



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

FROM CONCEPT TO CONSTRUCTION

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Date: May 3, 2012
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / Sean.Williams@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 11-196235 LDP

GENERAL INFORMATION

Applicant: Kevin & Melissa Hayes
205 Lake Street S #100
Kirkland, WA 98033-6457

Representative: Kiera L. Rouissi Kelly Boles
JDL Development JDL Development
117 NW Trinity Place #32 32 NW Trinity Place #26
Portland, OR 97209 Portland, OR 97209

Site Address: 736 NE Killingsworth Court

Legal Description: BLOCK 5 LOT 10, WAITS CLOVERDALE ANX
Tax Account No.: R872000970
State ID No.: 1N1E23BB 06600
Quarter Section: 2531
Neighborhood: King, contact Trace Salmon at 503-460-2756.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Plan District: None
Zoning: Residential 2,000 (R2) w/ Alternative Design Density (a) & Aircraft Landing Zone (h) Overlays
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 2,201 (Parcel 1) and 2,665 (Parcel 2) square feet in size.

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

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). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land. Therefore this land division is considered a partition.

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

FACTS

Site and Vicinity: Existing improvements consist of a detached single family home located on the northern half of the site that will be retained within Parcel 1 and a detached garage on the southern half of the site that may either be removed or retained to serve future development on Parcel 2. Two trees subject to preservation standards are located within the site. Development east of the site primarily consists of single family homes with varying zoning. Employment, commercial and high density multi-dwelling zoning and development are located west of the site along the NE MLK Jr. Boulevard corridor.

Infrastructure:

- **Streets** – The site has approximately 40 feet of frontage on NE Killingsworth Court, 130 feet of frontage on NE 8th Avenue and 40 feet of frontage on NE Emerson Street. There is a driveway that serves the site from NE Killingsworth Court and NE Emerson Street. At this location, all of the streets fronting this site are classified as local service streets for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 800 feet west of the site on NE Martin Luther King JR Boulevard via Bus #72. Parking is currently allowed on both sides of all the streets fronting this site.

At this location, NE Killingsworth Court is improved with a 30-foot paved roadway surface and pedestrian corridor that consists of a 3-foot planter, 6-foot sidewalk and 1-foot setback to private property (3-6-1) within a 50-foot wide right-of-way. NE 8th Avenue is improved with a 24-foot paved roadway surface and pedestrian corridor that consists of a 3-foot planter, 5-foot sidewalk and no setback to private property (3-5-0) within a 40-foot wide right-of-way. NE Emerson Street is improved with a 24-foot paved roadway surface and pedestrian corridor that consists of a 2.5-foot planter, 5-foot sidewalk and 0.5-foot setback to private property (2.5-5-0.5) within a 40-foot wide right-of-way.

- **Water Service** – There is an existing 8-inch CI water main in NE Killingsworth Court and in NE Emerson Street. No water service is available within NE 8th Avenue. The existing house is served by a 5/8-inch metered service from the main in NE Killingsworth Court.
- **Sanitary Service** - There is an existing 8-inch VSP public combination sewer line in NE Killingsworth Court and a 12-inch CSP public combination sewer line in NE Emerson Street. No sanitary sewer service is available within NE 8th Avenue. The existing house is served by a lateral connected to the main in NE Killingsworth Court.

Zoning: The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

The Aircraft Landing (“h”) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. The allowed height limit for buildings and vegetation on the site per the “h” overlay is 320 feet above the lowest base point at Portland International Airport. The airport low base point is at an elevation of 18.3 feet. Therefore, the topographical elevation of the site PLUS the proposed building cannot exceed 338.3 feet. The highest ground elevation on the site is approximately 207 feet. Therefore, buildings and vegetation on the site cannot exceed 131.3 feet in height. On this site, however, the base zone (R5) height limit of 30 feet is more restrictive than the 'h' overlay allows and cannot be exceeded without a future adjustment review.

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

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits “E” for details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 3, 2012**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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 criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 2 single family parcels.

Single-dwelling development is proposed for the entire site. Therefore, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 120-3. Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 5,202 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. Street dedications are required that total approximately 336 square feet. Therefore, the resulting lot size for calculating density is 4,866 square feet. The site has a minimum required density of 2 units and a maximum density of 2 units.

