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

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Portland, Oregon 97201
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TTY 503-823-6868
www.portlandonline.com/bds

Date: May 4, 2009

To: Interested Person

From: Sean Williams, Land Use Services
503-823-7612 / sean.williams@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 08-147811 LDP

GENERAL INFORMATION

Applicant
Kurt Chiapuzio
1901 NE Broadway Street
Portland, OR 97232-1501

Ted J Kukula
1433 NE 19th Avenue
Portland, OR 97232

Representative: Mike Montgomery
ML_61@msn.com
(503) 515-6495

Site Address: 816 NE 22nd Avenue

Legal Description: W 1/2 OF LOT 3 BLOCK 32, SULLIVANS ADD
Tax Account No.: R806102300
State ID No.: 1N1E35AD 02800
Quarter Section: 2932
Neighborhood: Kerns, contact Michael Whitmore at 503-233-0305.
Business District: None
District Coalition: Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.
Plan District: None
Zoning: Central Employment (EX) w/ Design Overlay Zone (d)
Case Type: Land Division Partition (LDP)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:
The applicant is requesting to partition the subject property into two parcels of approximately 1,650 (Parcel 1) and 850 (Parcel 2) square feet in size. The existing residential structure on the subject property, currently under renovation for conversion to a duplex, will be retained and located on Parcel 1 and Parcel 2 will be made available for a planned multi dwelling structure.

This partition is reviewed through a Type I land use review because: (1) the site is in an employment zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010).

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section **33.662.120, Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones.**

ANALYSIS

Site and Vicinity: The subject property contains frontage on NE 22nd Avenue approximately 50 feet north of NE Oregon Street. Existing improvements consist of a residential structure containing 3 units for which no building permit information is available substantiating the structure's legality as a triplex. Therefore, the applicant has applied for a residential building permit (09-101686 RS) to convert the structure to a duplex. The structure is being converted to a duplex in order to avoid a commercial building code classification that 3 or more units would call for, which requires more stringent setbacks and fire wall separation to property lines. No trees are located on the property subject to preservation standards. The surrounding vicinity contains a mixture of industrial and residential structures and uses with a zoning designation of EXd. Existing concrete buildings on adjacent properties to the east and south are built up to the common property line of the land division site.

Zoning: The EX zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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 must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

Land Use History: City records indicate the following prior land use review(s) for this site:

- 1983-034796 VZ: A number of adjustments were approved on the site relating to lot size, dimensions, setbacks and required parking in order to legalize an existing triplex. However, at the time of this approval the site was zoned M3 (Light Manufacturing). The existing use on the site is allowed outright within the current zoning designation of EX (Central Employment) which means the previously approved land use case no longer has any relevance. Although the adjustments were approved to allow the existing triplex to remain, no building permits were acquired to bring the structure into compliance with building code for the use.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on September 24, 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.

APPROVAL CRITERIA-

APPROVAL CRITERIA FOR LAND DIVISIONS IN COMMERCIAL, EMPLOYMENT AND INDUSTRIAL ZONES

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

The relevant criteria are found in Section **33.662.120 [A-K], Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones**. Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

Criterion	Code Chapter	Topic	Applicability Findings
A	33.614	Lots	**Applicable - See findings below.**
B	33.630	Trees	Not applicable - No significant trees or trees in excess of 6 inches in diameter located fully on the site.
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.635 .100	Clearing and Grading	**Applicable - See findings below.**
F	33.635 .200	Land Suitability	**Applicable - See findings below.**
G	33.636	Tracts and Easements	Not applicable - No tracts or easements have been proposed or will be required.
H	33.639	Solar Access	Not Applicable - Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
I	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
J	33.641	Transportation Impacts	**Applicable - See findings below.**
K	33.651 - 33.654	Services and Utilities	**Applicable - See findings below.**

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

Findings: Chapter 33.614 contains the lot standards applicable in the employment zones. Chapter 33.614 works in conjunction with other chapters of the Zoning Code to ensure that land divisions create lots that can support appropriate uses and development. The standards are as follows:

33.614.100 Minimum Lot Dimension Standards.
All lots must meet the following minimum size and dimension standards. An exception is allowed under the provisions of Section 33.614.200.

C. EX zone. Each lot must have a front lot line that is at least 10 feet long. There are no other required minimum lot dimensions for lots in the EX zone.

