Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: December 24, 2013
To: Interested Person
From: Kathy Harnden, Land Use Services
503-823-7318 / Kathy.Harnden@portlandoregon.gov

NOTICE OF A REVISED TYPE IIx DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

This decision has been revised to remove references to a private alley, and instead refer to the driveway area as simply a driveway for five residential units. Two conditions of approval have been added to ensure that the driveway will be completely constructed at one time so that piecemeal construction will not occur.

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 13-178895 LDS

GENERAL INFORMATION

Applicant: Kenneth Randall / Consolidated Land & Cattle, LLC
2 Centerpointe Dr, Ste 210 / Lake Oswego, OR 97035

Consultant: Bruce Vincent / Bedsaul/Vincent Consulting, LLC
416 Laurel Ave 3 / Tillamook, OR 97141

Site Address: 3314 SW 1st Ave

Legal Description: BLOCK 128 LOT 7&8, CARUTHERS ADD
Tax Account No.: R140912150
State ID No.: 1S1E10BC 07300 **Quarter Section:** 3329
Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.
Business District: South Portland BA, Kevin Countryman at 503-750-2984.
District Coalition: Southwest Neighborhoods Inc., Leonard Gard at 503-823-4592.
Zoning: Multi-Dwelling Residential 2000 (R2)
Case Type: Land Division Subdivision (LDS)
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant proposes to subdivide an approximately 10,000 square-foot vacant site into 5 lots to be developed with attached houses in two separate structures, fronting on SW 1st Avenue. Proposed Lot 4 will be the smallest, with 1,750 square feet and the other four lots will each be 2,062 square feet. Garage parking will be located at the rear of the site for each parcel, with access through shared driveways from SW Gibbs. The design of the houses and external 3-foot setbacks on the north and south ends of the proposed development were approved in LU 13-106801 HDZM (a Historic Design with Modifications review). There are no trees on the site.

A utility plan was provided that shows the location of all utilities. There are existing water and sanitary sewer mains in SW 1st Avenue that can serve the site. Individual connections to these mains are proposed. Stormwater from the roof of each dwelling will be directed to individual flow-through planters at the front of each house for treatment and then routed to a combined public sewer in SW 1st Avenue for disposal. Runoff from the asphalt surface of the driveways will be directed to a water quality catch basin for treatment and then be routed to a combined sewer located in SW 1st Avenue for disposal.

This subdivision is reviewed through a Type IIx procedure because: the site is in a residential zone and 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 5 units of land (5 lots). Therefore this land division is considered a subdivision.

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 project site is approximately 10,000 square feet in area. It slopes downward generally from the southwest corner to the northeast corner. However, there is a large mound, above street level, that takes up nearly half the site, located in the northwest corner.

The site is located in a residential area in the South Portland Historic District, about two blocks south of the Ross Island Bridge. This area is squeezed between SW Barbur Boulevard to the west and SW Naito Parkway to the east. This neighborhood was greatly diminished by construction of the I-5 and I-405 freeways, and be large scale clearance under the auspices of Urban Renewal during the 1960s and 1970s. The majority of the district's remaining historic resources are residences, but there are commercial Buildings, religious and social institutions, and small scale industrial structures scattered throughout the neighborhood.

Infrastructure:

- **Streets –** The site is a vacant corner lot with approximately 90 feet of frontage on SW Gibbs Street and 90 feet of frontage on SW 1st Avenue. There are no driveways on the site. At this location, according to City GIS database, SW Gibbs is improved with 36-ft of paving and a 4-6-2 sidewalk corridor within a 60-ft wide r.o.w. SW 1st Ave is improved with 38-ft of paving and a 4-6-3 sidewalk corridor within a 64-ft wide r.o.w. For a City Walkway or a Local Service street located within a Pedestrian District, the City's Pedestrian Design Guide recommends a 12-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk & 1.5-ft wide frontage zone. The existing sidewalk corridors along both site frontages satisfy the City's Pedestrian Design Guide's recommendations. No property dedication or frontage improvements will be triggered by the proposed development. The applicant is advised that if the sidewalks become damaged during the course of construction, they will need to be re-constructed to the satisfaction of the City Engineer.

