



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: April 12, 2013 **To:** Interested Person

From: Kate Green, Land Use Services

503-823-5868 / Kate.Green@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-166386 LDP

GENERAL INFORMATION

Applicant: Peter Finley Fry

2153 SW Main Street #105 / Portland OR 97205

Property Owners: Don Riddle/Applied Plastics CAST LLC

5020 SE 26th Avenue 11215 SE Lexington Street

Portland OR 97202 Portland OR 97266

Site Address: 5020 SE 26TH AVENUE

Legal Description: TL 5000 1.15 ACRES, SECTION 13 1S 1E

Tax Account No.: R991131300 **State ID No.:** 1S1E13BC 05000

Quarter Section: 3533

Neighborhood: Reed, contact Gabe Headrick at gabe.headrick@reedneighborhood.org

Business District: Greater Brooklyn, contact David Weislogel at 503-239-9050 **District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010

Zoning: General Industrial 1 (IG1) **Case Type:** Land Division-Partition (LDP)

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use

Board of Appeals (LUBA).

Proposal: The applicant requests a **Land Division-Partition** in order to divide an approximately 50,055 square foot property into two parcels.

Parcel 1 will be approximately 16,599 square feet. Right-of-way dedications will be required along the street frontages of Parcel 1 (a one-foot dedication along SE 26th Avenue, and a four-foot dedication along SE Raymond Street). An existing easement (for telecom equipment) is located in the northeast corner of Parcel 1. The equipment within the easement is proposed to remain; other features on Parcel 1 are noted to be removed (including fencing, concrete docks, an electrical transformer, a power pole and overhead lines).

Parcel 2 will be approximately 32,744 square feet; and an existing building and loading docks will be retained on this parcel.

This partition is reviewed through a Type I land use review because: (1) the site is in a commercial, employment, or industrial 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 33.662.110).

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.

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 33.662.120, Approval Criteria for Land Divisions in Commercial, Employment, and Industrial zones.

FACTS

Site and Vicinity: The subject site is situated in a small, somewhat isolated, industrial area bordered by a large rail yard to the west, SE Holgate Boulevard to the north, a commercial and residential area along SE 28th Avenue to the east, and the Rhododendron Garden and Reed College campus to the south and southeast, respectively. The development within this industrial area consists mostly of one or two-story structures.

The project site is approximately 50,094 square feet in area, and is relatively flat. The south portion of the property is developed with a single story warehouse building (approximately 30,000 square feet), and 2 small loading bays are located in the southwest corner of the site. The applicant has identified the building is currently occupied by *Applied Plastics*.

There are vaults and transformers located in the northeast corner of the site, where the plans show an existing easement for telecom equipment.

Based on a site visit by BDS staff on January 31, 2013, and as noted in the application narrative, the north portion of the site is in use by *American Pallet*, a wood and plastic pallet business. There is slatted chainlink fencing around the pallet storage area, and some trees and shrubs are located along the north and portions of the west lot lines. However, none of the necessary city permits appear to have been obtained to allow this area of the property to be used for exterior work activities, such as those performed by the wood pallet business. Nor does the paving or landscaping required for exterior work activity areas appear to have been installed. The applicant has indicated that this use will be removed.

As noted in the proposal description, the applicant also indicates other existing features will be removed from the north portion of the site, include fencing, concrete docks, an electrical transformer, a power pole and overhead lines.

Infrastructure:

Streets – The site has approximately 280 feet of frontage on SE 26th Avenue, and approximately 150 feet of frontage along SE Raymond Street. At this location, the City's Transportation System Plan (TSP) classifies SE 26th Avenue as a Local Service street for all modes, except that it is also a City Bikeway and a Freight District street. SE Raymond is classified as a Local Service street for all modes. Based on City GIS resources, SE 26th Avenue is improved with 40-feet of paving and a 0-10-0 sidewalk corridor (curb-tight sidewalk) within a 60-foot wide right-of-way. SE Raymond is improved with 36-feet of paving within a 50-foot wide right-of-way. The SE Raymond frontage is also improved with a curb [only], no sidewalk. There are no street trees along the site frontage. Parking is currently allowed on both sides of the abutting streets. Tri-Met provides transit service approximately 400 feet from the site at SE 28th Avenue via Bus Line #10.

