



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: August 25, 2011
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or Lois.Jennings@Portlandoregon.gov

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 11-144712 AS

Applicant: Corey Larner
1527 SW 57th Ave
Portland, OR 97221

Site Address: 6799 N ST JOHNS AVE
Legal Description: LOT 13, PIER VIEW NO 2
Tax Account No.: R658170300
State ID No.: 1N1W02DA 06800
Quarter Section: 2020
Neighborhood: Cathedral Park, contact Jason Starman at 503-432-8466.
Business District: Columbia Corridor Association, contact Peter Livingston at 503-796-2892.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.
Zoning: EG2-General Employment 2
Case Type: AS – Amendment to Subdivision (Land Division)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: On March 13, 1998 the Hearings Officer approved the following under land use case file #: LU 97-01177 SU CU: Approval of a variance to 34.60.010.D, to allow a cul-de-sac to terminate a 48-foot diameter turnaround; Approval of a Conditional Use in an EG2 Zone to allow residential development; and Approval of an 11-lot attached residential subdivision with a Tract A- private street in conformance with Exhibit C. The Final Plat for this Subdivision is currently under review.

The applicant is requesting a Land Division Amendment to LUR 97-01177 SU CU, to amend a Title 34 Land Division preliminarily approved subdivision to reduce the approved number of lots from 11 to 10 lots and amend the preliminarily approved housing type of attached houses (residential) to allow either detached houses or attached houses on the lots. There are no other changes requested as part of this amendment. The 1998 preliminary land division approval was reviewed under Title 34 land division code. To amend the housing

type to allow either detached houses or attached houses to be developed within this subdivision requires addressing the approval criteria of Title 34.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33 for changes to a preliminary plan and the applicant must show the approval criteria in effect at the time of the Preliminary Approval (1998) can still be met, which is Title 34 (Subdivision Regulations).

The relevant approval criteria are:

- **33.662.320.B- Approval Criteria for Changes to an Approved Preliminary Plan**
- **Title 34 –Approval Criteria for Subdivisions (specifically 34.60.030 Lots and Parcels)**

The original notice sent to the neighborhood on July 15, 2011 incorrectly quoted 33.660.320.B. The correct approval criteria are 33.662.320.B noted above. The approval criteria listed under 33.660.320.B and 33.662.320.B is substantially similar (i.e. requires consistency with prior conditions and in compliance with the preliminary plan).

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. This application was submitted on June 1, 2011 and determined to be complete on July 11, 2011.

ANALYSIS

Site and Vicinity: The site is a vacant grass property, which overlooks the Willamette River and the Industrial land to the west of the site. North St. Johns Avenue currently is an unimproved public right-of-way. Residential development (detached or attached houses) surrounds this property to the north, south and east of this site.

Zoning: The EG2 zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial or industrially-related uses. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. Retail Sales and Services uses are allowed by right up to 60,000 square feet. Residential Uses are allowed through a Conditional Use Review.

Land Use History: City records indicate that prior land use reviews include the following:

- LUR 95-00080 SU AD- Approval of six lot subdivision with adjustments.
- LUR 97-01177 SU CU- Approval of a Conditional Use in an EG2 Zone to allow residential development; and Approval of a 11-lot attached residential Subdivision with a Tract A-Private Street; Approval of a variance to 34.60.010.D, to the Title 34 turnaround standard.

Neighborhood and Agency Review: A Notice of Proposal in your Neighborhood was mailed on **July 15, 2011**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

The following Bureaus have responded with either no concerns or objections to this land division amendment:

- Bureau of Environmental Services
- Bureau of Transportation Engineering and Development Review
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Urban Forestry

- Life Safety Section of BDS

The Water Bureau comments are noted within the approval criteria findings noted below.

ZONING CODE APPROVAL CRITERIA

Review of Changes to an Approved Preliminary Plan

33.662.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.662.300 through 33.662.320. Some changes, listed in Section 33.663.200, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes. If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.663.200, and is not specifically allowed by the Preliminary Plan approval, review is required.

Findings: A decrease of the number of lots by one is a variation which is allowed under the Final Plat Standards 33.663.200.A.1. Therefore, decreasing this subdivision from 11 to 10 lots is considered to be in conformance with the Preliminary approved plan. The request to allow Detached Housing as a Housing Type within this subdivision triggers a Type I land division amendment.

