



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

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Date: January 30, 2014
To: Interested Person
From: Kate Green, Land Use Services
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NOTICE OF A TYPE Ix 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 it 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. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 13-184624 LDP

GENERAL INFORMATION

Applicant: Rob Humphrey/Faster Permits
14334 NW Eagleridge Lane/Portland OR 97229

Property Owner: Katie Merritt/Bellajour LLC
PO Box 66406/Portland OR 97290

Site Address: vacant lot south of 7432 N WILLIAMS AVENUE

Legal Description: BLOCK 16 LOT 9, LOVELEIGH
State ID No.: 1N1E15AA 14801
Tax Account No.: R512004820
Quarter Section: 2330

Neighborhood: Piedmont/Brian Borrello/503-754-5595

Business District: North-Northeast Business Assoc/Joice Taylor/503-445-1321

District Coalition: North Portland Neighborhood Services/Mary Jaron Kelley/503-823-4099

Zoning: Multi-Dwelling Residential 2,000 (R2)
Aircraft Landing (h) overlay

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 a **Land Division-Partition** to divide a 5,000 square foot property into 2 parcels for detached houses. A one-foot right-of-way dedication is to be provided along the site's N Williams Avenue frontage. Each parcel will be 2,475 square feet. A 5-foot no-build easement is proposed along the north boundary of Parcel 1. New onsite drywells are proposed for stormwater management on each parcel, and water and sanitary sewer connections are proposed from facilities in N Williams Avenue.

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 2 units of land (2 parcels). Therefore this land division is considered a partition.

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 relatively flat rectangular lot and is approximately 5,000 square feet in area. The site appears to have functioned as the yard for the home on the property to the north, until it was separated from that property via a recent Lot Confirmation process. Except for some paving and fencing, the site is covered in grass and is otherwise undeveloped. A row of large established Western Red Cedar trees are situated along the south lot line.

To the north, east, and west of the site, the area is located within a multi-dwelling and commercial corridor that flanks N Lombard Street, which is 50 feet north of the project site. The range of housing types and the existing development along this corridor does not reflect the scale or density of housing allowed by the current regulations. The zoning to the south is single dwelling residential (R5).

Infrastructure:

- **Streets** –The site has approximately 50 feet of frontage on N Williams Avenue. At this location, N Williams is classified as a Local Service Street for all modes. It is improved with a 10-foot sidewalk corridor with a 3-6-1 sidewalk configuration. The current City standard is an 11-foot corridor with a 4.5-6-0.5 configuration. Tri-Met provides transit service approximately 50 feet from the site along N Lombard Street via Bus Line 75.
- **Water Service** – There is an existing 6-inch DI water main in N Williams Avenue. An existing 5/8-inch metered service provides water to the site from this main and could potentially provide water to Parcel 1. The estimated static water pressure range for this location is 58 psi to 73 psi.
- **Sanitary Service** - There is an existing public 8-inch clay combination sewer line in N Williams Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

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

The site is also within the Aircraft Landing (h) overlay zone. The h-overlay zone limits the height of structures, vegetation, and construction equipment in proximity to the Portland International Airport. In the R2 zone, structures are regulated by the base zone height limits.

Land Use History: City records indicate there are no prior land use reviews for this site. However, the subject site (and the abutting lot to the north, 7432 N Williams) was part of a recent Lot Confirmation (13-161746 PR) to reestablish two originally platted lots.

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 **December 2, 2013**. One written response was received, which noted concerns about parking, trees, vacant houses and illegal activities.

Trees are addressed in Criterion B, and parking issues are addressed in Criterion K, below. Property management and illegal activities are not specifically addressed in the land division approval criteria, and may be addressed through code enforcement or law enforcement.

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.
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. The applicant is proposing 2 parcels for detached houses.

Single-dwelling development is proposed, so the proposed parcels must meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. The required one-foot right-of-way dedication totals 50 square feet, so the resulting lot size for calculating density is 4,950 square feet. Therefore, based on the rounding provisions of the Zoning Code, the minimum and maximum density of the site is 2 units.

The required and proposed lot dimensions are shown in the following table:

R2	Minimum lot area (square feet)	Minimum lot width (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)
Attached Houses	1,600	15	none	15
Detached Houses	1,600	25	none	25
Parcel 1	2,475	25	99	25
Parcel 2	2,475	25	99	25

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

Though the applicant has indicated the proposed parcels will be developed with detached houses, each parcel also meets the minimum dimensions for attached houses, so the applicant may elect either housing type at the time of development.

