



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 3, 2013
To: Interested Person
From: Kathy Harnden, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The 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 13-190012 LDP

GENERAL INFORMATION

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

Owner: Victor Remmers / Everett Custom Homes, Inc.
735 SW 158th Ave, Ste 180 / Beaverton, OR 97006-4952

Site Address: 5435 NE 38TH AVE

Legal Description: BLOCK 5 LOT 1 E 1/2 OF LOT 3, KILLINGSWORTH AVE ADD
Tax Account No.: R449700850
State ID No.: 1N1E24AA 07300 **Quarter Section:** 2534
Neighborhood: Concordia, contact George Bruender at 503-287-4787.
District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.
Zoning: Residential 2000, with the Alternative Design Density (a) and Aircraft Landing Zone (h) overlays (R2ah)

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 this basically flat, 6,104 square-foot lot, into two parcels that will be consistent with the site's R2.5 zoning. The site has 50 feet of frontage along NE Killingsworth and 122.25 feet of frontage along NE 38th Avenue. Parcel 1 will be 72.67 feet wide by 50 feet deep, and will retain the existing house. Parcel 2 will be 62.57 feet wide and 50.16 feet deep.

A portion of the south side of the existing house/garage, along with a portion of the existing driveway, will be removed. The side yard setback for the existing house will be reduced to 3.31 feet, which is allowed outright per Ch. 33.120.270.D. A new parking pad to serve the existing house is proposed just north of the existing driveway area. Stormwater from the existing house is directed to the combined sewer line in NE Killingsworth.

A new single dwelling, with attached garage and driveway, will be constructed on proposed Parcel 2 with access from NE 38th. A drywell is proposed to serve Parcel 2 and will be located in its northeast corner. Three trees in the southwest corner of the site are proposed for removal, and a 6-inch crab apple tree in the northeast corner of the site is proposed for preservation, which meets the tree preservation requirements of Ch. 33.630.100.

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. Therefore this land division is considered a partition.

Relevant Approval Criteria:

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

FACTS

Site and Vicinity: The site is a corner lot facing NE 38th, on the southwest corner of the intersection of NE Killingsworth and NE 38th, and is approximately 250 feet west of NE Cesar Chavez Boulevard. Existing development consists of a single dwelling residence, which will be remodeled as a result of this land division, because a section of the southern end of the house must be removed to accommodate the new parcel. The existing house, and many of the neighboring homes, were built in the 1950s. There is a fairly new 2-story duplex located just north of the site on NE 38th.

Infrastructure:

Streets – The site has approximately 50 feet of frontage on NE Killingsworth Street. At this location, NE Killingsworth is classified as a District Collector, Major Transit Priority Street, City Bikeway, City Walkway and a Community Corridor in the Transportation System Plan (TSP). Killingsworth is improved with 36-feet of paving width and a 5-6-1 sidewalk corridor within a 60-foot right of way. There are no street trees along this frontage.

The site has approximately 122 feet of frontage on NE 38th Avenue. At this location, NE 38th is classified as a Local Service street for all modes in the (TSP). NE 38th Avenue is improved with 28 feet of paving width and a 9-5-2 sidewalk corridor within a 60-foot right of way. There is one driveway entering the site from this street that serves the existing house. Three street trees are located along this frontage.

Parking is allowed on both sides of NE Killingsworth Street and NE 38th Avenue. Tri-Met provides transit service approximately 260 feet from the site at NE Killingsworth and NE Cesar Chavez Boulevard via Bus No. 72, Killingsworth/82nd Avenue.

Water Service – There is an existing 6-inch CI water main in NE 38th Avenue. The existing house is served by a 5/8-inch metered service from this main. Water is also available to this site from an existing 12" CI water main in NE Killingsworth Street.

Sanitary Service – There is an existing 8-inch concrete, combined public sewer in NE Killingsworth Street and an 8-inch PVC combination public sewer line in NE 38th Avenue.

Stormwater Disposal – There is no public storm-only sewer currently available to this property. The applicant proposes on-site infiltration by means of a drywells for the proposed

structures. BES has no objections to the proposed stormwater management approach for the purposes of land use review.

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. This land division proposal is not using any of the provisions of the “a” overlay.

The “h” overlay is not applicable in the Residential and Commercial zones per Chapter 33.400.030.

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 21, 2013**. No written responses have been received.

ZONING CODE APPROVAL CRITERIA

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- **33.660.120 APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES**

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.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future 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. This site is in the R2 zone, and the applicant is proposing two detached, single dwelling parcels.

