



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

FROM CONCEPT TO CONSTRUCTION

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www.portlandoregon.gov/bds

Date: July 26, 2012
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / Sean.Williams@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 12-112536 LDP

GENERAL INFORMATION

Applicant: Dan Andrew
3439 NE Sandy Blvd.
Portland, OR 97232-1959

Representative: Kevin Partain
Urban Visions
223 NE 56th Avenue
Portland, OR 97213

Site Address: 3902 SE 28th Place

Legal Description: BLOCK 4 LOT 1, KENILWORTH
Tax Account No.: R443101110
State ID No.: 1S1E12CB 02800
Quarter Section: 3433
Neighborhood: Creston-Kenilworth co/SEUL Leah Hyman at 503-232-0010.
Business District: Greater Brooklyn, contact David Weislogel at 503-239-9050.
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.
Plan District: None
Zoning: Residential 2,500 (R2.5)
Case Type: Land Division Partition (LDP)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is requesting to partition the subject property into three parcels for attached housing ranging in size from 1,500 to 1,750 square feet. Proposed Parcels 1 and 2 are being created via the provision for attached houses on corners (33.110.240.E). Proposed Parcel 1 is considered a narrow lot as the width is less than the required minimum of 36 feet.

This partition is reviewed through a Type I land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 3 units of land. Therefore this land division is considered a partition.

Relevant Approval Criteria:

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

FACTS

Site and Vicinity: The site is located on the southeast corner of the intersection of SE 28th Place and SE Francis Street. Existing development consists of a detached single family home that will be removed. This building was identified in the Historic Resource Inventory but removed at the property owner’s request (12-115469 IQ). The site topography is relatively flat and no trees are located within the property subject to preservation standards. The immediate vicinity is primarily composed of single-dwelling zoning with comparable development. Numerous non-conforming duplex and multi-dwelling developments are also located within the vicinity. The nearest commercial corridor is located approximately 1,000 feet north of the site along SE Powell Boulevard.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on SE 28th Place and 100 feet of frontage on SE Francis Street. There is one driveway entering the site from SE Francis Street that serves the existing. At this location, both SE 28th Place and SE Francis Street are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 500 feet southwest of the site on SE Gladstone Street via Bus #10. Parking is currently allowed on both sides of each street.

At this location, SE 28th Place is improved with a 36 foot paved roadway surface and pedestrian corridor that consists of a 5 foot planter, 6 foot sidewalk and 1 foot setback to private property (5-6-1) within a 60 foot wide right-of-way. SE Francis Street is improved with a 36 foot paved roadway surface and pedestrian corridor that consists of a 4 foot planter, 6 foot sidewalk and 2 foot setback to private property (4-6-2) within a 60 foot wide right-of-way.

- **Water Service** – There is an existing 8-inch CI water main in SE 28th Place and a 6-inch CI water main in SE Francis Street. The existing house is served by a 5/8-inch metered service from the main in SE 28th Place.
- **Sanitary Service** - There is an existing 6-inch VSP public combination sewer line in SE Francis Street and an 8-inch VSP public combination sewer line in SE 28th Place. The existing house is served by a lateral from the main in SE 28th Place.

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.

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

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits “E” for details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 1, 2012**. One written correspondence has been received from a neighboring property owner that included a petition signed by multiple parties (Exhibit F-1). The primary expressed concern relates to the character of future development on the new parcels. 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. This review is only addressing the division of the property. Although, conceptual building foot prints are provided to ensure compliance with applicable development standards at the time of building permit review.

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.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required

	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 Zone. The applicant is proposing 3 parcels for attached housing. The minimum and maximum density for the site is as follows:

Minimum = (5,000 square feet * .80) ÷ 5,000 square feet = 0.8 (which rounds down to a minimum of 0 lots, per 33.930.020.A)

Maximum = 5,000 ÷ 2,500 square feet = 2

The applicant is proposing 3 parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses. With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards are met.

