



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: June 27, 2013
To: Interested Person
From: Kathy Harnden, Land Use Services
503-823-7318 / Kathy.Harnden@portlandoregon.gov

NOTICE OF A TYPE I 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 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 13-119289 LDP

GENERAL INFORMATION

Applicant: Kevin Partain
223 NE 56th Ave / Portland, OR 97213-3705

Owner: Clint Weiler / Groundbreakers Construction & Development
6045 SE Stark St. / Portland, OR 97215

Site Address: 7007 SE 84TH AVE

Legal Description: BLOCK 2 LOT D EXC PT IN ST LOT 1, GORDON PL
Tax Account No.: R334800510
State ID No.: 1S2E21BC 06500
Quarter Section: 3739
Neighborhood: Lents, contact Cora Potter at 503-823-4550.
District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550.
Zoning: R2.5a – Residential 2.5 with the “a” (alternative design density) overlay
Case Type: LDP - Land Division Partition
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to partition the subject site, a lot at the southwest corner of SE 48th Avenue and SE Bybee Boulevard, by dividing it into two new, nearly square lots. Proposed Lot 1 will have 2,680 square feet and Proposed Lot 2 will have 2,679 square feet and will be the new corner lot. Both parcels will front on SE Bybee Blvd. Each lot will have separate drywells located in separate driveways. There are no trees on the site.

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 is proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use review (such as an Adjustment, Design, or Environmental review) is required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land. Therefore this land division is considered a partition.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The site is relatively flat and is currently developed with an older single-family dwelling and detached garage, both of which will be demolished. The surrounding neighborhood is fully developed, also with older single-family dwellings, except that a block and a half to the west, commercial development lines SE 82nd Avenue.

Infrastructure:

- **Streets** – The site currently fronts on SE 84th at the corner of SE Bybee Boulevard, with approximately 58 feet of frontage. It has approximately 105 feet of frontage on SE Bybee. There is one driveway entering the site on the north property line from SE Bybee, which serves the existing house on the site. At this location, both SE Bybee and SE 84th are classified as Local Service Streets for all modes in the TSP. Tri-Met provides frequent transit service approximately 492 feet southwest of the site on SE 82nd Avenue at its intersection with SE Ogdon, via Bus 19. Parking is allowed on both sides of the SE Bybee and at least one side of SE 84th.

SE 84th Avenue is improved with an 11-5-2 sidewalk corridor, and the 5-ft sidewalk is substandard by 1 foot in width. The applicant successfully appealed the dedication and street improvements required to bring this sidewalk up to standards.

SE Bybee Blvd. has a 0-5-0-9 sidewalk corridor, which is considered to be substandard by 5 feet. An 11-foot sidewalk corridor is required, consisting of the existing 0.5-ft curb, a 4-ft furnishing zone, a 6-ft wide sidewalk, and a 0.5-ft frontage zone. This requires a 5.01-ft property dedication.

- **Water Service** – There is an existing 5/8” metered water service which provides water to this location from the existing 8” CI water main in SE 84th Avenue, which is potentially available for use for proposed Parcel 2.

There is also water available to proposed Parcel 1 from an existing 8” CI water main in SE Bybee Blvd.

- **Sanitary Service** - There is an existing 8-inch PVC public sanitary-only sewer located in SE Bybee that can serve the sanitary disposal needs of the site. The existing sewer lateral will be available for development Parcel 2, and a new lateral must be constructed from the public main to provide service to proposed Parcel 1. The existing lateral serving the site must be capped at the time of demolition of the existing house.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this site and the applicant proposes new drywells for the development.

Zoning: The R2.5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and

encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

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

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **April 22, 2013**. Several Bureaus responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits E for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 22, 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 in the area 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.
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.
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	No dead-end street or pedestrian connections are

	extension of dead-end streets and pedestrian connections	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 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Density in this zone is one unit per 2500 square feet. This 6,094 square-foot site has a minimum required density of 1 unit and a maximum density of 2 units. The applicant is proposing two single dwelling parcels. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel/ Lot 1	2,680 SF		52.5	58	52.5
Parcel/ Lot 2	2,679 SF		52.5	58	52.5

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are wide enough to allow development to orient toward the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9) lots are compatible with existing lots while also considering the purpose of this chapter.