Water Service – There is an existing 16-inch DI water main in SE 26th Avenue and an 8-inch CI water main in SE Raymond Street. Parcel 2 has two existing water services from the 16-inch DI

water main in SE 26th Avenue. Water is available to serve Parcel 1 from SE 26th Avenue or SE Raymond Street.

Sanitary Service - There is an existing 27-inch CSP public combination sewer located in SE 26th and a 12-inch CSP combination sewer in SE Raymond that can serve the sanitary disposal needs of this project (BES project # 2614). There is a 102-inch monolithic sewer on the west side of SE 26th that is unavailable to the subject property (BES project # 3100).

Zoning: The site is located in the General Industrial 1 (IG1) zone. IG1 areas generally have small lots and a grid block pattern. The area is mostly developed, with sites having high building coverage's and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

Land Use History: City records indicate there was one prior land use review (LU 03-150653 AD) for this site; however, that application was withdrawn and no decision was issued.

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

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **January 28, 2013**. No written responses have been received.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN A COMMERCIAL, EMPLOYMENT, OR INDUSTRIAL ZONE

33.662.120 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.

The relevant criteria are found in Section **33.662.120 [A-K], Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones**. 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 applicability of each criterion.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:	
С	33.631 - Flood Hazard Area	The site is not within the flood hazard area.	
D 33.632 - Potential Landslide Hazard		The site is not within the potential landslide hazard	
	Area	area.	
E	33.633 - Phased Land Division or	A phased land division or staged final plat has not	
	Staged Final Plat	been proposed.	
G 33.636 - Tracts and Easements		The applicant has identified an existing easement	
		in the northeast corner of the site for telecom	
		equipment; however, no new tracts or easements	
		have been proposed or will be required for this	
		proposal.	
H	33.639 - Solar Access	The proposed development is for something other	
		than single-dwelling detached homes.	
I	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the	
		site outside of environmental zones.	
J	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.	
	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.F - Alleys	No alleys are proposed or required	
	33.654.120.G - Shared Courts	No shared courts are proposed or required	
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required	

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapters 33.613 through 33.615 must be met.

Findings: Chapter 33.615 contains the lot standards applicable in the industrial zones.

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

	Minimum Lot Area (square feet)	Minimum Dimensions (feet)	Minimum Front Lot Line (feet)
IG1 Zone	10,000	75 x 75	35
Parcel 1	16,599	102 x 151	104
Parcel 2	32,744	173 x 180	180

As shown above, each parcel will meet these lot area and dimensional standards, 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. In this case, there are 6 trees located along the north lot line of proposed Parcel 1 that range in size from 6 to 8 inches in diameter, so there is approximately 46-inch of tree diameter on the site (Site Utility Plan). The applicant has indicated that the property owner installed these trees for landscaping purposes.

Portland Transportation has noted that a 4-foot right-of-way dedication will be required along the SE Raymond Street frontage. That dedication will result in each of these trees being located in the right-of-way, so the proposal will not meet any of the tree preservation options in 66.630.100. The applicant proposes to use the mitigation options of 33.630.300 instead.

As such, the applicant has proposed to mitigate for the trees at a rate of \$500 per tree. With this mitigation measure, the applicant will provide a \$3,000 payment into the City's Tree Fund. Those funds will allow for the installation of new trees within the same watershed as the site (Willamette Watershed), which will contribute to the general beauty and natural heritage of the City. With a condition requiring this mitigation, this criterion will be met.

F. 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.
- Land Suitability: The site is currently in industrial 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.

Based on the foregoing, this criterion is met.

- J. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,
- K. 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 standards of 33.651 have been verified. Water is available to serve the proposed development. Parcel 2 has two existing water services from a 16-inch DI water main in SE 26th Avenue. Water is available to serve Parcel 1 from this main in SE 26th Avenue, or from an 8-inch CI water main in SE Raymond Street.

