



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

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Date: April 10, 2009
To: Interested Person
From: Joan Frederiksen, Land Use Services
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NOTICE OF A TYPE II_x 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 and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-169948 AP AD

GENERAL INFORMATION

Applicant/Owners: Leo and Angelina Keppinger
4747 SW Hamilton Street
Portland, OR 97221

Site Address: 4747 SW Hamilton Street **Tax Account No.:** R991071860
Legal Description: TL 7900 0.56 ACRES, SECTION 07 1 S 1 E
State ID No.: 1S1E07DD 07900 **Quarter Section:** 3424
Neighborhood: Bridlemile, contact Karen Tabata at 503-292-4377.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Zoning: R10 – Single Family Residential 10,000
Case Type: AP AD – Amendment of a Partition (AP) and Adjustment (AD) Reviews
Procedure: Type IIX, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing a two-parcel partition on a site that contains approximately 24,375 square feet of site area, a single - family house, detached garage, and several trees. Parcel 1 will contain approximately 8, 777 square feet of site area and provide a vacant building site for single family development. Parcel 2 will contain approximately 15,459 square feet of site area and retain the existing house. The detached garage is proposed for removal.

The applicant is requesting a concurrent adjustment to side setbacks for the existing house on Parcel 2 and for new development on Parcel 1. The adjustment request includes reducing the north building setback for the existing house on Parcel 2 from 10' to 5'. The second adjustment seeks to reduce the setback for new development along the south property line of Parcel 1 from 10' to 5'.

This land use review is an amendment to an approved preliminary decision (Case File LU 07-173498 LDP). The preliminary approval was for a 3-parcel partition that would create vacant building sites for attached and detached development. The initial decision did not include an adjustment request and the existing house was proposed for removal.

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 Code Section 33.660 Reviews in Open Space and Residential Zones.

ANALYSIS

Site and Vicinity: This site is located on the northwest corner of SW Hamilton and SW 47th Drive. It is developed with a single family home, a detached garage, and a green house structure. The site slopes downward from north to south, and sits at least a few feet above both the SW Hamilton and 47th Drive rights of way. There are a number of small retaining walls near the home creating a platform for the existing house. The site is also characterized by a group of trees and underlying vegetation that frame the southern half of the property.

Bridlemile Elementary is located across the street and east of the site, along SW 47th and SW Hamilton. The school's fields are directly across the street from this site.

The remainder of the surrounding area is developed with single-family homes, predominantly on lots larger than 10,000 square feet. Homes directly around the site are of the 70's and 80's eras, while homes south of the site appear to be older. The character of the development responds to the topography of the area with many day-light basements and homes located on one end or the other of their lots. The area can also be characterized by the general abundance of vegetation, larger lots, and less developed street systems.

Adjacent and nearby to this site, the existing SW Hamilton right of way is developed with a center strip of paving, but no sidewalks. Some stretches – such as along the school fields and newer developments – have curbs installed, and some have roadside ditches. Southwest 47th Drive is developed with paved roadway and curbs on both sides of the street. The east side of 47th Drive is also developed with a curb-tight sidewalk for the entire length of the elementary school site.

Zoning: The site is zoned Single Family Residential 10,000 – R10. The R10 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.

The area west and north of the site is also zoned R10. The area south of SW Hamilton Street and east of SW 47th Drive is zoned R7 – Single Family Residential 7,000.

Land Use History: In 2007 these applicants applied for a land division (under case # LU 07-173498 LDP) to divide this site into 3 parcels for attached and detached development, along with removal of the existing house. The 2007 proposal did not include an adjustment request.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on February 18, 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.

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	33.610	Lots	Applicable - See findings below
B	33.630	Trees	Applicable - See findings below.
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	Applicable - See findings below.
I	33.639	Solar Access	Not Applicable - Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
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 33.610 contains the density and lot standards applicable in the RF through R5 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.

The method used to calculate density depends on whether a street is created as part of the land division, and whether the site is subject to certain environmental constraints.

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 = $(24,375 \text{ square feet} \times .80) \div 10,000 \text{ square feet} = 1.95$ (which rounds up to a minimum of 2 lots, per 33.930.020.A)

Maximum = $24,375 \text{ square feet} \div 10,000 \text{ square feet} = 2.43$ (which rounds down to a maximum of 2 lots, per 33.930.020.B)

If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore in this case the minimum density is reduced to 1.