Findings: Proposed Parcel 1 contains a front lot line of approximately 33.25 feet and proposed Parcel 2 contains a front lot line of approximately 16.75 feet. Both proposed parcels contain a front lot line that is at least 10 feet long. 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 within the land division site subject to preservation standards. 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. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. 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 50 feet of frontage on NE 22nd Avenue. NE 22nd Avenue is classified as a local service street for all modes in the Transportation System Plan. Tri-Met provides transit service approximately 300 feet south of the site on NE Irving Street via bus #74. Parking is currently allowed on both sides of NE 22nd Avenue. There are no existing off-street parking spaces on the site nor are any required for this zoning designation and existing and proposed uses.

Along the sites frontage, NE 22nd Avenue is improved with 24 feet of paved roadway surface and a pedestrian corridor consisting of a 10 foot planter strip, 6 foot sidewalk and 2 foot setback to private property (10-6-2) within a 60 foot wide right-of-way. In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. The recommended pedestrian corridor design for streets of this classification in the Central Employment (EX) zone is 11 feet wide and consists of a .5 foot curb, 4 foot planter strip, 6 foot sidewalk and .5 foot setback to private property. The existing 18 foot wide pedestrian corridor within the NE 22nd Avenue right-of-way along the sites frontage exceeds recommended standards. Therefore, no frontage improvements or dedication will be required as a result of this land division request.

Based on the number of trips generated for various uses allowed within the Central Employment zone and other evaluation factors such as parking and public transit, the Portland Bureau of Transportation has concluded that the proposed development 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. The site has an existing 5/8 inch metered water service located approximately 67 feet north of NE Oregon Street. An existing 8 inch water main is available in NE 22nd Avenue. Water is available to serve the proposed development from the water main in NE 22nd Avenue.

  As a result of the proposed land division, the water line that provides service to the existing structure on Parcel 1 may be located on the new property line. Title 21 requires

that the water service connection be located along the frontage of the lot to be served. Water service connections are not allowed by means of an easement. However, the Water Bureau would not require a service to be relocated if the water meter falls on the new property line. The applicant has demonstrated in site plans that a new water service will be provided for the existing structure on Parcel 1 as proposed development for Parcel 2 may be located on the new property line and therefore conflict with the existing water line. If development plans change and the applicant wishes to retain the existing water service a field check by the Water Bureau will be required, with survey stakes present, to verify the location of the water service prior to final plat approval. If the water service for the existing structure is found to be located on Parcel 2 this service must be relocated so that the service connection will be placed along the frontage of Parcel 1 prior to final plat approval. See Exhibit E-3 for more details.

- The sanitary sewer standards of 33.652 have been verified. There is an existing VSP public combination sewer located in NE 22nd Avenue that can serve the sanitary needs of the proposed lots. The existing structure located on Parcel 1 has an existing sewer service from that main.

  As a result of the proposed land division, the existing sewer connection that serves the structure e on Parcel 1 will be located on Parcel 2. Typically, a sewer connection is allowed to be in an easement. However, in this situation minimal space is available to provide for the required easement area and the planned development for Parcel 2 would likely conflict with this area. Therefore, prior to final plat, final approval of a plumbing permit will be required to cap and relocate the sewer line for the existing structure on Parcel 1. Additionally, the as-built location of the new sewer line must be shown on a supplemental plan after required inspections are approved and permits are finaled. 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. Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The subject property is located within a 200 foot long block with east/west connections of NE Oregon Street to the south and NE Pacific Street to the north. Therefore, the Bureau of Transportation has concluded that connectivity requirements are adequately met for this site. As a 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 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):

- **Parcel 1 (the parcel with existing development):** The stormwater system for the existing structure, currently being converted to a duplex, consists of downspouts at the front of the building connected to underground pipes that discharge to an undetermined location (possibly to the combination sewer via a weephole in the curb in front of the site) as well as a downspout on the rear porch that discharges to a splash block. Site development has indicated that these facilities do not conform to the Stormwater Management Manual and therefore require a stormwater retrofit system for the existing structure. Site Development has noted that infiltration is feasible at this site but there is insufficient land area for an on site stormwater infiltration facility that would meet required setbacks. Therefore, the applicant has proposed to construct flow-through planters that will collect the stormwater runoff from the existing structure and remove pollutants and suspended solids. The water will drain from the planters to the existing public combination sewer located in NE 22nd Avenue. The Bureau of Environmental Services has indicated that the treated water can be directed to the existing combination sewer in NE 22nd Avenue.

  The applicant has applied for a permit (09-116621 RS) to install a flow through planter in front of the porch of the existing structure. Prior to final plat approval, final approval of the permit to install the abovementioned flow-through planter is required in conjunction with retrofitting the existing stormwater system to ensure that all gutters and downspouts are in good working order and direct stormwater to the new system.

