



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

FROM CONCEPT TO CONSTRUCTION

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Date: June 23, 2015
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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 15-129900 LDP

GENERAL INFORMATION

Applicant/Owner: Rick Jacobson / Burnside General Stores
PO Box 818 / Lake Oswego OR 97034

Designer: Scott Pitek / COLAB
421 SW 6th Avenue, Suite 1250 / Portland OR 97204

Site Address: SE Ankeny Street (east of 2403 SE Ankeny)

Legal Description: BLOCK 8 LOT 9&10 TL 18700, ETNA
Tax Account No.: R257801140
State ID No.: 1N1E36CC 18700
Quarter Section: 3033
Neighborhood: Buckman / Matthew Kirkpatrick at 503-236-6350
Business District: East Burnside Business Association / Rick Leipzig at 503-230-0231
District Coalition: Southeast Uplift / Bob Kellett at 503-232-0010
Zoning: Mixed Commercial/Residential (CM)
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** in order to divide a 10,259 square foot property into 3 parcels. The proposed parcels sizes are as follows:

- Parcel 1: 2,500 square feet;
- Parcel 2: 3,100 square feet; and
- Parcel 3: 4,659 square feet.

The subject site is currently in use as a parking lot and a storage building is located in the northwest corner of the property. The storage building is proposed to be removed. Each parcel is proposed to be developed with multi-dwelling or single dwelling residential units.

Existing easements are located along the east lot line of proposed Parcel 3 and a new access and utility easement is proposed on Parcel 2 for the benefit of the adjacent properties to the north (2424 and 2448 E Burnside).

This partition is reviewed through a Type Ix land use review because: (1) the site is in a commercial, employment, or industrial 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 (see 33.662.110).

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 3 units of land (3 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 33.662.120, Approval Criteria for Land Divisions in Commercial, Employment, and Industrial zones**.

FACTS

Site and Vicinity: The subject site is a relatively flat, 10,259 square foot property. There is a 675 square foot metal (storage) building located on the northwest corner of the site, which the applicant intends to removed. The balance of the site is currently in use as an accessory parking lot for the abutting properties (2400, 2424 and 2448 E Burnside Street), which are also owned by the applicant.

The existing conditions map also shows a fence is located along the west lot line and a power pole, power vault, and telephone vault are located within two existing easements that border the east lot line. One of the easements is a no-build easement and the other is a utility company (PGE) easement. Based on a site visit, landscape plantings are located along the east lot line as well.

Within 500 feet of the site, the surrounding properties have a mix of commercial and residential zoning, moving from a developed commercial and multi-dwelling corridor along and north of E Burnside to a lower density residential area to the south.

Infrastructure:

Streets – The site has approximately 102 feet of frontage on SE Ankeny Street, with two curb cuts. SE Ankeny Street is designated a City Bikeway and a Local Service Street for all other modes. It is improved with a 36-foot wide roadway with 12-foot sidewalk corridors along both sides that meet current City standards. Parking is allowed on both sides of the street. Tri-Met provides transit service approximately 200 feet from the site on E Burnside via Bus Line 20.

Water Service – There is an existing 4-inch CI water main in SE Ankeny Street that can provide water to the proposed parcels. The estimated static water pressure range for this location is 57 psi to 72 psi at the existing service elevation of 135 ft.

Sanitary Service – There is a 14-inch vitrified clay public combined gravity sewer located in SE Ankeny Street that can serve the sanitary disposal needs of this project (BES project #20391).

Stormwater Disposal – There is no public storm-only sewer currently available to this property.

Zoning: The site is located in the **Mixed Commercial/Residential (CM) zone**. This zone promotes development that combines commercial and housing uses on a single site.

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

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

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on April 30, 2015. No written responses have been received.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN A COMMERCIAL, EMPLOYMENT, OR INDUSTRIAL ZONE

33.662.120 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.

The relevant criteria are found in Section **33.662.120 [A-K], Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones**. 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 applicability of each criterion.

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.
H	33.639 - Solar Access	The parcels are interior lots on the north side of an east-west street and some of the proposed development is for something other than single-dwelling detached homes. In this context, solar access standards express no lot configuration preference.
I	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
J	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 33.613 through 33.615 must be met.

Findings: Chapter 33.613 contains the lot standards applicable in the commercial zones.

Each lot must have a front lot line that is at least 10 feet long; otherwise there are no minimum standards for lot area, width, or depth. In the commercial zones, lots must be of a size, shape and

orientation that is appropriate for the location of the land division and for the type of development and use contemplated.

