



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: November 21, 2013
To: Interested Person
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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 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 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 13-200769 LDP

GENERAL INFORMATION

Applicant: Rob Humphrey/Faster Permits
14334 NW Eagleridge Lane / Portland OR 97229

Property Owner: Peter Landry
8885 SW Hillview Terrace / Portland OR 97225-1345

Site Address: 8704 SE 13TH AVENUE

Legal Description: BLOCK 62 LOT 13, SELLWOOD **Tax Account No.:** R752710140
State ID No.: 1S1E26BA 04700 **Quarter Section:** 3931
Neighborhood: Sellwood-Moreland, contact Ellen Burr at 503-234-2233
Business District: Sellwood-Westmoreland, contact Tom Brown at 503-381-6543
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010
Zoning: Multi-Dwelling 2,000 (R2), Alternative Design Density (a) Design (d)
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 to divide a 5,000 square foot lot into two 2,500 square foot parcels. All existing development is proposed to be removed from the site. Each parcel is proposed to be developed with a detached house.

This partition is reviewed through a Type IX land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services 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 2 units of land (2 parcels). Therefore this land division is considered a partition.

Additionally, since the property has a design (d) overlay, the development on the site must meet the Community Design Standards (33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones) or the development will be subject to Design Review, through a separate land use review process.

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 subject site is a relatively flat, corner lot with frontages on SE 13th Avenue and SE Marion Street. The site is developed with a small house (approximately 800 square feet) built in 1903, and a garage (approximately 400 square feet), and concrete driveway.

Within a 2-block (approximately 500 foot) radius, the surrounding development and zoning pattern includes a mix of single dwelling residences, and office, commercial, and industrial enterprises within single and multi-dwelling zones (R2.5, R5, R2, CS and EX). All of the properties facing SE 13th Avenue also have a Design (d) overlay zoning designation. Other features in the general vicinity include the Willamette River, approximately 1000 feet to the west, the Waverly Golf Club and southern boundary of the City of Portland limits, approximately 600 feet to the south, and parklands and connections to the Springwater Trail corridor to the south, west and east.

Infrastructure:

Streets: The site has approximately 50 feet of frontage on SE 13th Avenue and approximately 100 feet of frontage along SE Marion Street. There is one driveway entering the site from SE Marion that serves the existing house.

At this location, SE 13th is classified as a Transit Access Street, City Walkway, and a Local Service Street for all other modes. It is improved with a 12-foot sidewalk corridor with a 4-6-2 configuration. The furnishing zone is 0.5-foot too narrow. The current City standard is for a 12-foot sidewalk corridor with a 4.5-6-1.5 configuration. The sidewalk will have to be reconstructed as a condition of building permit approval for the new residence on this corner parcel, or receive approval of public works appeal to leave the existing sidewalk in place. Information about the appeal process can be found at the following link:

<http://www.portlandonline.com/index.cfm?c=61827&a=375532>

SE Marion Street is classified as a Local Service Street for all modes and is improved with a 16-foot wide sidewalk corridor with an 8-6-2 configuration.

Transit service is available 0.3 miles away at the corner of SE 13th and SE Tacoma via Tri-Met bus line number 70.

Water Service: There is an existing 12-inch cast iron (CI) water main in SW Marion Street. There is an existing 5/8" metered service (Serial #21100614, Account #2959800000) which provides water to this site, and may potentially be used as is to provide water to the proposed Parcel 1. A new service will be required for Parcel 2.

Sanitary Service: There is an existing 12-inch concrete combination sewer line in SE Marion Street (BES project #21383). City records indicate the existing sanitary service lateral for 8704 SE 13th Ave is currently wye'd with the lateral for the neighboring property to the east, 1322 SE Marion St, near the curb line. Continued use of the existing lateral for future development on proposed Parcel 2 will not be allowed.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. There is a public underground injection control (UIC) system located in the vicinity of this site that receives stormwater runoff from the public right-of-way.