33.662.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

A. Type I. Changes not listed in Subsections B or C, below, are processed through a Type I procedure.

B. Same procedure as was used for Preliminary Plan. The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:

1. An increase in the site area of more than 5 percent;
2. A decrease in the area of any lot by more than 10 percent;
3. Changing a through street to a dead-end street;
4. Changing a dead-end street to a through street;
5. Deleting a street or pedestrian connection;
6. Deleting or changing a condition of the Preliminary Plan approval;
7. Deleting any of the following:
 - a. Shared parking tracts;
 - b. Environmental resource tracts;
 - c. Stormwater tracts;
 - d. Special flood hazard area easements or tracts;
 - e. Tree preservation tracts; or
 - f. Landslide hazard easements or tracts;
8. Reducing the area or changing the location of any of the following:
 - a. Environmental resource tract;
 - b. Special flood hazard area tract; or
 - c. Landslide hazard area tract.
9. Any change that the Director of BDS determines:
 - a. Is a significant change from the Preliminary Plan; or
 - b. Will have a significant impact on the surrounding area.

C. Changes to tree preservation requirements. Changes to tree preservation requirements are processed as described in Chapter 33.853, Tree Review.

Finding: This proposal “to change the approval of the subdivision to allow detached houses as a housing type within this subdivision” is not listed within 33.662.310.B or C., therefore this change is processed as a Type I land use review. The original housing type approved in

the preliminary plan, Attached Housing, does not require a minimum street frontage. Detached housing lots are required to have at least 25 feet frontage abutting a street, therefore the number of lots within this subdivision is being reduced by one lot. A decrease in the number of lots by one is a variation which is allowed under the Final Plat Standards under 33.663.200.A.1. Therefore, decreasing this subdivision from 11 to 10 lots is considered to be in conformance with the Preliminary approved plan.

33.662.320 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

A. Approval criteria for changes listed in Subsection 33.662.310.B. Changes to the Preliminary Plan that are listed under Section 33.662.310.B must meet the approval criteria of Section 33.662.120.

Findings: This criterion does not apply since this proposal is not listed within subsection 33.662.310.B.

B. Approval criteria for other changes. All other changes to the Preliminary Plan must meet the following approval criteria:

1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;

Findings: The Preliminary Approval under case file # LUR 97-01177 SU CU, gave "Approval of an 11-lot attached residential subdivision with a Tract A-Private Street." This proposal is to allow detached houses or attached housing as a housing type within this preliminary approved subdivision. The Conditional Use Review Approval approved Residential Development within this subdivision. To develop detached or attached housing within this subdivision is not substantial enough to warrant a new review of the entire Preliminary Plan, since the housing type is still residential development.

2. The proposed changes continue to comply with the findings made for the approval of the Preliminary Plan; and

Findings: The Conditional Use Review gave approval for residential development within this subdivision. To allow detached houses as a housing type to be developed within this subdivision versus development of attached houses as a housing type does not affect compliance with the findings of the Preliminary Plan. The specific conditions of approval required by the Findings addressed under the Approval Criteria for the Preliminary Plan of LUR 97-001177 SU CU still apply with a subdivision of 10 lots versus 11 lots. This criterion is met.

3. The approval criteria addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

Findings: The Preliminary Plan for this subdivision addressed Title 34 Subdivision Approval Criteria. Due to the nature of this land division amendment, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable.

Applicable criteria are addressed below the table.

Title 34- Subdivision and Partitioning Approval Criteria

Title 34 of Portland Municipal Code contains Subdivision Regulations. Chapter 34.50 specifies the Principles of Acceptability, Chapter 34.60 sets out the Design Standards, and Section 34.65.030 contains the Design Standards for Solar Access. In order to be approved this proposal must meet all of the standards and principles set out in these sections. These are addressed below:

Criterion	Code Chapter	Topic	Applicability Findings
A and B	34.50.010	Conformance with Plans	Not applicable- The proposed change does not affect this approval criterion and therefore the Findings made for the preliminary plan under land use case file #LUR 97-01177 SU CU remains the same. The Conditional Use Review, LU 97-01177 SU, approved Residential Development in the EG2 zone. No changes are proposed from preliminary plan.
A and B	34.50.015	Minimum Density	Not applicable – This criterion does not apply in the EG2 as originally noted in the original Findings under LUR 97-01177 SU CU.
	34.50.020	Future Extension of Streets	Not applicable - The proposed change does not affect this approval criterion and therefore the Findings made for the preliminary plan under land use case file #LUR 97-01177 SU CU remains the same.
	34.50.030	Reserve Strips	Not Applicable - The Findings made for this criterion remains the same as under original land use case file #LUR 97-01177 SU CU.
	34.50.040	Temporary Turnarounds	Not Applicable - No changes are proposed from preliminary plan, therefore the Findings made for the preliminary plan under land use case file #LUR 97-01177 SU CU remains the same.
	34.50.050	Frontage on Arterial Streets	Not Applicable- The proposed change does not affect this approval criterion and therefore the Findings made for the preliminary plan under land use case file #LUR 97-01177 SU CU remains the same
	34.50.060	Half Streets	Not Applicable- The proposed change does not affect this approval criterion and therefore the Findings made for the preliminary plan under land use case file #LUR 97-01177 SU CU remains the same.
	34.50.070	Street Names	Not Applicable- The proposed change does not affect this approval criterion and therefore the Findings made for the preliminary plan under land use case file #LUR 97-01177 SU CU remains the same
	34.50.080	Acreage Tract Subdivisions & Partitions	Not Applicable- This criterion does not apply, since no acreage tracts are proposed as originally noted in the original Findings under LUR 97-01177 SU CU.
A-G	33.50.090	Land Suitability	Not Applicable - The proposed change does not affect this approval criterion and therefore the Findings made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same
	34.60	Design Standards	

Criterion	Code Chapter	Topic	Applicability Findings
A-F	34.60.010	Streets	Not Applicable - The proposed change does not affect this approval criterion and therefore the Finding made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same and all conditions of approval still apply.
A-C	34.60.020	Easements	Not Applicable - The proposed change does not affect this approval criterion and therefore the Finding made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same and all conditions of approval still apply.
A-E	34.60.030	Lots and Parcels	Applicable-See findings below.
	34.65	Solar Access Requirements	Applicable for only Detached Housing – See findings below. For Attached Housing this criterion does not apply in the EG2 as originally noted in the original findings under LUR 97-01177 SU CU.
A-D	34.70.010	Improvement Procedures	Not Applicable - The proposed change does not affect this approval criterion and therefore the Findings made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same and all conditions of approval still apply.
A.	34.70.020	Improvements in Subdivisions- Streets	Not Applicable - The proposed change does not affect this approval criterion and therefore the Findings made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same and all conditions of approval still apply.
B	34.70.020	Storm Sewers & Drainage Ways	Not Applicable - The proposed change does not affect this approval criterion and therefore the Findings made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same and all conditions of approval still apply.
C.	34.70.020	Sanitary Sewers	Not Applicable - The proposed change does affect this approval criterion and therefore the Findings made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same and all conditions of approval still apply.
D	34.70.020	Water System	Applicable – See Findings below.

Criterion	Code Chapter	Topic	Applicability Findings
E.	34.70.020	Sidewalks	Not Applicable - The proposed change does no affect this approval criterion and therefore the Finding made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same and conditions of approval still of apply.
F.	34.70.020	Bicycle Ways	Not Applicable - The proposed change does not affect this approval criterion and therefore the Finding made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same
G.	34.70.020	Electrical and other wires	Not Applicable - The proposed change does not affect this approval criterion and therefore the Finding made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same and all conditions of approval still apply.
H.	34.70.020	Street Lighting	Not Applicable - The proposed change does not affect this approval criterion and therefore the Finding made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same and all conditions of approval still apply.
	34.100.010	Approval Criteria for Variances and Modifications	Not Applicable - The proposed change does not affect this approval criterion and therefore the Finding made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same.

34.60.030 Lots and Parcels.

(Amended by Ord. No. 150581 and 163608, Nov. 7, 1990.)