To address this criterion, the applicant described how the intended residential uses and development on each parcel would be able to satisfy the CM development standards for building coverage (minimum 50 percent), pedestrian connections, bicycling parking, etc. (Exhibit A.2) and showed that each parcel will have a front line that is greater than 10 feet in width (Exhibit C.1).

Based on this, the parcels are of sufficient size to accommodate the types of uses and development proposed, so the applicable lot dimension standards are met. Therefore, this criterion is met.

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

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

Clearing and Grading: In this case, the site is 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 required to be preserved in the areas where new development on the site is anticipated.

Land Suitability: The site is developed with a parking lot and a metal storage building. These improvements are used by the adjacent properties (2400, 2424 and 2448 E Burnside Street), which are also owned by the applicant. There is no record of any other use in the past.

The existing paved area crosses the lot line between proposed Parcels 2 and 3 and does not conform to current standards for parking areas. Similarly, the metal building straddles the line between proposed Parcels 1 and 2, and structures are not allowed to remain on a proposed lot line.

The applicant has proposed to remove the existing building and paving and redevelop the site. However, in order to ensure that the new parcels are suitable for development, a permit must be obtained and finalized for demolition of the existing structure, prior to final plat approval. Additionally, to ensure the existing development does not move further out of conformance with applicable development standards, the existing paving and parking areas must be removed, prior to final plat approval. Alternatively, the parking may remain as an accessory to the adjacent commercial uses, provided the parking area is brought into conformance with current parking layout, landscaping, and walkway standards relative to the new lot lines, prior to final plat approval.

With the implementation of the noted conditions, this criterion will be met.

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

Findings: No tracts are proposed or required for this land division. The applicant has proposed a “no-build, access, and utility” easement on Parcel 2 for the benefit of the adjacent lots to the north (2424 and 2448 E Burnside Street). The easement is proposed to provide access to a roof access ladder and an electrical meter on the south wall of the existing building at 2424 E Burnside Street.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easement described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement with a recording block, substantially similar to the following example:

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

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

J. 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.

Street Capacity and Levels of Service: *The CM zoned site is being development with 8 multi-dwelling units. This is less than what is allowed by the base zone. Per Administrative Rule TRN 10.27 transportation impacts are considered mitigated.*

Connectivity: *The site is only 100-feet east of the north/south running NE 24th Avenue. Connectivity standards do not apply.*

Vehicle Access/Loading: *No on-site parking or loading is proposed as allowed by the site’s distance from frequent service transit. Loading activities will occur within the on-street parking lane along the site’s frontage. Multi-dwelling development does not generate a significant need for loading after the initial move in of the residents.*

On-Street Parking Impacts: *The applicant provided a parking survey that documents on average that 64% of the on-street parking in the study area were occupied during the peak demand times for residential uses before 8AM and after 8PM and during a typical weekend mid-day. PBOT does not consider proactive on-street parking management measures until the utilization rate reaches 85%. There should be adequate on-street parking in the vicinity of the site to support the proposal without any significant impacts.*

Availability of Transit: *Tri Met Bus Line #20 is available to serve the site within approximately 250-feet.*

Neighborhood Impacts: *Since the site is being development with less than is allowed by the CM zone, impacts to the neighborhood will be minimized.*

Safety for All Modes: *The surrounding area consists of an established grid street pattern fully improved with sidewalks along both sides. SE Ankeny is classified as a shared bikeway with Sharrows marked in the roadway pavement. E Burnside is classified as a Major Priority Transit Street where Tri-Met provides frequent bus service. The surrounding transportation infrastructure provide safe facilities for all modes of transportation.*

Based on these factors, this criterion is met.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.

The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.

33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.

The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1

No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods:

Public Street Improvements: BES has noted that no public drainage improvement are required, since Portland Transportation has indicated that no dedications or street improvements will be required other than repairing any damaged or broken sidewalks.

Parcels 1-3: BES provided the following comments about the proposed on-site stormwater facilities:

Stormwater runoff from this project must comply with all applicable standards of the SWMM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee. Staff reviewed the project's stormwater report from COLAB Architecture dated April 20, 2015 (revised date) that describes Simplified Approach infiltration test results of 7.29 inches per hour on this site. The applicant proposes to infiltrate runoff from the development onsite via ecoroofs and pervious pavement.