Zoning: The site is located within a **Multi-Dwelling Residential 2,000 (R2)** zone and it also has an **Alternative Design Density (a)** overlay and a **Design (d)** overlay zone.

Multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.

The purpose of the a-overlay zone is to encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The proposal does not include the application of any of the a-overlay provisions.

The d-overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The development on the site must meet the Community Design Standards (33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones) or the development will be subject to Design Review, through a separate land use review process.

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 **October 7, 2013**. Two written response were received: one from a neighbor in support of the proposal and the other from the Neighborhood Association. The neighborhood association notes no opposition to the proposal, but raises concerns about compatibility and building height.

Staff Response: The subject site has a Design (d) overlay designation, so any development on the site will be required to meet specific Community Design Standards or the project will trigger a Design Review. The Community Design Standards and Design Review aim to ensure new development is compatible with the scale and quality of design anticipated in the area. The development must be shown to comply with one or the other of these options, at the time of building permits.

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.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	No pedestrian connections are proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 2 parcels for detached houses.

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 5,000 square feet, so, based on the rounding provisions, the minimum and maximum density of the site is 2 units.

The required and proposed lot dimensions 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)
Attached Houses	1,600	15	none	15
Detached Houses	1,600	25	none	25
Parcel 1	2,500	50	50	50
Parcel 2	2,500	50	50	50

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

Though the applicant has indicated the proposed parcels will be developed with detached houses, each parcel also meets the minimum dimensions for attached houses, so the applicant may elect either housing type at the time of development.

The density and lot dimension standards are met, so 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 applicant provided an arborist report (Pete Botke/Buds Expert Tree Care) that inventories the trees within the land division site and evaluates their condition (Exhibit A.1). The arborist identified 2 trees on the site; a 12-inch diameter at breast height (DBH) Eucalyptus, which the

arborist notes is exempt from the these provisions due to its poor condition; and a 15-inch DBH pear, which the arborist indicates is very old and structurally weak. However, the arborist does not exempt the tree.

Therefore, the total non-exempt tree diameter on the site is 15-inches. The applicant proposes to remove both trees from the site due to their location relative to the proposed development on the relatively small parcels. The applicant proposes to use the mitigation options of 33.630.300 for the removal of the pear tree, and has proposed to provide 4 inches of tree diameter by installing a 2-inch DBH tree on each parcel.

In determining if the proposed mitigation is appropriate, issues such as the current condition of the tree(s) to be removed, lot size, and other planting requirements are factors that must be considered. In this case, the pear tree is identified as being in decline, so its long term viability for preservation is limited. Additionally, the proposed parcels are relatively small (2,500 square feet), and the applicant will be required to install 3 inches of tree caliper on each parcel at the time of new development, in order to comply with the T1 tree standard (Section 33.248.020.H). That number of new trees could result in overcrowding as the trees mature. However, given the proposed development layout, there appears to be sufficient room to provide both the mitigation trees in addition to the trees needed to meet the T1 standards without jeopardizing the overall health of the mitigation trees or the trees planted to meet the T1 requirement. The new trees will help absorb air pollutants and contamination, provide buffering from noise and wind, and provide visual screening from the adjacent properties.

Therefore, with a condition that requires the mitigation trees must be provided in addition to the trees planted on each lot to meet the T1 requirement, prior to final building permit approval for the new houses on these parcels, this criterion will be met.

G. 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 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 garage and redevelop the site. 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 sewer capping prior to final plat approval.

Additionally, although the site is currently connected to the public sanitary sewer, there is an old septic system on the site, and the City has no record that this facility was decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility.

With these conditions, the new lots can be considered suitable for new development, and this criterion will be met.