33.652 Sanitary Sewer Disposal Service standards - See Exhibit E-1 for detailed comments.

The sanitary sewer standards of 33.652 have been verified. There is an existing 27-inch CSP public combination sewer in SE 26th Avenue, and a 12-inch CSP combination sewer in SE Raymond.

According to 1971 City of Portland plumbing and connection records, the existing building on Parcel 2 is connected to the 27-inch sewer 262 feet from the manhole south of the property which is approximately 124 feet south of the proposed property line.

A new lateral to serve Parcel 1 will need to be constructed to the public main in SE 26th or SE Raymond at the applicant's or owner's expense at the time of development.

Connection to public sewers must follow the BES rules of connection and meet the standards of the City of Portland's <u>Sewer and Drainage Facilities Design Manual</u>.

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

BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods:

Parcel 1: BES has reviewed the stormwater report from SFA Design Group dated 12/20/12 as well as the Presumptive Approach infiltration testing from GeoDesign that is dated 10/30/012. BES notes that due to the low infiltration test results (0 and 0.1 inches per hour) the applicant proposes offsite discharge from the Parcel 1 development to the combination sewer in SE 26th. The applicant has sized two flow-through planters to provide pollution reduction and flow control for total build-out of the Parcel 1.

BES has noted no objections to this approach for the purposes of land use review. However, BES has indicated that the applicant should note that stormwater facility calculations would need to be modified to include 'Lewis & Clark' curve numbers rather than the curve numbers of the existing conditions.

Parcel 2 (with the existing building): BES has noted that *stormwater from the existing building discharges partially to the combination system in SE 26th and through downspouts onto the pavement at the northwest and northeast corners of the building. The land division will result in a significant loss of area available for stormwater management from the existing building.* So, BES recommends the applicant complete a stormwater retrofit for the existing building according to BES requirements and with permits finaled prior to final plat approval. As such, a condition is warranted that the applicant must obtain and finalize plumbing permits for modifications to the stormwater disposal system on the existing building that will result in properly functioning gutters, downspouts, and disposal points to the satisfaction of BES, prior to final plat approval.

With the noted condition, this criterion will be met.

33.654.110.B.3 - Pedestrian connections in the I zones

33.654.130.B - Extension of existing public dead-end streets & pedestrian connections 33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections

Pedestrian connections to all Regional Transitways, Major Transit Priority Streets, Transit Access Streets, Community Transit Streets, Off-Street Paths, and recreational trails within 1,300 feet of the site area required where practicable and appropriate.

This site is within 400 feet of SE 28th Avenue, which is a Transit Access Street. There is a developed sidewalk corridor along the site's SE 26th Avenue frontage. The site's SE Raymond Street frontage does not have a developed sidewalk at this time. However, Portland Transportation has noted that the City's *Pedestrian Design Guide* recommends an 11-foot wide sidewalk corridor comprised of a 0.5-foot curb, 4-foot furnishing zone, 6-foot wide sidewalk and a 0.5-foot frontage zone at this location. Neither of the site's frontages currently satisfies this standard.

In order to satisfy this anticipated sidewalk corridor, Portland Transportation has indicated that a 1-foot dedication is needed along SE 26th Avenue, and a 4-foot dedication is required along SE Raymond Street.

Portland Transportation has indicated that the right-of-way dedications for Parcel 1 will be required prior to final plat. Portland Transportation also notes that improvements to the SE Raymond frontage will be required at time of redevelopment on Parcel 1, if said redevelopment triggers Title 17 thresholds for those. improvements.

With regard to Parcel 2, Portland Transportation has noted that the building to be retained on that parcel is constructed up to the property line along the site's SE 26th Avenue frontage, so the dedication requirement would result in a portion of the existing building being located within the public right-of-way. As such, Portland Transportation notes that the City will not impose the requirement for a 1-foot property dedication for public right-of-way purposes on Parcel 2, until the time of redevelopment.

With the implementation of the noted conditions, sufficient right-of-way will be provided to allow for the desired pedestrian connections in the area, and this criterion will be met.