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

Lot Dimensions

The lot dimension standards ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not too large relative to the planned density; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

The dimensions of the proposed lots as compared to the required lot dimension standards is shown in the following table (this information is found in Table 610-2 of the Zoning Code):

	R10 Zone Requirement	Proposed Lot 1	Proposed Lot 2
Minimum Lot Area	6,000 sq. ft.	8,777 sq. ft.	15,459 sq. ft.
Maximum Lot Area	17,000 sq. ft.		
Minimum Lot Width*	50 ft.	56.8 ft.	104.6 ft.
Minimum Lot Depth	60 ft.	150 ft.	150 ft.
Minimum Front Lot Line	30 ft.	56.8 ft.	104.6 ft.

* Width is measured at the minimum front building setback line

The findings above describe how the applicable lot standards are met. This criterion is therefore met.

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The applicant has submitted an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones where needed (Exhibit A.5). Some trees have been exempted by the arborist because they are either hazardous, unhealthy, or a nuisance species.

The inventory identifies 29 trees on the site and is summarized in table form in Exhibit A.5. In addition, because the applicant provided the arborist report prepared for the 2007 land division, staff created an updated inventory table based on site visits and updated applicant preferences that take into account changes to the proposal and recent storm damage. This information is summarized in a "Staff Updated Tree Inventory" also found as part of Exhibit A.5.

The total *non-exempt tree* diameter on the site is 256 inches. The applicant proposes to preserve trees 14, 15, 16, 18, 19, 20, 21, 28, and 29, which comprise of 137.5 inches of diameter, or 53 percent of the total *non-exempt tree* diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total tree diameter on the site to be preserved. The applicant has provided a Tree Preservation Plan showing the preserved trees and the required root protection zones (Exhibit C.1).

The applicant has proposed a private sanitary sewer line to run along the western end of Parcel 2 within a 10-foot wide easement. This sewer line will run through and under the root protection zones of several of the trees proposed for preservation. The arborist has indicated that the sewer line can be constructed under the root protection of these trees, provided the sewer lateral is bored (tunneled) under the roots of the trees and that the area is not disturbed or excavated.

This boring work will require a boring pit on either end of the sewer line run. The arborist shall be available for this phase of the work along with the boring work. Access to the bore pit on Parcel 1 must be from the east, and over Parcel 1, to the greatest extent possible so as not to cross the root protection zones of trees # 14 through 21.

The arborist has noted that they can be available should large roots (greater than 2 inches) be encountered. As a condition of approval, given that the majority of trees to be preserved are located in this easement corridor, the arborist is required to be in attendance for this boring work and preparation of the bore pit along SW Hamilton Street. Prior to final inspection the applicant must submit a follow-up letter from the arborist to document that the boring was done in a manner that did not harm the trees. The arborist did not address the long term impact of these trees on the proposed sewer line. The depth of the sewer line may be great enough or the material used suited for this situation, that long term impacts are not anticipated.

In addition, heavy ivy growth is compromising the health of at least two of the trees slated for preservation. The arborist has indicated that the ivy must be removed for these trees to survive. Prior to final plat approval the applicant must submit documentation that they have removed the ivy from the entire root protection area of trees #18 through 21, and the trunk of trees #19 and 20.

This criterion is met, subject to the condition that the applicant remove the heavy ivy as noted, have the arborist on-site for the sanitary sewer boring/tunneling work as noted and that development on Parcels 1 and 2 be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.5).

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 can generally be characterized as having gentle slopes, with some grade changes adapted with small retaining walls, and as having steeper banks along the street frontage areas. The site is not located within the Potential Landslide Hazard Area. It is anticipated that the grading will primarily be on Parcel 1 and involve excavation for the foundation of the new house and trenching for the utilities. The impact of this will be limited as it will largely be retaining the existing topographical relationship with the property to the north and with Parcel 2, on which the existing house will remain. No significant clearing or grading to alter the existing site contours will be required on the site to make the new lot developable.

Some clearing and grading will be required in association with the required street improvements along SW 47th Drive. The improvements in front of Parcel 2 must be installed prior to final plat approval, while those in front of Parcel 1 will be required at the time that that parcel develops. Per BDS' Site Development Section the sidewalk improvements will require either some grading beyond the property line - between 6 and 8 feet - to set the slope back in a way that matches the grade, or a short retaining wall on the site near the front property line.

Minimum impacts are anticipated from the improvements installed along SW 47th Drive. However, because a Site Development permit will not be issued for this work, a condition is appropriate to assure that the front of Parcel 2 be graded appropriately or a retaining wall installed, and that erosion control measures be adequate. Thus prior to final plat approval this work must be done to the satisfaction of the BDS Site Development Section.