- **Parcel 2:** Stormwater from this parcel will be directed into a flow-through planter that removes pollutants and suspended solids. The water will drain from the planter to the existing combination sewer in NE 22nd Avenue. This parcel 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 existing combination sewer in NE 22nd Avenue.

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.

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

Design Review – The subject property is located within a Design Overlay Zone (d). Therefore, new development and exterior modifications to existing development are subject to design review, which is a discretionary land use review process. As an alternative to design review, some proposals may use the objective Community Design Standards (33.218).

Existing development that will remain after the land division. The 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 EX zone (Please see section on Other Technical Standards for Building Code standards.)

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 the Fire Bureau in regards to aerial fire department access roads. These requirements are based on the technical standards of Title 31 and the Oregon Fire Code (Exhibit E-4).

- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Parcel 1 prior to final plat approval. This requirement is based on the standards of Title 20 (Exhibit E-6).

- As previously mentioned the existing structure is an illegal triplex and is currently under conversion to a duplex (09-101686 RS). Although 3 units would be allowed in this zone, building code requirements would designate a structure with 3 or more dwelling units as commercial, which requires greater setbacks for fire separation. The new property line will be just over 3 feet from all portions of the existing structure which is an acceptable setback for fire separation of 1 and 2 family dwellings in accordance with building code. Therefore, the applicant shall receive final approval of the residential permit to convert the existing structure to a duplex prior to final plat approval. See comments from the Life Safety Plans Examiner for more details (Exhibit E-7).

CONCLUSIONS

The applicant has proposed a 2 parcel partition, as shown on the attached preliminary plan (Exhibit C-1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal relate to existing development, stormwater management and utilities.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2 parcel partition that will result in one parcel that will retain the existing structure (Parcel 1) and one parcel that will be made available for development consistent with Central Employment (EX) zone standards (Parcel 2) as illustrated with Exhibit C-1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review, BES and Site Development. This 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;
- The proposed general location of a future building footprint and stormwater facility for Parcel 2.
- The as-built location of the new sewer line and new flow-through planter (including overflow piping and discharge location) for the existing building on Parcel 1 shall be accurately shown on a supplemental plan after required inspections are approved and permits are finaled.
- Any other information specifically noted in the conditions listed below.

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

Utilities

1. If the applicant wishes to retain the existing water connection, a field check by the Water Bureau will be required, with survey stakes present, to verify the location of the water service. If the existing service is located on Parcel 2, the applicant shall meet the requirements of the Water Bureau concerning relocation of the water service connection to the existing structure on Parcel 1.

2. The applicant must obtain final approval of a plumbing permit to cap and relocate the sewer line for the existing residential structure on Parcel 1.

3. The applicant must obtain final approval of permit 09-116621 RS to install a flow-through planter and to retrofit the stormwater system for the existing building on Parcel 1, unless otherwise approved by Site Development and BES.

Existing Development

4. The applicant must obtain final approval of building permit 09-101686 RS for conversion of the existing residential structure to a duplex.

5. The applicant must plant 1 street tree in the planter strip on NE 22nd Avenue adjacent to parcel 1. Street trees will be chosen from the City's approved street tree list for the 8.5-foot planting strip. Tree size requirements for residential sites are to be 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. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

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

1. The applicant must provide a fire accessway 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 April 30, 2009**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 4, 2009

Staff Planner: Sean Williams

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on July 21, 2008, and was determined to be complete on September 24, 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 July 21, 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 waived the 120-day review period, as stated with Exhibit G-3.

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 www.portlandonline.com.