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 2500 square feet and the maximum density is one unit per 2000 square feet. The total site area shown on the applicant's survey is 6,104 square feet. Therefore, the site has a minimum required density of 2 units and a maximum density of 3 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)
Detached Houses	1,600	25	none	25
Parcel 1 – Existing House	3,617	122.25	50.0	122.25
Parcel 2 – detached	2,487	49.57	50.09	50.09

** 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.*

In order to create a second parcel on this site, the applicant proposes to remove a portion of the existing house. To ensure that this is accomplished prior to approval of the final plat, the applicant must obtain a permit to modify the house and provide a supplemental plan that shows the extent of the modified house in reference to the new lot lines.

The findings above show that the applicable density and lot dimension standards can be met with a condition to obtain permits to modify the existing house and provide a supplemental plan

that shows the modified house in reference to the new lot lines. With these conditions, this criterion will be 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 inventoried the trees within the land division site, also evaluated their conditions and specified root protection zones (Exhibit A.3). The site contains four trees, two of which are exempted because they one is diseased and one is a nuisance species. The two remaining trees are subject to the preservation requirements of this chapter.

The arborist report also inventoried three trees that are off the site and are considered street trees. These trees cannot be used to meet the street preservation requirements of this chapter.

Therefore, the total non-exempt tree diameter on the site is 12 inches. The applicant proposes to preserve Tree 7, a 6-inch diameter crab apple, which comprises 50 percent of the total non-exempt tree diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total non-exempt tree diameter on the site to be preserved. Tree 7 is shown on the applicant's Preliminary Site and Utility Plan (Exhibit C.2).

To ensure that future owners of the parcels are aware of the tree preservation requirements, the applicant must provide a Supplemental Plan that shows the tree's size and location, and provide an Acknowledgement of Tree Preservation Requirements and record this document at the time of final plat.

This criterion is met, subject to the conditions that any development on Parcel 1 is carried out in conformance with both the Tree Preservation Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.3), an acknowledgement of tree preservation requirements is submitted for review and recorded with the final plat, and that Tree 7 and its required root protection zone are shown on a supplemental plan.

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. 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.

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 Bureau has indicated that service is available to the site, as noted on Page 3 of this report. The water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p>
<p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on Page 3 of this report. The sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1</p>
<p>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"> • Parcel 2: Stormwater from this lot will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. BES has indicated conceptual approval of the drywells. • Parcel 1 (existing house): The existing house has rain drains that collect roof runoff and convey it to the existing connection to the public sewer in NE Killingsworth. Because this is an existing condition that does not trigger Stormwater Management Manual requirements, BES must allow this system to remain.
<p>33.654.110.B.1 Through streets and pedestrian connections</p>
<p>Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. Portland Transportation has indicated no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition, based on the following: <i>No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject block and others in the vicinity satisfy the above referenced public street spacing goals in all directions.</i></p> <p><i>The subject site is not located midway along the subject block, making it an undesirable location to provide a pedestrian connection through the block, if this were feasible. However, the subject block shape and orientation is the prevailing shape and orientation for a considerable distance between NE 34th Ave (to the west) and NE 42nd Ave (to the east). Providing a pedestrian connection through the subject site (or block) would not result in a meaningful connection in any direction from the subject site. Properties that abut the subject site to the west and south on the subject block are not sized to be further partitioned (as is the subject site). In order to provide a pedestrian connection through the subject site and block, the proposed development would be compromised and the existing residential units on nearby lots would need to be raised. These impacts do not make further connectivity through the subject site or block feasible. PBOT therefore has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition.</i></p>
<p>33.641 – Transportation Impacts – 33.641.020 and 33.641.030</p>
<p>33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment</p>
<p><i>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.</i></p> <p><i>Portland Transportation has provided the following information related to Transportation Impacts: The proposed land division will create 2 parcels from the current lot in order to accommodate 1 new detached single-dwelling residential home (the existing house on the site will be retained on Proposed Parcel 1). Referring to the ITE Trip Generation Manual, 9th Edition, there will be 1 new AM peak hour trip and 1 additional PM peak hour trip (10 additional total new daily trips) that may</i></p>

result from the development proposal on the site. The new peak hour trips will have minimal impacts to the area's nearby intersections and do not warrant any mitigation to said intersections. The intersections will continue to operate at current levels without further degradation from the vehicle trips generated by the proposed project factored into the analysis.