The site is served by three Tri-Met bus routes within 500 feet, Number's 1, 12, and 44. Bus 12 provides frequent service.

- **Water Service –** There is an existing 12-inch CI water main in SW Gibbs available to serve Lot 1. There is also water available to serve all 5 lots from the existing 6-inch CI water main in SW 1st Avenue.
- **Sanitary Service –** There is an existing 10-inch clay combination public sewer line in SW 1st Avenue available to provide service to this site.
- **Stormwater Disposal –** There is no public storm-only sewer currently available to this property. The applicant submitted and received approval of an application for a "Special Circumstances" permit that allows them to pay an off-site management fee in lieu of providing on-site pollution reduction and flow control for the impervious area in the rear-loading driveway. A stormwater inlet will collect driveway runoff and send it to the combined sewer in SW Gibbs Street. Flow-through planters have been approved to treat and detain stormwater from the residential units.

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.

Land Use History: City records indicate that prior land use reviews include the following: Approval, with conditions, of a Historic Design Review (LU13-106801 HDZM) to "build five, two-story, attached residences with lower level, rear-facing garages in the South Portland Historic District." The review included modifications to reduce all side setbacks and to increase building coverage in excess of 50% on all five lots.

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 **September 23, 2013**. One written response has been received, from the Neighborhood Association, in response to the proposal. The Association supports both the project design and land division.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No significant trees are located fully on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	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.
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 - Turnaroun	No turnarounds are proposed or required
	33.654.120.D - Common Gree	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 pedestria connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extensi of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-o 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 5 single family, attached housing lots.

Single-dwelling or duplex development is proposed for some, or 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 1 unit per 2,500 square feet and maximum density is one unit per 2000 square feet. The total site area shown on the applicant's survey is 10,000 square feet. Therefore, the site has a minimum density of 4 units and a maximum density of 5 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	15.0	none	15.0
Lot 1 – attached	2,062	20.63	100.0	20.63
Lot 2 – attached	2,062	20.63	100.0	20.63
Lot 3 – attached	2,062	20.63	100.0	20.63
Lot 4 – attached	1,750	17.50	100.0	17.50
Lot 5 – attached	2,062	20.63	100.0	20.63

* *Width is measured from the mid-point of opposite lot lines.*

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

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

Findings: 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 sloped, but is not located within the Potential Landslide Hazard Area. The applicants will take advantage of the slope to construct the building with tuck-under garages in the rear. No significant clearing or grading is expected 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 once contained a church, which burned down several years ago, and there is no record of any other use in the past. As indicated above, the site, although sloped, contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development.

Based on these factors, this criterion is met.

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

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

- A Reciprocal Access and Stormwater Quality Easement is required to allow shared use and maintenance of a driveway that will extend across proposed lot lines, and to provide shared responsibility for maintenance of a required stormwater quality inlet.

As stated in Section 33.636.100 of the Zoning Code, maintenance agreements will be required describing maintenance responsibilities for the easement described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement is prepared and recorded with the final plat. The Bureau of Development Services has templates that must be used. In addition, the plat must reference the recorded maintenance agreement with a recording block for the 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:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on Page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on Page 3 of this report. The sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:

Lots 1 – 5: Stormwater from these lots will be directed to individual flow-through planters at the front of each house that will treat the water and slowly infiltrate it into the ground. BES has indicated conceptual approval of the planters.

Proposed driveway: The Bureau of Environmental Services has approved a Special Circumstances application for the driveway that allows the applicants to pay an "off-site management fee" in lieu of providing on-site pollution reduction and flow control for the impervious area in the rear-loading driveway. Instead, stormwater from the proposed driveway will sheet flow to a private stormwater inlet at the driveway entrance, and then be directed to the City's combined sewer system in SW 1st Avenue. With conditions that the stormwater facility is placed within an easement, and that a maintenance agreement for the 5 lot owners to maintain the inlet is recorded with the final plat, the stormwater management standards of 33.653 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. Portland Transportation has indicated no concerns relative to connectivity or locations of rights-of-way associated with the proposed land division partition, based on the following: *No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The above referenced connectivity goals are generally met in the area. PBOT has no concern relative to furthering the City's connectivity goals through the subject site.*

33.641 – Transportation Impacts – 33.641.020 and 33.641.030
33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development.

