

### City of Portland

### **Bureau of Development Services**

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300

TDD: 503-823-6868 FAX: 503-823-5630 www.portlandonline.com/bds

Date: July 21, 2008
To: Interested Person

**From:** John Cole, Land Use Services

503-823-3475 / ColeJA@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 08-122193 LDP

#### GENERAL INFORMATION

**Applicant:** Royal Raymond,

Ztech Engineers 3737 SE 8th Ave Portland, OR 97202

**Owner:** John D Farley,

Po Box 10655

Portland, OR 97296-0655

**Site Address:** 1609-1615 SE YUKON Street

Legal Description: WESTMORELAND; LOT 2 BLOCK A

**Tax Account No.:** R899000020 **State ID No.:** R899000020 1S1E14DC 01500

Quarter Section: 3632

**Business District:** Sellwood-Moreland, contact Reid Kells at 503-484-7343. Westmorland, contact Tom Brown at 503-381-6543. Southeast Uplift, contact Gary Berger at 503-232-0010.

**Zoning:** R1d Multi Dwelling Residence 1,000 with a Design Overlay Zone

**Case Type:** LDP Land Division Partition

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

Board of Appeals (LUBA).

#### Proposal:

Applicant proposes to divide a 5,810 SQ FT site into two parcels. Parcel 1 will be 3,929 SQ FT and retain the existing duplex building. Parcel 2 will be 1,881 SQ FT. The existing garage on Parcel 2 will be removed to accommodate single family development consistent with R1d Zoning District Standards.

#### Relevant Approval Criteria:

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

#### 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones

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).

#### ANALYSIS

**Site and Vicinity:** This site is located on the SW corner of SE Yukon St. and SE Milwaukie Ave. The site currently has a duplex on the east side of the site that will remain on Parcel 1. The existing garage located Parcel 2 (west side) of the site will be removed. The surrounding neighborhood is characterized by single family residences on originally platted lots or on more recently subdivided properties.

**Zoning:** The R1 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing. The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on May 08, 2008.

- **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.

#### 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.

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	33.612	Lots	Applicable - See findings below
В	33.630	Trees	Not applicable - No significant trees or trees in excess of 6 inches in diameter located fully on the site/outside of the environmental zone on the site.
С	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.
Н	33.636	Tracts and Easements	Applicable - See findings below.
I	33.639	Solar Access	Not applicable – Accommodation of existing development supercedes solar criteria.
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 33.612 contains the lot standards applicable in the Multi-dwelling zones. 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.

When single-dwelling or duplex development is proposed for some or all of the site, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 120-3. When development other than single-dwelling or

duplex development is proposed, minimum and maximum density must be met at the time of development

The total site area shown on the applicant's survey is 5,810 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. No new streets or public street dedications are proposed with this land division. Therefore the resulting lot size for calculating density is 5,810 square feet.

In this case, Parcels 1 through 2 are proposed for single dwelling/duplex development. Therefore, the density requirements for this site are calculated as follows:

Minimum = 5,810 (site area)  $\div 2,000 = 2.90$  (which rounds down to a minimum of 2 units, per 33.930.020.A). Chapter 33.120.205.C2. states that in the R1 zone, if the site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet.

Maximum = 5.810 (site area)  $\div$  1.000 (maximum density from Table 120-3) = 5.81 (which rounds up to a maximum of 6 units, per 33.930.020.B).

The applicant is proposing 2 lots. The density standards are therefore met.

In this zone, there are no minimum lot area requirements for lots designated for attached houses, detached houses, or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division, to avoid further division of lots in the future that could result in non-compliance with the overall density requirements of the site as it exists in this proposal.

The lot dimensional standards ensure that: (1) Each lot has enough room for development that meets all the requirements of the zoning code; (2) Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible; (3) The multi-dwelling zones can be developed to full potential; and (4) Housing goals for the City are met.

	R1 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2
Lots for single dwellings and Duplexes			
Minimum Lot Area	none	1,881 sq. ft.	3,929 sq. ft
Minimum Lot Width*	none	29.90 ft	67.63 ft.
Minimum Lot Depth	none	58.26 ft.	58.26 ft.
Minimum Front Lot Line	10 ft.	29.90 ft.	67.63 ft.

<sup>\*</sup>Width is measured from the midpoints of the side lot lines.

The findings above describe how the applicable lot standards are met. With the conditions of approval described above, this criterion is therefore 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.