The lot dimensions required and proposed are shown in the following table:

R2	Minimum lot area (square feet)	Minimum lot width* (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)
Detached Houses	1,600	25	none	25
Parcel 1	2,201	40	55	40
Parcel 2**	2,665	37	72	37

* Width is measured from the midpoints of opposite lot lines.

** The lot dimensions for Parcel 2 reflect required right-of-way dedications.

The findings above show that the applicable density and lot dimension standards are met. Therefore this criterion is met.

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

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

The applicant has submitted an arborist report that inventories the trees within the land division site and evaluates their condition (Exhibit A.2). A total of 2 trees were inventoried,

of which, 1 tree was determined to be exempt as it is considered a nuisance species (24" Hawthorne). The one non-exempt tree was identified as a multi-stemmed Red Pine with a diameter at breast height of 17 inches. The applicant has indicated that it will not be feasible to preserve this tree. The proposal does not meet any of the tree preservation options in 33.630.100, and for that reason, the applicant proposes to use the mitigation options of 33.630.300.

The site is less than 15,000 square feet in area. The applicant wishes to divide the site for detached housing, which is an allowed housing type in the R2 zone. The location of the existing trees on the site would prevent a land division that would result in a practicable arrangement of lots that could each contain a reasonable building area and still be able to meet the development standards of the R2 zone. Criterion C.4 is met. Criterion A is also met as it is not be feasible to preserve any of the non-exempt trees on site.

Option 1 of the Tree Preservation Standards (33.630.100.A.1) would require that 35 percent, or approximately 6 inches of the existing non-exempt tree diameter on site be preserved. Planting as a form of mitigation on lots of this size must take into account the T1 tree planting requirements. Section 33.248.020.H, known as the T1 tree planting standard, requires trees to be planted on new lots as part of the approval of future building permits. The T1 tree standard requires the planting of at least 3 inches on lots that are 3,000 square feet or smaller, which would result in 3-inches of new trees for Parcel 2. Therefore, it doesn't appear feasible to plant many additional trees on Parcel 2 beyond the T1 requirement without jeopardizing the overall health of all the trees on this site. However, additional trees may be planted on Parcel 1 where the existing house will be retained. Therefore, 4.5-inches of new trees shall be planted on Parcel 1, which is the approximate equivalency of the T1 planting requirement, and 1.5 inches (one tree) shall be planted on Parcel 2 beyond the T1 requirement. In addition, all trees planted to meet the T1 and mitigation requirements shall be native species, selected from the Portland Plant List.

The required mitigation is consistent with the purpose of Chapter 33.630, Tree Preservation as the required plantings will provide for the same caliper inches as Option 1. Therefore, with the conditions noted above for mitigation, the criteria can be met.

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With this condition, the new lots can be considered suitable for new development, and this criterion is met.

K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

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. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<p>33.651 Water Service standard - See Exhibit E.3 for detailed bureau comments.</p> <p>The water standards of 33.651 have been verified and noted earlier in this decision. Water is available to serve proposed Parcel 2 from the water main in NE Emerson Street. Therefore, this criterion is met.</p>
<p>33.652 Sanitary Sewer Disposal Service standards - See Exhibit E.1 for detailed comments.</p> <p>The sanitary sewer standards of 33.652 have been verified and noted earlier in this decision. The sanitary sewer main in NE Emerson Street is available to serve the sanitary needs of proposed Parcel 2. Therefore, this criterion is met.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards– See Exhibits E.1 & E.5</p> <p>BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:</p> <ul style="list-style-type: none"> • Parcel 1 (the parcel with the existing house): The existing house discharges stormwater to splash blocks at the SW, NW, and NE corners of the structure and more than 6 feet from the proposed property line. The Bureau of Environmental Services has indicated that the stormwater management system associated with the existing house meets applicable requirements of the Stormwater Management Manual. • Parcel 2: Stormwater from this parcel will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. This lot has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. The Bureau of Environmental Services has indicated conceptual approval of the drywell.
<p>33.654.110.B.1 -Through streets and pedestrian connections 33.654.130.B - Extension of existing public dead-end streets & pedestrian connections 33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections</p> <p>Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The Portland Bureau of Transportation has provided the following evaluation (Exhibit E.2) of connectivity for this proposal:</p> <p style="padding-left: 40px;">"This is a corner lot location which meets the above criteria for adequate connectivity. Additional connectivity is not required at this location."</p> <p>For the reasons described above, this criterion is met.</p>
<p>33.641 – Transportation Impacts – 33.641.020 and 33.641.030 33.654.120.C Width and Design of the street right-of-way 33.654.130.D Partial Rights of way</p> <p>Based on the available evidence, PBOT estimates that the increase in daily trips will be less than 10 total trips per day, with the majority of trips occurring during non-peak hours (according to <i>Institute of Transportation Engineers – Trip Generation Manual</i>, 8th ed.). Other</p>