- A. The size, width, shape and orientation of lots and parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of Title 33 of the City of Portland Code except in areas that will not be served by a public sewer. In areas that will not be served by a public sewer minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

Findings: The EG2 zone requires residential uses to meet development standards of the EX zone. There are no minimum lot size or dimension requirements in the EX zone. All proposed lots are rectangular, with a lot width of 26 feet, lot depth of 81 feet and a lot area of 2,106 square feet. These lot dimensions are appropriate for the type of development contemplated, detached or attached housing. This criterion is met.

- B. The side lines of a lot or parcel shall run at right angles to the street on which it faces as far as is practicable, or on curved streets shall be radial to the curve as far as practicable.

Findings: Side lot lines are at right angles to the frontage street. This criterion is met.

- C. Double frontage lots and parcels shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

Findings: Not applicable, since there are no changes from the preliminary plan approval. The Findings made under the preliminary plan, land use case file #LUR 97-01177 SU CU, remains the same.

- D. All lots and parcels must abut a street other than an alley for a width of at least 25 feet except for those listed below:
1. The minimum street frontage for an attached residential lot is the minimum lot width required by Title 33; and
 2. The pole portion of a flag lot must be at least 12 feet wide.

Findings: The EG2 zone requires residential uses to meet the development standards of the EX zone. There are no minimum lot dimension requirements for attached residential development in the EX zone. For Detached Housing lots must meet the minimum street frontage of at least 25 feet. The lots proposed for either detached or attached housing development show a street frontage of 26 feet wide. The final plat survey will need to be revised to show 10 lots versus 11 lots. With a condition the final plat survey be revised to show 10 lots in conformance with Exhibit C.2, this criterion is met.

- E. Each lot or parcel shall contain a usable building site having an elevation at least 1 foot above the level of a predictable regional (100-year) flood as determined by the United States Corps of Army Engineers.

Findings: All lots are well above the 100-year flood level. This criterion is met.

34.65: SOLAR ACCESS REQUIREMENTS

34.65.030 Design Standard.

At least 80 percent of the lots in a development subject to this ordinance shall comply with one or more of the options in this section.

- A. Basic Requirement. A lot complies with this section if it:
1. Has a north-south dimension of 90 feet or more; and
 2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.
- B. Protected Solar Building Line Option. In the alternative, a lot complies with this section if a solar building line is used to protect solar access as follows:
1. A protected solar building line for the lot to the north is designated on the plat, or documents recorded with the plat; and
 2. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and
 3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and
 4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.
- C. Performance Option. In the alternative, a lot complies with this section if:
1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground-floor south wall protected from shade by structures and non-exempt trees; or
 2. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area facing within 30 degrees of

south. This area of roof and glass will be protected from shade by structures and non-exempt trees.

Findings: None of the new lots for development of detached houses satisfy these solar design standards and none qualify for the exemption from Solar Design Standards (34.65.040). Therefore these lots have been evaluated for compliance with the adjustment criteria. The criterion for Adjustments to the Solar Design Standards is listed below.

34.65.050 Adjustments to Design Standard.

The review body shall reduce the percentage of lots that must comply with Section 34.65.030 to the minimum extent necessary if it finds the applicant has shown one or more of the following site characteristics apply:

- A. Density and Cost. If the design standard in Section 34.65.030 is applied, either the resulting density is less than that proposed or on-site site development costs (e.g., grading, water, storm drainage and sanitary systems, and roads) and solar-related off-site development costs are at least 5 percent more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Section 34.65.030 would reduce density or increase per lot costs in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for development:

1. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south, based on a topographic survey of the site by a professional land surveyor.

Findings: The slope of this property was not shown to meet this site characteristic requirement, therefore this criterion is not applicable.

2. There is a significant natural feature on the site, identified as such in the comprehensive plan or development ordinance, that prevents given streets or lots being oriented for solar access, and it will exist after the site is developed.

Findings: There is no natural feature identified on this site, therefore this criterion is not applicable.

3. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.

Findings: The road design for this new private street being created continues to follow the road pattern of existing streets within this neighborhood. The road width is necessary in meeting the private street design standards, which results in lots not being 90 feet depth therefore not being able to meet the basic solar requirements. This criterion is met for a solar access adjustment.

4. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.

Findings: This new road being developed is not an east-west, therefore the lots fronting this new street do not orient within 30 degrees of east-west. Therefore the orientation of these new lots within this subdivision prevent them from being oriented for solar access. This criterion is met for a solar access adjustment.

