



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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www.portlandoregon.gov/bds

Date: July 9, 2013
To: Interested Person
From: Kathy Harnden, Land Use Services
503-823-7318 / Kathy.Harnden@portlandoregon.gov

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 13-102007 LDS

GENERAL INFORMATION

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

Owner: Nielsen Lloyd LLC
PO Box 11560 / Portland, OR 97211-0560

Interested Party: Mike Coyle / Faster Permits
14334 NW Eagleridge Lane / Portland, OR 97229

Site Address: 3910 NE Garfield Ave, NE Garfield Avenue
Legal Description: BLOCK 3 LOT 9&10, ALBINA HMSTD
Tax Account No.: R010501260, R010501260, R010501260
State ID No.: 1N1E22DD 00800, 1N1E22DD 00800, 1N1E22DD 00800
Quarter Section: 2630
Neighborhood: King, contact Andrew Clarke at 503-863-7780.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.
Plan District: Albina Community
Other Designations: Design Overlay Zone – d
Zoning: RHd – High Density Residential with the “d” overlay
Case Type: LDS – Land Division Subdivision
Procedure: Type IIX, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to subdivide this 10,200 square-foot lot into 5 lots for attached housing. The site has been vacant since before 1996. Three of the lots will be 25.14 feet wide; one will be 24.58 feet wide and one will be 30.56 feet wide. Four of the lots will have depths of between 71.4 feet and 72.0 feet. The fifth lot will be 100 feet deep. The four lots facing NE Garfield will be developed with attached houses and an accessory dwelling unit. The lot facing NE Failing will be developed with a detached house and accessory dwelling unit. Individual drywells are proposed to capture stormwater on each lot and will be located in each driveway. All five lots will have 18-foot long driveways and attached garages. The site has been vacant for a number of years.

The site is in a Design (d) overlay zone and the project will have to meet the Community Design Standards at the time of development. A Design Review will be required if any of the standards cannot be met. Specific development is *not* approved through this land division process. However, the applicant must demonstrate that the lot configuration will not prevent the standards from being met at the time of development.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; and (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 5 lots. Therefore this land division is considered a subdivision.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of *Title 33*. The approval 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 site is a 10,200 square-foot vacant corner lot, covered in grass, with one small tree in the southwest corner of the site and a few street trees along both NE Failing Street and NE Garfield Avenue. The neighborhood is quite eclectic, with a variety of small commercial businesses, local government facilities, and single dwelling developments. A large church and parking lot are directly west of the site and a bank with a drive-through teller is located adjacent to and due east of the site.

Infrastructure:

- **Streets** – The site is located at the corner of NE Garfield and NE Failing. It has approximately 100 feet of frontage on NE Garfield and about 72 feet along NE Failing. There are no driveways entering the site.

At this location, both NE Garfield and NE Failing are classified as Local Service Streets for all modes in the TSP. Tri-Met provides frequent transit service approximately 107 feet east of the site on NE Martin Luther King JR King BLVD at the intersection with NE Failing, via Bus 6. In addition, two other bus routes offer service within about 1,200 feet of the site. Parking is allowed on both sides of both streets.

NE Failing has 36 feet of paving within a 60-foot wide right-of-way, with a variable sidewalk corridor with approximately a 4-foot wide planter area and 8-foot sidewalk corridor. Northeast Garfield also has 36 feet of paving within a 60-foot wide right of way, and has the same 4-foot wide planter area and 8-foot sidewalk corridor as NE Garfield.

- **Water Service** – There is an existing 3/4” irrigation service which provides water to this location from the existing 6” CI water main in NE Failing that may be available for the use of proposed Lot 4. There is water available to Lot 5 from an existing 6” CI water main in NE Failing Street, and to Lots 1 through 3 from an existing 8-inch water main in NE Garfield. Fixture counts will be required for proposals to appropriately size the necessary water service and meters for development of these lots.
- **Sanitary Service** - There is an existing 18-inch public combination VSP in NE Garfield and 86 feet of an 8-inch PVC in NE Failing that can provide service to these lots. The applicant proposes to construct an angled lateral to a new manhole at the termination of the existing sewer in NE Failing to provide sanitary service to Lot 5. BES requires that this manhole be

constructed at the time of development of Lot 5 at a minimum, or as otherwise approved by BES.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant proposes individual drywells on each lot. BES has no objections to this approach. The Oregon Department of Environmental Quality regulates drywells, which are considered underground injection control facilities and it is the applicant's responsibility to register these facilities with DEQ.

