



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

FROM CONCEPT TO CONSTRUCTION

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Date: September 4, 2012
To: Interested Person
From: Rachel Whiteside, Land Use Services
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-135263 LDS

GENERAL INFORMATION

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

Owner: Richard and Dawn Kassebaum
16081 S Moore Rd / Oregon City, OR 97045-9340

Site Address: North of 4003 N Albina Avenue

Legal Description: BLOCK 13 LOT 11&13, MULTNOMAH
Tax Account No.: R591901906
State ID No.: 1N1E22CA 13701
Quarter Section: 2629
Neighborhood: Boise, contact James Weter at 503-358-3571.
Business District: Historic Mississippi, contact Trevin Miller at 503-708-7763.
District Coalition: NE Coalition of Neighborhoods, Paige Coleman at 503-823-4575.
Other Designations: Mississippi Conservation District
Zoning: R2a – Multi-Dwelling Residential with an Alternative Design Density Overlay

Case Type: LDS – Land Division (Subdivision)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to divide the 10,000 square foot site into four lots. Proposed Lots 2-4 and 2,384 square feet each and proposed Lot 1 is 2,646 square feet. Lot 1 is slightly wider to accommodate an existing three-foot wide easement for the abutting property to the north. The site is currently a gravel parking area, with access from the alley to the west.

Stormwater from individual lots will be treated and disposed of on-site through shared drywell facilities. Water and sanitary sewer service are both available in N Albina Avenue. There are two large walnut trees along the south property line subject to tree preservation requirements, though neither is proposed for preservation due to the necessary root protection zone that would prevent development of Lot 4. No specific mitigation has been proposed by the applicant.

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 4 lots. Therefore this land division is considered a subdivision.

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 currently vacant, although because of the gravel surface and alley access, it is used for parking by adjacent residences. The development in the vicinity is a mixture of housing types that includes both detached and attached single-family homes, duplexes, and small multi-dwelling structures. North Mississippi Avenue, one block to the west, is developed with a variety of small retail shops, with higher density residential and mixed-use developments found a few blocks to the south. Unthank Park is located two blocks to the east.

Infrastructure:

- **Streets** – The site has approximately 100 feet of frontage on N Albina Avenue. There is currently vehicle access to the site from an alley along the west property line. At this location, N Albina Avenue is classified as a local service street for all modes in the Transportation System Plan. Tri-Met provides transit service approximately 115 feet west of the site at N Mississippi Avenue via Bus #4. Parking is currently allowed on both sides of Albina.

North Albina Avenue has a 32-foot curb to curb paved surface within a 52-foot right-of-way with parking on both sides. Along the site frontage the pedestrian corridor includes a 3-foot wide planter area, curb, 6-foot sidewalk and a 1-foot wide buffer at the back of the sidewalk (3-6-1 configuration).

- **Water Service** – There is an existing 8-inch CI water main in N Albina Avenue. There are no existing water services to the site.

- **Sanitary Service** - There is an existing 8-inch vitrified clay public combination sewer line in N Albina Avenue.

Zoning: The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-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.

The Mississippi Conservation District denotes an area with common historic values significant to the neighborhood and seeks to contribute to the preservation of significant features of Portland’s development history. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to historic design review.

Land Use History: City records indicate there are 3 prior land use reviews for this site. One request for a street vacation was withdrawn and the other two cases related to structures that are no longer part of the site.

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **July 6, 2012**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 *The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.*

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes and all of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.1 – Through streets and pedestrian connections	The block on which the subject site is located meets all spacing requirements for through streets and pedestrian connections.
	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	No shared courts are proposed or required

	Courts	
	33.654.130.B – Existing dead end streets	There are no existing public dead end streets or pedestrian connections adjacent to the site.
	33.654.130.C – Future dead end streets	No dead end streets or pedestrian connections are proposed or required to extend to adjacent sites.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing four attached housing lots.

Single-dwelling development is proposed for the entire site. Therefore, the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 10,000 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. A street dedication is required that totals 200 square feet. Therefore the resulting lot size for calculating density is 9,800 square feet. The site has a minimum required density of 4 units and a maximum density of 5 units

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

R2	Minimum lot area (square feet)	Minimum lot width (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)
Multi Dwelling	4,000	33	70	30
Attached Houses	1,600	15	none	15
Detached Houses	1,600	25	none	25
Duplexes	2,000	33	50	30
Lot 1 – attached	2,646	27.00	98.00	27.00
Lot 2 – attached	2,384	24.33	98.00	24.33
Lot 3 – attached	2,384	24.33	98.00	24.33
Lot 4 – attached	2,384	24.33	98.00	24.33

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

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

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.3). Tree #103 has been exempted because it is too small and located partially off the property in the City right-of-way. Trees #101 and 102 are non-exempt English walnuts (with a total diameter of 54 inches) located along the south property line. The arborist report indicates that are proposed root protection zone (RPZ) is a minimum of 16 feet if the trees are to be retained.

