



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

1900 SW 4th Avenue, Suite 5000
 Portland, Oregon 97201
 503-823-7300
 Fax 503-823-5630
 TTY 503-823-6868
www.portlandonline.com/bds

Date: June 2, 2009
To: Interested Person
From: Mark Bello, Land Use Services
 503-823-7810 / mark.bello@ci.portland.or.us

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 this notice. 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 09-117517 LDP

GENERAL INFORMATION

Owner	Applicant
Keystone LLC 2570 Remington Dr West Linn, OR 97068	Kevin Partain Urban Visions 223 NE 56th Ave Portland, OR 97213

Site Address: NW corner of NE Shaver & Rodney

Legal Description: LOT 1&2 TL 18304, PARTITION PLAT 1997-82
Tax Account No.: R649773270
State ID No.: 1N1E22DA 18304
Quarter Section: 2630

Neighborhood: Boise, contact Christopher Sahli at 503-807-7905.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135.

Zoning: R2.5a Residential 2,500

Case Type: LDP Land Division/Partition
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:
 The applicant proposes to partition this 3,000 square foot corner lot into two parcels. Each parcel will be 25 feet wide and 60 feet deep. Once divided, an attached house will be constructed on each parcel. Each unit will have its main entrance oriented toward a different street frontage.

This partition is reviewed through a Type I 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).

Relevant Approval Criteria:

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

ANALYSIS

Site and Vicinity: The site is relatively flat and there are no trees on-site. The site borders NE Shaver Street and NE Rodney Avenue and the frontages are fully improved. The site is vacant. A manufactured home and garage have been removed but a drywell has not been decommissioned according to city records. There is an existing 5-foot sanitary easement and sewer line along the north property line that serves the adjacent development to the west.

This 3,000 sq. ft. site was created by a property line adjustment in 2008 (PLA 08-192034). A detached house is under construction on the 2,000 sq. ft. site to the west.

This corner lot is at the northwest intersection of NE Shaver Street and NE Rodney Avenue. The full block extends between NE Shaver and NE Mason Streets and NE Rodney and NE Cleveland Avenues. The block is approximately 400 feet north-south by 200 feet east-west. These streets are fully improved and public utilities are available in NE Rodney.

Most lots in the vicinity remain at the original 50 ft. by 100 ft. platting but the corner lot at NE Shaver and Mallory to the east has also been partitioned in the past. There are also several partitions along NE Cleveland to the west.

Zoning: The R2.5 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: A property line adjustment created this lot (PR 08-192054 PLA).

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on April 21, 2009

1. Agency Review: Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

2. Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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.

The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential 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	Topic	Applicability Findings
A	33.611	Lots	Applicable - See findings below
B	33.630	Trees	Not applicable - No tree is located on the site.
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units.
G	33.635 .100	Clearing and Grading	Applicable - See findings below.
G	33.635 .200	Land Suitability	Applicable - See findings below.
H	33.636	Tracts and Easements	Not applicable - No tracts or easements have been proposed or will be required. The existing easement on the site will remain unaffected by this proposal.
I	33.639	Solar Access	Not applicable - The proposed development is for something other than single-dwelling detached homes.
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and Utilities	Applicable - See findings below

Applicable Approval Criteria are:

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

Findings: Chapter 33.611 contains the density and lot standards applicable in the R2.5 zone. These density and lot dimension standards ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not

exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

In this case, a street is not proposed or required, and the site is not within the environmental zone, potential landslide hazard area, or flood hazard area. Therefore, the maximum and minimum density for this site is as follows:

Minimum = (3,000 square feet * .80) ÷ 5,000 square feet = 0.48

Maximum = 3,000 square feet ÷ 2,500 square feet = 1.2 (which rounds down to a maximum of one parcel, per 33.930.020.B.) However, the alternative development option for attached units on a corner lot allows a second attached unit (per 33.110.240.E).

Lot Dimensions for Attached Houses on Corner Lots

The dimensions of the proposed lots are shown in the following table:

Attached Houses on Corners Alt. Development Option	Proposed Parcel 1	Proposed Parcel 2
Minimum Lot Width*	25	25
Minimum Lot Depth	60	60
Minimum Front Lot Line	25	60

* Width is measured at the minimum front building setback line

As described above, these lots are being created through a provision that allows attached houses on corner lots (Section 33.110.240.E). This section allows two attached houses on a 3,000 sq. ft. corner site, each on a separate parcel.

