



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

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

Date: December 22, 2009
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / sean.williams@ci.portland.or.us

NOTICE OF A REVISED 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.

This revision of the original decision (sent on December 11, 2009) is necessary to amend conditions of approval A-1 and B-1 to reflect the appropriate association responsible for maintenance of the tract of land subject of this approval. The overall home owners association responsible for maintenance of this area is Hoyt Street Yards Community as opposed to the Encore condo building listed in the original decision. The conditions of approval listed below have been amended to reflect this change. The findings listed in the decision issued December 11, 2009 remain valid for the purpose of this revised decision.

CASE FILE NUMBER: LU 09-158979 LDP

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a partition that will result in one parcel and one tract that encompasses an existing fire lane/public pedestrian walkway, as illustrated with Exhibit C-1, subject to the following conditions:

A. The final plat must show the following:

1. Tract A shall be shown on the plat and identified as a "public pedestrian tract". A note must also be provided on the plat indicating that the tract will commonly owned and maintained by the Hoyt Street Yards Community homeowners association.
2. A recording block for the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B-1 below. The recording block shall, at a minimum, include language substantially similar to the following example: "Covenants, Conditions, and Restrictions (CC&Rs) has been recorded as document no. _____, Multnomah County Deed Records."

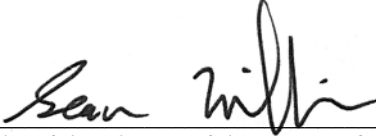
B. The final plat must show the following:

1. The CC&Rs for the Hoyt Street Yards Community homeowners association must be amended to describe the ownership and maintenance provisions for the fire lane/public pedestrian walkway tracts. The agreement shall include provisions assigning maintenance responsibilities for the tract and any the facilities within

those areas, consistent with the purpose of the tract to provide public pedestrian and emergency vehicle access, 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.

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

1. In the event that Parcel 1 is developed in such a way that an individual connection to sanitary sewer is required, the property owner will be responsible for constructing a public sanitary sewer extension to serve the site or otherwise show that legal individual access to sanitary sewer is available at the time of development.

Decision rendered by:  on December 17, 2009
By authority of the Director of the Bureau of Development Services

Decision mailed: December 22, 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 June 30, 2009, and was determined to be complete on September 18, 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 September 18, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

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.