33.654.110.B.1 -Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Also, these facilities should be at least 200 feet apart.

The block on which the subject property is located does not meet the noted spacing requirements. However, as noted in the response from Portland Transportation: *The site is only 100-feet east of the north/south running NE 24th Avenue. Connectivity standards do not apply.* For this reason, 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 and provided the following comments:

At this location, SE Ankeny Street is designated a City Bikeway and a Local Service Street for all other modes. It is improved with a 36-ft wide roadway with 12-ft sidewalk corridors along both sides that meet current City standards. No dedications or street improvements will be required other than repairing any damaged or broken sidewalks.

As such, this criterion is met.

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

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

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in 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 the following that are specific to the CM zone:

- 33.130.250 General Requirements for Residential and Mixed-Use Developments

Existing development: The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the CM zone. However, the existing paved area on the subject site, which is in use as accessory parking for the adjacent properties (2400, 2424 and 2448 E Burnside Street), does not conform to current standards for parking areas (33.266.130), including layout, setbacks, perimeter or interior landscaping, or for pedestrian walkways (33.130.240). Therefore, to ensure the existing development does not move further out of conformance with applicable development standards, the existing paving and parking areas must be removed, prior to final plat approval. Alternatively, the parking may remain if the applicant brings the parking areas into conformance with current parking layout, landscaping, and walkway standards relative to the new lot lines, prior to final plat approval. To ensure that one of these options is met at the final plat stage, the final plat must be accompanied by a supplemental survey showing that the paving has been removed or showing the location of the upgraded parking, landscaping, and walkway areas relative to the adjacent lot lines.

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.

- **Fire Bureau:** The applicant must meet the requirements of the Fire Bureau in regards to fire flow/water supply; fire hydrant spacing; addressing requirements; and fire apparatus access, including aerial access. These requirements are based on the technical standards of the 2014 Oregon Fire Code, Title 31 and Fire Bureau Policy B-1.
- **Urban Forestry:** The applicant must meet the requirements of Urban Forestry for street tree planting at the time of development. Street trees must be included in all proposed building permit applications.

CONCLUSIONS

The applicant has proposed a 3-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). The primary issues identified with this proposal are:

- Demolition of existing building
- Removal of or improvements to existing accessory parking
- Fire Bureau requirements
- Easement on Parcel 2 to allow access to a roof access ladder and utility meter on the building on the adjacent property (2424 E Burnside Street).

As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. Accordingly, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition, that will result in 3 parcels, as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. A private utility and access easement, for the benefit of the adjacent property (2424 E Burnside Street) shall be shown and labeled over the relevant portions of Parcel 2.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.5 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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. 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.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate fire hydrant flow spacing. The applicant must provide verification to the Fire Bureau that Appendix C of the Fire Code is met; the exception is used; or provide an approved Fire Code Appeal.

Existing Development

3. The applicant must obtain a finalized demolition permit for removing the accessory structure that crosses the proposed property line between Parcel 1 and Parcel 2.

4. The applicant must obtain a finalized zoning permit(s) for one of the following and show the changes on the supplemental plan:
- Removal of the existing paving on proposed Parcel 2 and Parcel 3; or
 - Modifications to the existing parking area(s) that will remain on proposed Parcel 2 and Parcel 3 to demonstrate compliance with the following standards in relation to the proposed new lot lines:
 - 33.266.130 Parking Standards for all other uses
 - 33.130.240 Pedestrian Standards

Required Legal Documents

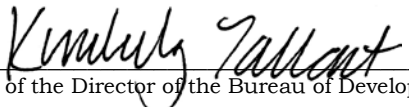
5. A Maintenance Agreement shall be executed for the private utility and access easement described in Condition C.2 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

6. If the Fire Bureau has required Acknowledgement of Special Land Use Conditions form, the applicant shall execute an Acknowledgement of Special Land Use conditions to the satisfaction of the Fire Bureau. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

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 sign(s) 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.

Staff Planner: Kate Green

Decision rendered by:  **on June 19, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed June 23, 2015

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 March 6, 2015, and was determined to be complete on **April 28, 2015**.

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 March 6, 2015.

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: August 26, 2015.**

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.