The proposal does not meet any of the tree preservation options in 66.630.100. The applicant proposes instead to use the mitigation options of 33.630.300.

The site is less than 15,000 square feet in area. The applicant wishes to divide the site for attached housing, which is an allowed housing type in the R2 zone. The location of the existing trees on the site would prevent a land division that would result in a practicable arrangement of lots that could each contain a reasonable building area and still be able to meet the development standards of the R2 zone. Criterion C.4 is met.

While the arborist has recommended only a 16-foot RPZ, the existing trees stretch across significantly more of the site and would require pruning back by up to half. This extensive pruning, combined with the start of decay, compromised roots due to an adjacent retaining wall, and a leaning tendency make these trees undesirable for preservation. Therefore, it is not possible to preserve any trees on the site under Criterion A.

The applicant has submitted a tree mitigation plan that proposes to mitigate for 19 inches of tree – the amount that would meet Tree Preservation Option 1. To achieve 19 inches of mitigation, the applicant proposes to plant an additional 2 inches of trees on each of the four proposed lots. The 2-inch mitigation tree on each lot will be in addition to the 3 inches of trees required to be planted to meet the T1 landscaping requirement at the time of building permit. In addition, the applicant proposes to plant a total of 6 more trees (1.5-2 inches in diameter) on three rental properties within the same ownership for a total diameter of 19.5 inches. Site plans have been provided for the three sites that are not part of the land division site.

The dispersion of the mitigation trees across the site and onto the abutting rental property allows of the site to reap the benefits of trees that are described in the purpose statement for the Tree Preservation Chapter. In addition, the trees will grow over time to provide additional benefits and value to the property and neighborhood.

Criterion B is met with a condition of approval requiring five 2-inch trees and one 1.5-inch tree, consistent with Exhibit A.7 to be planted on properties under the owner's control, prior to final plat approval. A Zoning Permit must be obtained, and receive final inspection approval verifying that these trees have been planted. A condition of approval requiring one 2-inch tree (in addition to the T1 landscape requirements) to be planted on Lots 1-4 prior to final building permit approval for new houses on these lots is also necessary.

Therefore, with the conditions noted above for mitigation, the criteria can be 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 vacant, although aerial photos and a site visit indicate the area to be used for parking by adjacent residences. There is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

H. 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, so criterion A does not apply.

The following easements are proposed and/or required for this land division:

- A Private Storm Sewer Easement is required across the relevant portions of Lots 1 and 2 for a shared drywell that will provide stormwater disposal for both lots.
- A Private Storm Sewer Easement is required across the relevant portions of Lots 3 and 4, for a shared drywell that will provide stormwater disposal for both lots.

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

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. Water is available to serve the proposed development from the water main in N Albina Avenue.</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. There is an existing 8-inch vitrified clay public sanitary sewer located in N Albina Avenue that can serve the sanitary needs of the proposed lots.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5</p> <p>BES has verified that a 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.</p> <p>The applicant has proposed the following stormwater management methods</p> <ul style="list-style-type: none"> • Public Street Improvements: As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.

- **Lots 1-4:** The applicant proposes on-site infiltration by means of shared drywells located within 10-foot by 10-foot reciprocal easements (for Lots 1 and 2 and Lots 3 and 4). The shared drywells were approved through the BDS Plumbing Code Appeal process. The applicant has shown on a site utility plan that the drywells will be located 10 feet on center from foundations and property lines, which meets BES setback requirements. BES has no objections to the proposed stormwater management approach for the purposes of land use review.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030

Based on the available evidence, PBOT estimates that the increase in daily trips will be less than 23 total trips per day, with the majority of trips occurring during non-peak hours (according to *Institute of Transportation Engineers – Trip Generation Manual*, 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).

North Albina is improved with a paved roadway, sidewalks, planter strip, and curbs. 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. The site is located within the Boise Pedestrian District. Considering the R2 zoning, Local Service Street designations, and pedestrian district designation, a 12-foot sidewalk corridor, consisting of a 6-inch curb, 4-foot furnishing zone, 6-foot sidewalk, and 1.5-foot frontage zone is the current City standard. To accommodate these minimum standards, additional right-of-way must be dedicated along the frontage of the site. With improvements to the pedestrian corridor, the transportation system can support the proposed subdivision in addition to existing uses in the area.