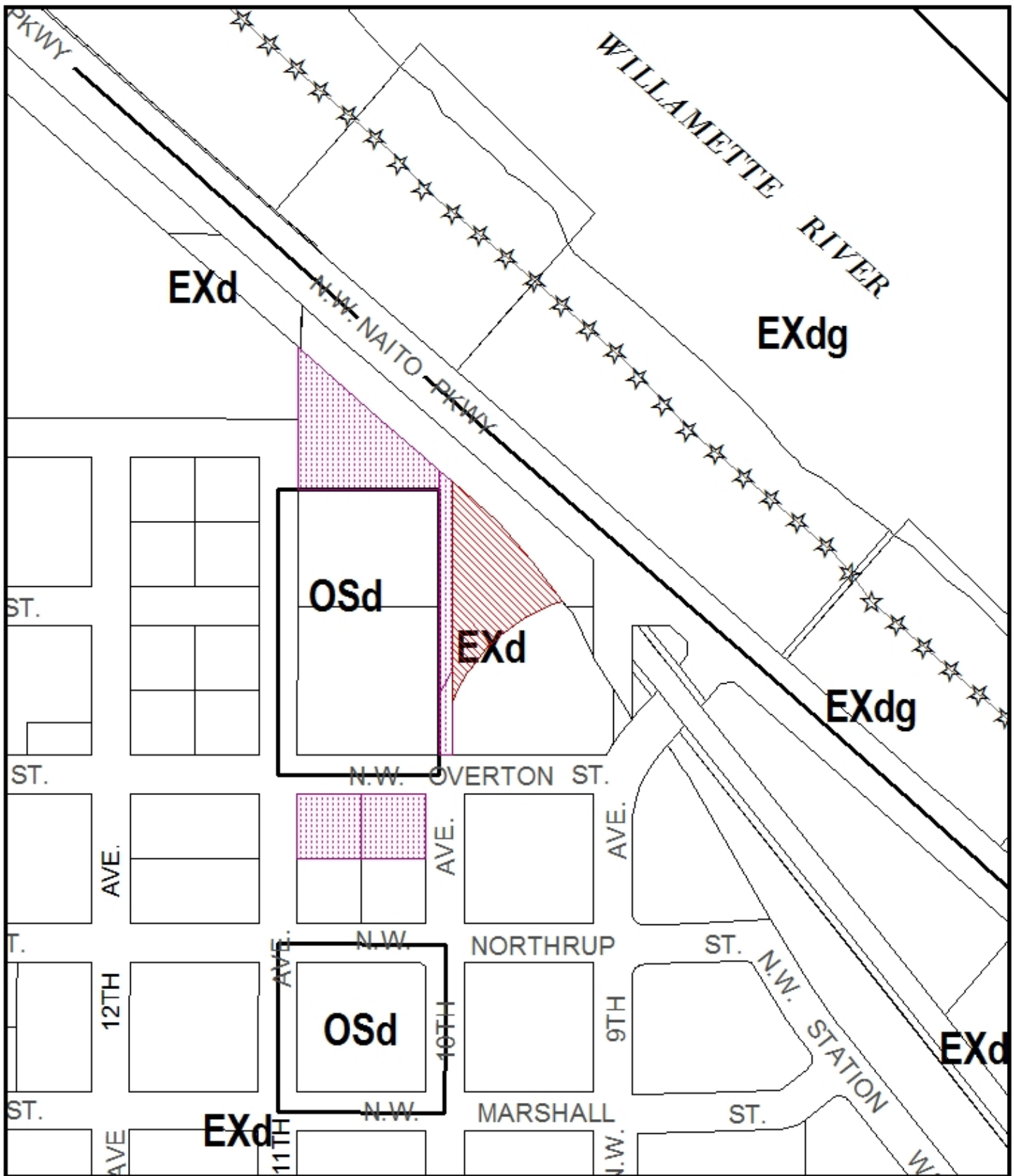
The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information 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
 - 1. Land Division Approval Criteria
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Land Division Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services w/ addendum
 - 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 & Life Safety Plans Examiner
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research



ZONING

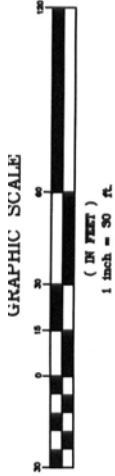
-  Site
-  Also Owned



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 09-158979 LDP</u>
1/4 Section	<u>2929</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E34BB 2627</u>
Exhibit	<u>B</u> (Sep 21,2009)

**EXISTING CONDITION PLAN
PRELIMINARY LAND DIVISION PLAN
UTILITY PLAN**
SEPTEMBER 17, 2009
JOB NO. PDC-07



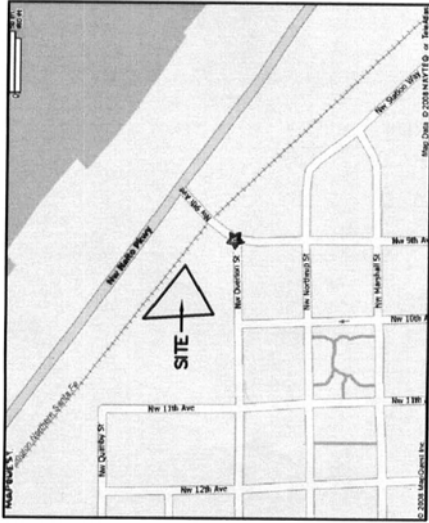
EASEMENT NOTE:
60' EASEMENTS FOR PUBLIC UTILITIES RESERVE IN VACATED NW QUARTER SECTION 12, BEING NW 1/4 SECTION 12, T.20N. R.12E, BOOK 894, PAGE 181, 7-25-1922. PORTIONS OF THIS EASEMENT HAVE BEEN RELEASED BY THE CITY OF PORTLAND PER DOCUMENT NO. 2007-020848. ADDITIONAL EASEMENT AREA HAS BEEN ADDED PER DOCUMENT NO. 2006-222483.