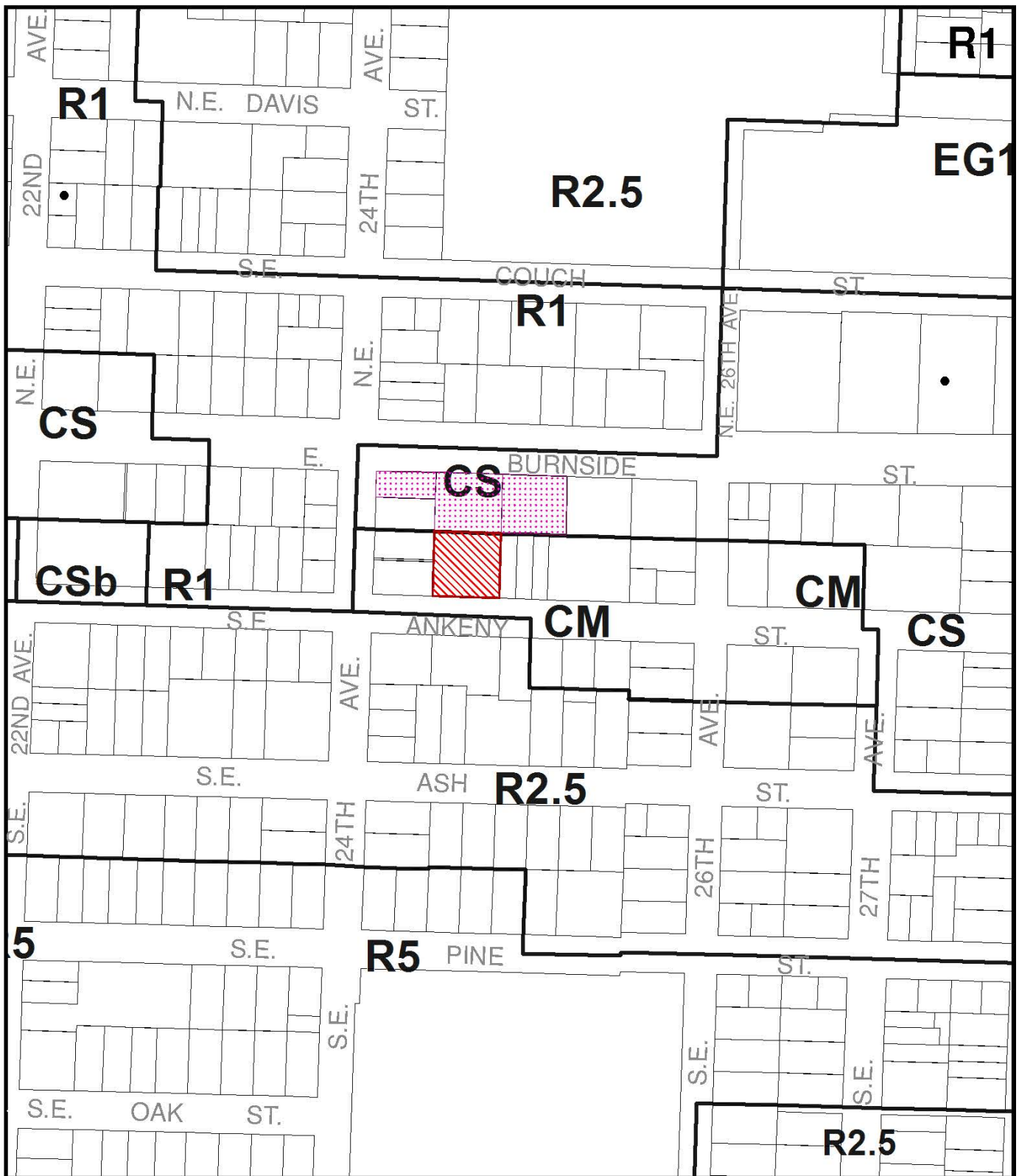
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Initial Submittal
 - 2. Revised Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat (attached)
 - 2. Topographic Map and Existing Conditions Plan
 - 3. Proposed Improvements Utility Plan
 - 4. Zoning Summary Plan
- 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: none received
- G. Other:
 - 1. Original LU Application
 - 2. Letter to applicant re: incomplete application

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
Historical Landmark



NORTH

File No. LU 15-129900 LDP
1/4 Section 3033
Scale 1 inch = 200 feet
State_Id 1N1E36CC 18700
Exhibit B (Apr 28,2015)

PARTITION PLAT NO.

