



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

FROM CONCEPT TO CONSTRUCTION

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Date: October 29, 2012
To: Interested Person
From: Marisol Caron, Land Use Services
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-152300 LDP

GENERAL INFORMATION

Applicant/Owner: Terry P. Carney, Inc., 3010 SW Bennington Drive, Portland, OR 97205

Site Address: 3340 SW 12th Avenue and 1137 SW Whitaker Street

Legal Description: BLOCK 69 LOT 5&6 TL 6200, PORTLAND CITY HMSTD

Tax Account No.: R668004120, R668004120

State ID No.: 1S1E09AC 06200, 1S1E09AC 06200

Quarter Section: 3328

Neighborhood: Homestead, contact Anton Vetterlein at 503-790-0719.

Business District: None

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Zoning: R2 – Multi-Dwelling Residential 2,000

Case Type: LDP – Land Division (Partition)

Procedure: Type II_x - an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to divide a 5,000 square foot site into two parcels. The site is a corner lot located at the intersection of SW 12th Avenue and SW Whitaker Street and is currently being developed with two detached dwelling units. The two residences on this site were reviewed and approved through the building permit process prior to submittal of the proposed land division, as is permitted in the multi-dwelling residential zones. The proposed land division will result in each house being located on its own lot. SW Whitaker Street will undergo a half street improvement, including a new sidewalk, as part of a separate Public Works Permit process that was initiated at the time of the building permit reviews. Stormwater from the individual parcels will be directed to flow-through planters, which have been engineered, built and hooked up to the combined sewer system as part of the construction of the two residences.

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 (2 parcels). Therefore this land division is considered a partition.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (see 33.660.110).

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: The site is a 5,000 square foot, irregular shaped corner lot that is situated at the intersection of SW 12th Avenue and SW Whitaker Street in the Marquam Hill area of Portland. The site sits approximately 600 feet west, outside of the Marquam Hill Plan District and the Oregon Health and Science University (OHSU). The site slopes gently downhill to the east at approximately 5 to 10 degrees slope. Two recently constructed detached dwelling units occupy the site. The surrounding area is characterized by primarily single-dwelling development to the west, gradually becoming more interspersed by multi-dwelling development to the east toward the OHSU campus.

Infrastructure:

- **Streets** – The site has approximately 42 feet of frontage on SW 12th Avenue and 100 feet of frontage on SW Whitaker Street. At this location, SW 12th Avenue is classified as a Local Service Street for all modes in the TSP and includes a 25-foot paved surface within a 60-foot right-of-way. SW Whitaker Street is unimproved/vegetated at this location. Tri-Met provides transit service approximately 100 feet from the site at SW 11th Avenue via Bus #8.
- **Water Service** – There is an existing 6-inch DI water main in SW 12th Avenue and an existing 6-inch DI water main in SW Whitaker.
- **Sanitary Service** - There is an existing 8-inch CSP public combination sewer line in SW Whitaker Street.

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.

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 **September 17, 2012**. Two written responses have been received from a notified property owner in response to the proposal. Concerns expressed in the responses are summarized below, with comments from City staff in *Italics*.

- The first letter received expressed frustration with the perceived timing and intent of the notification process. The commenter thought that the "Notice of a Type IIX Proposal in Your Neighborhood" was intended notify neighbors of the construction of the two dwelling units and changes to SW Whitaker Street. The letter expressed concern that the City did not truly give neighbors meaningful notification and opportunity to voice their opinions because the dwellings have already been built.

Staff Response: The two dwelling units constructed on this site were approved through the building permit process and were allowed by right under the R2 zoning designation.

Requests for uses and development which are allowed by right are reviewed through a

nondiscretionary administrative review (building permit) and no notice of the proposal is mailed. This proposal is for a land division that would result in the two dwelling units being located on separate parcels. Proposals for land divisions are subject to discretionary review and require a land use review. Each land use review has specified procedures, including who receives the notice, when the notice is mailed and the length of comment period. The notification procedures for a Type IIX land use review can be found in Zoning Code Section 33.730.025.