factors taken into consideration are two possible travel route directions to and from the site as well as transit service available less than 1000 feet from the site. PBOT staff has determined that there will be a minimal impact on existing facilities and capacity and that a traffic study is not required at this time (see *Exhibit E.2* for a detailed analysis).

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. In this case, the existing pedestrian corridors of NE Killingsworth Court, NE 8th Avenue and NE Emerson Street do not meet the Pedestrian Design Guide recommendation (.5-4-6-.5). Therefore, Portland Transportation has determined that curb and sidewalk improvements would be required in order to ensure that safe pedestrian travel is possible within the proposed development. However, due to existing development being retained within Parcel 1, it was determined that it would only be feasible to provide improvements on NE 8th Avenue and NE Emerson Street adjacent to Parcel 2. To accommodate these improvements, additional right-of-way must be dedicated along the frontages of Parcel 2. With those improvements, one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

With the conditions of approval described above, this criterion is met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 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 R2 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

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

- **Minimum Setbacks** – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5-feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.
- **Accessory Structures** – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, the detached garage on proposed Parcel 2 must be removed prior to final plat. Demolition permits are required. The applicant must provide

documentation prior to final plat approval that all required demolition permits have received final inspection. Alternately, the applicant can execute a covenant with the City stating that the structure will be removed if a primary structure has not received final inspection on the parcel with the accessory structure within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.

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 and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation
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 www.portlandonline.com/bds

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 ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement and aerial fire department access roads. These requirements are based on the technical standards of Title 31 and Oregon Fire Code (Exhibit E-4).
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing NE 8th Avenue planter strip adjacent to Parcel 1 prior to final plat approval. Street tree planting in NE Emerson Street will be evaluated at the time of building permit application. This requirement is based on the standards of Title 20 (Exhibit E-6).

CONCLUSIONS

The applicant has proposed a 2 parcel partition, as shown on the attached preliminary plans (Exhibits C.1-C.3). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: tree preservation and transportation impacts.

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 two parcels for detached houses, as illustrated with Exhibits C.1-C.3, subject to the following conditions:

A. The Final Plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for NE 8th Avenue and NE Emerson Street. The required right-of-way dedication must be shown on the final plat.

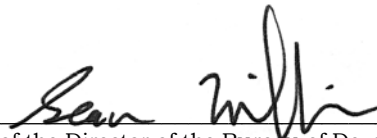
B. The following must occur prior to Final Plat approval:

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
3. The applicant must obtain a finalized demolition permit for removing the detached garage on Parcel 2. Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.
4. The applicant must plant 1 street tree in the planter strip on NE 8th Avenue adjacent to Parcel 1. Street trees will be chosen from the City's approved street tree list for the 3-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.
5. The applicant shall receive final inspection approval of a Zoning Permit to plant 4.5-inches of trees on Parcel 1. The trees shall be native species selected from the Portland Plant List.

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

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along NE 8th Avenue and NE Emerson Street adjacent to Parcel 2. The improvements must be constructed with development per the City Engineer's discretion.
2. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.
3. The applicant shall plant one native tree, selected from the Portland Plant List, on Parcel 2. Trees planted to meet T1 (33.248.020.H) requirements may not be used to meet this condition. In addition, all trees planted to meet T1 requirements shall be native species selected from the Portland Plant List.

Staff Planner: Sean Williams

Decision rendered by:  **on May 1, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 3, 2012

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 November 23, 2011, and was determined to be complete on **February 1, 2012**.

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 November 23, 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 extended the 120-day review period as stated with Exhibit A.5.

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.