The density and lot dimension standards are met, so this criterion is 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 that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.1). The same tree locations and sizes are also noted on an Existing Conditions & Demolition Plan (Exhibit xx). Similar but slightly different tree sizes are noted on the Existing Conditions Map (Exhibit xx). Since the date on the arborist report is more recent, BDS-staff will use the information from that document to determine how these regulations apply.

In any event, the arborist report and project plans identify the size and conditions of 14 trees that are generally located near the south perimeter of the site. The report notes that 10 of the trees appear to be bisect the subject site and abutting property to the south, and 3 others “rise out of the ground completely on the adjacent property”. The arborist concludes that the 13 trees that are located partially or entirely off the property are exempt from these requirements, and indicates only one tree (Tree 14) is indisputably located on the subject site and subject to these regulations.

Therefore, only Tree 14, a 29-inch caliper Western Red Cedar, is subject to the preservation requirements of this chapter. This tree is not proposed to be preserved, 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 R2 zone and the conceptual design will preclude the retention of the cedar tree. The applicant proposes to mitigate the tree removal through additional tree planting on the parcels. However, Section 33.248.020.H, known as the T1 tree planting standard, already requires trees to be planted on new parcels, as part of the approval of future building permits. Further, given the proposed size of the lots, it is not practical for additional trees beyond the T1 standard to be planted without jeopardizing the overall health of all of the trees on the site.

Alternatively, mitigation via a contribution to the City's Tree Fund would allow for the installation of additional trees in the Columbia Slough watershed in which the site is located, and those trees will help absorb air pollutants and contamination, and contribute to the City's general beauty. The cost to purchase and plant trees is 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.

In order to provide a level of mitigation comparable to that otherwise required by the Option 1 Tree Preservation Standard, the applicant will need to provide a payment to the Tree Fund to cover the tree diameter provided by Tree 14. This mitigation will help to offset the loss of the tree diameter that is presently provided by the 29-inch caliper Western Red Cedar. This mitigation will provide for the installation of trees in the same watershed as the site and serve to equally meet the purpose of the Tree Preservation regulations. With the implementation of this condition, prior to final plat, this criterion will be met.

Additionally, as noted in the Urban Forestry comments, street trees will be required along the frontage of each lot, and this will also contribute to enhancing the beauty of the street and replace some of the values removed by the existing tree.

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. No significant grading has been identified as necessary to make the new lots developable.

Land Suitability: Based on the response from Site Development, city records indicate that the residence located on the property to the north of the site (7432 N Williams Avenue) was constructed in 1912 and connected to a cesspool located south-southeast of the foundation. Cesspools were typically installed 10 to 12 feet from the foundation, therefore, the cesspool is likely located on the land division site. Site Development has indicated that cesspool decommissioning is not required. However, at the time of building permit application, a *Disclaimer for Existing On-site Sewage Disposal System* will need to be completed to ensure the removal of that system, in the event the on-site sewage system is located during the construction of a new residence.

With a condition to this effect, the new lots can be considered suitable for new 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 or easements are proposed or required for this land division, so this criterion does not apply.

However, the project plan (Exhibit C.1) shows a "No Build Easement", which was required based on a recent Building Code Appeal (13-193647 BD/Appeal 9976) for the adjacent house (7432 N Williams). The document recording number(s) for any existing easement(s) must be noted on the final plat.

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.

All of the proposed lots are on the east side of a north-south oriented street, and are considered interior lots (not on a corner). In this context there is no preference that any one lot be wider or narrower than the other lots. This criterion is therefore 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.

Based on the available evidence, Portland Transportation provided the following comments:

Street Capacity and Levels of Service: *The proposal will result in a net increase of 2 single-family residences. These residences can be expected to generate 20 daily vehicle trips with 2 trips occurring in each of the AM and PM Peak Hours. This relatively small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed.*

Connectivity: *The site is within 100-ft of the east/west NE Lombard street. Connectivity requirements do not apply to this site.*

Vehicle Access/Loading: *Each of the new lots will have a driveway to provide access to parking and loading.*

On-Street Parking Impacts: *The applicant states that each of the new lots will have at least one on-site parking space with an additional space between the garage and the front property line. Impacts to the on-street parking supply should be minimal.*

Availability of Transit: *Tri Met Bus Line #75 is available to serve the site 0.1 miles to the west at Lombard & Vancouver.*