The applicant is proposing 3 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)
Attached houses on corners in R2.5 zone	3,000	NA	NA	NA	NA
Original lot before division	5,000		50	100	50
New attached housing lots	No minimum lot dimension standards				
Parcel 1	1,750		35	50	35
Parcel 2	1,500		30	50	30
	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 3	1,750		35	50	35

* 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.

Attached Houses on Corner Lots

Proposed Parcels 1 and 2 are being created through a provision that allows attached houses on corner lots. Of these parcels, proposed Parcel 2 is smaller than would normally be allowed in the R2.5 zone. To use this code provision the original lot before the division must be at least 3,000 square feet in area. As shown in the table above, taken together (before the division), the minimum lot area requirement is met. There are no minimum lot dimension standards for the new lots. Therefore, the corner lot may be divided to create Parcels 1 and 2 as proposed.

Narrow Lots

Parcel 3 is 35 feet wide, which is narrower than the minimum width of 36 feet for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows the minimum lot width to be reduced below the minimum dimension stated above, if all of the following are met (33.610.200.D.2):

- a. On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations;**

Findings: The purpose of Lot dimension regulations are as follows:

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 provided a Preliminary Partition Plat (Exhibit C.2) that depicts a conceptual building footprint which meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that this lot can accommodate a reasonably sized house and garage while meeting the development standards of the Residential 2,500 (R2.5) zone. This plan also shows existing and proposed water and sanitary sewer services that demonstrates Parcel 3 has access for utilities and services. The proposed parcel is not landlocked nor does it narrow to an unbuildable width close to the street. Proposed Parcel 3 is compatible with existing lots in the vicinity as demonstrated by one lot west of the site (2815-2817 SE Francis Street) that is 34 feet wide and two lots east of the site (2907 & 2911 SE Francis Street) that are each 25 feet wide. On balance, proposed Parcel 3 contains dimensions that are consistent with the purpose of lot dimension regulations as demonstrated by the preceding findings. Therefore this standard is met.

- b. The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet;**

Findings: The lots will be developed with attached houses; therefore, this standard does not apply.

- c. If the lot abuts a public alley, then vehicle access must be from the alley. This requirement will be imposed as a condition of approval of the land division;**

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

- d. 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;**

Findings: The applicant has demonstrated, with Exhibit C.2 that proposed Parcel 3 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.

- e. Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and**

Findings: Parcel 3 will have an individual driveway that is approximately 12 feet wide. Parcel 3 is 35 feet wide, which will still allow for the 60% standard to be met in the area not devoted to driveway pavement.

- f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of subparagraphs 2.c and d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:**

- (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;**
(2) Meet the requirements of Section 33.700.060, Covenants with the City; and
(3) Be attached to, and recorded with the deed for the new lot.

Findings: Parking is required. Therefore, alley access and the garage limitation requirements described above must be met.

The findings above show that the applicable density and lot dimension standards are met. Therefore this criterion is met.

- 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 required to be preserved in the areas where new development on the site is anticipated. 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 has proposed to remove the existing house and redevelop the site. An on-site sanitary disposal facility currently serves the existing house. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and decommissioning of the septic system prior to final plat approval. With this condition, the new lots can be considered suitable for development, and this criterion is met.