Portland Transportation has provided the following information related to Transportation Impacts:

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. In relation to this project and to address the transportation- related approval criteria, the applicant has had a Traffic Impact Study (TIS) prepared by a professional traffic consultant.

To estimate the trips generated by the proposed partition to create 5 lots for the construction of 5 attached homes, trip rates from the manual TRIP GENERATION, 8th Edition, published by the Institute of Transportation Engineers (ITE) were used. The trip generation calculations show that the 5 proposed attached homes are projected to result in 5 new trips during the morning peak hour and 5 additional trips during the evening peak hour. The new homes are projected to result in 50 new daily trips.

To ensure that the nearby transportation system is capable of supporting the new trips from the proposed residential subdivision, the applicant's traffic consultant conducted trip distribution observations to help determine potential impacts to area intersections. Based on said observations, the applicant's traffic consultant assigned 40% of future trips generated from the proposed development to travel to/from the south along SW 1st Ave, while 50% will travel to/from the north. Approximately, 10% of the site generated trips could travel to/from the west and east on SW Gibbs. Given the range of opportunities for disbursement of site generated trips, no individual intersection in the area is expected to be significantly impacted.

There are reasonably direct routes to and from the site in several directions and with access to arterial roadways. There are no access restrictions in vicinity of the site. Loading is expected to take place either on the subject lots via the new shared driveway and/or along the streets in proximity to the subject site where parking is allowed. The submitted TIS includes a turning/maneuvering analysis which demonstrates that a passenger vehicle will be able to safely maneuver in and out of the rear-loaded garages.

The impacts associated with the additional lots that the proposed partition will create are expected to be minor, and primarily consist of the small increase in vehicular traffic associated with the new homes to be constructed on the subdivision site. As described previously, these added trips will not have a significant effect on efficiency or safety of the nearby street system, and the proposal is likely to significantly increase the demand for on-street parking, if at all. The proposal will therefore have minimal impacts on the neighborhood.

The applicant's traffic consultant included a line of sight analysis in proximity to the subject site which suggests that there is adequate sight distance along the site's frontages to allow for safe vehicle maneuvering.

A robust and complete system of sidewalks throughout the area provide for pedestrian safety and access in the neighborhood. SW Grover (north of the subject site) is identified as a "Shared Roadway" in the City's Official Bike/Walk Map and accommodates bicyclists. People bicycling can safely share the roadway with motorized traffic. The proposed residential subdivision will not negatively impact safety for any mode.

The impact to nearby intersections resulting from construction of the proposed 5 attached homes will be minimal. New site trips are not expected to significantly alter the operation or safety of the existing facilities, and on-street parking in the area is sufficient to meet the new demand. The transportation impact approval criterion is met for the proposed partition, as the transportation system is capable of safely supporting the proposed use in addition to existing uses.

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 not be required along the site's frontage.*

Therefore, this criterion is not applicable.

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.

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, addressing requirements; hydrant flow/water supply. Aerial access applies only to buildings 30 feet in height or greater. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 5-lot subdivision, as shown on the attached preliminary plan (Exhibit C.1). As discussed in the report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are:

- Stormwater Management and Maintenance Agreements for the Private Stormwater Quality Inlet;
- Access Easements and Maintenance Agreements for a shared driveway and stormwater inlet;
- Fire Bureau requirements

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 5-lot subdivision that will result in 5 lots to be developed with attached houses, as illustrated with Exhibit C.1, subject to the following conditions:

A. The final plat must show the following:

1. A reciprocal access and private storm sewer easement over the 18-foot wide driveway shall be shown and labeled on the final plat, extending from SW Gibbs Street and adjacent to the rear lot lines of Lots 1-5, as shown on Exhibit C.1.

2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Conditions B.3 and B.4, below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for a Reciprocal Access Agreement 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 fire 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 used, or provide an approved fire code appeal prior to Final Plat approval.