Stormwater runoff from the lots will be appropriately managed by an on-site system on Parcel 2 and a flow through system on Parcel 1 that will discharge to SW 47th Drive. These are intended to assure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report). There are no trees slated for preservation in the areas where the street improvement work will be carried out, nor near areas anticipated for the new development on Parcel 1.

Lastly, no or little topsoil storage or general stockpiling is anticipated for the grading work along SW 47th Drive and on Parcel 1. If on-site storage is needed at the time of development of Parcel 1 it will be reviewed with the building permit.

As shown above the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against any additional geotechnical information required at the time of permit submittal to assure that the grading will not create any erosion risks. In addition, the plans will be reviewed for compliance with

the applicant's tree preservation plan and arborist report. With the condition noted above, this criteria 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. As indicated above, the site is sloped but contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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.**

Findings: No tracts are proposed or required for this land division, so criterion A does not apply.

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: A private sanitary sewer easement is proposed over the relevant portions of Parcel 2 (likely along western property line) for a sanitary sewer lateral connection (to main in SW Hamilton) 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 easements 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 Private Sanitary Sewer Easement 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; 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 165 feet of frontage on SW 47th Drive and approximately 150 feet of frontage on SW Hamilton Street. SW Hamilton Street is classified as a Neighborhood Collector, Community Transit Street, and City Walkway and Bikeway in the Transportation Element of the Comprehensive Plan. Southwest 47th Drive is classified as a local service street for all modes in the Transportation Element of the Comprehensive Plan. Tri-Met provides transit service on SW Hamilton Street via bus #55. Parking is currently only allowed on both sides of SW 47th Drive. There is currently one driveway entering the site from SW 47th Drive that provides access to off-street parking for the existing house.

The estimated increase in daily trips is less than 10 total trips per day (assuming the retention of the existing house, and only one new home) with the majority of trips occurring during non-peak hours.

In reviewing this land division, Portland Transportation (PBOT) 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.

SW 47th Drive

SW 47th Drive is a 60-foot wide right of way in this location, and is improved with a 36-foot wide paved roadway, curbs on both sides and a sidewalk on the eastern side.

The recommended City Standard for right-of-way width, including the pedestrian corridor dimensions, relevant to this location's classifications, is met. Thus no dedication is needed.

In this case PBOT has determined that sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible with the proposed development. A 6-foot wide sidewalk and 4-foot wide planter strip, with a 1.5-foot frontage buffer zone must be constructed between the curb and the property line. These improvements must be installed in front of Parcel 2 prior to final plat approval and in front of Parcel 1 at the time of development. With these improvements, one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

SW Hamilton Street

SW Hamilton Street is a 55-foot wide right of way in this location, and is improved with a 24-foot wide paved roadway. There are no curbs, planter strips, or sidewalks. The recommended City Standard for right-of-way width relevant to this location's classifications is met. However, the recommended 12-foot wide pedestrian corridor width is not met by the existing 11-foot corridor. Consequently, a one-foot dedication is required along the SW Hamilton Street frontage. PBOT also notes that additional dedication may be required at the time of subsequent future improvements, such as a Local Improvement District (LID), or future development proposal for this location that orients on-site access to SW Hamilton Street.

The recommended sidewalk and planter strip improvements within the existing pedestrian corridor are also not met. However, because no additional on-site access is proposed from SW Hamilton Street, no improvements will be required along the SW Hamilton frontage at this time. Again, PBOT notes that improvements may be required for future projects, such as a Local Improvement District (LID), or future development for this location that orients on-site access along the SW Hamilton Street frontage. PBOT does require, however, that prior to final plat approval, the applicant submit Street and Storm Waivers of Remonstrance in support of any future LID on this street.

Conclusion

This criterion is met, with the condition that sidewalk improvements are made on SW 47th Drive as determined by Transportation, and that the required right-of-way dedication is provided and required waivers signed prior to Final Plat approval for SW Hamilton Street.

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 are existing 8-inch water mains in both SW Hamilton and SW 47th Drive. Both mains are available to serve development on this site. The existing house has water service from the main in SW Hamilton. The proposed lot will take water service from the main in SW 47th Drive. See Exhibit E.3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch CSP public sanitary sewer located in SW Hamilton Street that can serve the sanitary needs of the proposed lots. Parcel 2 has an existing sewer service from that main. Parcel 1 is proposed to access that main via a private sanitary sewer easement over and along the western side of Parcel 2. There is a minimum 10-foot width requirement for private sanitary sewer easements. This easement must be shown on the final plat. See Exhibit E.1 and E.5 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.