- B. Development amenities. If the design standard in Section 34.65.030 applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market

value of the lot(s) would result from having the lot(s) comply with Section 34.65.030 is relevant as to whether a significant development amenity is lost or impaired.

Development amenities include, but are not restricted to, the following:

1. Substantial open space;
2. Recreation or community facilities used in common by residents of the subdivision;
3. Public or private trail systems;
4. Natural features, including water features or wetlands.

Findings: This criterion is not applicable since no amenities are proposed with the future development.

- C. Existing Shade. Non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground have a crown cover over at least 80 percent of the lot and at least 50 percent of the crown cover will remain after development of the lot. The applicant can show such crown cover exists by using a scaled survey of non-exempt trees on the site or using an aerial photograph.

Findings: This criterion is not applicable.

Summary of Findings for Solar Access Requirements: All of the lots within this subdivision meet the requirements for an adjustment to the solar access standards, because of the orientation of the lots and the design of this new road (private street).

34.70.020 Improvements in Subdivisions.

(Amended by Ord. No. 165631, July 8, 1992.) The following improvements shall be installed at no cost to the public in accordance with the requirements of Chapter 34.40.

- D. Water system: Water mains, service and fire hydrants installed in public streets, serving the building sites in the Subdivision and connecting to City mains shall be installed by the Bureau of Water Works in accordance with Title 21. Water lines, service and fire hydrants installed on private property shall be installed according to the requirements of the Plumbing Division of the Bureau of Buildings in accordance with Title 25. Water mains and fire hydrants, whether in public streets or on private property, shall include fire flow requirements as determined by the Water Engineer or by the Bureau of Buildings director, as the case may be, in consultation with the Fire Chief.

Findings: As noted in the Preliminary Plan Approval under Land Use Case File LUR 97-01177 SU CU, a water line extension from N. St. Johns Avenue and Edison is required to provide water to this property. The cost of this water line extension constructed by the Water Bureau is at the applicant's expense. The applicant will be allowed to construct a new water main in the Tract A-Private Street upon Water Bureau approval of water main plans and inspection by the Water Bureau during construction. The Water main in the Tract A-Private Street will have to be in a public utility easement that meets the Water Bureau requirements, which will be reviewed at the time of final plat. The applicant will need to resubmit a revised subdivision plan set along with 50 percent of the normal Water Bureau Ordinance Review Fee, and resubmit a request for and pay for, the required water main extension in N. St. Johns Avenue. Water Bureau supports the proposed Land Division Amendment, but will not sign off on the final plat until modifications are made to the proposed subdivision as described above and the water main extension conditions are met. With the conditions noted by the Water Bureau, this criterion can be met.

Summary of Findings for Title 34 Subdivision Approval Criteria applicable to this Land Division Amendment: All of criteria under Lots and Parcels can be met for this land division amendment request. The Water System improvement for this subdivision can still be met with specific requirements being met as noted by the Water Bureau and the original land use decision, LU 97-01177 CU SU VZ. With the Approval of an adjustment to not require any of the lots within this subdivision to meet the solar access design standards and

with the conditions required by the Water Bureau all of Title 34 Approval Criteria can still be met. Therefore, with the appropriate conditions noted above, all of the approval criteria addressed by the approval of the Preliminary Plan can still be met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

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 33.800.080 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

CONCLUSIONS

The land division amendment request is to allow either Detached Housing or Attached Housing to be developed within this subdivision. The 1997 Conditional Use Review approved Residential Development for this site. The Housing Type detached or attached housing does not affect compliance with the original Findings and Conditions of Approval of the Preliminary Plan Approval (LUR 97-01177 SU CU).

To develop detached houses within this subdivision requires a minimum street frontage of 25 feet and that 80% of the lots in a subdivision be developed to Solar Design Standards. As part of this land division amendment all of the lots met the criteria to adjust the solar access standards. The applicant reduced the number of lots within this subdivision from 11 to 10

lots so the minimum street frontage requirement of 25 feet could be met. This reduction in number of lots requires the Final Plat survey and any public works permit to be revised to reflect 10 lots. The Water Bureau required specific conditions to be met prior to final plat approval to ensure water system improvements for this subdivision. The street design remains unchanged.