APPLICANT:
CITY OF PORTLAND
- PORTLAND DEVELOPMENT COMMISSION
ERIC D. JACOBSON, PMP
PH: 503-823-3306

REPRESENTATIVE:
HARPER HOUF PETERSON RIGHELLIS
KEITH JONES - PLANNER
JOHN CAMPBELL - SURVEYOR
PH: 503-221-1131

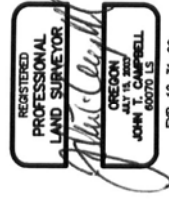
OWNER:
HOYT STREET PROPERTIES, LLC
CONTACT - DOUG SHAPIRO
PH: 503-227-6677

VICINITY MAP



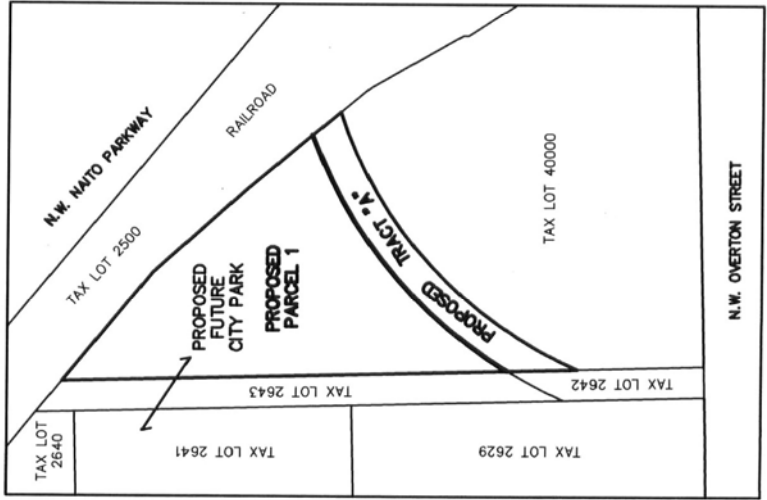
NOT TO SCALE

BENCHMARK:
CITY OF PORTLAND I.D. NUMBER 55
DESCRIPTION: BRASS DISK LOCATED ON THE SOUTHEAST CORNER OF THE HIGHWAY BRIDGE'S PIER ON THE WEST SIDE OF FRONT AVENUE.
ELEVATION: CITY OF PORTLAND DATUM = 32.683'