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 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 the following stormwater management methods (Exhibit C.1), and the Bureaus have responded as follows (Exhibits E.1 and E.5):

- **Public Street Improvements:** As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new sidewalk is required, but since the curb already exists there will be no new stormwater flow for this frontage. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.
- **Parcel 1:** Stormwater from this lot will be directed into a flow-through planter that removes pollutants and suspended solids. The water will drain from the planter to the existing storm sewer in SW 47th Drive via a new weep hole in the existing curb. Parcel 1 has sufficient size for an individual planter box, and the Bureau of Environmental Services has indicated that the treated water can be directed to the storm sewer in SW 47th Drive at the frontage of the site.
- **Parcel 2 (the lot with the existing house):** The existing house has downspouts that drain onto the ground on the south side of the house and to underground pipes on the north side. Site Development has noted that modifications will be needed to the existing stormwater system and has provided a detailed location plan as well as approved system type for the required retrofit. The applicant will be required to install a Storm Tech Chamber in the area south of the house, in accordance with the stormwater retrofit plan approved by Site Development on March 13, 2009, unless an alternative system is approved by Site Development. The applicant is required to finalize all plumbing permits prior to final plat approval to the satisfaction of Site Development for the required modifications to the stormwater disposal system on the existing house.

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.

ADJUSTMENT**33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.40 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and**
- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and**
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and**
- D. City-designated scenic resources and historic resources are preserved; and**
- E. Any impacts resulting from the adjustments are mitigated to the extent practical; and**
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;**

Findings: The applicant requests an Adjustment to Section 33.110.220 Setbacks for the northern side of Parcel 2 (existing house) and the southern side of Parcel 1 (future house), from the required 10 feet down to 5 feet.

Since only one adjustment, side setback, is requested, and the site is neither within an environmental zone, nor does it have a city designated scenic or historic resource on or near the site, Criteria C, D, and F do not apply.

Approval Criterion A

The applicant requests an Adjustment to Section 33.110.220 Setbacks for the northern side of Parcel 2 (existing house) and the southern side of Parcel 1 (future house), from the required 10 feet down to 5 feet for the building walls and 4 feet for the eaves.

The purposes of the setback standards per Section 33.110.220.A are:

- ***They maintain light, air, separation for fire protection, and access for fire fighting;***
- ***They reflect the general building scale and placement of houses in the City's neighborhoods;***
- ***They promote a reasonable physical relationship between residences;***
- ***They promote options for privacy for neighboring properties;***
- ***They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;***
- ***They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and***

- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

The proposed reductions to side setback will continue to maintain enough separation for light, air, fire protection and fire fighting access because the resulting home footprints will be staggered, and there will be a minimum of 10-feet between the homes. Specifically, the existing home sits back from the street approximately 60 feet, and will remain in this location. The new home will be closer to the street. Based on the footprint provided, the side walls of the homes will be directly beside one another for approximately 10 to 15 feet as the rest of the side wall on the existing house sits at least 17 from this side lot line. For these reasons the reduced setback will also continue to promote a reasonable physical relationship between the residences on Parcel 1 and 2.

The proposed reductions to side setback will continue to promote options for privacy between the residences on Parcels 1 and 2 because the 10-foot separation and staggered building layout provide adequate options for privacy, both inherently in the proposed lay out as well as in allowing room for additional measures such as fences and landscaping. Also, the setback reductions are internal to the site and thus will also not impact neighboring properties.

The homes in the vicinity of the site have varying setbacks, as do those in many neighborhoods around the City. Largely these variations reflect the characteristics of different areas of town. In this area, some homes have reduced setbacks on one side and regular or extra wide setbacks on the other. This is a situation that the present proposal would reproduce, as the other side setback on Parcel 1 will be a minimum of 10 feet, and the other side setback on Parcel 2 will be 52 feet. For these reasons the requested adjustments reflect the general building scale and placement of houses in the City's neighborhoods.

Parcel 1 will be 56 feet wide and 150 feet deep, providing ample room for any number of home and outdoor area designs, that can be compatible with the neighborhood, fit the topography of the site and allow for architectural diversity. The applicant has requested the reduced setback on this lot in great part to accommodate a two-car garage, which they state is the norm in this part of the City. They also note that many of the homes in the area are wider rather than narrower, and that the additional 5 feet of building width will allow them to be more compatible. The relationship of Parcel 2 to the surrounding context will largely remain the same as the existing house will remain.

The findings herein are based on the location of the existing house on Parcel 2 and the shown footprint of the proposed home on Parcel 1. With a condition that the reduction of side setback on Parcel 2 (lot with the existing house) applies only to the existing development, and that redevelopment of the site would need to meet the standards setbacks, or undergo a new Adjustment, the purpose of the setback regulations can continue to be met. With this condition this criterion can be met.