- The second letter received was a follow-up from the respondent, following a voicemail message from staff, that expressed an understanding of the Notice of a Type IIX Proposal in Your Neighborhood, but also expressing concern regarding the size of the two residences and the safety access for fire trucks via SW Whitaker Street. The letter also expressed frustration with past planning processes and outcomes in the neighborhood.

Staff Response: The two dwelling units were reviewed against the applicable development standards in the R2 zone. While the units may be larger in scale than some surrounding development, they are within the allowed size limits of the R2 zone. The Fire Bureau reviewed the proposed improvements to SW Whitaker Street and provided comments (Exhibit E.7) that they are satisfied that the street improvements that are shown on the Public Works Permit for the street improvements will satisfy the fire apparatus access requirements.

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:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood 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.B – Existing dead-end streets and pedestrian connections	There are no existing dead-end streets or pedestrian connections adjacent to the site that must be extended onto the site.
	33.654.130.C – Future dead-end streets and pedestrian connections	No dead-end streets or pedestrian connections 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 parcels for detached single-dwelling homes.

Single-dwelling or duplex development is proposed for the entire site, therefore the proposed lots must 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 5,000 square feet. The site has a minimum required density of 2 units and a maximum density of 2 units.

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

Required Lot Size and Dimensions				
R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Multi Dwelling	4,000	33	70	30
Attached Houses	1,600	15	none	15
Detached Houses	1,600	25	none	25
Duplexes	2,000	33	50	50
Proposed Lot Size and Dimensions				
	Lot area (square feet)	Lot width (feet)	Lot depth (feet)	Front lot line (feet)
Parcel 1-detached	2,542	42.15	60.31	42.15
Parcel 2-detached	2,458	39.69	61.88	39.69

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

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

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.

Findings: The site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site is reasonably limited.

In order to evaluate the proposal against this criterion, the applicant has submitted a geotechnical evaluation of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A.6). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability.

The applicant's geotechnical evaluation indicates that the risk of potential landslide hazard at the site is relatively low, given the soil composition, topography, and other risk factors. Given that the site is currently developed with two houses and no additional development is proposed, the proposed land division will result in lots, buildings, services, and utilities that will not significantly increase the risk of landslide potential on the site or other properties in the vicinity of the site. In addition, stormwater disposal on site is via flow through planters that have been engineered and built and hooked up to the combined sewer system. This method of stormwater disposal at the site will not have a significant detrimental impact on the slope stability on or around the site. This conclusion was reached because stormwater will not be disposed on the site itself, it will be treated and discharged into the public storm sewer system.

Site Development has concurred with the findings of the applicant's geotechnical report. This criterion is 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 located in the Potential Landslide Hazard area, but the site itself has a gradual slope of approximately 5 to 10 percent grade down to the east. There is no new construction associated with this land division request, as the existing development on site was permitted and constructed prior to submittal of the land division request. No additional clearing or grading will occur and therefore there will be no change to the existing topographical contours and drainage patterns. 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. The site 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,

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, or can be met with conditions of approval, 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. Water is available to serve the proposed development from the water mains located in SW 12th Avenue and SW Whitaker Street. Parcel 1 has an existing water service from the main in SW 12th Avenue and Parcel 2 has an existing water service from the main in SW Whitaker Street.</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. There is an existing 8-inch CSP public sanitary sewer located in SW Whitaker that can serve the sanitary needs of the proposed parcels.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards– See Exhibits E.1</p> <p>BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>Stormwater disposal for both houses was reviewed and approved as part of the recent building permit process. The plans were approved for 100 square foot flow-through planters for each structure with off-site discharge to the combination sewer. Stormwater is directed into flow-through planters that remove pollutants and suspended solids. The water drains from the planters to the existing storm sewer in SW Whitaker Street. To clarify how sanitary and stormwater management requirements are being addressed relative to the new proposed property lines, the applicant must submit a supplemental site plan that shows the following at the time of final plat:</p> <ul style="list-style-type: none"> (a) Existing sanitary sewers as well as sanitary connections to the main; (b) Existing and proposed building locations; (c) Public and private storm facilities serving existing development, including connections to public main; (d) Public right-of-way dedications and improvements; (e) Existing easements; (f) Property lines.
<p>33.654.110.B.1 -Through streets and pedestrian connections</p> <p>Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located meets the noted spacing requirements. Therefore, this criterion is met.</p>
<p>33.641 – Transportation Impacts – 33.641.020 and 33.641.030 33.654.120.B & C Width and elements of the street right-of-way – See Exhibit E.2 for detailed bureau comments</p> <p>Transportation Impacts</p> <p>Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.</p>