Neighborhood Impacts: *The site is being developed with two new single-family residences in compliance with the existing R2 zoning. In addition, standard frontage improvements including sidewalk widening are required. Impacts should be minimal.*

A neighbor has expressed concerns about vehicle congestion due to vehicles cutting through the neighborhood to avoid the signal at Vancouver and Lombard and concerns about on-street parking impacts. While not shown on the plans, the applicant states that each lot will have a minimum of one on-site parking with an additional parking space between the garage and the front property line. Existing City traffic counts for N Williams and the close by side streets between N Williams and Vancouver show that these streets carry between 300 and 500 cars daily. This amount of relatively low volumes is consistent with and appropriate for the Local Traffic Street classification. If the neighbor feels that cut through traffic is an issue, they should contact PBOT traffic investigations at 503-823-SAFE. This section of PBOT can then explore potential mitigation measure that could deter cut through traffic if it is determined to be a problem.

Safety for All Modes: *With the requirement to provide a separated sidewalk to current standards along the frontage of the two new lots, pedestrian safety will be enhanced. Given the low vehicle speeds and volumes on N Williams, cyclists can safely share the roadway.*

Based on these factors, Portland Transportation has indicated the transportation system will be capable of safely supporting the proposed development in addition to the existing uses in the area. Therefore, these criteria are 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: 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:

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 Exhibit E.1
No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods:
Public Street Improvements: Portland Transportation has called for reconstruction of the pedestrian corridor where a curb and paved street already exists. BES has indicated that sloping the sidewalk toward a vegetated area and/or planting street trees will meet the requirements of the Stormwater Management Manual, and will be reviewed with the public works permit.
Parcels 1 and 2: Stormwater from these parcels will be directed to individual drywells that will allow the water to slowly infiltrate into the ground. BES has no objections to the proposed drywells.
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 block on which the subject property is meets the noted spacing requirements, and the frontage is improved with public sidewalks. As addressed below, a one-foot dedication and reconstruction of the sidewalk corridor will be required, but no new street or pedestrian connections are warranted. 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 reviewed the proposal for compliance with the right-of-way provisions and provided the following information: <i>N Williams is improved with a 10-foot sidewalk corridor with a 3-6-1 sidewalk configuration; however, the current City standard is an 11-foot corridor with a 4.5-6-0.5 configuration. Therefore, to provide the required sidewalk corridor, a one-foot dedication is required on the N Williams frontage. Additionally, the sidewalk will have to be reconstructed as a condition of building permit approval for the new residences.</i>
With the conditions described above, 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 will be 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 should take note of:

- 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. 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.

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 fire flow/water supply, fire hydrant spacing, addressing, aerial fire department access, and number of fire hydrants. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

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:

- Right-of-way dedication
- Sidewalk reconstruction
- Tree Mitigation
- Fire flow, hydrant spacing, addressing, aerial fire department access, and number of hydrants
- Disclaimer for on-site sewage disposal system

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

Issues raised in the neighborhood letter regarding trees and parking are addressed in Criterion B and Criterion K, respectively. Other concerns about property management and illegal activities are not specifically addressed in the land division approval criteria and may be remedied through contact with code enforcement or law enforcement.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition that will result in 2 parcels for attached or detached houses, as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. Three copies of a supplemental plan shall be submitted with the final plat survey, if the provision for reduced internal setbacks will be used.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for N Williams Avenue. The required right-of-way dedication must be shown on the final plat.

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 from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
2. The applicant shall meet the requirements of the Fire Bureau for fire hydrant spacing. The applicant must provide verification that Appendix C of the Fire Code is met to the satisfaction of the Fire Bureau.

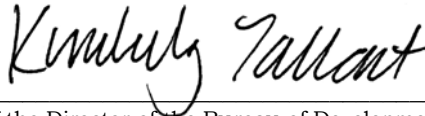
Other requirements

3. The applicant must pay into the City Tree Fund the amount equivalent to 29 inches of trees. Payment must be made to the Bureau of Development Services, which administers the fund for the Parks Bureau.

D. 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 address 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. If the Fire Bureau determines that the size of the development on Parcel 1 or Parcel 2 requires additional fire flow or fire hydrants, those improvements must be made to the satisfaction of the Fire Bureau.
4. The applicant must complete a *Disclaimer for Existing On-site Sewage Disposal System* for each parcel to the satisfaction of Site Development.
5. The sidewalk along N Williams Avenue must be reconstructed to the satisfaction of Portland Transportation, as a condition of building permit approval for the new residences on Parcel 1 and Parcel 2.