Approval Criterion B

In this case the site is in a residential area that is characterized by single family homes with attached garages, sloping lots, and abundant trees and vegetation. Due to the topography, and predominant subdivision pattern north of SW Hamilton Street, many of the homes are fairly wide, sit at one end or another of the lot, and have attached garages. Although no full review of the proposed development for Parcel 1 was done, the applicant has stated that they hoped the additional 5 feet would allow them to create an attached double car garage and a building that, although limited by lot width, is slightly more in keeping with the wider rather narrower home widths of the area.

The applicant has shown the proposed vehicle area on Parcel 1 to be near or adjacent to the vehicle area on Parcel 2. Given that a reduced setback on both sides of the shared side lot line will bring the driveways areas closer together than might otherwise have been the case, a condition of approval is merited regarding landscaping for this area to help reduce the impact of what might appear to be a large area of paving. Consequently a minimum of 10 feet of

landscaping is required between the two driveway areas to minimize the visual impact of their proximity. This area must contain at least one medium or large tree, and at least 6 shrubs. Given that new development will be impact the site, the landscaping may be installed as part of the development permit for Parcel 1. This landscaping will also help assimilate the reduced setbacks to more closely match the appearance of surrounding homes that have mature landscaping along the sides or edges of their lots.

The existing home to remain on Parcel 2 is in keeping with the appearance of the area.

Therefore, with a condition for landscaping between the existing and future driveway on Parcel 1, as described above, the reduced setbacks will not negatively affect the livability, such as privacy, appearance, and safety, or appearance of this residential area. This criterion can be met.

Approval Criterion E

The appearance of the residential area was discussed under Criterion B, above, as was a condition of approval for mitigation (landscaping) to mitigate for the likely proximity of the driveways and the potential for a large paved area along the SW 47th Drive frontage.

Other than the above addressed potential for paving area impacts, the requested adjustments are internal to the site, and will not impact the homes directly to the north or west of the site.

With a condition of approval as noted above, this criterion can be 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. The existing development on the site will remain and be located on Parcel 2. 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 R10 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, or those approved through the concurrent Adjustment Review from the proposed new lot lines. The existing house is approved to be 5 feet from the new property line. With the concurrent Adjustment Review, 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.

- **Accessory Structures** – In this zone, accessory structures are not allowed on a lot without a primary structure, nor are they allowed to remain on a proposed property line. Therefore, in order for the proposed new lots to meet this standard, all accessory structures on Parcel 1 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.
- **Required Off-Street Parking** – In this zone, one parking space per dwelling unit is required. A paved parking pad and garage provide this required parking for the existing house to remain on Parcel 2. As a result of this land division, the existing garage will be removed. The remaining paved parking area has the necessary dimensions to provide a legal parking area. 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 off-street parking for Parcel 2.

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	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/
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.

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 Urban Forestry for street tree planting in the new planter strip along SW 47th Drive. If the sidewalk is built prior to final plat approval, trees must be installed in the planter strip adjacent to Parcel 2 (the lot with the existing house), to the satisfaction of Urban Forestry, prior to final plat approval. Trees in the planter strip adjacent to Parcel 1 will be installed at the time of development of that lot. This requirement is based on the standards of Title 20.

CONCLUSIONS

This land use review for a two-parcel partition on this 24,375 square foot site is an amendment partition (Case File LU 07-173498 LDP). Under the current land division proposal, Parcel 1 will be 8,777 square feet and will be developed with a new single family home. Parcel 2 will be approximately 15,459 square feet and will retain the existing house. This land use review also includes an Adjustment Review request to reduce the side setbacks for the buildings and eaves along the shared side property line. The proposed lot configuration and reduced setback areas are 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 Adjustment Review found little impact anticipated from the requested reduction to side setback on Parcels 1 and 2. Nonetheless, conditions of approval requiring landscaping in the reduced setback area between the proposed and existing driveways, and other limitations have been required. The primary issues identified with this proposal are; tree preservation; stormwater disposal; and required sidewalk improvements along SW 47th Drive.

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 2 standard lots as illustrated with Exhibit C.1, subject to the following conditions:

Approval an Adjustment to reduce the northern side setback of Parcel 2 (existing house) and the southern side setback of Parcel 1 (future house), from the required 10 feet down to 5 feet for the building walls and 4 feet for the eaves.

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review and Site Development 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 SW Hamilton Street. The required right-of-way dedication must be shown on the final plat.
2. A private sanitary sewer easement, for the benefit of Parcel 1, shall be shown and labeled over the relevant portions of Parcel 2.
3. A recording block for the maintenance agreement as required by Condition C.7 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for Private Sanitary Sewer Easement has been recorded as document no. _____, Multnomah County Deed Records."