A REPLAT OF LOTS 9 AND 10, BLOCK 8, "ETNA"

SITUATED IN THE SOUTHWEST 1/4 OF SECTION 36, T. 1 N., R. 1 E., W.M., CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON

SURVEYED: 15866
JOB NO.: 15866
SCALE: 1" = 20'
1/4 AC: 3033

BY: CHASE, JONES & ASSOCIATES, INC.
716 S.E. 11TH AVENUE
PORTLAND, OREGON
PHONE: 503-228-8844

DECLARATION:

I, CHASE, JONES & ASSOCIATES, INC., KNOW ALL PERSONS BY THESE PRESENTS, THAT BURNSIDE GENERAL STORES, LLC IS THE OWNER OF THE LANDS REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND DOES HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE PARTITION PLAT OF SAID PROPERTY, AND HAS CAUSED THE PARTITION TO BE PREPARED AND THE STATUTES CHAPTER 92 AS APPLIED TO THE ANNEXED MAP WITH RESTRICTIONS AS SHOWN OR NOTED.

RICHARD S. JACOBSON, MEMBER
BURNSIDE GENERAL STORES, LLC

ACKNOWLEDGEMENT:

STATE OF OREGON
COUNTY OF MULTNOMAH
S.S.
THIS CERTIFICATE THAT ON THIS _____ DAY OF _____ BEFORE ME, PERSONALLY APPEARED RICHARD S. JACOBSON WHO DID SAY THAT HE IS THE OWNER AND THAT HIS SIGNATURE WAS A TRUE ACT AND DEED BY HIM.
NOTARY SIGNATURE
NOTARY PUBLIC - OREGON
COMMISSION NO. _____
MY COMMISSION EXPIRES _____

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY ORS 82.085 HAVE BEEN PAID AS OF THIS _____ DAY OF _____, 2015

DIRECTOR, DIVISION OF ASSESSMENT & TAXATION
MULTNOMAH COUNTY, OREGON

BY: _____
DEPUTY

STATE OF OREGON
COUNTY OF MULTNOMAH
S.S.

I HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD AND RECORDED THIS _____ DAY OF _____, 2015 AT _____ M. AS PARTITION PLAT NO. _____

COUNTY RECORDING OFFICE
BY: _____
DOCUMENT NO. _____

SURVEYOR'S CERTIFICATE:

I, ERIC D. JONES DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS AS REPRESENTED ON THE ANNEXED PLAT, BEING LOTS 9 AND 10, BLOCK 8, "ETNA", AS DESCRIBED IN DOCUMENT NO. _____, AND BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 3/8" IRON ROD STAMPED "CHASE JONES & ASSOCIATES" AT THE SOUTHWEST CORNER OF LOT 9, BLOCK 8, "ETNA", SAID IRON ROD BEARS NORTH 07°17'00" WEST A DISTANCE OF 4.00 FEET FROM A 1-3/32" COPPER DICK STAMPED "HARR" PER SN 64265, THENCE NORTH 07°17'00" WEST ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF SAID LOT 8 AND LOT 7, A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF LOT 10, THENCE SOUTH 07°17'00" EAST ALONG THE EAST LINE OF SAID LOT 10 A DISTANCE OF 100.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SE ANKENY STREET, THENCE NORTH 90°00'00" WEST ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 102.48 FEET TO THE INITIAL POINT.

CONTAINING 10,259 SQUARE FEET, MORE OR LESS.

NOTES:
THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED IN THE CITY OF PORTLAND CASE NO.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