Staff Planner: Kate Green

Decision rendered by:  **on January 28, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed January 30, 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 July 24, 2013, and was determined to be complete on November 26, 2013.

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 July 24, 2013.

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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: March 26, 2014.**

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.

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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

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.

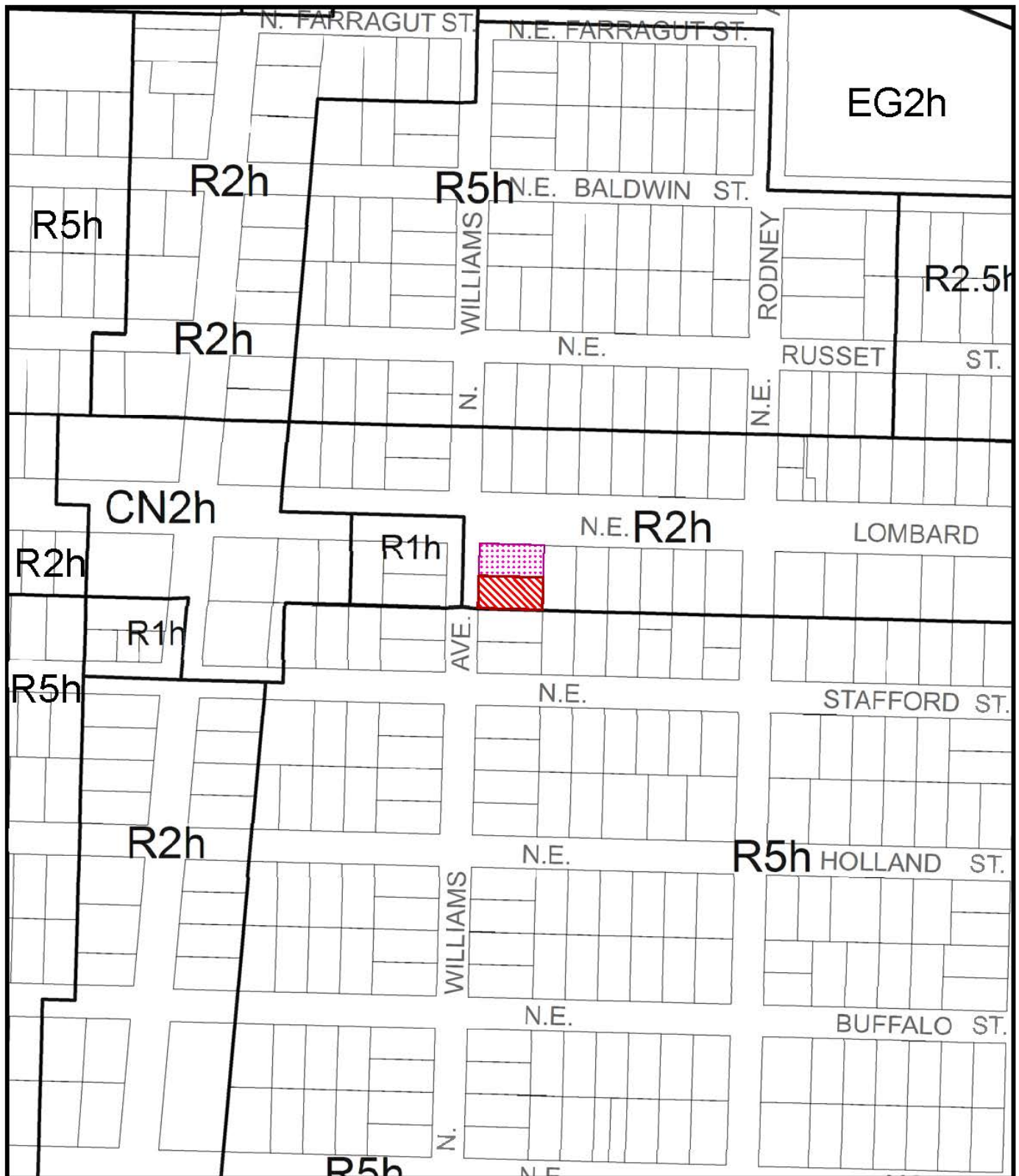
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Arborist Report
 - 2. Stormwater Report
 - 3. Supplemental Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plan (attached)
 - 2. Existing Conditions Map/Survey
 - 3. Existing Conditions & Demolition Plan
 - 4. Preliminary Site/Utility Plan
 - 5. Preliminary Grading Plan
 - 6. Full-sized plan set
- 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/BDS
- F. Correspondence:
 - 1. Elizabeth Lasek, received January 2, 2014, re: concerns about parking, trees, property management, and illegal activities
- G. Other:
 - 1. Original LU Application
 - 2. Letter to applicant re: completeness review

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).