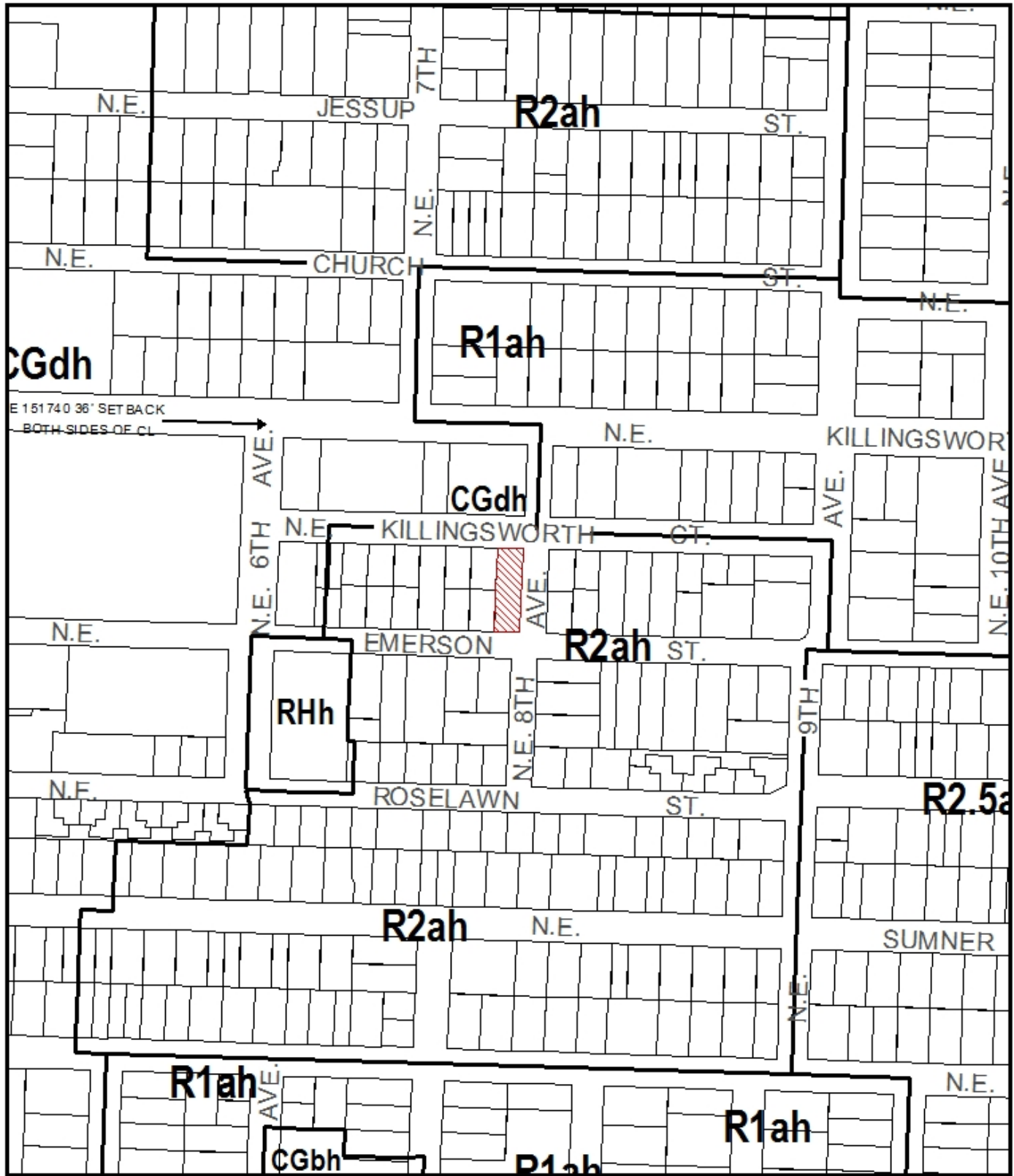
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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.**

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Arborist Report
 - 3. Preliminary Stormwater Runoff Calculations
 - 4. Simplified Approach Infiltration Test
 - 5. Extension of 120-Day Review Period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Plan (attached)
 - 2. Preliminary Proposed Stormwater/Utility Plan
 - 3. Preliminary Future Stormwater/Utility Plan
- 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 Plans Examiner
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter
 - 4. RFC Responses

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).