33.641 - Transportation Impacts - 33.641.020 and 33.641.030

33.654.120.B & C Width and elements of the street right-of-way

33.654.130.D Partial Rights of way

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 development.

Portland Transportation has noted that the applicant submitted a traffic letter prepared by professional traffic consultants, which contained observed trip generation data (from the existing uses on the site) and data from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition. The data was consistent with the trip generation rates from the ITE manual. Portland Transportation also noted the letter provided an accurate assessment of potential redevelopment on Proposed Parcel 1. Considering a maximum buildout and utilizing Zoning Code allowed uses, the traffic analysis demonstrated a minor increase in peak hour trip generation over the existing American Pallet use on Parcel 1.

Portland Transportation also noted the nearby intersections appear to be currently operating at acceptable levels related to the City's performance measures and will continue to operate at acceptable levels if the proposed land division is approved. Given the opportunities in all direction from the site for trips to be disbursed throughout the broader transportation system, (existing) impacts to one intersection in particular are minimized.

Portland Transportation also indicated no significant negative impacts are expected to occur in relation to any of the other evaluation factors. The site is served by nearby transit service along SE 28th Avenue via Tri-Met route #10. There are existing sidewalk corridors throughout the vicinity, including along the site's SE 26th Avenue frontage that facilitate pedestrian travel. There are identified bike facilities (Portland Bike/Walk Map) in the area including a shared roadway along SE 26th Avenue and a bike lane along SE 28th Avenue.

With regard to impacts to on-street parking impacts, Portland Transportation noted that the employees of the existing uses on the subject site have no on-site parking opportunities (at least no apparent Zoning Code striped/paved stalls). The subject site is surrounded by a

variety of industrial uses. Some of these other uses in the area are served by on-site parking lots, whereas other nearby industrial uses rely on on-street parking to accommodate the respective users. If proposed Parcel 1 is redeveloped, the supply of on-street parking spaces within proximity to the subject site appears to be adequate to serve a future new use.

Based on the foregoing, Portland Transportation expects that the transportation system will be able to support the existing development in the area as well as the proposed development.

However, as noted above, right-of-way dedications are warranted to ensure there is sufficient space for the anticipated street pedestrian amenities. With the previously noted conditions, space will be provided for sidewalk improvements, and those improvements will be triggered at the time of redevelopment. As such, this criterion will be met.

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

Findings: A pedestrian connection generally provides a through connection for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a street that also provides vehicle access, or it may be a self-contained street created solely for pedestrians and bicyclists.

As noted above, right-of-way dedications will be required along the frontages of Parcel 1, prior to final plat, and at the time of redevelopment on Parcel 2, in order to provide sufficient space for the anticipated pedestrian amenities. In addition to the existing sidewalk along the SE $26^{\rm th}$ Avenue frontage, new sidewalk improvements will be required for each parcel at the time of redevelopment.

With the aforementioned conditions, sidewalks will be provided along each street frontage, which will provide the pedestrian connections anticipated by the City's Pedestrian Design Guide. As such, this criterion will be met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Existing development that will remain after the land division. The portion of the existing development that will be located on proposed Parcel 2 will remain, as will the telecom equipment in the northeast corner of proposed Parcel 1. All other development is proposed to be removed. 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 IG1 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.

In this case, there are several Zoning Code standards that relate to existing development on the site:

<u>Minimum Setbacks</u> – The IG1 zone does not require any setbacks for buildings. The setback for the existing building from the proposed new property line is not indicated on the project plans. However, as noted in the response from Life Safety-BDS, changes may be required to ensure the existing building will comply with the Oregon Structural Specialty Code depending on the location of the building relative to the new lot line. Therefore, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines. Please see the section on Other Technical Standards for Building Code standards for additional information about the Life Safety requirements.

<u>Parking</u> - The Portland Zoning Code does not require off-street parking on sites that are less than 500 feet from a transit street with 20-minute peak-hour bus, streetcar, or light rail service. Tri-Met provides transit service within 400 feet of the site on SE 28th Avenue, via bus line #10, which provides peak-hour service meeting this requirement. As a result, no parking is required for either parcel at this time. In the event parking is proposed or required in the future, the parking must comply with regulations that are applicable at that time.