Section 33.240 E. 3. b. states that where attached houses are proposed, there are no minimum lot dimension standards for the new lots. This section also states that the original lot must be at least 3,000 sq. ft. The original site is 3,000 sq. ft. in area.

The findings above describe how the applicable lot standards are met

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

The approval criteria of Chapter 33.635 are found in two groups – clearing and grading, and land suitability.

33.635.100 – Clearing and Grading

- A. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;**
- B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;**
- C. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;**
- D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and**
- E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable.**

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.

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.

33.635.200 – Land Suitability

Where geologic conditions or historic uses of the site indicate a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

As indicated above, the site is relatively flat and contains no known geological hazards. Previous development on site has been demolished and City permits have been finalized. However, the drywell for the previous development was not decommissioned in conjunction with these permits, and so final approval of drywell decommissioning is still necessary. With a condition that this take place prior to final plat approval, this Land Suitability approval criterion can be met.

K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,

The relevant approval criteria of Chapter 33.641 are found in the two paragraphs below.

33.641.020. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

33.641.030. The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.

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. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required).

The site has approximately 60 feet of frontage on NE Shaver Street and 50 feet of frontage on NE Rodney Avenue. Both streets are classified as local service streets for all modes in the Transportation Element of the Comprehensive Plan. Tri-Met provides transit service approximately 510 feet away at N. Williams and NE Shaver (#44). Parking is currently allowed on both sides of both streets. The site is vacant, and there are no existing off-street parking spaces on the site.

Both streets are fully improved with a paved roadway, curbs, planting strips, and sidewalks. 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 not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that these two attached houses can be safely served by existing streets without having any significant impact on the level of service provided.

This criterion is met.

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

Findings: Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way.

- The water standards of 33.651 have been verified. There is an existing 5/8-inch metered service which provides water to this site from the 8-inch water main in NE Rodney Avenue. This service enters the property along the frontage with NE Rodney Avenue, 30 feet from the southern property line, which makes it useable for Parcel 2. However, it appears this will interfere with the dry wells proposed for the driveway areas in the new development. At the time of Building Permit application, the applicant will need to show that the proposed water lines do not interfere with proposed dry wells on the property.

City code requires new metered water services to be installed in the public right-of-way, adjacent to the properties they are to serve. There is water available for Parcel 1 from the 8-inch water main in NE Rodney Avenue. Fees for purchasing the new service will be calculated at the time of Building Permit application, with fees added directly to the Building Permit.

- The sanitary sewer standards of 33.652 have been verified. There is an existing public 14-inch combination vitrified clay sewer line in NE Rodney (BES as-built #20419).

Also, there is an existing 5-foot sanitary easement and sewer line along the north existing property line for the benefit of 71 NE Shaver (adjacent site to the west). The line is not accessible for service to Parcels 1 or 2. Alternately, the existing maintenance and easement agreements may need to be modified to reflect any changes that result from this Land Use case.

BES notes that a new service branch to the main line in NE Rodney will be required to be constructed to serve Parcel 1 at the applicant's or owner's expense at the time of development.

Based on City of Portland permit records (98-076256 PT and 08-182199 RS), there is an existing capped sanitary lateral 36-feet from the existing south property line. This branch is available for Parcel 2 assuming it is serviceable. Alternatively, the applicant may install a new service branch as proposed at the applicant's or owner's expense at the time of development.

33.653.020 Stormwater Management Approval Criteria

A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and

Findings: No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In order to meet this approval criterion, land division proposals must demonstrate an approved method of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

The Stormwater Management Manual contains a hierarchy of acceptable methods of stormwater treatment and disposal. The hierarchy requires that applicants first explore the use of methods that have a lower potential impact on groundwater, such as on-site surface infiltration swales and infiltration planters. If these methods are not feasible on a site, applicants may move lower on the hierarchy, to methods that inject water deeper into the ground through mechanical devices such as drywells or sumps, or carry it off of the site into storm sewers, drainageways, or other approved disposal points.