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

EXHIBITS

NOT ATTACHED UNLESS INDICATED

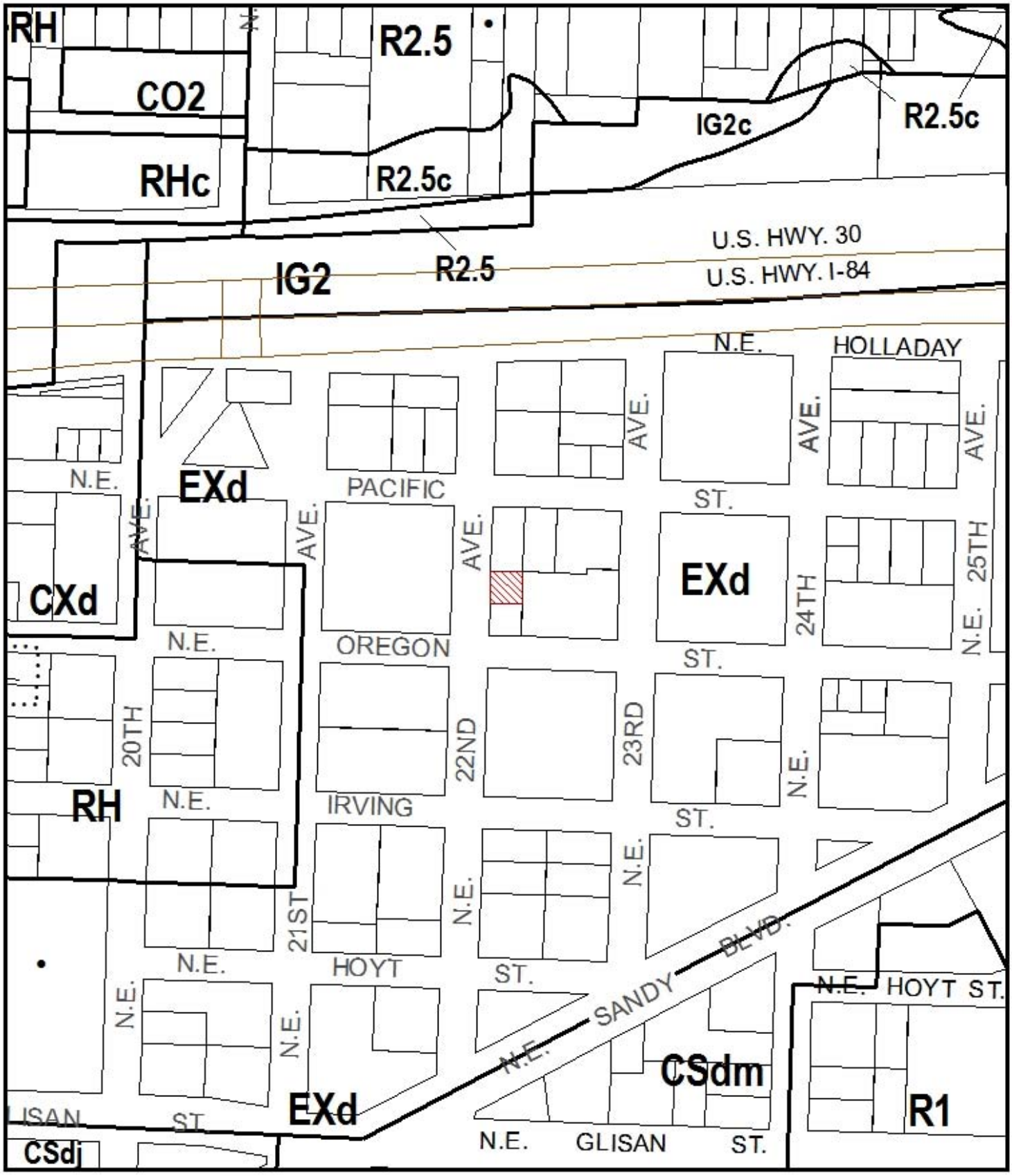
A. Applicant's Statement
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services w/ addendum & correspondence
   2. Bureau of Transportation Engineering and Development Review
   3. Water Bureau w/ correspondence
   4. Fire Bureau

5. Site Development Review Section of BDS w/ addendum
6. Bureau of Parks, Forestry Division
7. Life Safety Plans Examiner