With regard to impacts to on-street parking, the new residence that will be developed on the site will include on-site parking opportunities for at least one vehicle (the existing house on Proposed Parcel 1 will be supplemented with an on-site parking pad. The surrounding area is developed with homes that appear to have on-site parking opportunities along individual driveways and within garages. There does not appear to be a significant demand for on-street parking in the area and there is adequate uninterrupted curb length along NE Killingsworth and along NE 38th Ave to satisfy the demand that may exist in the area. In that there will be only one new curb cut to accommodate the new driveway for the parking area on Proposed Parcel 2, this will not result in a detrimental loss of on-street parking opportunities in the area. With on-site parking opportunities for at least one vehicle on each of the proposed lots, on-street parking impacts will be minimized.

Given the area in which the site is located, the minimal increase in vehicle trips that will be generated by the proposed partition, and the classification of the street within the transportation system, PBOT expects that the transportation system will be able to support the existing development in the area as well as the proposed development.

Based on the foregoing, this criterion is met.

33.654.120.E. Approval criterion for the width of pedestrian connections.

Findings: Portland Transportation provided the following response: *Frontage improvements will be required along the site's frontage.*

Although the existing sidewalk corridors along the site's frontages meet/exceed the overall width of the standards, they do not satisfy the element widths thereof. The site's 5-6-1 sidewalk corridor along NE Killingsworth is 0.5-ft shy of the standard (1.5-ft wide) frontage zone and the site's 9-5-2 sidewalk corridor along NE 38th Ave is 1-ft shy of the standard (6-ft wide) sidewalk width. Accordingly, the applicant will be required to reconstruct these sidewalk corridors to comply with the aforementioned standards. The sidewalk corridors along both of the frontages of Proposed Parcel 1 will need to be upgraded to meet the above referenced standards prior to Final Plat approval. The NE 38th Ave frontage along Proposed Parcel 2 will need to be upgraded to meet the above referenced standard prior to Building Permit approval for the new house.

With these conditions, 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

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

Existing development that will remain after the land division. The existing house on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. (Please see section on Other Technical Standards for Building Code standards.) In this case, per 33.700.015 no Adjustment requirements have been identified.

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 regard to fire apparatus access, fire apparatus access roads, fire flow/water supply, addressing of structures, and aerial fire department access roads. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- Urban Forestry: The applicant must meet the requirements of Urban Forestry for street tree planting at the time of building permit review. This requirement is based on the standards of Title 20.40.
- Existing trees 12 inches in diameter or larger on private property may not be removed without an approved written permit issued by the City Forester.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are:

- Acknowledgement of Tree Preservation and Tree Protection Plan
- Sidewalk corridor improvements
- Fire Bureau hydrant flow and spacing, and addressing

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition that will result in two standard lots, as illustrated with Exhibit C.1, and subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for 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:

- The modified house on Parcel 1 and any other buildings or accessory structures on the site at the time of the final plat application;
- The reduced interior side setback for Parcel 1.
- The proposed general location of any future building footprints and stormwater facilities for each of the parcels.
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Tree 7, the tree to be preserved, and its 7-foot radius root protection zone.

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 to final plat approval.

Existing Development

2. The applicant must obtain and have finalized a permit to modify the existing house such that the new interior side setback is at least 3 feet wide per 33.120.270.
3. The sidewalk corridors along both frontages adjacent to Proposed Parcel 1 must be upgraded to meet the Portland Transportation standards.

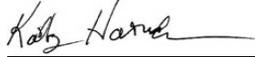
Required Legal Documents

4. If the Fire Bureau requires an Acknowledgement of Special Land Use Conditions form, the acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

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

1. 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 measured to the bottom of the eave of the structure or the top of the parapet for a flat roof. Therefore this condition applies only in the event that buildings constructed on this site exceed 30 feet in height per the measurement described herein.
2. The frontage of Parcel 2 along NE 38th must be upgraded to meet the Portland Transportation standards prior to Building Permit approval for the new house.

Staff Planner: Kathy Harnden

Decision rendered by:  on November 27, 2013
By authority of the Director of the Bureau of Development Services

Decision mailed December 3, 2013

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

Procedural Information. The application for this land use review was submitted on August 7, 2013, and was determined to be complete on October 18, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 7, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended for 14 days. Unless further extended by the applicant, **the 120 days will expire on: March 1, 2014.**

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.