The site is currently in residential use, and there is no record of any other use in the past. The applicant has proposed to remove the existing garage and redevelop the site. In order to ensure that the new lot is suitable for development, a permit must be obtained and finalized for demolition of the garage structure on the site and sewer line relocation (to Parcel 1) prior to final plat approval. With this condition, the new lot can be considered suitable for development, and this criterion is met.

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

#### 33.636.100 Requirements for Tracts and Easements

- A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:
  - 1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;
  - 2. The Homeowners' Association for the area served by the tract;
  - 3. A public or private non-profit organization; or
  - 4. The City or other jurisdiction.
- B. Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.

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

• A Private Sanitary Sewer Easement is required across the relevant portions of Parcel 2, for a sanitary sewer lateral connection that will serve Parcel 1.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) 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(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block, substantially similar to the following example:

"A Declaration of Maintenance agreement for a Private Sewer Easement for the benefit of Parcel 1 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,

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; onstreet 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 97.53 feet of frontage on SE Yukon street and 58 feet on SE Milwaukie Ave. SE Yukon street is classified as a local service street for all modes in the Transportation System Plan. SE Milwaukie is a Neighborhood Collector, Transit Access Street, Local Service Bikeway, City Walkway, Truck Access Street, Major Emergency Response Street and Community Main Street. Tri-Met provides transit service approximately 120 feet from the site on the corner of SE Milwaukie and SE Yukon street via bus 19, and approximately 179 feet from the site on SE 17th via bus 70. Parking is currently allowed on SE Yukon street, on both sides. There is two driveways entering the site that provides access to off-street parking for the existing house.

SE Yukon street & SE Milwaukie avenue 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 one additional dwelling can be safely served by this existing street 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. An existing 8-inch water main is available in SE Yukon street and an existing 10" main is located in Milwaukie. Water is available to serve the proposed development from either water main. Parcel 1 has an existing water service from Yukon that can remain. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch VSP public sanitary sewer located in SE Milwaukie that can serve the sanitary needs of the proposed lots. Parcel 1 has an existing sewer service from that main that will be placed in an easement across Parcel 1. A Plumbing Code appeal has been granted (exhibit G-2) to permit an easement 5 feet in width. The sewer line relocation including capping of the existing line must take place prior to final plat approval. See Exhibit E-1 for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.
- Chapter 33.654 includes technical standards related to proposed public and private rights of way, including improvements within streets, pedestrian connections, common greens, and alleys. However, no new streets, pedestrian connections, common greens, or alleys are proposed or required within the land division site. The site meets the through street and pedestrian connectivity requirements. As result, the remaining standards and approval criteria related to street connectivity, location, and design are met or not applicable.

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

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

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 <u>Stormwater Management Manual</u>. 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 <u>Stormwater Management Manual</u> 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 <u>Stormwater Management Manual</u>, 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 the following stormwater management methods (Exhibit C1), and the Bureaus have responded as follows (Exhibits E-1 and E-5).

• **Parcels 1& 2:** BDS Site Development finds that on-site stormwater treatment and disposal from this site is acceptable. Stormwater from these lots will be directed to individual drywells that will collect the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. Site Development has indicated conceptual approval of the drywells. An easement has been granted for Parcel 2 to permit a drywell that is 5' from a right of way line and 6.5' from a proposed building corner. (See exhibit G-2) To ensure that the size and setback requirements of the Stormwater Management Manual as modified by the appeal can be met, specific information regarding the existing building locations, future building footprints and the location for stormwater facilities shall be included on the supplemental site plan. Stormwater management for Parcel 1 currently does not comply with the Stormwater Manual and must be corrected prior to final plat approval.

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.

#### 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 are 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.

**Existing development that will remain after the land division.** Existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R1 zone (Please see section on Other Technical Standards for Building Code standards.)

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

- Minimum Setbacks The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 10 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.
- Required Off-Street Parking A paved parking pad/garage provides parking for the existing house on Parcel 1. As a result of this land division, a permit ready home will be built on Parcel 2. The Portland Zoning Code does not require off-street parking for properties located within 500 feet from frequent bus service (33266.110.B.3). This site qualifies for this exception.

With the condition 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	Topic	Contact Information
	Authority		
Water Works	Title 21	Water	503-823-7404
		availability	http://www.water.ci.portland.or.us/
Environmental	Title 17; 2002	Sewer	503-823-7740
Services	Stormwater	availability	http://www.bes.ci.portland.or.us/
	Manual	Stormwater	
		Management	
Fire Bureau	Title 31	Emergency	503-823-3700
	Policy B-1	Access	http://www.fire.ci.portland.or.us/
Transportation	Title 17,	Design of	503-823-5185
	Transportation	public street	http://www.trans.ci.portland.or.us/
	System Plan		
Development	Titles 24 –27,	Building Code,	503-823-7300
Services	Admin Rules for	Erosion	http://www.bds.ci.portland.or.us.
	Private Rights	Control, Flood	
	of Way	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.