In addition to determining appropriate treatment and disposal methods by working through the hierarchy in the Stormwater Management Manual, stormwater facilities must be sized, through engineering calculations, to accommodate the expected amounts of stormwater. In some cases, sizing a stormwater facility necessitates testing the infiltration rate of the soil at the site.

The applicant has proposed using drywells to be located under the driveways that front on NE Rodney (Exhibits A-1 and C-2). Site Development notes that on-site infiltration of stormwater is feasible on this site. The Bureau of Environmental Services (BES) has no objections.

Although the manufactured home and garage have been demolished and removed from the site, there is no record that the applicant decommissioned the drywell associated with the structure(s). The drywell must be decommissioned per the requirements of Site Development.

With the conditions of approval described above, the stormwater management criteria are met. As shown by the findings above, the Services and Utilities criteria are met.

Right of Way Approval Criteria

Chapter 33.654 contains standards and approval criteria for rights of way. Due to the location of this site, and the type of street that is proposed, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

Code Section	Topic	Applicability Findings
33.654.110.B.1	Through streets and pedestrian connections	Applicable - See findings below
33.654.110.B.2	Dead end streets	Not applicable - No dead end streets are proposed.
33.654.110.B.3	Pedestrian connections in the I zones	Not applicable - The site is not located within an I zone.
33.654.110.B.4	Alleys in all zones	Not applicable - No alleys are proposed or required.
33.654.120.C.1	Width of the street right-of-way	Not applicable. There will be no additional access other than driveways off NE Rodney Avenue.
33.654.120.C.3.c	Turnarounds	Not applicable - No turnarounds are proposed or required.

Code Section	Topic	Applicability Findings
33.654.120.D	Common Greens	Not applicable – No common greens are proposed or required.
33.654.120.E	Pedestrian Connections	Not applicable – There are no pedestrian connections proposed or required.
33.654.120.F	Alleys	Not applicable – No alleys are proposed or required.
33.654.120.G	Shared Courts	Not applicable – No shared courts are proposed or required.
33.654.130.A	Utilities	Applicable - See findings below
33.654.130.B	Extension of existing public dead-end streets and pedestrian connections	Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site.
33.654.130.C	Future extension of proposed dead-end streets and pedestrian connections	Not applicable – No street extensions are required to serve abutting sites that are further dividable.
33.654.130.D	Partial rights-of-way	Not applicable – No partial public streets are proposed or required.

Applicable Approval Criteria are:

33.654.110.B.1 Approval criterion for through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:

- a. **Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;**
- b. **Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;**
- c. **Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;**
- d. **Master street plans for the area identified in Goal 11B of the Comprehensive Plan;**
- e. **Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.**

Findings: Transportation notes that this is a corner lot location which meets the above criteria for adequate connectivity. No additional connectivity is required at this location.

The only through pedestrian connections associated with this proposal are the existing sidewalks along NE Shaver and NE Rodney.

33.654.130.A Utilities

Findings: Existing utilities are located in the public right-of-way.

For the reasons described above, these criteria are met.

DEVELOPMENT STANDARDS

General Information about Development Standards and Approval Criteria. The Zoning Code contains two types of regulations: Development standards and Approval criteria.

Approval criteria, such as those listed earlier in this report, are administered through a land use review process. Approval criteria are regulations where the decision-maker must exercise discretion to determine if the regulation is met. Public notice is provided and public comments received that address the approval criteria are addressed in the decision.

Development Standards: Development standards are clear and objective regulations (for example: building setbacks; number of required parking spaces; and maximum floor area). Compliance with development standards is reviewed as part of the administrative permitting process and is not considered to be discretionary reviews. 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.

Among the various development standards that will be applicable to this lot, the applicant should take note of:

- Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E. The address and main entrance of each house must be oriented to a separate street frontage. Development on Parcel 1 must be oriented toward NE Shaver Street and development on Parcel 2 must be oriented toward NE Rodney Avenue.

The site is currently vacant, so the division of the property will not cause any structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, 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	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 http://www.water.ci.portland.or.us/
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 http://www.bes.ci.portland.or.us/

Bureau	Code Authority	Topic	Contact Information
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 http://www.fire.ci.portland.or.us/
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 http://www.trans.ci.portland.or.us/
Development Services	Titles 24 -27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 http://www.bds.ci.portland.or.us.