Required Legal Documents

2. A Maintenance Agreement shall be executed for the shared driveway and storm sewer inlet described in Condition A.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities, such as the stormwater inlet, 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 the Fire Bureau requires an Acknowledgement of Special Land Use Conditions form for residential sprinklers, the applicant shall execute an Acknowledgement of Special Land Use conditions to the satisfaction of the Fire Bureau. The acknowledgement shall be referenced on the final plat and recorded with Multnomah County.

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

1. The minimum and maximum density for each lot is one (1) unit.

2. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies only 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. Any buildings that do not exceed 30 feet in height are not subject to this condition.

3. All lots subject to this decision will be permitted at the same time, and single lots or combinations of less than five lots shall not be accepted for development permits.

4. The entire driveway area subject to the required Reciprocal Access Easement for all five lots shall be constructed at the same time.

5. The applicant must meet the addressing requirements of the Fire Bureau for Lots 1-5. The location of any required sign must be shown on the building permit.

Staff Planner: Kathy Harnden

Decision rendered by: Kathy Harnden **on December 20, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed December 24, 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 July 12, 2013, and was determined to be complete on September 20, 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 July 12, 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 30 days. Unless further extended by the applicant, **the 120 days will expire on: February 17, 2014.**

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 January 7, 2014** 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 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.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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 City Planning Director, 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.**

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

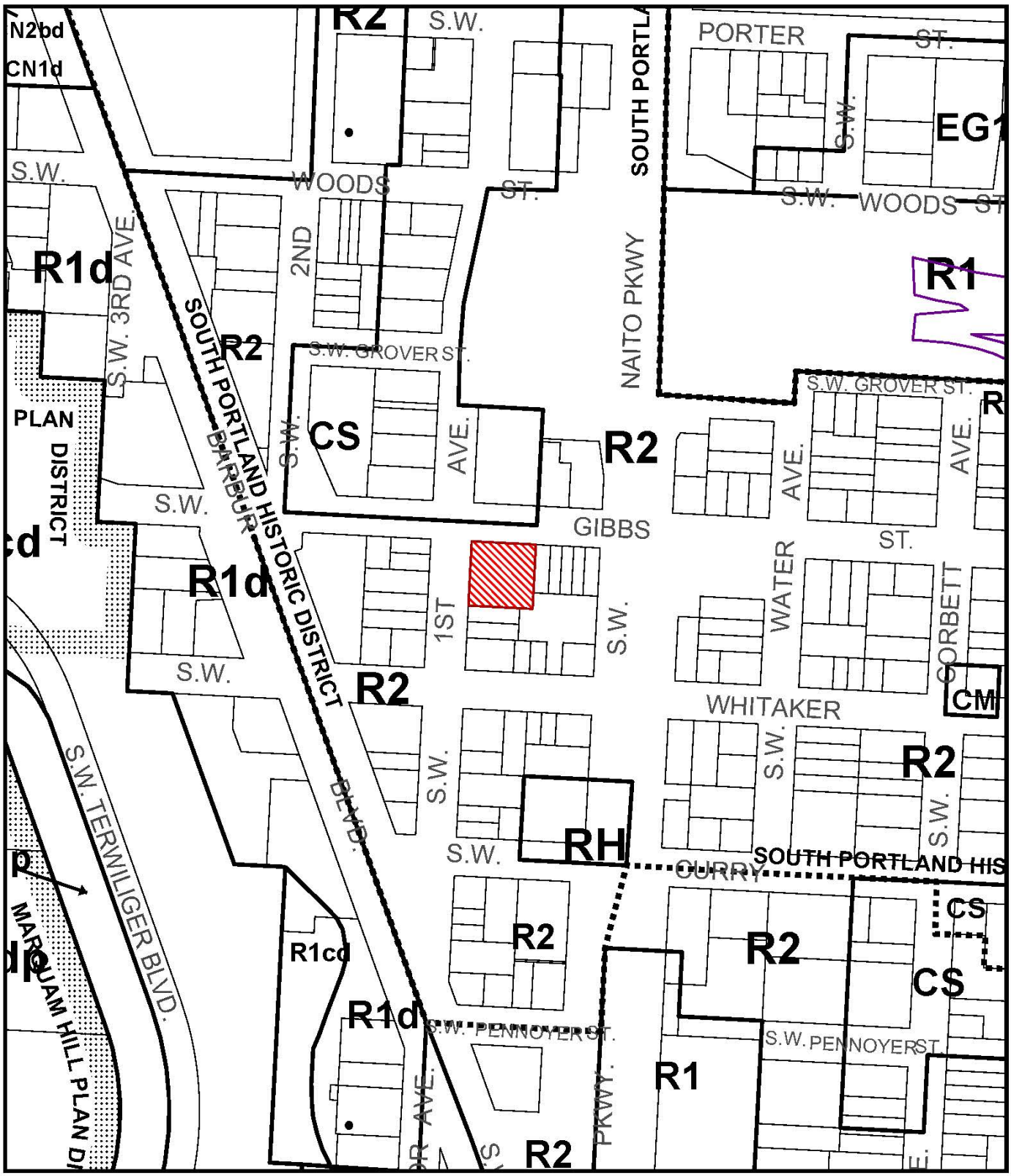
EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Supplemental Narrative
   2. Supplemental Narrative, Revised
   3. Traffic Impact Study and Building Elevations
   4. Extension of 120-Day Limit
   5. Storm Water Drainage Calculations/Simplified Approach
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plans (attached)
   2. Proposed Development and Utility Plan
   3. Proposed Building Elevations and Landscaping Plans
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   1.b. Bureau of Environmental Services, Revised
   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. Jim Gardner, Land Use Chair, South Portland Neighborhood Association
G. Other:
   1. Original LU Application