Zoning: The RH zone is a multi-dwelling, high-density, residential zone. Duplexes, attached and detached houses are also allowed in the zone. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

Land Use History: City records indicate that prior land use reviews include the following:

- **LUR 96-00574 ZC CP:** A zone change occurred in 1996 that affected seven blocks between NE Garfield and NE Grand Avenue and between NE Fremont and NE Wygant Streets.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 30, 2013**. The following Bureaus have responded with no issues or concerns. Several Bureaus 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 April 30, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.

H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes and the one single dwelling lot is an interior lot (not on a corner). In this context, solar access standards express no lot configuration preference.
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 RH zone. The applicant is proposing four lots for attached housing and one lot for a single dwelling. Single-dwelling development is proposed for the entire site; therefore the proposed lots must meet minimum density and not exceed the maximum density stated in *Table 120-3*.

Because the site is within the Albina Community Plan District, minimum density in the RH zone in this Plan District is one unit per 2,000 square feet of site area; therefore, the site has a minimum required density of 5 units (5.1 rounded down to 5 units).

There are limitations on types of development allowed in multi-dwelling zones, based on lot dimensions (Table 612-1). Multi-dwelling structures are not allowed on lots that are less than 10,000 square feet. The table below shows the lot dimension requirements for attached houses, detached houses and duplexes in the RH zone and the proposed lot dimensions.

RH Zone	Minimum lot area (sq. ft)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Attached Houses; Detached Houses; Duplexes	none	none	none	10

Lot 1	1,769	24.58	72.01	24.58
Lot 2	1,805	25.14	71.88	25.14
Lot 3	1,801	25.14	71.73	25.14
Lot 4	1,798	25.14	71.60	25.14
Lot 5	3,084	30.56	100.0	30.56

As the table shows, there are no minimum lot area requirements for lots designated for attached or detached houses, or for duplexes in the RH zone. For this reason, it is necessary to condition the minimum and maximum density allowance on each of the five lots with proposed attached housing to avoid further division of lots in the future that could result in non-compliance with the overall density requirements of the site as it exists in this proposal. The majority of these lots are too narrow to be developed with detached structures. Therefore, the maximum density for each of the five lots is two units as requested by the applicant, in order to have an Accessory Dwelling Unit on each lot, as part of the primary housing unit. A condition of approval will specify these densities.

The applicant has submitted a plan showing a housing configuration that demonstrates that the lots are of sufficient size and configuration that will allow them to be developed with attached units that meet the development standards, including the Community Design Standards. With conditions regarding the allocation of density for each lot, this criterion will be 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:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The water service standards of 33.651 have been verified. The water standards of 33.651 have been verified. Water is available to serve the proposed development from water mains in NE Garfield Street and NE Failing Avenue.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The sanitary sewer standards of 33.652 have been verified. There is an existing 18-inch public VSP combination pipe in NE Garfield Avenue to serve Lots 1 – 4, and an 8-inch PVC in NE Failing. Because the applicant proposes an angled lateral from Lot 5 to the termination of the existing sewer in NE Failing, a manhole at the termination of this line must be constructed at the time of development of Lot 5 at a minimum, or as otherwise approved by BES.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods
Lots: Stormwater from these lots will be directed to drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. The Bureau of Environmental Services has indicated conceptual approval of the drywells.

Additionally, BES notes that the Oregon Department of Environmental Quality (DEQ) regulates underground injection control (UIC) facilities to protect groundwater. Drywells and soakage trenches are examples of UICs. It is the applicant's responsibility to register all on-site UICs with DEQ, as appropriate.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030

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

Portland Transportation reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services, and provided the following comments:

At this location, the City's Transportation System Plan (TSP) classifies both NE Failing & NE Garfield as Local Service streets for all modes.

It is typical Portland Transportation procedure to review existing roadway configurations by referring to City GIS database resources in order to determine the necessary dedications and/or improvements related to proposed land use cases. City staff may receive different information from the applicant's engineer with regard to the existing condition of the subject roadways based on the actual survey of the site.

According to City GIS database sources, at this location, the site's NE Failing frontage is improved with 36-ft of paving within a 60-ft r.o.w. This frontage is also improved with a variable sidewalk corridor (4-8-0, 0-12-0 & 0-10-2). However, a review of Google Street View suggests that there is a consistent width planter strip & sidewalk as opposed to the noted curb-tight segments. The site's NE Garfield frontage is also improved with 36-ft of paving within a 60-ft r.o.w. This frontage is also improved with a 4-8-0 sidewalk corridor.