Transportation notes that the provided site plan indicates that on-site parking will be provided on NE Rodney for both parcels. As part of building permit review Transportation may require the driveway to be reduced to 14 feet to maximize the amount of continuous curb and additional distance to the intersection (Exhibit E-2).

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.

CONCLUSIONS

The applicant has proposed a two parcel partition, as shown on the attached preliminary plan (Exhibit C-2). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The applicant proposes to take advantage of the Zoning Code allowance of attached houses on corner sites. In the R2.5 zone, the original site must be 3,000 sq. ft. and previous approval of a property line adjustment created the 3,000 sq. ft. site. The new lots have no required lot dimension. At the time of building permit review, other development standards and City reviews apply.

With conditions of approval that address decommissioning of the drywell associated with previous development this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two parcel partition, that will result in two building sites for two attached houses as illustrated with Exhibit C-2, subject to the following conditions:

1. Prior to final plat approval the applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing drywell on the site.
2. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.

Staff Planner: Mark Bello

Decision rendered by:  **on June 1, 2009**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) June 2, 2009

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 March 30, 2009, and was determined to be complete on April 17, 2009.

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 March 30, 2009.

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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 16, 2009.**

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. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage 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
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Stormwater Proposal
 - 2. Preliminary Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter, April 13, 2009
 - 4. PLA 08-192034

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING

-  Site
-  Also Owned



File No. LU 09-117517 LDP
 1/4 Section 2630
 Scale 1 inch = 200 feet
 State_Id 1N1E22DA 18304
 Exhibit B (Apr 02,2009)

**EXISTING CONDITIONS,
PROPOSED UTILITIES,
IMPROVEMENTS AND TREE PLAN
PROPOSED PARTITION PLAT OF
PARCEL 2 AND A PORTION OF PARCEL 1
OF PARTITION PLAT NO. 1997-082
(CASE FILE NO. LU 08 192054 PR)**

SITUATED IN THE SE 1/4 OF SECTION 22, T.1N., R.1E., W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

MARK ASSOCIATES
18615 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-866-8666
FAX: 503-866-8666
EMAIL: DALEMAP@INTERNETONLINE.COM

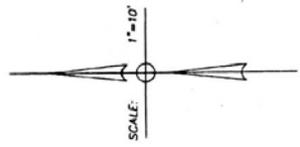
DATE DRAWN: DECEMBER 11, 2008
DRAWING NO. 08059PLA
PROJECT NO. 08059
ACCOUNT NO. 08059