As discussed above, the requested land division amendment has been reviewed and shown to be able to meet all the relevant approval criteria.

ADMINISTRATIVE DECISION

Approval of Land Division Amendment to allow the Housing Type to be either Detached Houses or Attached Houses within this subdivision and reduced the number of lots from 11 lots to 10 lots as per the approved site plans Exhibit C-2, signed and dated August 23, 2011, subject to the following conditions of approval:

1. All other conditions of approval from LUR 97-01177 SU remain as detailed in the land use decision.
2. The Final Plat Survey will be revised to reflect 10 lots and be resubmitted to the Bureau of Development Services and the Service Bureaus for full Review.
3. The Final Plat survey will also be revised to include the statement: This plat is subject to the conditions imposed by the City of Portland In Hearings Office File No. LU 97-01177 SU CU and LU 2011-144712 AS.
4. The maintenance and ownership agreement for the proposed Tract A-Private Street will be revised to reflect the new lot configuration. This maintenance agreement will be reviewed by the City Attorney and Bureau of Development Services prior to Final Plat Approval.
5. The Water Bureau requires the following to occur prior to final plat approval:
 - The applicant will need to provide for a full width easement for the proposed water system in the Common Tract "A", private street area, and will need to resubmit the adjusted plan set for the proposed development showing the full width easement prior to the Water Bureau signing off on the final plat.
 - The applicant needs to request and pay for the Water Bureau, with Water Bureau crews, to install a petition main in N St Johns St from the existing 12" CI water main in N Edison St to the proposed development property, prior to the Water Bureau signing off on the final plat.

Staff Planner: Lois Jennings

Decision rendered by:  **on August 23, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed August 25, 2011

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 1, 2011, and was determined to be complete on **July 11, 2011**.

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 June 1, 2011.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on November 7, 2011.**

Some of the information contained in this report was provided by the applicant.

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

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

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

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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.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.**

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;