Based on the RH zoning of the site, and the Local Service street classifications of both streets, the City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor (0.5-ft curb/4-ft planter area/6-ft sidewalk/0.5-ft setback to property line). Both of the site's frontages meet/exceed the recommended sidewalk corridor width/configuration. Accordingly, there will be no property dedication/frontage improvements associated with the proposed development. This applicant is advised, however, that if the existing sidewalk corridors are damaged during the course of construction, they will be required to be reconstructed to the satisfaction of the City Engineer.

The proposed subdivision includes parking at each residence; any additional vehicles will utilize on-street parking. Based on data from the ITE Parking Generation Manual, the 85th percentile peak parking demand for five new lots is eleven parking spaces. Thus the proposed subdivision is expected to generate a peak demand for 6 on-street parking spaces. On-street parking is adequate to meet the additional demand resulting from the proposed subdivision even during the periods of the greatest demand, though the actual demand will often be far less than the demand in this worse-case scenario. Notably, the available on-street parking supply is sufficient to meet the demands of the proposed development in addition to existing uses in the site vicinity during all times of the day even if no off-street parking is provided/utilized.

PBOT finds that the transportation system can safely support the proposal in addition to existing uses in the area.

Based on the above factors, this criterion is met.

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

Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. In the event an easement may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways, the easement may 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

The applicant plans to develop the property with 4 attached houses and one detached house. In addition to the various Multi-Dwelling (RH) development standards that will be applicable to this lot, proposed development will also be subject to the Community Design Standards.

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
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 ensuring adequate hydrant flow/water supply and addressing. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

Urban Forestry: As outlined in the response from Urban Forestry, existing street trees are to be protected and preserved. A written permit from the City Forester is required to remove, destroy, cut (including foots), break, injure or plant any tree of any size in or upon any street, park, or public area.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

- 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.

CONCLUSIONS

The applicant has proposed a 5-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. There were no major issues identified with this proposal. The site is in a high density residential zone that allows more density than the applicant is proposing. The Service Bureaus did not identify major issues, with the exception of the Bureau of Environmental Services which requires a new manhole to be constructed in NE Failing at the time of Lot 5 development. With conditions of approval that address identified requirements, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 5-lot subdivision, that will result in 3 lots (Lots 2, 3 and 4) for attached houses and 2 lots (Lots 1 and 5) for attached houses or duplexes, with easements for shared access and utilities, as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. Four copies of a supplemental plan shall be submitted with the final plat survey for review and approval. This 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:

- The proposed general location of future building footprints and sanitary sewer and stormwater management facilities and water services for each of the lots.
- The locations of existing street trees on the site.
- Any other information specifically noted in the conditions listed below.

B. 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 to demonstrate that Appendix B of the Fire Code is met; an exception is used; or an approved Fire Code Appeal has been granted

C. 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 shall be as follows:

Lot	Minimum Density	Maximum Density
1	1	2
2	1	2
3	1	2
4	1	2
5	1	2
Total	5	10

2. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for constructing a manhole at the termination of the sewer in NE Failing at the time of development of Lot 5 at a minimum, or as otherwise approved by BES.
3. The applicant must meet the addressing requirements of the Fire Bureau for Lots 1 - 5. The location of addresses must be shown on the building permit.

4. 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 measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
5. Street trees must be managed in accordance with city tree codes. No limb pruning or root pruning of street trees may be done without a Tree Pruning Permit from the City Forester. Any excavation in the City right-of-way or on the project site that will occur within the root zone of the street trees must be approved by Portland Parks and Recreation. Call City Nature/Urban Forestry (503) 823-4489 regarding street tree requirements.

Staff Planner: Kathy Harnden

Decision rendered by: Michael Nayak on July 5, 2013
By authority of the Director of the Bureau of Development Services

Decision mailed July 9, 2013.

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 8, 2013, and was determined to be complete on April 29, 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 January 8, 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 requested that the 120-day review period be extended for "a duration not to exceed the time necessary for any appeals to be heard." Because the Decision will be mailed on July 9, 2013, the 120-day review period has been extended for 29 days. Unless further extended by the applicant, **the 120 days will expire on: November 25, 2013**

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 23, 2013** at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 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 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.**