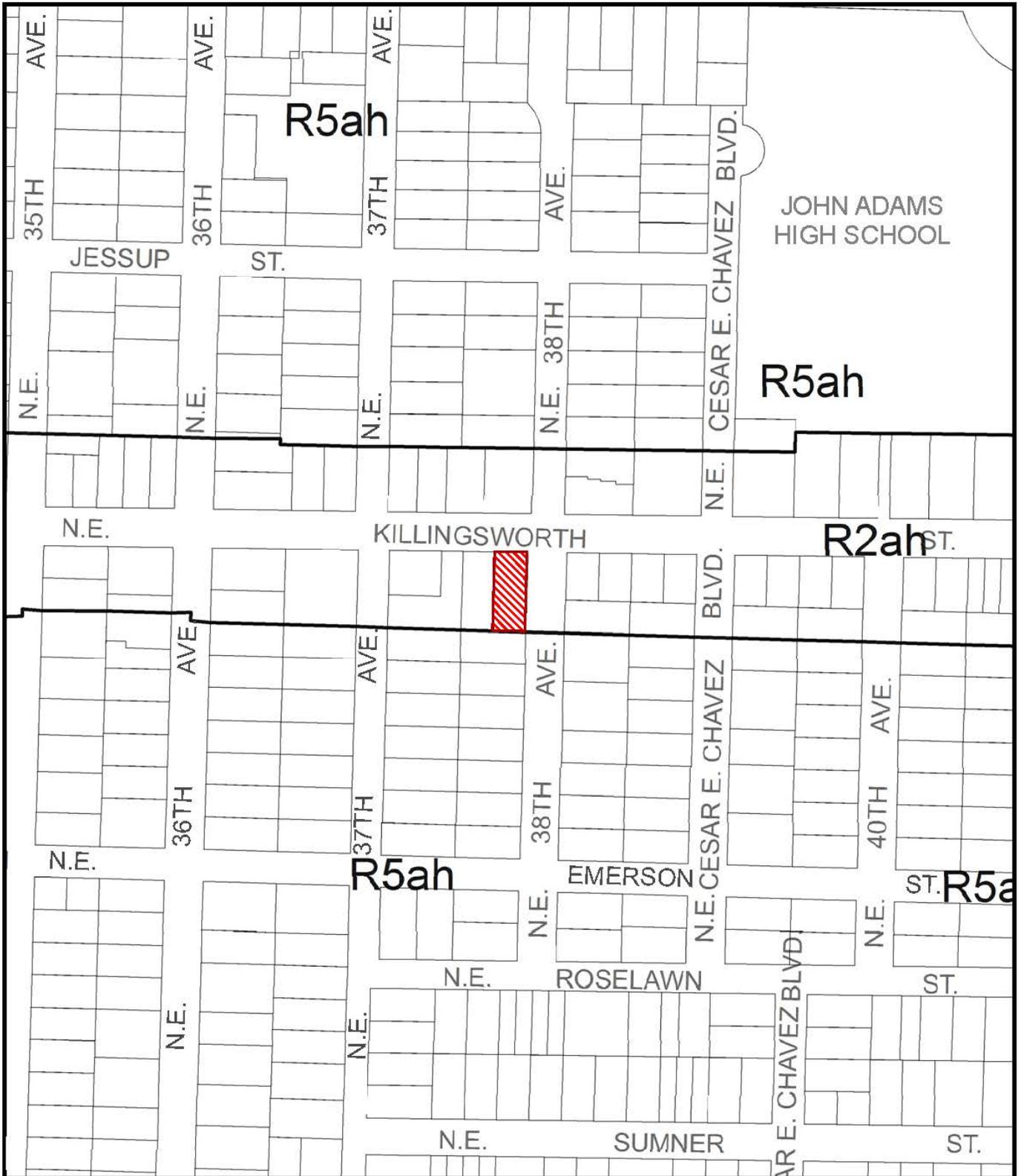
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Original Narrative
 - 2. Simplified Approach
 - 3. Tree Preservation Plan
 - 4. 120-Day Extension Request
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat (attached)
 - 2. Preliminary Site & Utility/Tree Preservation Plan (attached)
 - 3. Full-size Plan Set
- 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
- F. Correspondence:
 - 1. Garlynn Woodsong 10/21/13
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter w/Service Bureau 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