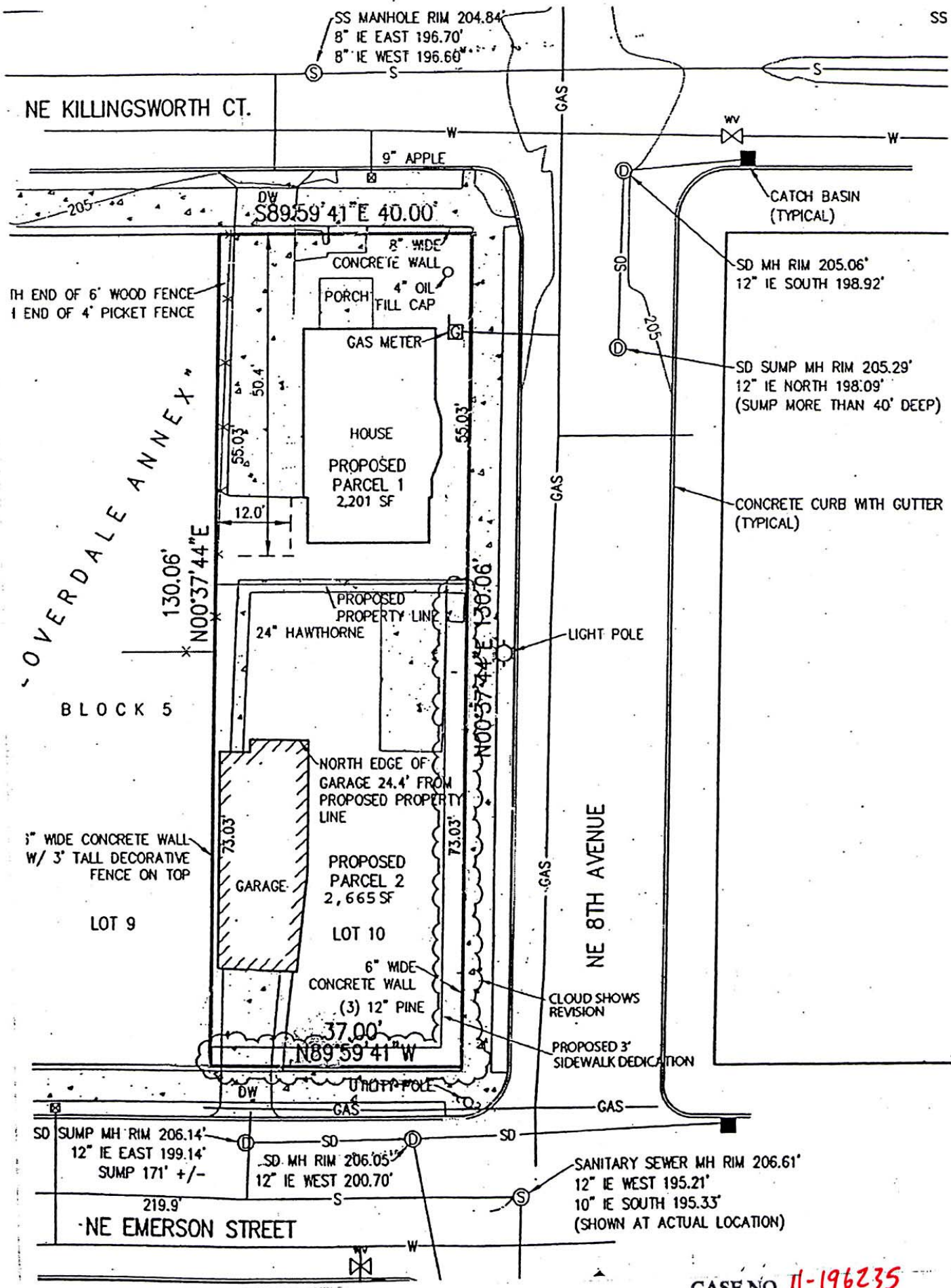


ZONING

 Site



File No. LU 11-196235 LDP
 1/4 Section 2531
 Scale 1 inch = 200 feet
 State_Id 1N1E23BB 6600
 Exhibit B (Nov 29,2011)



CASE NO. 11-196235
EXHIBIT C-1