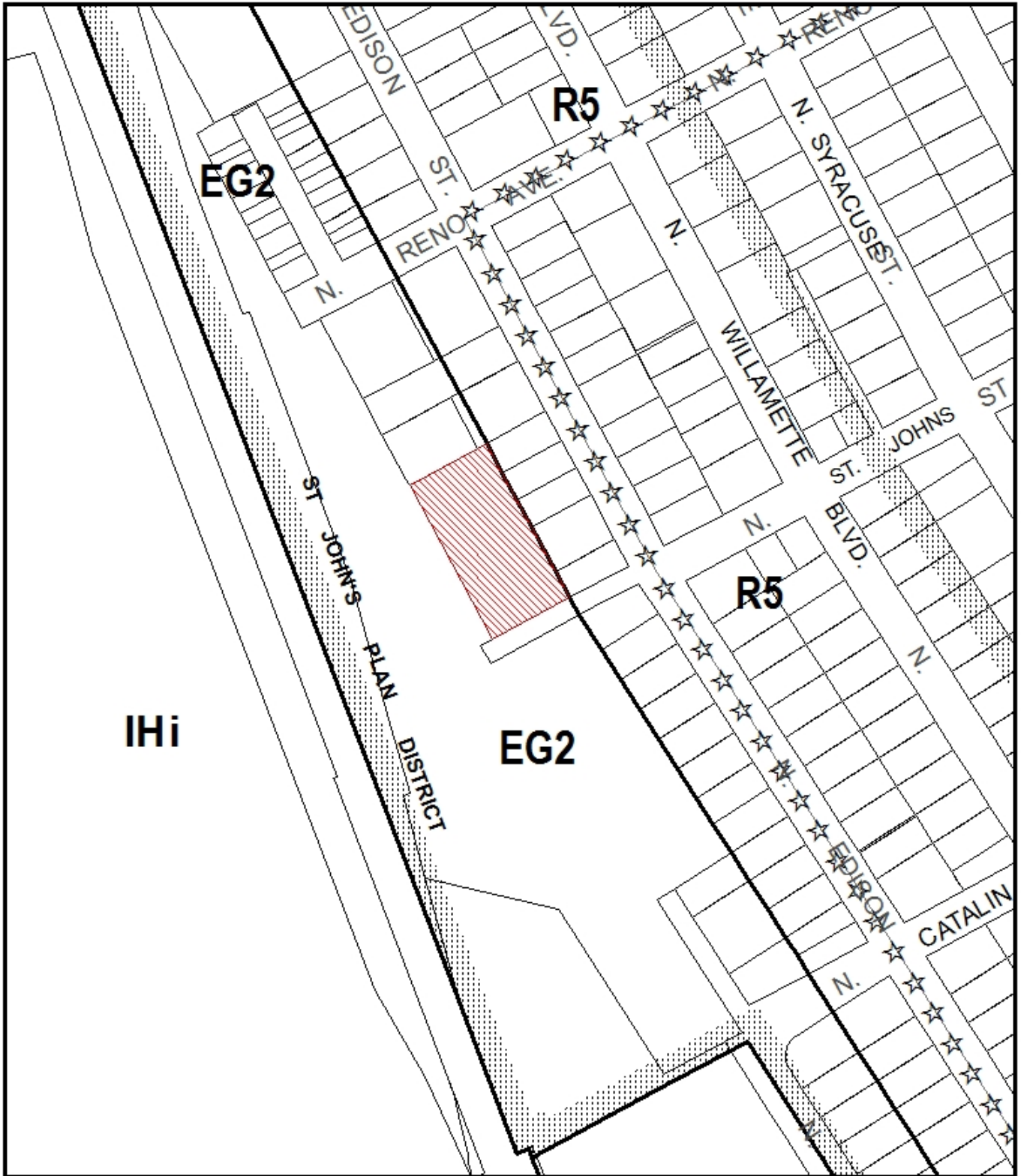
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Narrative & Site Plan Submittal
 - 2. Storm Drainage Design and Hydrology Report
 - 3. Narrative addressing Title 34 approval criteria
 - 4. Utility Plan Submittal
 - 5. Letter from applicant to BES dated August 15, 2011
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. LU 97-01177 SU CU Preliminary Approval Plan
 - 2. Land Division Amendment Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of BDS
- F. Correspondence:
 - *None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. LUR 1997-01177 SU CU Decision
 - 4. Review for Completeness Response from BES
 - 5. Review for Completeness Response from Site Development
 - 6. E-mail from BES dated July 8, 2011
 - 7. E-mail from BES dated July 11, 2011
 - 8. Incomplete letter dated June 21, 2011