NORTH

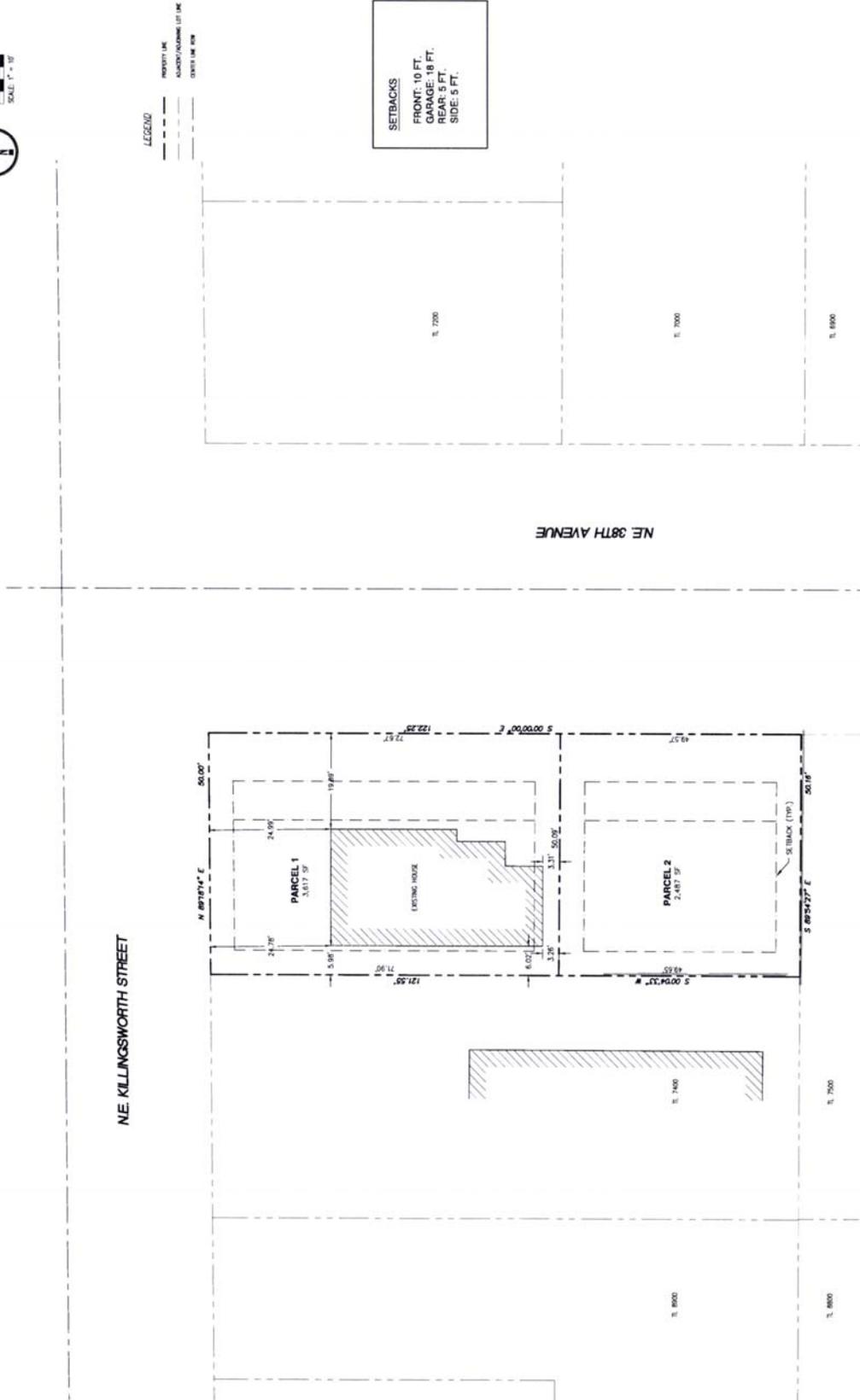
File No. LU 13-190012 LDP
 1/4 Section 2534
 Scale 1 inch = 200 feet
 State_Id 1N1E24AA 7300+
 Exhibit B (Aug 08, 2013)