2. Incomplete Letter Bureau RFC comments
3. Email cover to Bruce Vincent w/attached Service Bureau LUR Comments
4. BDS – Conference Facilitator Summary Memo

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).

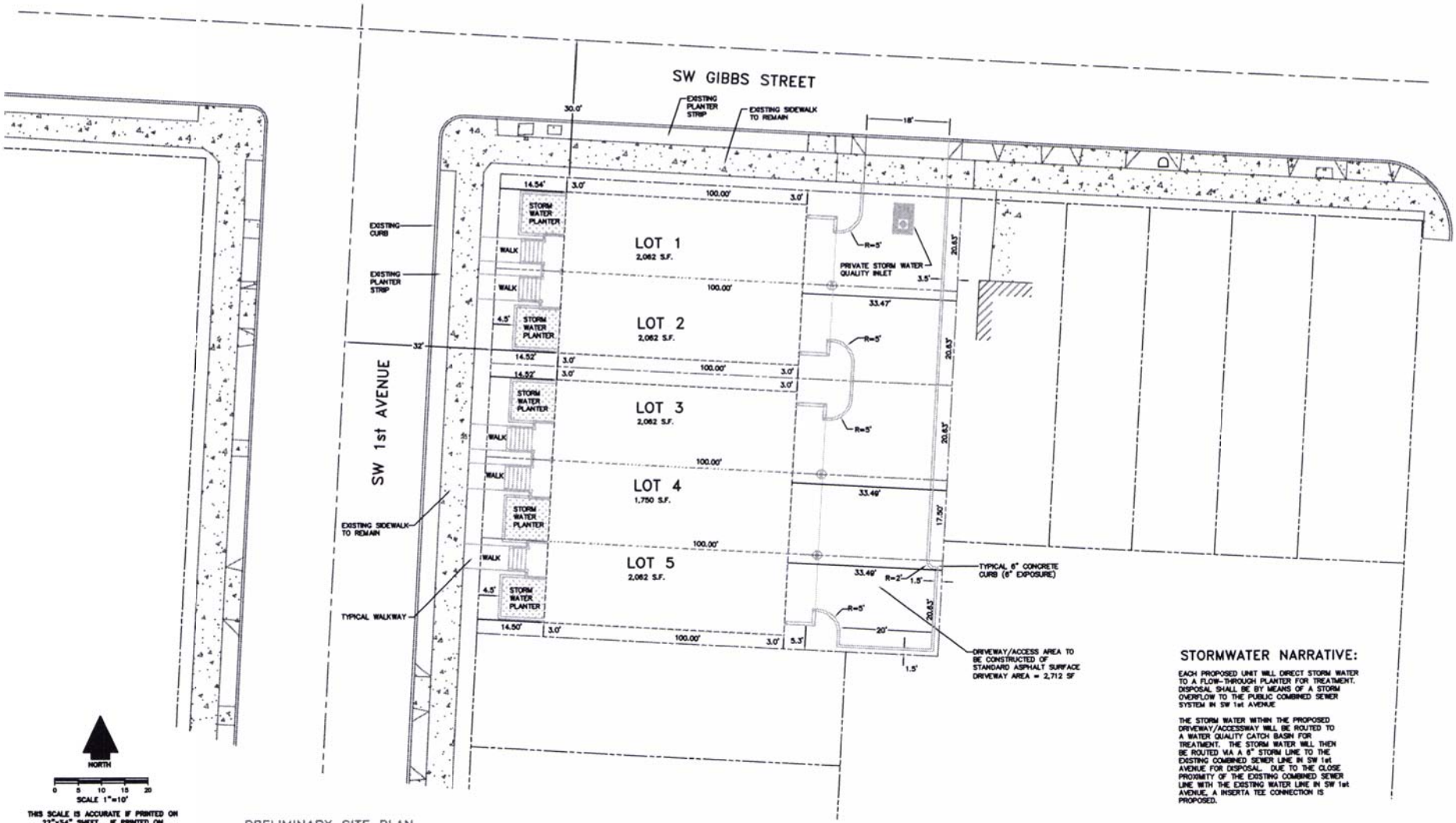


ZONING

Site

NORTH

File No. LU 13-178895 LDS
1/4 Section 3329,3515,3615
Scale 1 inch = 200 feet
State_Id 1S1E10BC 7300
Exhibit B (Jul 16,2013)



PRELIMINARY SITE PLAN
SCALE: 1"=10'

STORMWATER NARRATIVE:

EACH PROPOSED UNIT WILL DIRECT STORM WATER TO A FLOW-THROUGH PLANTER FOR TREATMENT. DISPOSAL SHALL BE BY MEANS OF A STORM OVERFLOW TO THE PUBLIC COMBINED SEWER SYSTEM IN SW 1st AVENUE

THE STORM WATER WITHIN THE PROPOSED DRIVEWAY/ACCESSWAY WILL BE ROUTED TO A WATER QUALITY CATCH BASIN FOR TREATMENT. THE STORM WATER WILL THEN BE ROUTED