F. Correspondence: none

G. Other:
1. Original LU Application
2. Site History Research
3. Extension of 120-day review period
4. Incomplete Letter

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

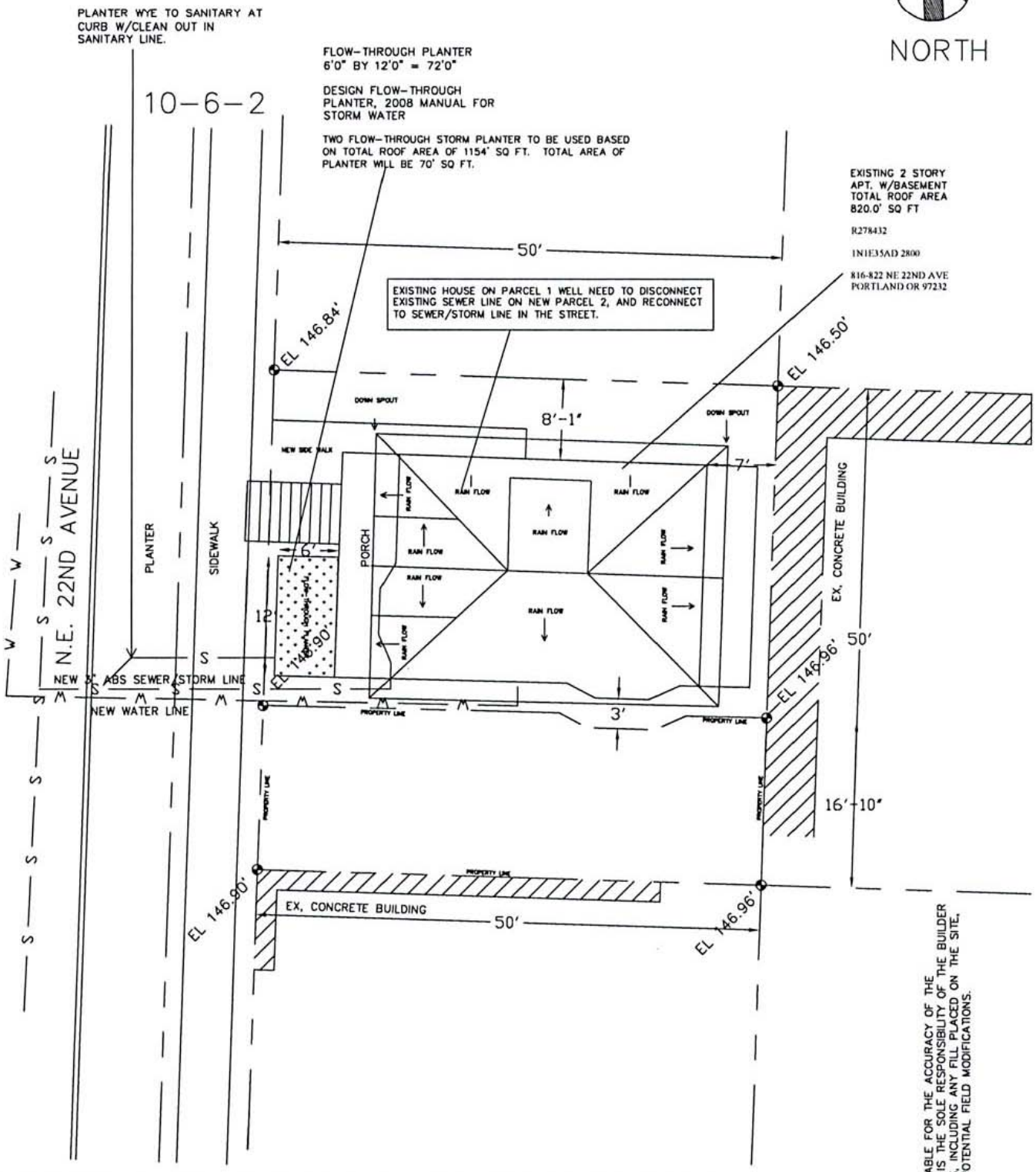
Site

NORTH

File No.	LU 08-147811 LDP
1/4 Section	2932
Scale	1 inch = 200 feet
State_Id	1N1E35AD 2800
Exhibit	B (Jul 22,2008)

SITE PLAN

NORTH



SIMPL HOME DESIGNS IS NOT LIABLE FOR THE ACCURACY OF THE TOPOGRAPHY INFORMATION. IT IS THE SOLE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL SITE CONDITIONS, INCLUDING ANY FILL PLACED ON THE SITE, AND INFORM OWNERS OF ANY POTENTIAL FIELD MODIFICATIONS.

CONSTRUCTION ENTRANCE	SEWER MANHOLE	W — WATER LINE	
COVERED STOCK PILE	DRY WELL	S — SEWER LINE	
WORK MATERIAL STORAGE	WATER METER	PS — PROPOSED SEWER	
	CATCH BASIN PROTECTION	PW — PROPOSED WATER	
		WOOD CURB RAMP	
		SILT FENCE	

SIMPL HOME DESIGNS — THINK OUT OF THE BOX

SHEET 1 OF 1	Simpl Home Designs 9824 S.W. 60TH AVE, PORTLAND OR 97219 (503) 515-6495, (FAX) 281-2790	DESIGNED: mwm DATE: 08/08/08 SCALE: 1"=10'0" FILE NAME: kc/tk	KURT CHIAPUZIO/TED KUKULA 816 NE 22ND AVE PORTLAND OR 97232	rev., 021309 rev., 03/18/09 rev., 04/29/09

CASE NO. 08-147811

EXHIBIT C-1