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

Streets

1. The applicant shall sign street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) for SW Hamilton Street as required by the City Engineer.

Waiver forms will be provided to the applicant during the final plat review process.

2. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of SW 47th Drive. Improvements require an approved Right Of Way permit (over-the-counter sidewalk permit) from the Portland Bureau of Transportation. The improvements along the frontage of Parcel 2, where the existing house will be retained, must be constructed prior to final plat approval, unless otherwise directed by the Portland Bureau of Transportation. The improvements along the frontage of Parcel 1 may be constructed with new development on that lot.

Existing Development

3. The applicant must obtain a finalized demolition permit for removing the garage and accessory structure (greenhouse) on Parcel 1. Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.
4. The applicant must meet the requirements of Site Development for the stormwater systems on the existing house to remain on Parcel 2. Specifically, a Storm Tech Chamber must be installed in the area south of the house in accordance with the stormwater retrofit plan approved by Site Development, unless an alternative system is approved by Site Development. The applicant must provide finalized plumbing permits for all required modifications to the stormwater system.
5. The applicant must plant street trees in the new planter strip on SW 47th Drive adjacent to Parcel 2. Street trees will be chosen from the City's approved street tree list for the 4-foot planting strip. Tree size requirements for residential sites are 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. If the sidewalk improvements are completed prior to final plat approval, Urban Forestry must inspect and also approve the newly planted trees prior to final plat approval.
6. The as-built location of the new on-site stormwater management facility for the existing house on Parcel 2 must be shown on a supplemental plan after the required inspections are approved and permits are finalized.

Required Legal Documents

7. A Maintenance Agreement shall be executed for the Private Sanitary Sewer Easement area described in Condition B.3 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

Other requirements

8. The applicant must submit documentation that they have removed the ivy from the ground within the entire root protection area of trees #18 through 21, and the trunk of trees #19 and 20.
9. The grading and permanent erosion control associated with the sidewalk improvements along SW 47th Drive must be completed in manner that is satisfactory to the Site Development Section and the Portland Bureau of Transportation.


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

1. **TREE PRESERVATION** Development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.5). Specifically, trees numbered 14, 15, 16, 18, 19, 20, 21, 28, and 29 are required to be preserved, with the root protection zones indicated on Exhibit C.1. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision. The report from an arborist and any revisions to permit plans reflecting new root protection zones must be submitted and approved by Planning and Zoning prior to any working occurring in the root protection zone. If work is conducted in the RPZ and Planning & Zoning approval is not obtained before the work begins and the tree subsequently falls, it may result in a violation.

Pertaining to the proposed Parcel 1 sewer line across Parcel 2 the following applies:

- a) The arborist must be on-site for all boring work in the RPZs and any trenching of the Parcel 1 sewer line that is in or near the RPZs.
 - b) The boring work will require a boring pit on either end of the sewer line run. The arborist must also be available or present for this work.
 - c) The applicant must submit a follow-up letter to the Land Division planner from the arborist to document that the boring/tunneling was done in a manner that did not harm the trees.
 - d) Access to the bore pit on Parcel 1 must be from the east, and over Parcel 1 to the greatest extent possible so as not to cross the root protection zones of trees # 14 through 21.
 - e) Tree protection fencing on Parcel 2, related to sanitary sewer line installation, is required where any construction activities will be within 25 feet of RPZ boundaries. At time of redevelopment of Parcel 2, tree protection fencing is required for all RPZs.
2. If the sidewalk on SW 47th Drive adjacent to Parcel 2 is not installed at the time of final plat review, the applicant must plant street trees in the planter strip on SW 47th Drive adjacent to Parcel 2, to the satisfaction of Urban Forestry.
 3. If the existing house on Parcel 2 is removed, or the northern existing building line modified or extended, the Adjustment approval does not carry forward to this work or new development. The reduction of side setback on Parcel 2 (lot with the existing house) applies only to the existing development in its current configuration.
 4. A minimum ten foot wide landscaped area shall be provided between the driveway on Parcel 1 and the Driveway on Parcel 2. This landscaped area must contain one medium or large tree and at least six shrubs. Such landscaping may be installed as a component of the development permit for Parcel 1.

Staff Planner: Joan Frederiksen

Decision rendered by:  **on April 7, 2009**

By authority of the Director of the Bureau of Development Services

Decision mailed April 10, 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 October 13, 2008, and was determined to be complete on February 11, 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 October 13, 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.