<u>Unpermitted Activities</u> - As noted previously, city records do not show that permits were obtained for the exterior work activities associated with the wood and plastic pallet business (*American Pallet*), which is operating on the north portion of the site within the area of proposed Parcel 1. As such, the site does not appear to have the paving or landscaping required for exterior work activity areas, per the Zoning Code standards in Section 33.140.245. There have been several Code Compliance cases related to this type of unpermitted use and development on the site over the past 10 years. The applicant has indicated that this unpermitted use will be removed.

In any event, with the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

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

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.

- <u>Fire Bureau</u>: The applicant must meet the requirements of the Fire Bureau in regards to fire hydrant spacing and fire flow for the existing and proposed buildings, prior to final plat approval. Additionally, any new development must comply with applicable Fire Code requirements at the time of permit review and development.
- <u>Life Safety</u>: The setback dimensions between the existing building and the proposed north line are not identified on the project plans. As noted above, all setbacks for that building must be identified on a Supplemental Plan, prior to final plat approval. Additionally, if the setback is less than 30 feet to the proposed property line, the applicant must obtain a building permit to demonstrate that alterations have been made to ensure the building is in conformance with applicable regulations in OSSC 602.1, 705.5, and 705.8 to the satisfaction of Life Safety, and that permit must be finalized prior to final plat.
- <u>Urban Forestry</u>: The applicant must meet the requirements of Urban Forestry for street tree plantings at the time development or redevelop.

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:

- Right-of-way dedications along SE 26th Avenue and SE Raymond Street.
- Stormwater management retrofit for the existing building.
- Fire Bureau requirements for fire hydrant spacing and hydrant flow.
- Life Safety/Building Code modifications for the existing building.
- Tree Mitigation payment into the City's Tree Fund.

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 2 parcels 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 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;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 26th Avenue and SE Raymond. The required right-of-way dedication must be shown on the final plat.

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

Utilities

1. The applicant shall meet the requirements for fire hydrant spacing and hydrant flow to the satisfaction of the Fire Bureau for both the existing and proposed buildings.

Existing Development

- 2. The applicant must obtain a finalized building permit for modifications to the existing building that will remain on proposed Parcel 2. Specifically, the modifications must show how the existing building will comply with applicable regulations in OSSC 602.1, 705.5, and 705.8, in relation to the proposed new lot line, to the satisfaction of BDS-Life Safety.
- 3. The applicant must meet the requirements of BES for the stormwater systems on the existing building to remain on Parcel 2. Specifically, the gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by BES, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.

Other requirements

- 4. The applicant must pay into the City Tree Fund an amount of \$3,000. Payment must be made to the Bureau of Development Services, which administers the fund for the Parks Bureau.
- 5. The applicant must obtain a finalized permit(s) for all uses and development, including any exterior development areas, within proposed Parcel 1, and all approved uses and development must be identified on the Supplemental Plan.

Staff Planner: Kate Green

Decision rendered by: ________ on April 10, 2013

By authority of the Director of the Bureau of Development Services

Decision mailed April 15, 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 27, 2012, and was determined to be complete on January 23, 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 27, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant extended the 120-day review period by 30 days (Exhibit G.3). Unless further extended by the applicant, **the 120 days will expire on: June 23, 2013.**