REGISTERED
PROFESSIONAL
LAND SURVEYOR

REGISTRATION
FEBRUARY 14, 1985
SAMUEL R. BAUER
2003

EXPIRATION DATE: 12/31/15

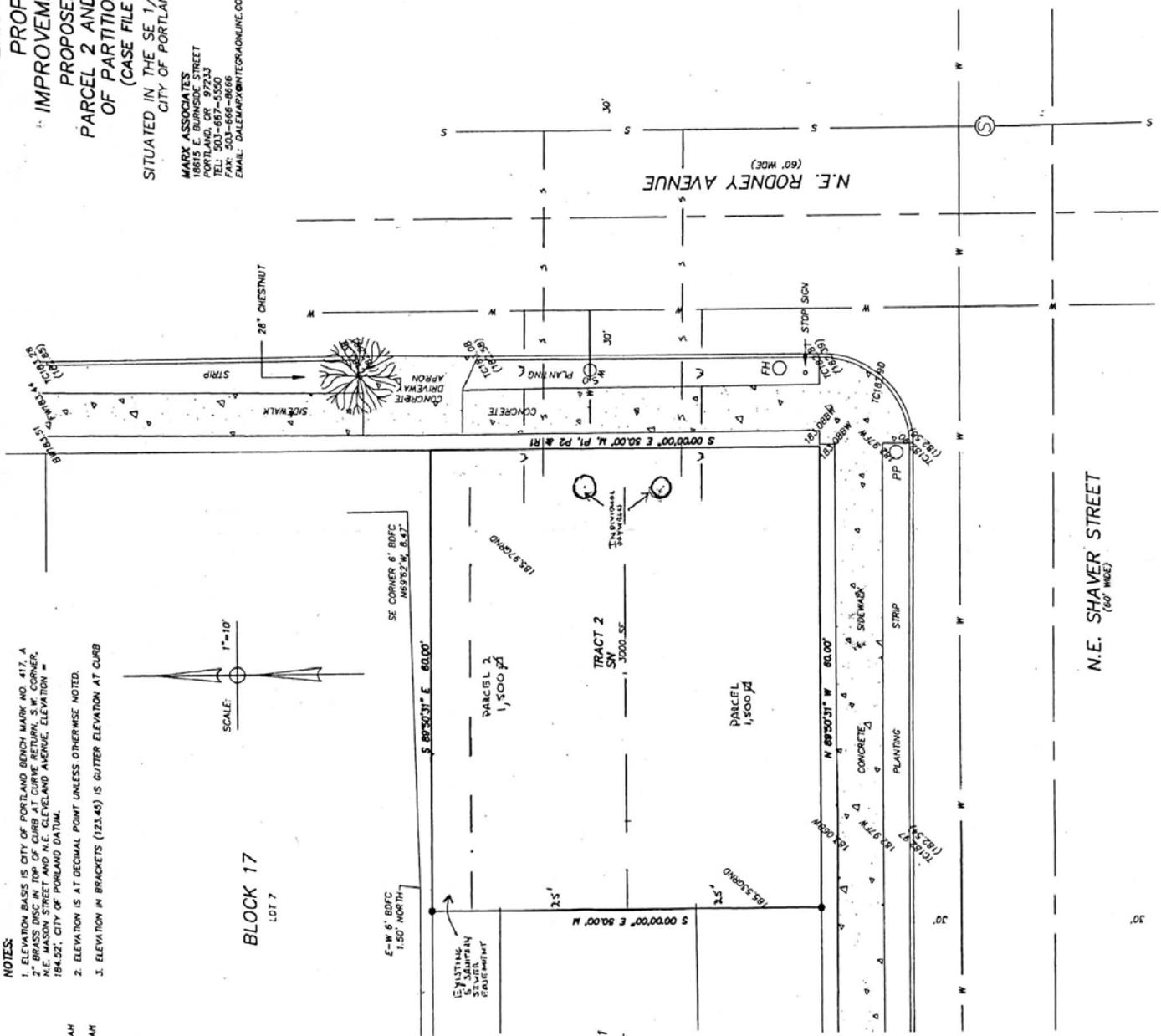
- NOTES:**
- ELEVATION BASIS IS CITY OF PORTLAND BENCH MARK NO. 417. A 2" BRASS DISC IN TOP OF CURB AT CURVE RETURN, S.W. CORNER, N.E. MASON STREET AND N.W. CLEVELAND AVENUE. ELEVATION = 184.321, CITY OF PORTLAND DATA.
 - ELEVATION IS AT DECIMAL POINT UNLESS OTHERWISE NOTED.
 - ELEVATION IN BRACKETS (223.43) IS GUTTER ELEVATION AT CURB



- LEGEND:**
- DENOTES MONUMENT FOUND.
 - "M/PC" DENOTES WITH "YELLOW" PLASTIC CAP.
 - "SN" DENOTES SURVEY NUMBER.
 - "C" DENOTES CURB.
 - "P" DENOTES PARTITION PLAT NO. 1997-082, MULTNOMAH COUNTY PLAT RECORDS.
 - "H" DENOTES "ALBIMA HOMESTEAD", MULTNOMAH COUNTY PLAT RECORDS.
 - "S" DENOTES SQUARE FEET.
 - "S-S" DENOTES EXISTING SANITARY SEWER.
 - "S-S" DENOTES EXISTING SANITARY SEWER MANHOLE.
 - "W" DENOTES EXISTING WATER LINE.
 - "W" DENOTES EXISTING WATER METER.
 - "P" DENOTES POWER POLE.
 - "BPC" DENOTES BOARD FENCE.
 - "PP" DENOTES POWER POLE.
 - "FW" DENOTES FACE OF WALK.
 - "BW" DENOTES BACK OF WALK.
 - "TC" DENOTES TOP OF CURB.
 - "CB" DENOTES CALCULATED CURB.
 - "TH" DENOTES FIRE HYDRANT.

BLOCK 17
LOT 7

BLOCK 12
LOT 9



CASE NO. 09-117517
SUBMIT C2

N.E. SHAVER STREET
(60' WCE)