• The applicant must meet the requirements of the Fire Bureau in regards to fire apparatus access and height of buildings. These requirements are based on the technical standards of Title 31 and the Fire Code.

#### CONCLUSIONS

The applicant has proposed a 2-lot partition, as shown on the attached preliminary plan (Exhibit C1). 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:

- Sanitation Sewer Access
- Stormwater management setback requirements

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

#### ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-lot partition, that will result in the creation of a duplex for Parcel 1 and one single family residence for Parcel 2 as illustrated with Exhibit C1, subject to the following conditions:

- **A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey. 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 driveways and off-street vehicle parking areas on the site at the time of the final plat application;
  - The remaining structure on parcel 1 and the proposed general location of future building footprint on Parcel 2.
  - Stormwater facilities for each of the lots.

#### B. The final plat must show the following:

1. A private sanitary sewer easement, for the benefit of Parcel 1, shall be shown and labeled over the relevant portions of Parcel 2.

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

#### **Existing Development**

- 1. The applicant must obtain a finalized demolition permit for removing the accessory structure on Parcel 2. Alternately, the applicant can execute a covenant with the City stating that the structure will be removed if a primary structure has not received final inspection on the lot with the accessory structure within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.
- 2. A finaled plumbing permit must be obtained for capping and relocating the sewer service to Parcel 1 within the proposed easement.
- 3. The applicant must meet the requirements of Site Development for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must function properly, and they must direct water to an approved disposal point that meets setback requirements from the new lot lines and building.

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

1. The applicant must provide aerial access to the satisfaction of the Fire Bureau or the height of the new structures shall be limited to 30 feet, measured to the gutter line.

Decision rendered by: \_\_\_\_\_\_\_ on July 16, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed July 21, 2008

Staff Planner: John Cole

**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 April 15, 2008, and was determined to be complete on May 5, 2008.

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 April 15, 2008.

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.

#### 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 is 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

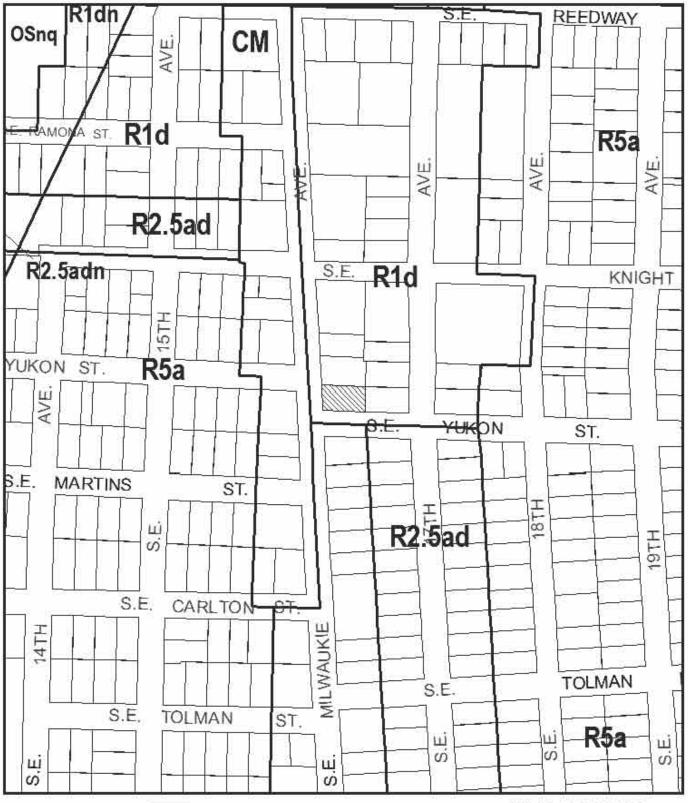
Recording the land division. The final land division plat must be submitted to the City within three years of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, 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. Site 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 Submitted
- G. Other:
  - 1. Original LU Application
  - 2. Appeal Summary
  - 3. Request for additional information

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING Ste

LU 08-122193 LDP File No. \_\_ 3632 1/4 Section \_ 1 inch = 200 feet Scale. 1S1E14DC 1500 State Id . В (Apr 21,2008) Exhibit.



NORTH