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.**

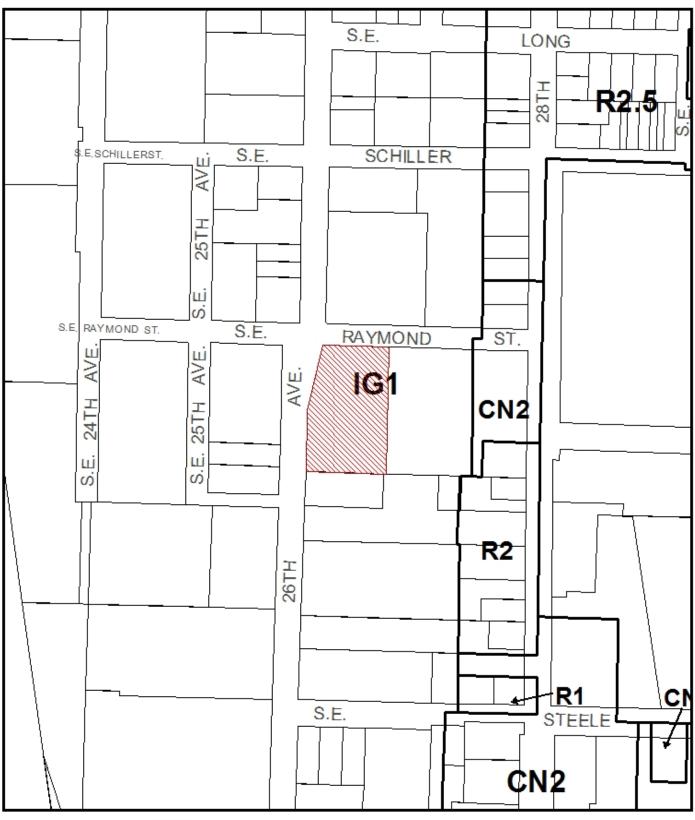
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Supplemental Narrative
 - 2. Addendum
 - 3. Stormwater Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - Supplemental Partition Plat (reduced copy attached)
 - 2. Existing Conditions and Demolition Plan
 - 3. Site Utility Plan
 - 4. Preliminary 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/Parks
 - 7. Life Safety/BDS
- F. Correspondence: (none received)
- G. Other:
 - 1. Original LU Application
 - 2. Letter to applicant re: incomplete application
 - 3. Review Timeline Extension

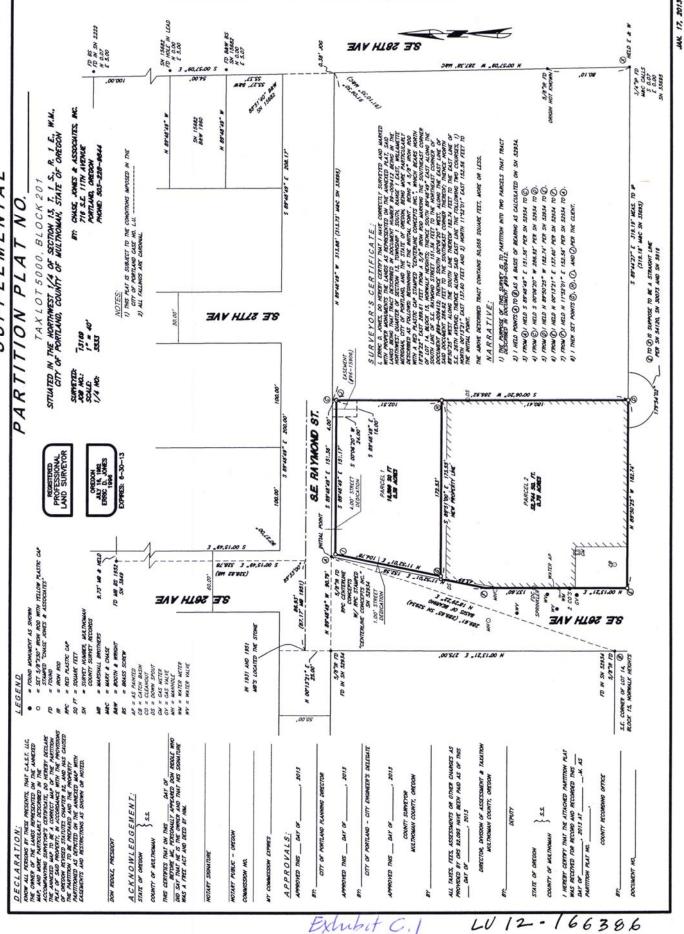
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING Site

LU 12-166386 LDP File No. 3533 1/4 Section. 1 inch = 200 feet Scale. 1S1E13BC 5000 State_Id В (Jul 31,2012) Exhibit.





12-Exhibit LU C.1