Note: Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 24, 2009** at 1900 SW Fourth Ave. Appeals may be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-0625 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us .

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any

further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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.** **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.**

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of Adjustment Reviews. These other concurrent approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of Adjustments. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: Adjustment Review for Parcel 2. This approval expires if:

- The final plat is not approved and recorded within the time specified above, or

- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

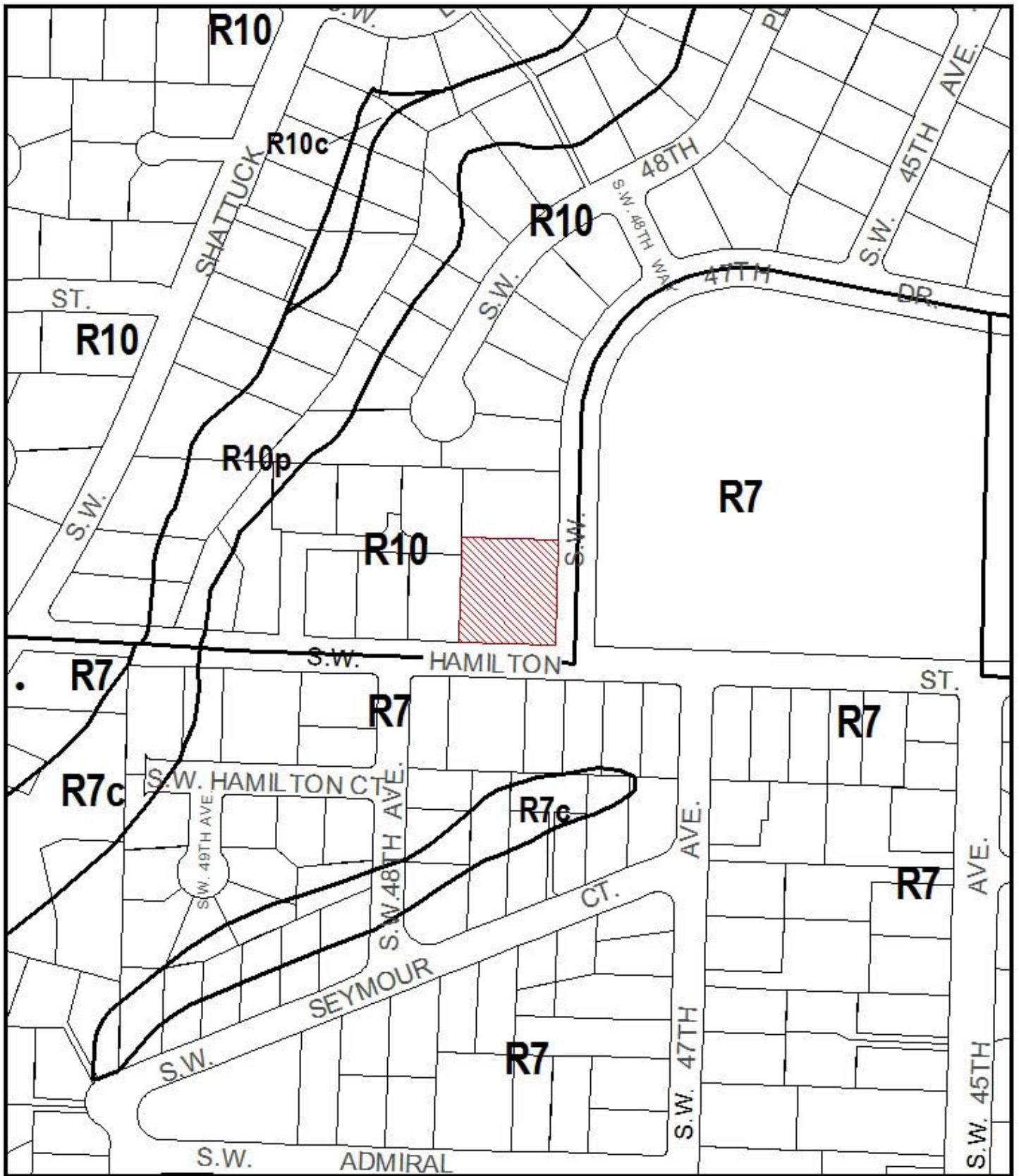
All other concurrent approvals (Adjustment Review for Parcel 1) expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Initial application
 2. Additional information, February 11, 2009
 3. Additional information, March 10, 2009
 4. Additional information, April 1, 2009
 5. Arborist report and tree preservation information
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Preliminary Site and Tree Preservation 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
 7. Buildings Section of BDS
- F. Correspondence: None
- G. Other:
 1. Original LU Application
 2. Site History Research
 3. Letter of incomplete information