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

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

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal

standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<p>33.651 Water Service standard - See Exhibit E.3 for detailed bureau comments.</p>
<p>The water standards of 33.651 have been verified and noted earlier in this decision. The lateral that serves the existing house from the main in SE 28th Place may be used to serve proposed Parcel 1. Water is available to serve proposed Parcels 2 and 3 from the water main in SE Francis Street. This criterion is met.</p>
<p>33.652 Sanitary Sewer Disposal Service standards - See Exhibit E.1 for detailed comments.</p>
<p>The sanitary sewer standards of 33.652 have been verified and noted earlier in this decision. The lateral that serves the existing house from the main in SE 28th Place may be used to serve proposed Parcel 1. The existing public combination sewer line in SE Francis Street can serve the sanitary needs of proposed Parcels 2 and 3. This criterion is met.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards– See Exhibits E.1 & E.5</p>
<p>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. The applicant has proposed the following stormwater management methods:</p> <ul style="list-style-type: none"> • Parcels 1-3: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. The Bureau of Environmental Services has reviewed the applicant’s stormwater narrative and Simplified Approach test results (Exhibit A.2) and determined that infiltration rates are acceptable. However, the conceptual drywell locations depicted on the applicants site plan do not meet minimum setback requirements for infiltration facilities. Therefore, prior to final plat approval, the applicant must provide a revised utility plan demonstrating adequate setbacks for the infiltration facilities or receive approval of a plumbing code appeal for decreased setbacks. BES has indicated conceptual approval of the applicants stormwater management method subject to the conditions listed above.
<p>33.654.110.B.1 -Through streets and pedestrian connections 33.654.130.B - Extension of existing public dead-end streets & pedestrian connections 33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections</p>
<p>Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located is bounded by north/south streets of SE 28th Place and SE 29th Avenue, which are 200 feet apart and east/west streets of SE Francis Street and SE Gladstone Street, which are 450 feet apart. Therefore, based on the existing block spacing, a through street or pedestrian connection is not warranted with this proposal. This criterion is met.</p>
<p>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</p>
<p>Based on the available evidence, PBOT estimates that the increase in daily trips will be less than 20 total trips per day, with the majority of trips occurring during non-peak hours (according to <i>Institute of Transportation Engineers – Trip Generation Manual</i>, 8th ed.). Other factors taken into consideration are two possible travel route directions to and from the site as well as transit service available less than 1000 feet from the site. PBOT staff has determined that there will be 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).</p> <p>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</p>

related to this proposal that lead to a conclusion other than that two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided. This criterion is met.

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 right-of-ways 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:

Narrow Lots

Development on Parcel 3 will be subject to the following standards at the time of development permitting:

- Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2; and
- Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.E.3.a
- Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b. Detached dwelling units are not permitted on lots that are less than 25 feet in width.

Attached Houses on Corner Lots

Special requirements apply to development on new lots created using the provisions of Section 33.110.240.E:

- The address and main entrance of each house must be oriented to a separate street frontage.
- Development on Parcel 1 must be oriented toward the SE 28th Place and development on Parcel 2 must be oriented toward SE Francis Street.
- The height of the two units must be within 4 feet of each other.
- The exterior finish material must be the same, or visually match in type, size and placement.
- The predominant roof pitch must be the same.
- Roof eaves must project the same distance from the building wall.
- Trim must be the same in type, size and location.
- Windows must match in proportion and orientation.

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. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not

considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation
Development Services	Titles 24 –27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 www.portlandonline.com/bds

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 regards to ensuring adequate hydrant flow from the nearest fire hydrant and aerial Fire Department access. These requirements are based on the technical standards of Title 31 and Oregon Fire Code.

CONCLUSIONS

The applicant has proposed a 3-parcel partition, as shown on the attached preliminary plan (Exhibit C.2). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: attached houses on the corner and narrow lot criteria.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition, that will result in two parcels for attached houses on the corner (Parcels 1 and 2) and one narrow lot (Parcel 3), as illustrated with Exhibit C.2, subject to the following conditions:

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

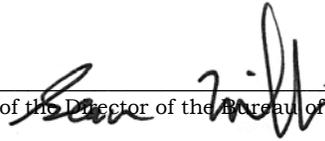
1. A finalized permit must be obtained for demolition of the existing residence and decommissioning of the sanitary sewer system on the site. Note that Title 24 requires a 35-day demolition delay period for most residential structures.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
3. The applicant must meet the requirements of BES for future stormwater management facilities. A revised utility plan must be provided demonstrating adequate setbacks for

the infiltration facilities or the applicant must receive approval of a plumbing code appeal for decreased setbacks.

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

1. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
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: Sean Williams

Decision rendered by:  **on July 24, 2012**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 26, 2012

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 27, 2012, and was determined to be complete on May 30, 2012.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 27, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: September 27, 2012.**

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.