This criterion is met, with the condition that sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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:

- Community Design Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones – the design standards of Section 33.218.110 apply because the site is within the Mississippi Conservation District. These design standards regulate building design, building placement, and vehicle areas. If the standards are not met, a Historic Design Review is required.

Existing development that will remain after the land division. The site is currently vacant, 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 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

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	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.

- Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits. Shared driveways are required for attached residential development.
- The applicant must meet the requirements of the Fire Bureau in regards to addressing of structures, ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement, and aerial fire department access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip at the time of building permit application. The Urban Forester also noted that all existing trees on the site that exceed 12-inches in diameter require a permit for removal. These requirements are based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 4-lot subdivision, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: mitigation for lost trees and the pedestrian corridor.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 4-lot subdivision, that will result in 4 single dwelling lots, 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 N Albina Avenue. The required right-of-way dedication must be shown on the final plat.
2. A private storm sewer easement, for the benefit of Lots 1 and 2, shall be shown and labeled over the relevant portions of Lots 1 and 2.
3. A private storm sewer easement, for the benefit of Lots 3 and 4, shall be shown and labeled over the relevant portions of Lots 3 and 4.
4. 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 B.2 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."

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

Utilities

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Required Legal Documents

2. A Maintenance Agreement shall be executed for each of the Stormwater Management Easements described in Conditions A.2 and A.3, 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.
3. If a Fire Code Appeal is required to meet Condition B.1, above, the applicant shall execute an Acknowledgement of Special Land Use conditions, referencing the Fire Bureau Appeal number and required actions. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

Other requirements

4. Five 2-inch trees and one 1.5-inch tree must be planted on properties under the owner's control, consistent with Exhibit A.7, prior to final plat approval. A Zoning Permit must be obtained, and receive final inspection approval verifying that these trees have been planted prior to final plat approval.

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

1. One 2-inch tree is required on each of Lots 1-4, in addition to T1 landscape requirements, in conformance with the Tree Mitigation Plan (Exhibit A.7).
2. The minimum and maximum density for each lot in this land division is one unit.

3. Lots 1-3 must be developed with attached dwelling units.
4. Shared driveways are required for attached housing.
5. The applicant must meet the addressing requirements of the Fire Bureau for Lots 1-4.
6. If required, the applicant must meet any requirements identified through a Fire Code Appeal (which may include installing residential sprinklers in the new dwelling units on Lot 1-4). Please refer to the final plat approval report for details on whether or not this requirement applies.
7. 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: Rachel Whiteside

Decision rendered by: *Rachel Whiteside* **on August 30, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed September 4, 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 April 26, 2012, and was determined to be complete on **July 2, 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 April 26, 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 requested that the 120-day review period be extended by 16 days. Unless further extended by the applicant, **the 120 days will expire on: November 15, 2012.**

Note: some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project

elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 18, 2012** at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us .

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City’s approval of the preliminary plan.**

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Original Narrative
 - 2. Stormwater Report
 - 3. Arborist Report
 - 4. Revised Narrative, received 6/29/12
 - 5. Plumbing Code Appeal #8486 Summary
 - 6. Traffic Impact Analysis
 - 7. Tree Mitigation Plan

- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Proposed Site Plan and Existing Conditions (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 Review Section of BDS
- F. Correspondence: *None received*
- G. Other:
 - 1. Original LU Application
 - 2. Neighborhood Notification
 - 3. Site History Research
 - 4. Incomplete Letter, sent 5/10/12
 - 5. Request for Additional Information, sent 8/8/12