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

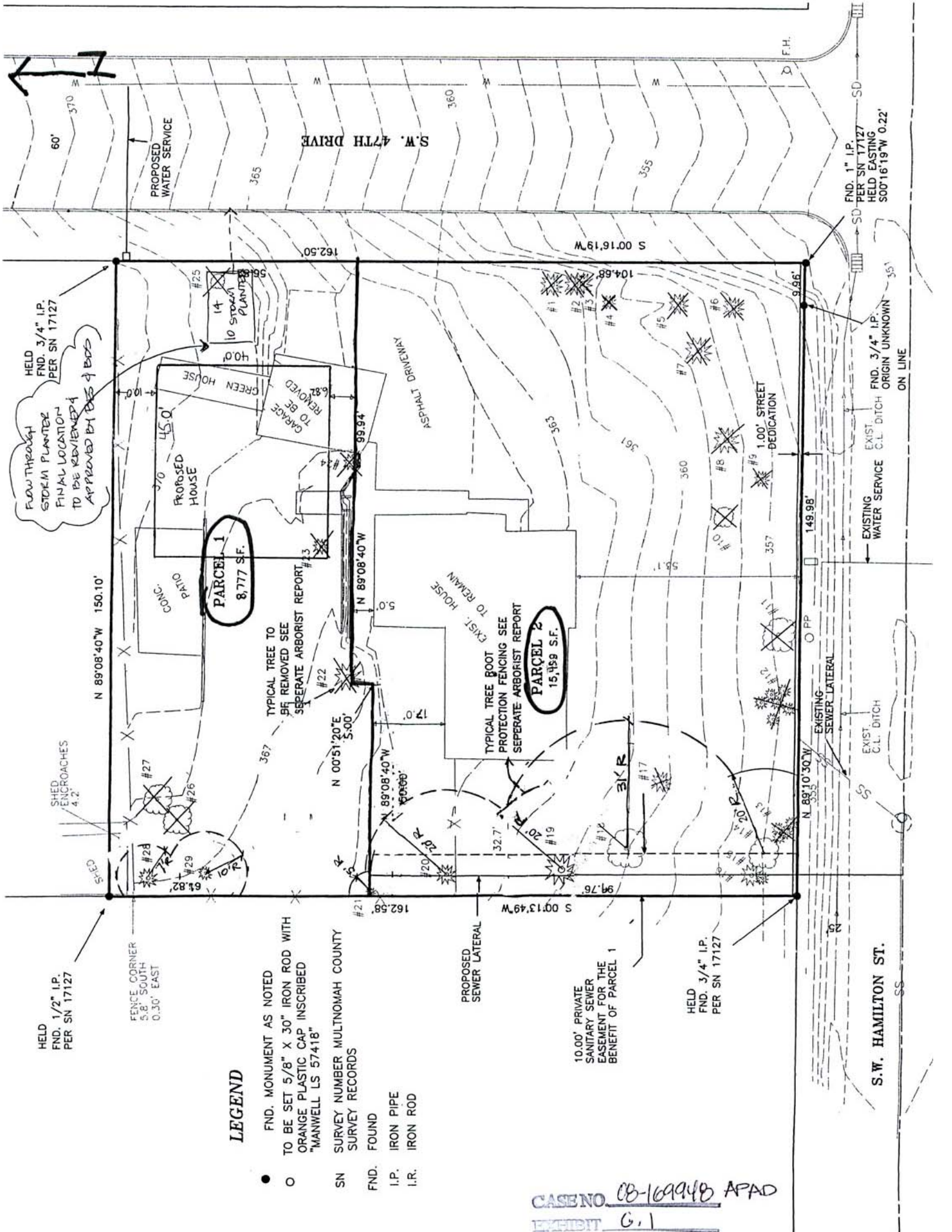


ZONING

 Site



File No.	LU 08-169948 AP AD
1/4 Section	3424
Scale	1 inch = 200 feet
State Id	1S1E07DD 7900
Exhibit	B (Feb 11, 2009)



Flow through
 storm planter
 final location
 to be reviewed &
 approved by BES & BOS

LEGEND

- FND. MONUMENT AS NOTED
- TO BE SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "MANWELL LS 57418"
- SN SURVEY NUMBER MULTNOMAH COUNTY SURVEY RECORDS
- FND. FOUND
- I.P. IRON PIPE
- I.R. IRON ROD

CASE NO. 08-169948 APAD
 EXHIBIT G.1

S.W. HAMILTON ST.