VIA A 6" STORM LINE TO THE EXISTING COMBINED SEWER LINE IN SW 1st AVENUE FOR DISPOSAL. DUE TO THE CLOSE PROXIMITY OF THE EXISTING COMBINED SEWER LINE WITH THE EXISTING WATER LINE IN SW 1st AVENUE, A INSERTA TEE CONNECTION IS PROPOSED.

4413-17 8895 ADS
EXHIBIT C.1

NO.	DATE	DESCRIPTION	APPD.
		REVISION	

PINNACLE
ENGINEERING ASSOCIATES CORPORATION
17707 Kelly Road Lake Oswego, OR 97034
Tel. (503) 635-4908 Fax (503) 635-4918

DESIGNED BY J. STORMO
DRAWN BY J. STORMO
CHECKED BY J. STORMO
PLANS DATED 9-7-2013

REGISTERED PROFESSIONAL ENGINEER 18,309
OREGON
JAMES MATHAIR STORMO
EXPIRES 6/30/14
SIGNED

PRELIMINARY PLANS PREPARED FOR:

CONSOLIDATED LAND & CATTLE
2 CENTERPOINTE DR. SUITE 210
LAKE OSWEGO, OR 97035

3314 S.W. 1st AVENUE
5-PLEX PROJECT

PRELIMINARY SITE DIMENSION PLAN

SHEET NO. C1