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

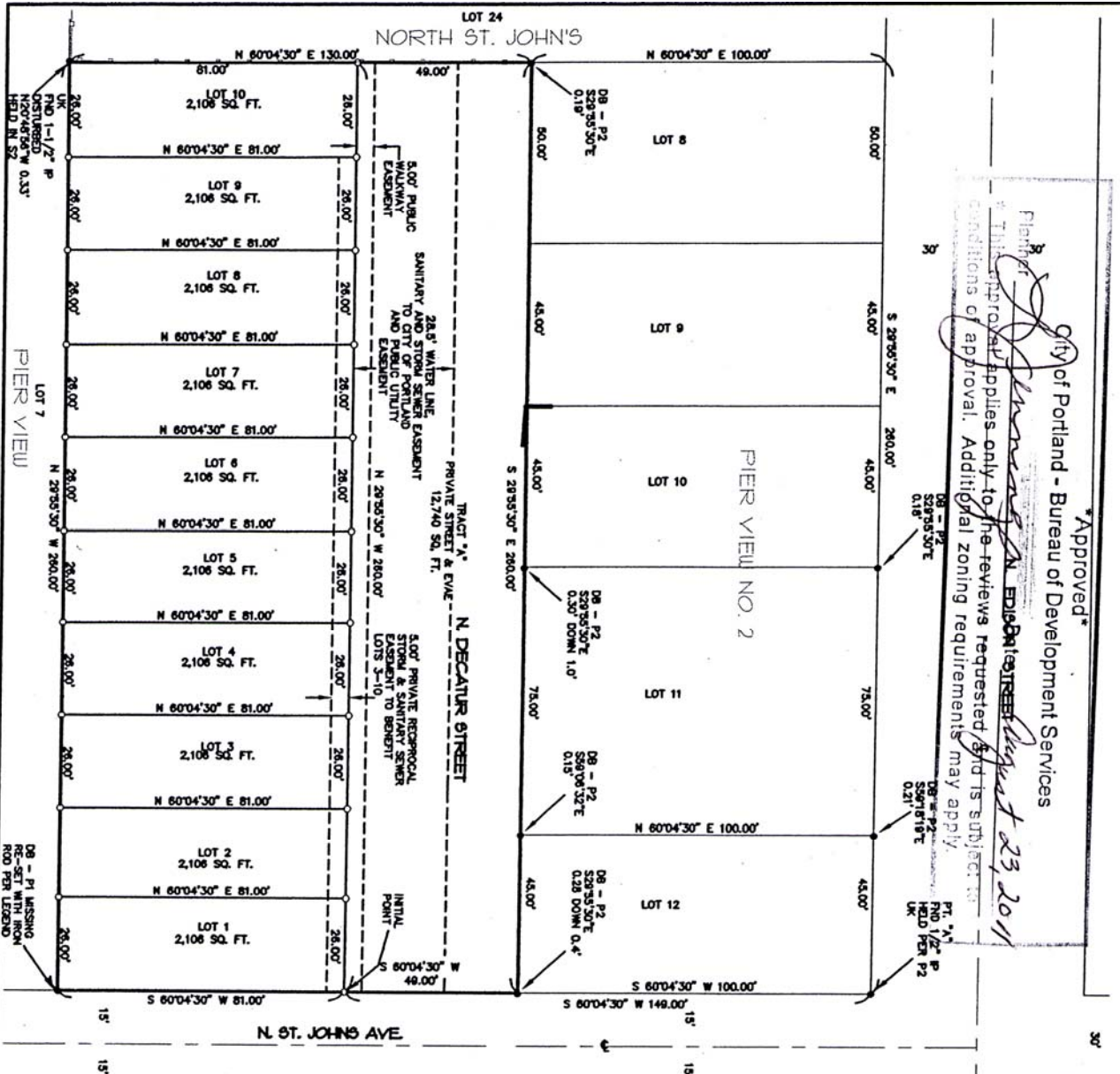
 Site



File No.	<u>LU 11-144712 AS</u>
1/4 Section	<u>2020,2021</u>
Scale	<u>1 inch = 193 feet</u>
State_Id	<u>1N1W02DA 6800</u>
Exhibit	<u>B</u> (Jun 13,2011)

Approved*
 City of Portland - Bureau of Development Services

Plan for *Edgar Street* August 23, 2011
 *This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



TENATIVE PLAT/ LAND DIVISION
 NORTH ST. JOHN'S ROUGHNESS
 A REPLAT OF LOT 13, TIER VIEW NO. 2 IN THE SE 1/4 OF SECTION 2, TOWNHIP 1 NORTH, RANGE 1 WEST, WILAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 SCALE: 1" = 20'
 MAY 10, 2011



CASE NO. 11-14472 AS
 EXHIBIT C.2

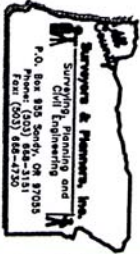
LU 11-14472 AS

Proposed Amendment Site Plan
 10 Lots
 For Detached or Attached Houses

LEGEND

- FOUND MONUMENT AS NOTED
- SET 5/8" IRON ROD W/ YELLOW PLASTIC CAP MARKED ACCORD-888-3181, SET 12-28-2000
- SET 5/8" IRON ROD W/ YELLOW PLASTIC CAP MARKED D.T. BURTON PLS 2248
- P1 PLAT OF TIER VIEW, PLAT BOOK 1228, PAGES 2 & 3
- P2 PLAT OF TIER VIEW NO. 2, PLAT BOOK 1228, PAGES 83 & 84
- S1 MULTNOMAH COUNTY SURVEY RECORD NO. 38880
- S2 MULTNOMAH COUNTY SURVEY RECORD NO. 86185
- UK ORIGIN UNKNOWN
- IP DENOTES IRON PIPE
- ⊕ DENOTES CENTERLINE
- ⊖ DENOTES EMERGENCY VEHICLE ACCESS EASEMENT

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JAMES L. HAY
 DATE OF EXPIRY
 REnews 07/01/11



PROJECT NUMBER: 11-048 TENATIVE PLAT-2300
 PAGE 1 OF 3