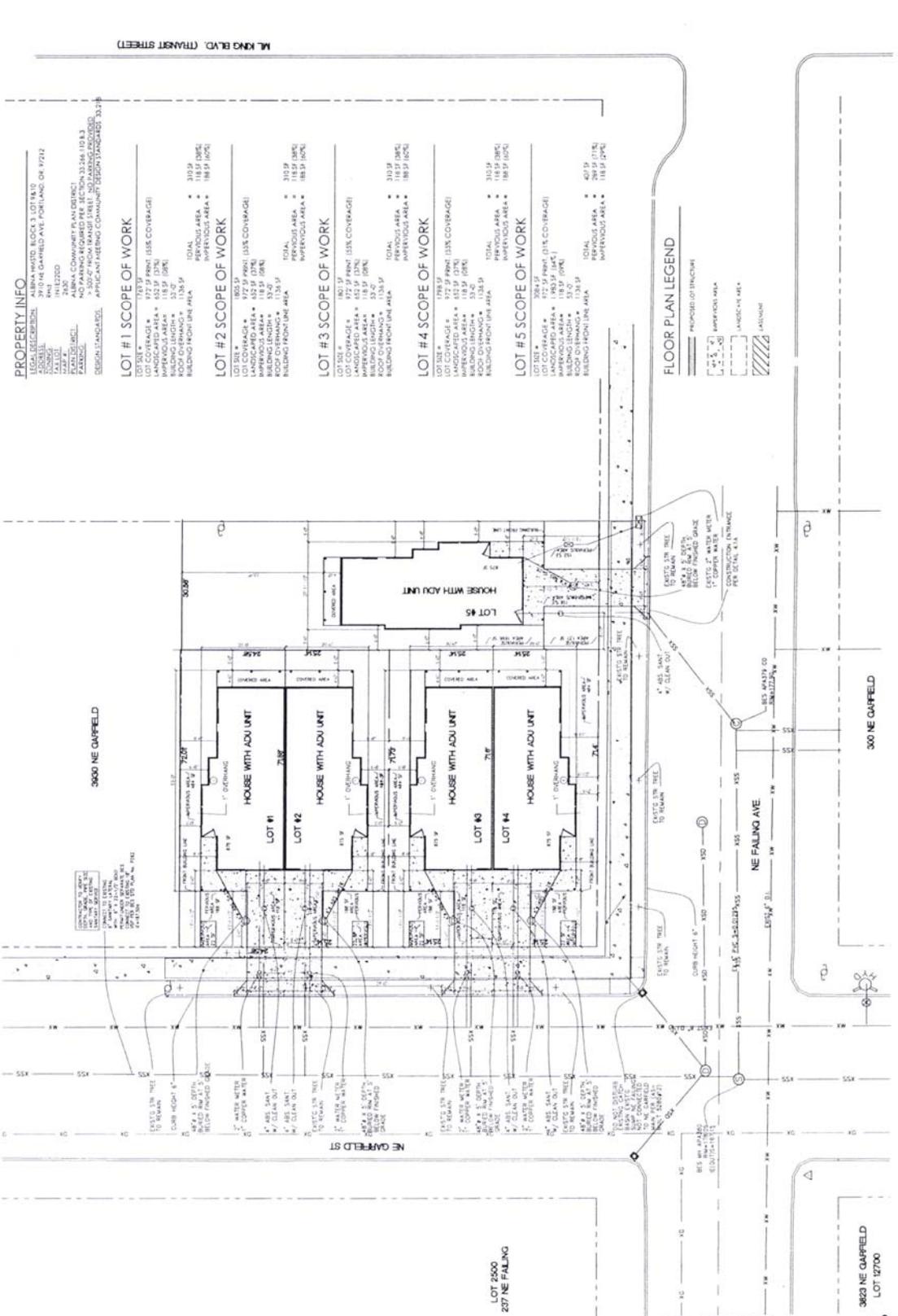
EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant’s Statement

1. Narrative
 2. Stormwater Report
 3. Traffic Study, dated May 11, 2011-
 4. Arborist Report
 5. Neighborhood Contact verification
 6. Articles of Organization (Old Seasons LLC)
 7. Summary of Neighborhood meeting
 8. Stormwater Report, revision, dated March 23, 2011
 9. Traffic Study addendum, dated July 27, 2011
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Existing Plan
 2. Preliminary Plan (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
- F. Correspondence:
NONE
- G. Other:
1. Original LU Application
 2. Site History Research
 3. Completeness Responses
 4. Incomplete letter
 5. Applicant's Request for Additional Time

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).



2413-102007-05
EX-C.2

REV: DEVELOPER: GARNER MOONEY
 ISSUE: LLOYD DEVELOPMENT LLC
 DATE: 04.11.13
 PORTLAND, OR 97211
 501.329.5369

ALBINA HWY 20, BLOCK 3, LOT 1840
 3910 NE GARFIELD AVE,
 PORTLAND, OR, 97201

DEVELOPER: GARNER MOONEY
 LLOYD DEVELOPMENT LLC
 DATE: 04.11.13
 PORTLAND, OR 97211
 501.329.5369