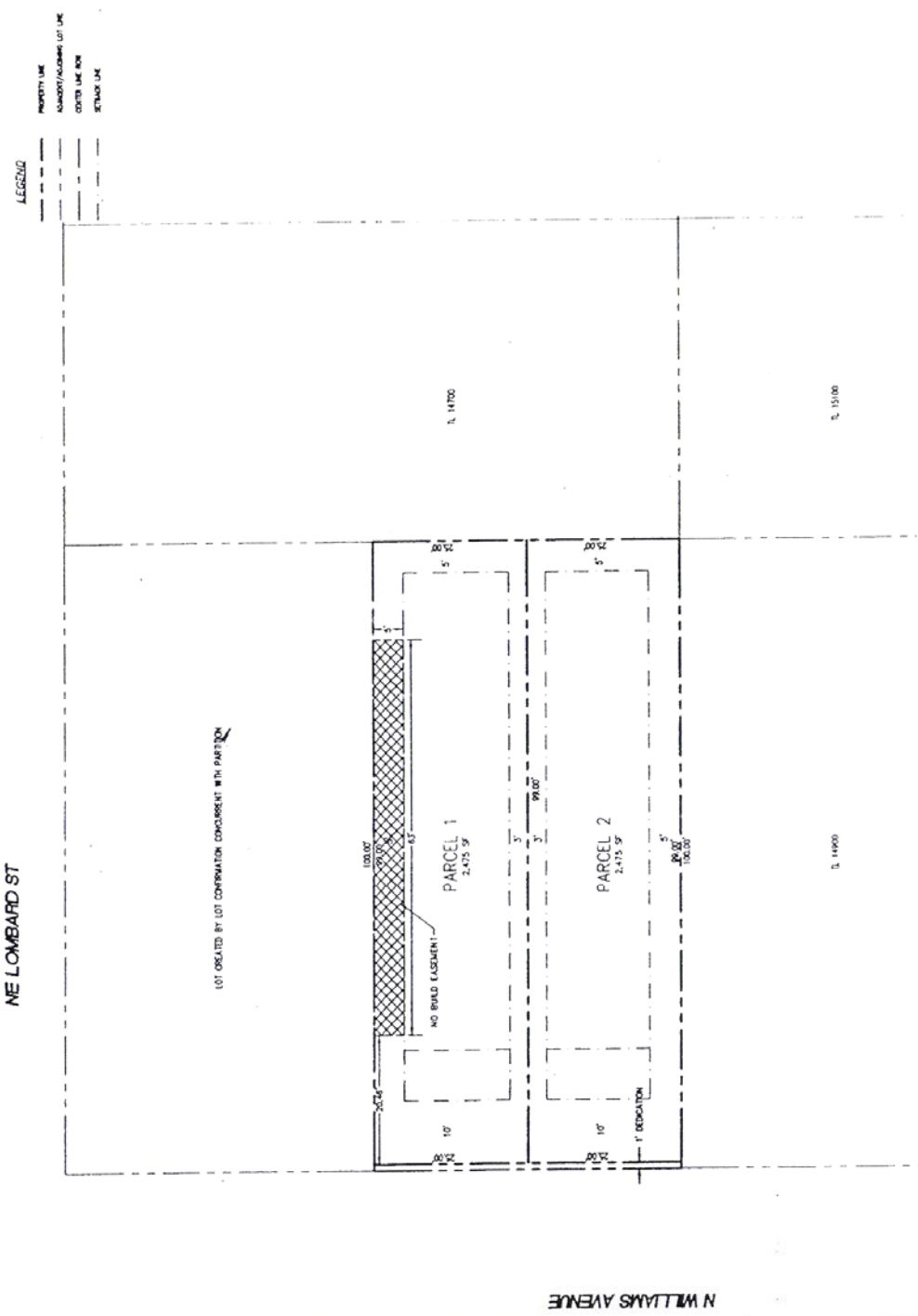
ZONING



Site
Also Owned



File No. LU 13-184624 LDP
 1/4 Section 2330
 Scale 1 inch = 200 feet
 State_Id 1N1E15AA 14801
 Exhibit B (Nov 26, 2013)



LV 13.184624 LDP
Exhibit C.1