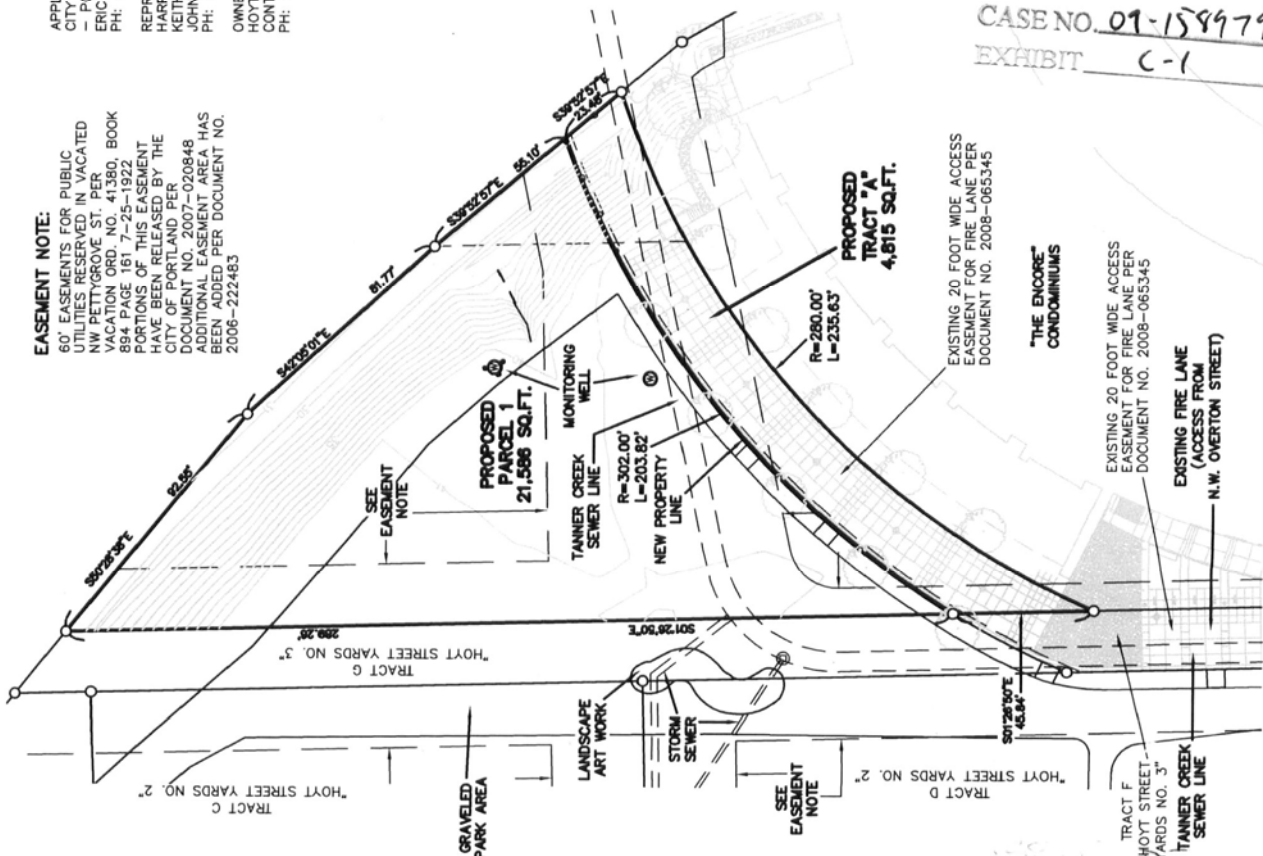


HHP
Harper Houf Peterson Righellis Inc.
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
DATE 04/15/2007
JOHN CAMPBELL
65070, LS
EXP. 12-31-09
205 SE SPOKANE STREET, SUITE 200, PORTLAND, OR 97202
TEL 503.221.1131 www.hhp.com FAX 503.221.1171

SITE DETAIL
SCALE: 1" = 60'



CASE NO. 09-159979
EXHIBIT C-1



PROPOSED PARCEL 1
21,588 SQ.FT.

PROPOSED TRACT "A"
4,815 SQ.FT.

EXISTING 20 FOOT WIDE ACCESS EASEMENT FOR FIRE LANE PER DOCUMENT NO. 2008-065345

"THE ENCORE" CONDOMINIUMS

EXISTING 20 FOOT WIDE ACCESS EASEMENT FOR FIRE LANE PER DOCUMENT NO. 2008-065345

EXISTING FIRE LANE (ACCESS FROM N.W. OVERTON STREET)

TRACT C
HOYT STREET YARDS NO. 2

TRACT D
HOYT STREET YARDS NO. 2

TRACT F
HOYT STREET YARDS NO. 3

GRAVELED PARK AREA

LANDSCAPE ART WORK

STORM SEWER

SEE EASEMENT NOTE

SEE EASEMENT NOTE

SEE EASEMENT NOTE

TANNER CREEK MONITORING WELL

NEW PROPERTY LINE

TRACT C
HOYT STREET YARDS NO. 3

TRACT F
HOYT STREET YARDS NO. 3

TANNER CREEK SEWER LINE