ERIC D. JONES
JULY 16, 1982
ERRIC D. JONES
1996

EXPIRES: 6-30-15

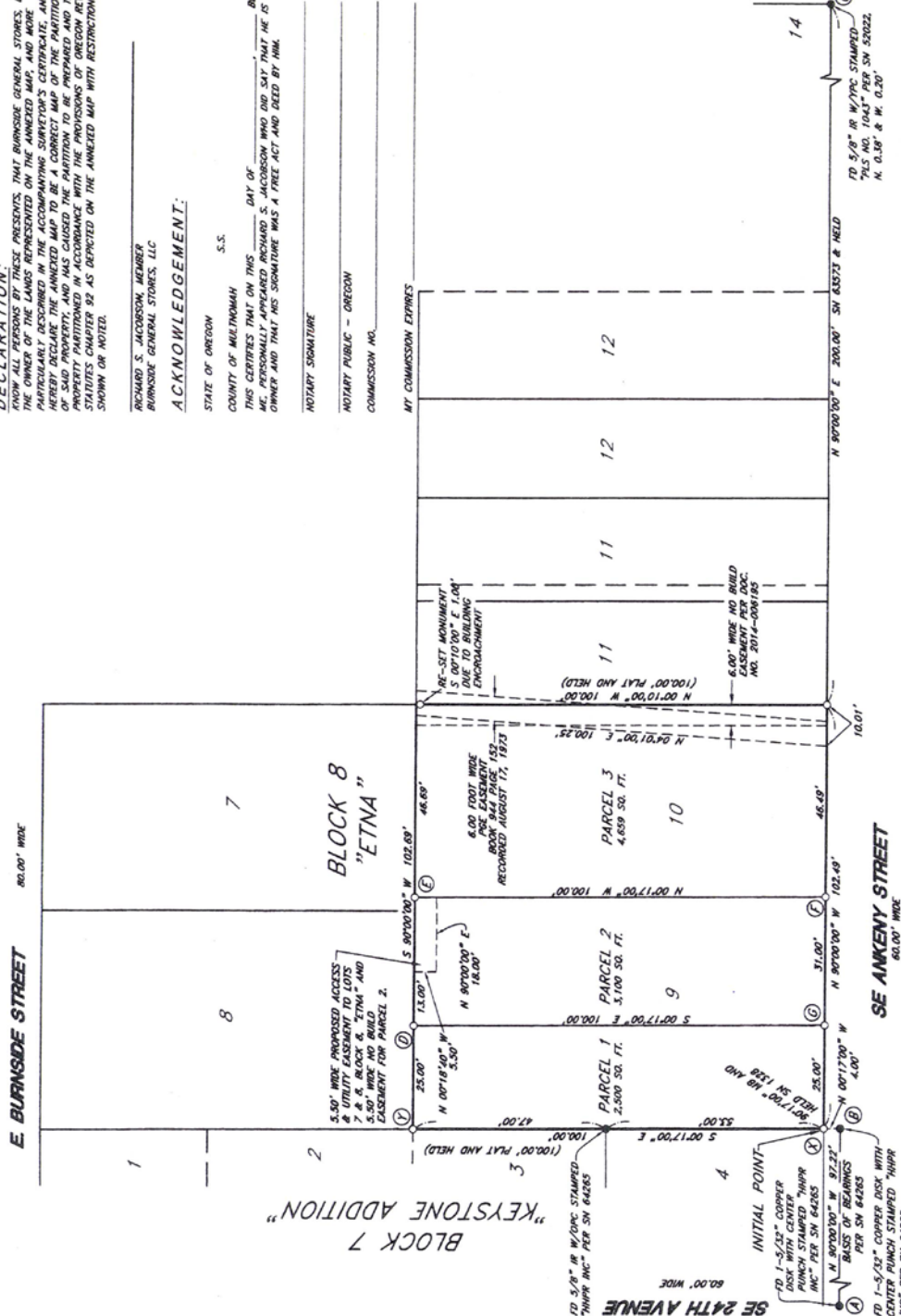
REPRODUCTION
FOR DISTRIBUTION

NARRATIVE:

- 1) THE PURPOSE OF THIS SURVEY IS TO PARTITION LOTS 9 AND 10, BLOCK 8, "ETNA", INTO THREE PARCELS.
- 2) I HELD POINTS (A) TO (G) AS THE BASIS OF BEARINGS PER SN 64265 AND MEASURED TO THE IRON ROD AT POINT (G) FOR A CHECK PER MY SURVEY IN APRIL 2013 RECORDED AS SN 63573.
- 3) ALL IRON RODS SET BY ME ALONG THE NORTH LINE OF SE ANKENY STREET FOR LOTS 10, 11, AND 12 ARE DESTROYED.
- 4) FROM (D) HELD BEARINGS AND DISTANCES AROUND THE EXTERIOR OF LOTS 9 AND 10 PER MY SN 63573.
- 5) I THEN SET POINTS (D), (E), AND (F) PER THE OWNER.

LEGEND:

- = FOUND MONUMENT AS SHOWN
- = SET 3/8" IRON ROD WITH YELLOW PLASTIC CAP
- = STAMPED "CHASE JONES & ASSOCIATES" ON
- FD = FOUND
- IR = IRON ROD
- W/TPC = WITH YELLOW PLASTIC CAP
- W/OPC = WITH ORANGE PLASTIC CAP
- 50 FT = SQUARE FEET
- SN = SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS



15.129900

Exhibit C.1