NO.	DATE	DESCRIPTION



LEGEND
 --- PROPERTY LINE
 --- ADJACENT/ADJACENT LOT LINE
 --- CENTER LINE R/W

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



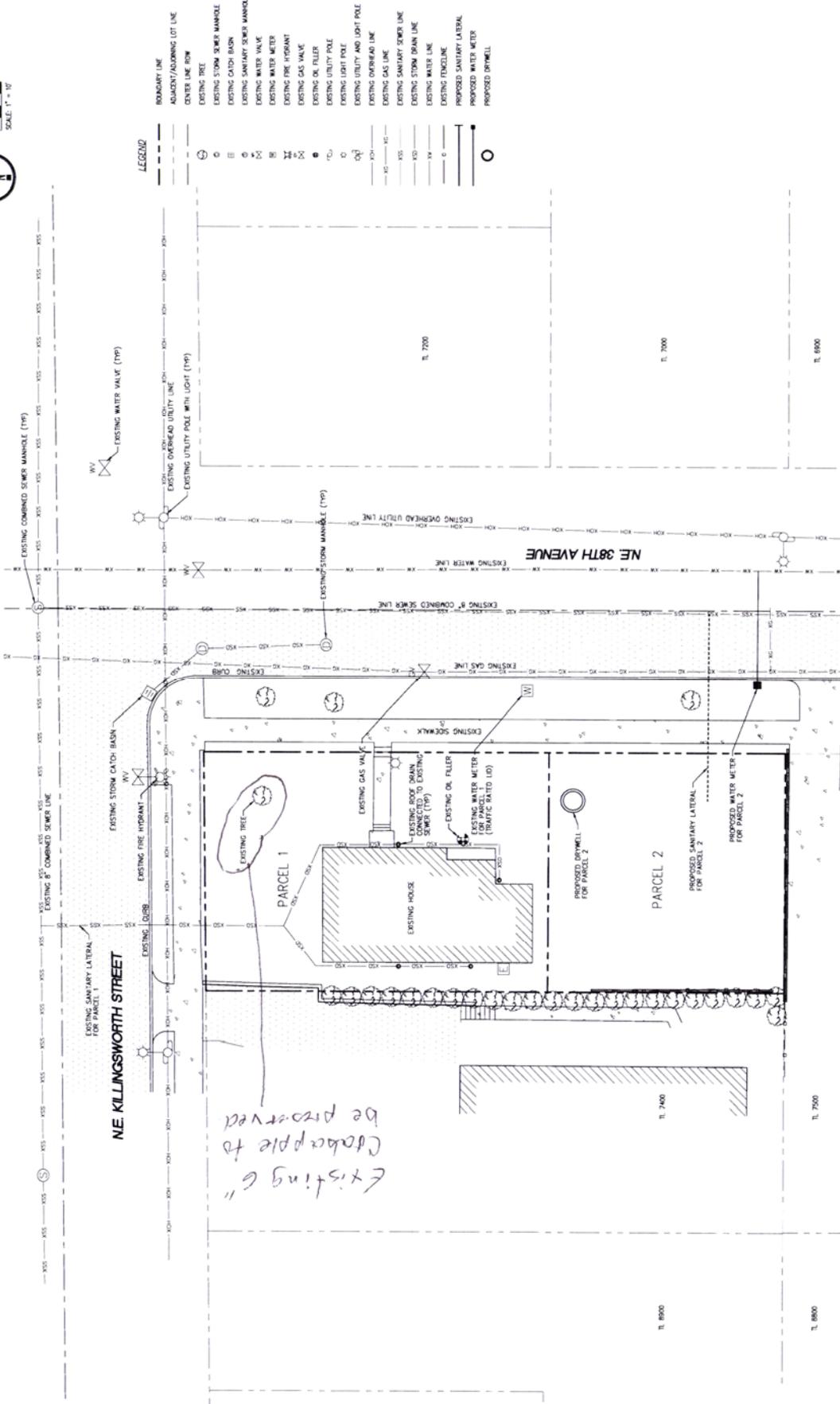
LU 13-190012 LDP Ex. C.1

PRELIMINARY SITE/
 UTILITY PLAN

EMERIO
Design
 6107 SW MURKIN BLVD, SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503)-746-8812

NO.	DATE	DESCRIPTION

SHEET
 4 of 5



LEGEND

- BOUNDARY LINE
- ADJACENT/ADJOINING LOT LINE
- CENTER LINE ROW
- EXISTING TREE
- EXISTING STORM SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING SANITARY SEWER MANHOLE
- EXISTING WATER VALVE
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING GAS VALVE
- EXISTING OIL FILLER
- EXISTING UTILITY POLE
- EXISTING UTILITY AND LIGHT POLE
- EXISTING OVERHEAD LINE
- EXISTING GAS LINE
- EXISTING SANITARY SEWER LINE
- EXISTING STORM SEWER LINE
- EXISTING WATER LINE
- EXISTING FENCELINE
- PROPOSED SANITARY LATERAL
- PROPOSED WATER METER
- PROPOSED DRYWELL

LU 13-190012 LDP

EX. C.2