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

Each of the proposed parcels is on the south side of an east-west oriented street. Parcel 1 will be on the corner, and Parcel 2 will be an interior parcel. The standards call for the interior parcel to be the narrowest. However, both parcels have the same width. This lot configuration affords a more uniform lot pattern, which is more consistent with the purpose of the lot dimension standards in Chapter 33.612. Those other requirements supersede 33.639; therefore, the solar access criteria do not apply.

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

The 2-lot partition will result in a net increase of one single-family residence. That residence can be anticipated to generate approximately 10 daily vehicle trips with 1 trip occurring in the AM and PM Peak Hour. This negligible increase in Peak Hour trips will not significantly impact any transportation facilities. A minimum of 1 on-site parking space for each unit will limit impacts to the on-street parking supply. Street connectivity does not apply since the site is a corner lot. Transit service is available 0.3 miles away at the corner of SE 13th and SE Tacoma via Tri-Met bus line number 70. The area is development with sidewalks on both sides of the area streets providing excellent pedestrian facilities. PBOT finds the transportation system can safely support the additional residence in addition to the existing uses in the area.

Based on these factors, these criteria are met.

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

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water 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.
Each lot must be shown to have a means of access and individual connection to a public sewer, as approved by the Bureau of Environmental Services (BES). BES has indicated that service is available to the site, as noted on page 2 of this report. However, BES has also noted the following: <i>City records indicate the existing sanitary service lateral for the subject site (8704 SE 13th Avenue) is currently wye'd with the lateral for the neighboring property to the east, 1322 SE Marion St, near the curb line. Therefore, the continued use of the existing lateral for future development on proposed Parcel 2 will not be allowed. The applicant has submitted a preliminary site utility plan showing that the portion of the line that serves 8704 SE 13th Avenue will be capped, and that a new individual sanitary lateral will be constructed to the public main in Marion Street to serve Parcel 2. The capping of the existing sewer must occur with the demolition of the existing house. Therefore if the demolition of the house will be a condition of approval to occur prior to final plat, then BES requests that a condition be included</i>

specific to the capping of the sewer as well.

All new laterals required to serve the project must be constructed to the public main at the applicant's or owner's expense at the time of development. Connection to public sewers must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#).

Based on these factors, the existing sewer connection to the site to be capped as part of the demolition of the existing house. With such a condition, this criterion will be met.

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

No stormwater tract is proposed or required. BES reviewed the applicant's stormwater report and conceptual stormwater management plan for Parcels 1 and 2 and provided the following comments:

The applicant submitted a Simplified Approach stormwater report which shows the minimum required infiltration rate of 2-inch per hour was not achieved in the site's native soils. Therefore the proposed drywells do not appear to be approvable, and the applicant will be required to provide vegetated stormwater facilities on-site that meet pollution reduction and flow control standards prior to discharge to the combined sewer. Although a storm report that addresses those standards has not been provided at this time, it appears there will be adequate area available to construct such facilities (e.g. flow-through planters or swales). Therefore prior to final plat approval, the applicant must provide a revised stormwater report and supplemental plan showing how SWMM requirements will be met on-site.

With the implementation of the aforementioned condition, this criterion will be met.

33.654.110.B.1 Through streets and pedestrian connections

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 meets the noted spacing requirements, and both frontages are improved with public sidewalks, so no additional street or pedestrian connections are warranted. As such, this criterion is met.

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2

Portland Transportation reviewed the proposal for compliance with the right-of-way provisions and provided the following information:

Given its current configuration, the SE 13th Avenue furnishing zone is 0.5-foot too narrow to meet the current City standard, which calls for a 12-foot sidewalk corridor with a 4.5-6-1.5 configuration. The sidewalk will have to be reconstructed as a condition of building permit approval for the new residence on this corner parcel, or receive approval of public works appeal to leave the existing sidewalk in place. Information about the appeal process can be found at the following link: <http://www.portlandonline.com/index.cfm?c=61827&a=375532>

No dedications or sidewalk improvements are needed for the SE Marion Street frontage.

