a manner consistent with the recommended standards. As noted in the response from Portland Transportation, no additional connectivity is required, and this criterion is met.</p>
<p>33.641 – Transportation Impacts – 33.641.020 and 33.641.030 33.654.120.C Width and Design of the street right-of-way 33.654.130.D Partial Rights of way</p> <p>Portland Transportation provided the following comments regarding transportation impacts:</p> <p><i>Based on the available information, the estimated increase in daily trips is less than 10 total trips per day with the majority of trips occurring during non peak hours, as provided by the Institute of Transportation Engineers – Trip Generation Manual (8th Edition). Additionally, consideration is also given to the likely division of the projected increase of <10 total trips per</i></p>

day being factored by two possible route directions for this location. Additionally; this location is also serviced by an improved pedestrian corridor which should encourage an alternative mode of transportation to driving. Other considerations in determining potential Transportation related impacts include this location’s proximity to public transit access which also provides on-going availability to alternative transportation. TriMet is located <1500-feet from the subject property. In consideration of the availability of frequent transit service, the limited increase in anticipated traffic generated from this proposal and the availability of alternative routes for vehicle and pedestrian access to and from the subject site, it is reasonably anticipated by PBOT staff (including registered traffic engineers) that this minimal increase to the existing transportation system capacity will not create a significant impact. A Transportation Study is not required at this time.

The proposed development includes adjacent driveways with a single curb cut centered on the common property line between the two parcels. This will replace the curb cut and driveway that currently serves the subject site, and will be required as a condition of development on both parcels.

With the conditions of approval described above, this criterion is 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 this review, but will have to be met at the time that each of the proposed lots is developed.

Future Development: In addition to the aforementioned Design overlay and ADU provisions that will apply to the proposed development, the applicant should take note of the following:

- **Detached Houses:** Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet 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. The proposal does not currently include detached houses; however, in the event detached housing is proposed, 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 R1 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
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 - Water availability

Bureau	Code Authority and Topic
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management
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, Transportation System Plan Design of public street
Development Services/503-823-7300 www.portlandonline.com/bds	Titles 24 -27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets

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: The applicant must meet the requirements of the Fire Bureau in regarding hydrant flow and water supply, hydrant spacing, addressing of structures, and aerial fire department access roads. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

Building Codes: A separate Building Permit (Demolition of existing structures) is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances.

Urban Forestry: Street trees will be required along all public street frontages and will be reviewed and approved by the City Forester during building permit application. Street trees required for residential sites are to be 2 inch caliper in size. Underground utilities shall not conflict with street tree planting. These requirements are based on the standards of Title 20.

There are two existing street trees adjacent to this lot. Mitigation for the loss of existing right-of-way trees may be required if construction designs require removal. A written permit from the City Forester is required to remove, destroy, cut, break, or injure, any tree of any size in or upon any street, park, or public area as detailed in Title 20.40.090 D. Urban Forestry has noted that no street trees are to be removed at this time.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, 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:

- Allocating density,
- Shared access easement and maintenance agreement,
- Tree mitigation, and
- Fire Bureau requirements.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition for attached houses, detached houses, or duplexes as illustrated with Exhibits C.1 and C.2, subject to the following conditions:

- A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:
- Any buildings or accessory structures on the site at the time of the final plat application;
 - Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
 - Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

- 1. A Reciprocal Access Easement shall be shown and labeled on the final plat, centered on the common property line between Parcel 1 and Parcel 2. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for.
- 2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.3 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: “A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

Other requirements

- 3. The applicant must pay into the City Tree Fund the amount equivalent to 10 inches of trees. Payment must be made to the Bureau of Development Services, which administers the fund for the Parks Bureau.

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

Utilities

- 1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow, water supply, and hydrant spacing.

Existing Development

- 2. The applicant must obtain a finalized demolition permit for removing the garage. Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.

Required Legal Documents

- 3. A Maintenance Agreement shall be executed for the Reciprocal Access Easement described in Condition B.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

Other requirements

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

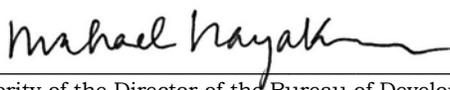
- 1. The minimum and maximum density for the lots in this land division are as follows:

Parcel	Minimum Density	Maximum Density
1	2	2
2	2	2

- 2. The applicant must meet the requirements for addressing and aerial fire department access roads to the satisfaction of the Fire Bureau.
- 3. If curbs and/or sidewalks are damaged or found to be in poor condition at the time of development, reconstruction must meet the requirements of the City Engineer.

4. Street trees must be provided along the frontage of each parcel to the satisfaction of Urban Forestry.
5. One 2-inch caliper mitigation tree must be provided on each lot, and must be provided in addition to any other planting requirements.

Staff Planner: Kate Green

Decision rendered by:  **on December 20, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed December 24, 2012

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 6, 2012, and was determined to be complete on **July 6, 2012**.

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 6, 2012.

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 120-days (Exhibit G.4). Unless further extended by the applicant, **the 120 days will expire on: March 4, 2013**.

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 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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the

comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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. 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.portlandonline.com.

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 Assessors 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. Supplemental Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat/Site Map (attached)
 - 2. Conceptual Site/Utility Plan (attached)
- 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. Urban Forestry
 - 7. Life Safety
- F. Correspondence: (none received)
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Letter to applicant re: incomplete application
 - 4. Review timeline extensions

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



File No.	LU 12-101491 LDP
1/4 Section	2428
Scale	1 inch = 200 feet
State_Id	1N1E16DA 16100
Exhibit	B (Jan 09,2012)