The applicant has demonstrated that the proposed Parcels are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of building footprints that meet all applicable setback requirements and are oriented towards the street. Therefore they have demonstrated that the proposed lot(s) can accommodate a reasonably sized house and garage while meeting the development standards of the zoning code;
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services.
- The proposed lots are compatible with existing lots because their widths are similar in size or larger than existing lot frontages in the neighborhood.
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street.

The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet

- The lots will be developed with detached houses, and, at 52.5 feet, the proposed parcels are more than 25 feet wide.

If the lot abuts an alley, then vehicle access is allowed only from the alley

- The site does not have access from an alley, so this standard does not apply.

Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development

- The applicant has demonstrated, with Exhibit C.1 that each lot will be built with a house that is greater than 22 feet in width and will be able to accommodate a garage that will occupy no more than 50% of the length of the street facing façade. The garage limitation standards of Subsection 33.110.253.E can be met.

60 percent landscaping requirement for attached houses

- The applicant has indicated that the lots will be developed with detached houses; therefore, this requirement does not apply.

If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.

- Parking is required and will be met by the proposed driveways.

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

Findings:

Clearing and Grading

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.

In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees on the site. Therefore, this criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. The applicant proposes to remove the existing house and garage and redevelop the site. Although the site is currently connected to the public sanitary sewer, there are records of at least three cesspools on the site. The City has no record that these facilities were ever decommissioned. However, cesspool decommissioning is currently a requirement of Demolition Permit 13-136442-RS

To ensure that the new lots are suitable for development, Demolition Permit 13-136442-RS must be finalized for demolition of all structures on the site and for capping the existing sewer prior to final plat approval.

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.

Both of the proposed parcels are on the south side of an east-west oriented street. Parcel 2 will be on the corner, and will be the same width as the Parcel 1. This criterion is therefore 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 standards of 33.651 have been verified. Water is available to serve the proposed development from the water mains in SE 84 th and SE Bybee. Parcel 2 has an existing water service from the main in SE 84 th , although meter size must be evaluated at the building permit stage. Proposed Parcel 1 will require a new service and meter, appropriately sized, from the main SE Bybee Avenue. This criterion must be met at the time of Building Permit Review.
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 8-inch PVC public sanitary only sewer located in SE Bybee that can serve the sanitary needs of the proposed parcels. Parcel 2 has an existing sewer service from that main. A new lateral must be constructed to Parcel 1 at the time of development. Therefore, this criterion is met.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1
BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. No stormwater tract is proposed or required. Therefore, criterion A is not applicable. Parcels 1 and 2: Stormwater from these parcels 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 Oregon State Department of Environmental Quality (DEQ) must approve drywells. Applicant must receive approval from DEQ for the proposed drywells prior to final plat approval. In addition, existing drywells must be decommissioned under the authority of DEQ as well and decommissioning must be completed and approved by DEQ prior to final plat approval.
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
No street connections have been identified in the vicinity of the property in the Portland Master Street Plan document. The 530-ft spacing goal for public through-streets and the 330-ft spacing goal for pedestrian connections are satisfied on the subject block, and beyond. Portland Transportation has no concerns relative to connectivity or locations of rights-of-way associated with the proposed land division partition.
33.641 – Transportation Impacts – 33.641.020 and 33.641.030 33.654.120.B & C Width and elements of the street right-of-way 33.654.130.D Partial Rights of way
Based on the available evidence, PBOT estimates that the increase in daily trips will total 1 peak-hour trips per day (according to <i>Institute of Transportation Engineers – Trip Generation Manual</i> , 8 th ed.). PBOT staff determined that this will have a minimal impact on existing facilities and capacity and that a traffic study is not required at this time (see Exhibit E.2 for a detailed analysis). In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of

service provided.