With the condition described above, this criterion will be 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:

- **Detached Houses-** Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

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 R2 zone. Therefore, with a condition requiring permits for the demolition of the existing structures, 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; and aerial fire department access.
- **Urban Forestry:** At the time of new development on the parcels, street trees will be required along all public frontages to the satisfaction of the City Forester.

CONCLUSIONS

The applicant has proposed a 2-parcel partition for detached (or attached) houses, 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:

- Demolition of existing structures
- Capping of existing sewer serving the site
- Decommissioning of existing onsite sanitary system
- Tree Mitigation
- Compliance with Stormwater Management Manual
- Compliance with sidewalk corridor reconstruction along SE 13th Avenue

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

Additionally, the neighborhood interest in quality design should be addressed at the time of permit review, since the development on each parcel must comply with the Community Design Standards or Design Review requirements.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in 2 parcels for detached or attached houses, 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, Fire, and BES 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;
- The proposed general location of future building footprints and stormwater facilities for each of the parcels;
- Proposed structures, if the provision for reduced internal setbacks will be used; and
- Any other information specifically noted in the conditions listed below.

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

Utilities

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.
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, an exception is used, or provide an approved Fire Code Appeal.
3. The applicant shall meet the requirements of the Fire Bureau for hydrant spacing, in accordance with Appendix C of the Fire Code, to the satisfaction of the Fire Bureau.
4. The applicant must provide a revised stormwater report and supplemental plan showing how the proposed development on Parcels 1 and 2 will meet the Stormwater Management Manual to the satisfaction of Environmental Services.

Existing Development

5. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.
6. The applicant must obtain a finalized demolition permit for removing the garage on Parcel 2. Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.

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

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.

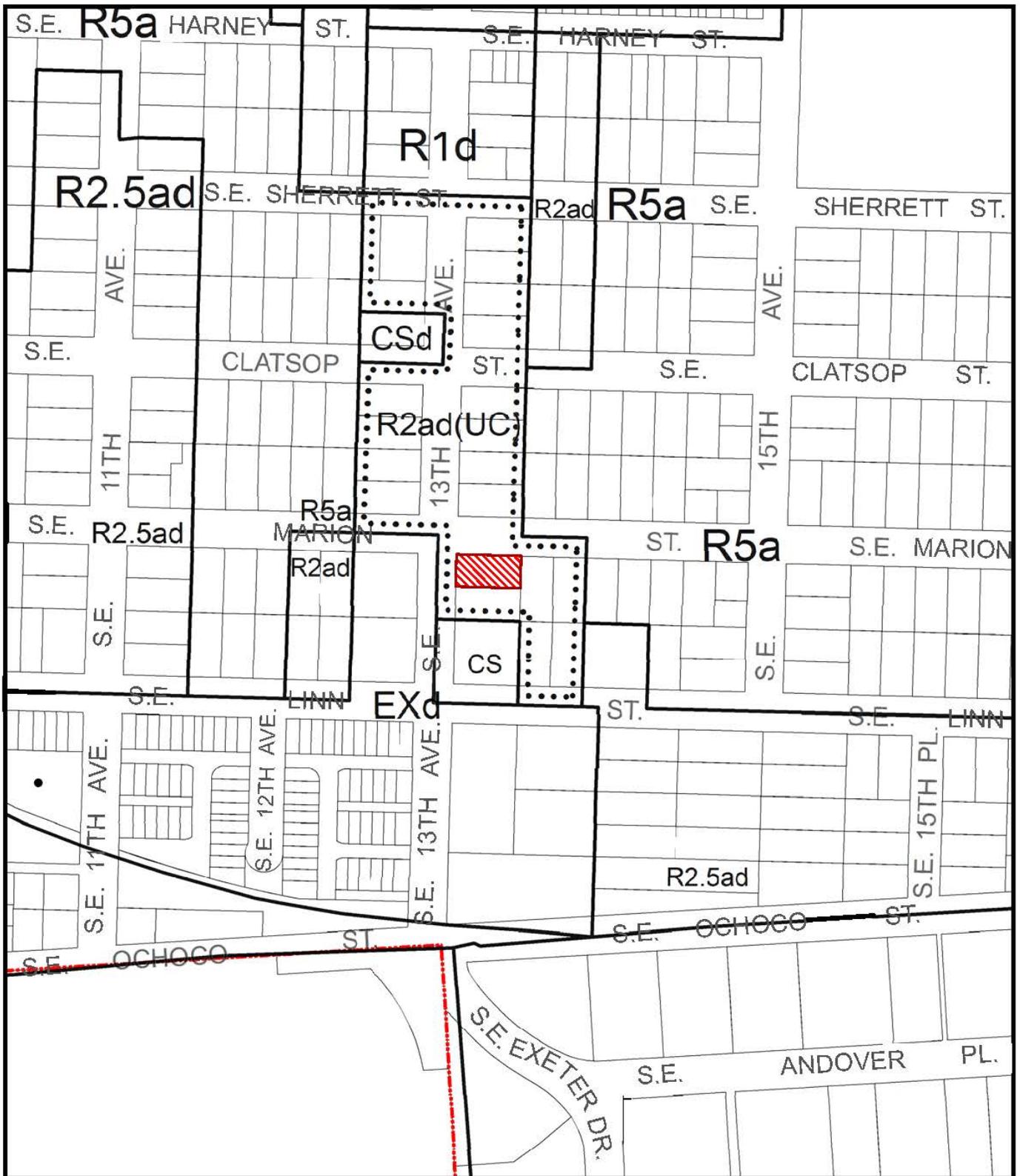
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Initial Submittal
 - 2. Supplemental Narrative
 - 3. Stormwater Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat (attached)
 - 2. Existing Conditions Plan
 - 3. Preliminary Utility Plan
 - 4. Preliminary Grading Plan
 - 5. Full Size Plan Set
- 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:
 - 1. Miles D. Rusth, October 11, 2013, re: supportive of the project
 - 2. Ellen Burr, Land Use Chair/Sellwood Moreland Improvement League, November 6, 2013, re: no objections, questions about height, compatibility of future development
- 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