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

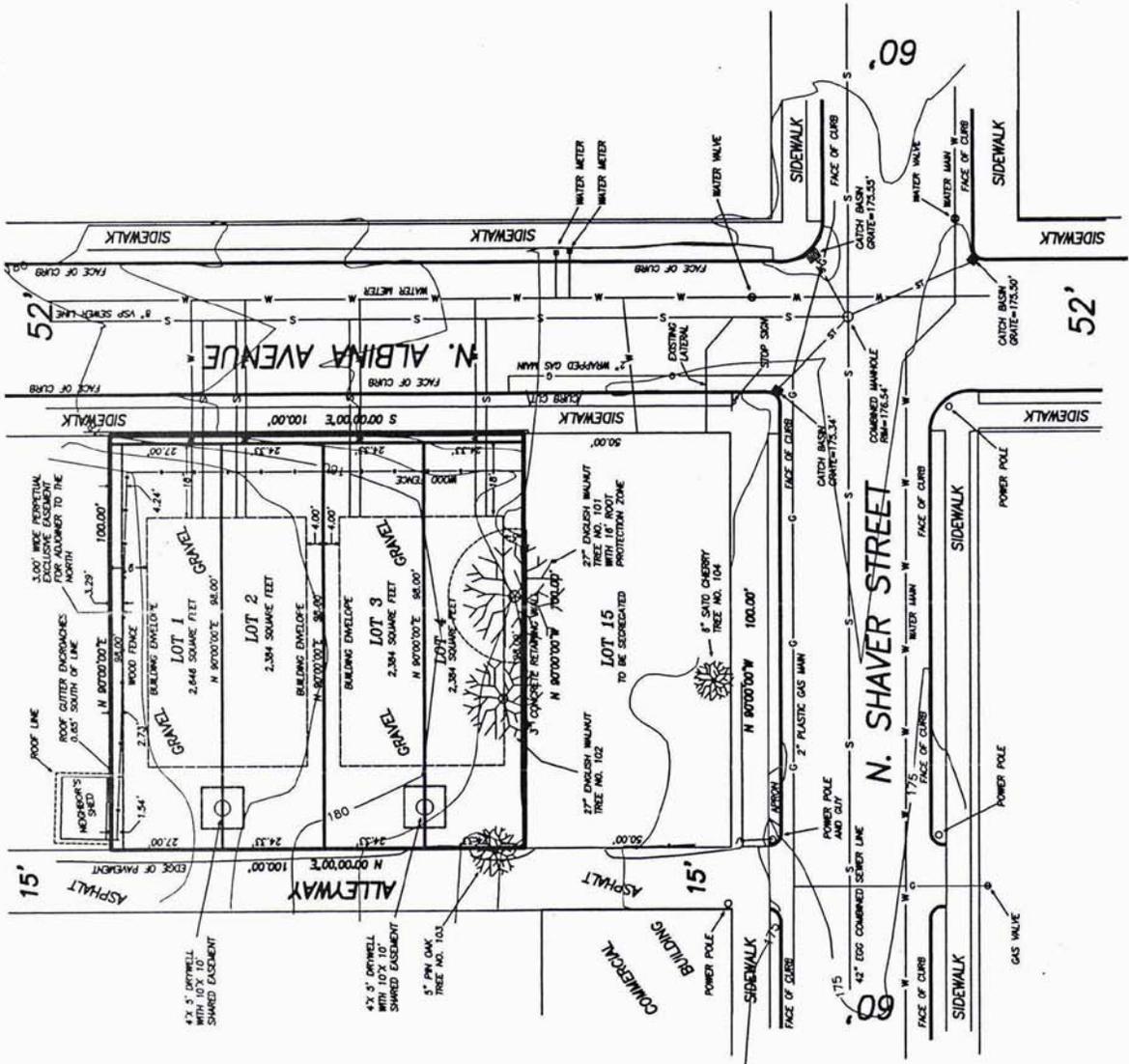
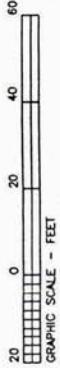
 Historic Landmark



This site lies within the:
MISSISSIPPI CONSERVATION DISTRICT

File No.	LU 12-135263 LDS
1/4 Section	2629
Scale	1 inch = 200 feet
State Id	1N1E22CA 13701
Exhibit	B (May 01,2012)

CASE NO. 12-135263 LDS
EXHIBIT C-1



NOTES:
CONTIGUOUS INTERVALS ARE EVERY FOOT.
THE VERTICAL DATUM IS BASED ON THE CITY OF PORTLAND BENCHMARK NO. 427, A BRASS DISK AT THE SOUTHEAST CORNER OF MICHIGAN AVENUE AND FALGOUT STREET WHICH HAS A PUBLISHED ELEVATION OF 170.16 FEET.
UNDERGROUND UTILITY GAS LINES WERE DETERMINED BY COMPARING SURFACE FEATURES UNDERGROUND WATER AND SEWER LINES WERE PLOTTED USING MAPS PROVIDED BY THE CITY OF PORTLAND AND MAY OR MAY NOT BE ACCURATE. CONTACT UTILITY LOCATORS FOR PRECISE LOCATIONS.

PROJECT:	PROPOSED SITE PLAN AND EXISTING CONDITIONS MAP
LOCATION:	SW 1/4 OF SECTION 22, T.1N., R.1E., W.M. CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
CURT:	RICHARD KASSEBAUM
DATE:	JUNE 25, 2012
SCALE:	1" = 20'
JOB NUMBER:	11-4979
LOTT LAND SURVEYS, INC. 1416 WASHINGTON ST. SEASIDE, OREGON 97138 (503) 658-4816	

SCALE: 1" = 20'
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 11, 2006
LEE A. SPURGEON
LS660335
EXPIRES 6/30/14