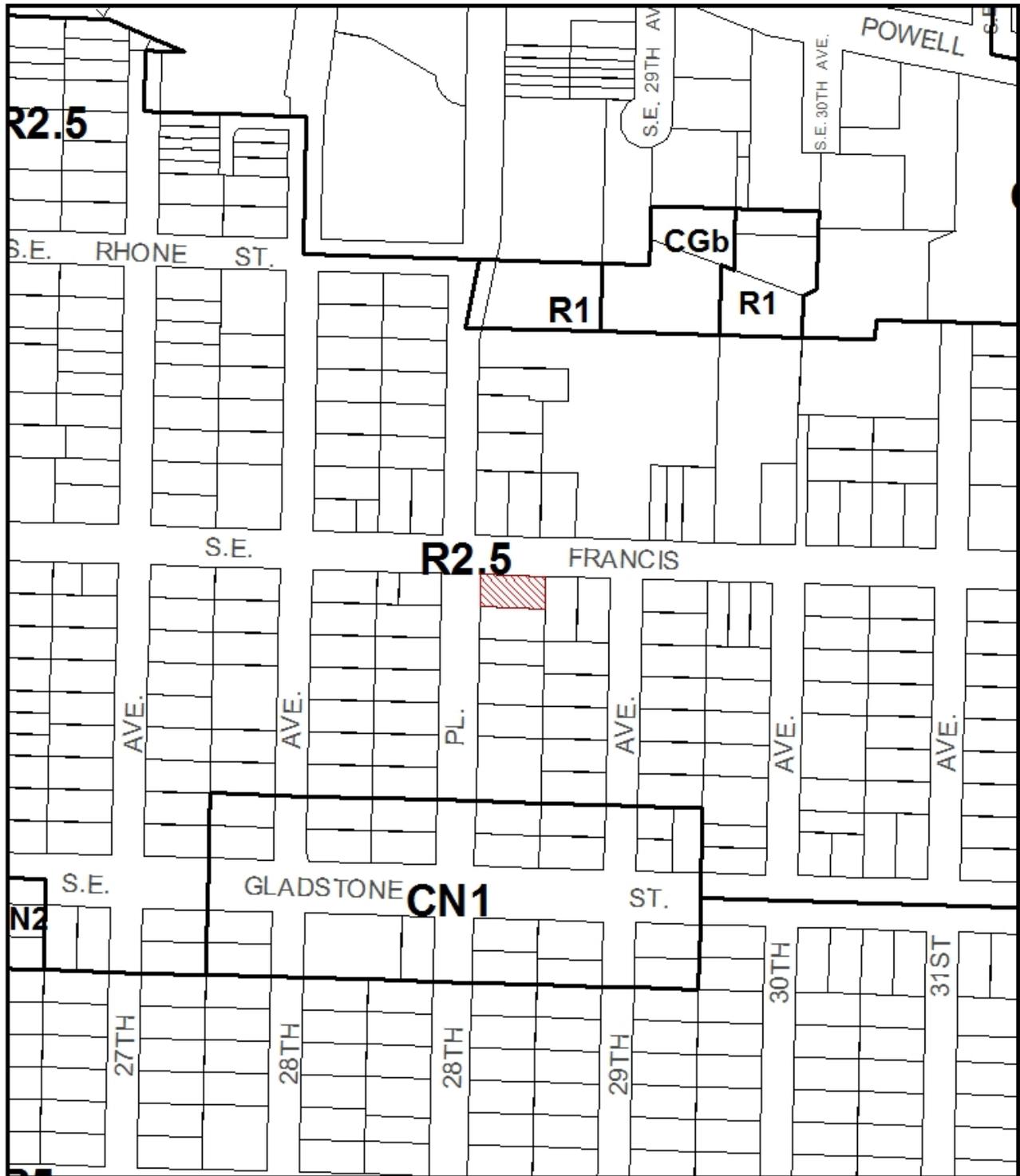
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Stormwater Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Plan (attached)
 - 2. Preliminary Partition Plat (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:
 - 1. Karen Fletcher & Stanley Held w/ petition signed by multiple property owners
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. RFC Responses

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

 Site



File No. LU 12-112536 LDP
 1/4 Section 3433
 Scale 1 inch = 200 feet
 State_Id 1S1E12CB 2800
 Exhibit B (Mar 30, 2012)