Historic Landmark



NORTH

File No. LU 13-200769 LDP
 1/4 Section 3931
 Scale 1 inch = 200 feet
 State_Id 1S1E26BA 4700
 Exhibit B (Sep 05, 2013)

8704 SE 13th AVENUE
 TAX MAP T1S R1E 26BA
 MULTNOMAH COUNTY, OREGON

PRELIMINARY PLAT

EMERIG
Design
 6107 SW MURRAY BLVD. SUITE 1417
 BEAVERTON, OREGON 97008
 PH (503) 513-5528



NO.	DATE	DESCRIPTION



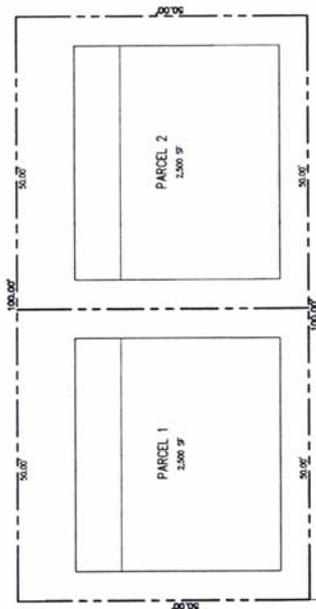
LEGEND

- PROPERTY LINE
- - - - - ADJACENT/ADJOINING LOT LINE
- - - - - CENTER LINE R/W
- - - - - SET BACK LINE

SETBACKS
 FRONT: 10 FT.
 GARAGE: 18 FT.
 REAR: 5 FT.
 SIDE: 5 FT.

SE MARION ST.

SE 13TH AVE



1:4000

LV13. 200769 Exhibit C.1