PBOT determined that the existing sidewalk along SE Bybee will be damaged during the course of curb cuts and driveway construction. Any damage to existing sidewalks that occurs during the course of construction activity of the proposed project will require reconstruction.

PBOT determined that both sidewalk corridors needed to be upgraded to meet City standards. The applicant successfully appealed this requirement for upgrades to SE 84th Avenue, but must make the required improvements to SE Bybee.

Therefore, PBOT requires the applicant to reconstruct the pedestrian corridor along the SE Bybee frontage to City standards with a 0.5-ft curb, a 4-foot furnishing zone between the curb and sidewalk, a 6-foot wide paved sidewalk, and a 0.5-foot buffer at the back of the sidewalk next to the property line. Updated ADA corner ramps must also be constructed. To accommodate these improvements, additional right-of-way must be dedicated along the SE Bybee Boulevard frontage along this site at the time of final plat.

Therefore this criterion can be met, with the conditions that the required dedication is included on the final plat and that the curb, sidewalk and corner ramp improvements are constructed under a separate public works permit to City Standards. A bond/contract and financial guarantee for the sidewalk widening and updated ADA corner ramps shall be required at the time of final plat.

With those improvements, the site can be safely served by this existing street without having any significant impact on the level of service provided.

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

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

DEVELOPMENT STANDARDS

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

Future Development

Among the various development standards that will be applicable to this lot, the applicant should take note of:

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone.

- Required Off-Street Parking – In this zone, one parking space per dwelling unit is required. With the provision of at least one on-site parking space for each lot, adequate parking will be available that will limit impacts on neighboring residences from this proposal. The proposed driveways will meet this requirement.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical

expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

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

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

- The applicant must meet the requirements of the Fire Bureau in regard to ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; This requirement is based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- If required, the applicant shall meet any requirements of Urban Forestry for street tree planting during plan review. This requirement is based on the standards of Title 20.

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 relate to sidewalk improvements and required street dedication, which will be resolved during the final plat and building permit processes.

With conditions of approval that address the requirements discussed in the findings above, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in 2 standard lots in the R2.5 zone that will each be 52.5 feet wide and 58 feet deep. The existing house and garage will be removed and two detached dwellings will be constructed with driveways accessing SE Bybee Boulevard as illustrated with Exhibit C.1, subject to the following conditions:

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for the required dedication of property along the site's SE Bybee frontage. This dedication shall be shown on the Final Plat.

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's SE Bybee Boulevard frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements, i.e., sidewalk widening and updated ADA corner ramp improvements prior to Final Plat approval.
2. Applicant must receive approval from DEQ for the proposed drywells prior to final plat approval.
3. Existing drywells must be decommissioned under the authority of DEQ and must be completed and approved by DEQ prior to final plat approval.

Utilities

4. 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 at the time of Building Permit Review.
5. Applicant must receive approval from DEQ for the proposed drywells prior to final plat approval.
6. Existing drywells must be decommissioned under the authority of DEQ and be completed and approved by the time of Building Permit Review.

Existing Development

7. Demolition Permit 13-136442-RS must be finalized for demolition of all structures on the site, for capping the existing sewer, and for decommissioning the existing cesspools prior to final plat approval.

Other requirements

1. Applicant shall meet any requirements of Urban Forestry for street tree planting during Building Permit Review.

Staff Planner: Kathy Harnden

Decision rendered by:  **on June 24, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed June 27, 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 February 22, 2013, and was determined to be complete on April 18, 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 February 22, 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 waived the 120-day review period, as stated with Exhibit A.2. Unless further extended by the applicant, **the 120 days will expire on: November 25, 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 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. 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. Application Narrative
 - 2. Revised Narrative
 - 3. Stormwater Report
 - 4. Request to extend 120-Day period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site 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
 - 7. Life Safety Plans Examiner
- F. Correspondence:
 - NONE
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. RFC Responses
 - 4. Incomplete Letter

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



File No. LU 13-119289 LDP
 1/4 Section 3739
 Scale 1 inch = 200 feet
 State_Id 1S2E21BC 6500
 Exhibit B (Feb 27, 2013)