Based on the available evidence, and given the level of bus routes and frequency, the high density of OHSU employee and students in the area, and their relatively high level of using alternative transportation modes such as transit, biking, and walking, in combination with the required sidewalk improvements, PBOT has determined that the addition of two single-family homes can be expected to have minimal impact to street capacity, transit service, and safety impacts on the neighborhood. The two residences are already allowed and under construction by right sine the site is zoned R2 and the two dwelling units are allowed without the proposed land division. The land division simply allows each of the dwelling units to be located on their own lot. PBOT finds the transportation system can safely support the proposed development in addition to the existing uses in the area.

Width and Elements of the Street Right-of-Way

SW 12th Avenue has an approximately 25' wide paved roadway in a 60' right of way and SW Whitaker Street is unimproved/ vegetated. Based on the R2 zoning and proposed vehicle access to both SW 12th Avenue and SW Whitaker Street, standard half-street improvements to both frontages will be required.

In order to provide adequate right-of-way width for the improvements, a 1-ft dedication will be required along the SW Whitaker Street frontage. Because both sides of SW Whitaker Street on this block face, a 32-ft wide roadway will be needed at full width build out. The mixed R5 and R2 zoning on the SW 12th Avenue block face will only require a 28-ft wide roadway when fully built. The following improvements will be required:

SW Whitaker Street: Dedicate 1-ft, construct a minimum of 20-feet of paving, curb 16-feet from the right-of-way centerline, 8-foot swale, 6-foot sidewalk, 0.5-foot frontage zone at the back of the sidewalk, street trees and street lighting as needed. New pavement should connect the existing pavement on Whitaker to create a through street.

SW 12th Ave: Construct a minimum of 20-feet of paving, curb 14-feet from the ROW centerline, 8-foot swale, 6-foot sidewalk, 0.5-foot frontage zone at the back of the sidewalk, street trees and street lighting as needed.

The above street improvements are currently under review under a separate public works permit. The dedications and financial guarantees shall be conditions of final plat approval if they have not been completed as part of the building permit reviews.

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 and Parcel 2. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the 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.

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

- **Detached Houses**- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**
- **Minimum Setbacks** – The existing houses 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 on Parcel 1 will be 6 feet from the new property line. The existing house on Parcel 2 will be 4.7 feet from the new property line with eaves extending another 1-foot to be at 3.7 feet from the new property line. Therefore, the required setbacks are being met for Parcel 1 and Parcel 2 can utilize the provisions in 33.120.270.D, described above, to allow the side setback to the new interior lot line to be reduced to 3-feet. 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 buildings relative to the adjacent new lot lines and must indicate the reduced west side setback for Parcel 2.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority 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 verification that public street improvements are completed and meet Fire Bureau requirements to provide fire apparatus access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

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 are ensuring that setbacks from existing buildings to new property lines are met and public street improvements on SW Whitaker Street.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a partition that will result in 2-parcels suitable for single dwelling development, 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 BDS Land Use Review and BES review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Existing and proposed buildings or accessory structures on the site at the time of the final plat application;
- Reduced side setback (3-feet from property line) for the west (interior) property line of Parcel 2;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Existing sanitary sewers and sanitary connections to the main;
- Public and private storm facilities serving existing development, including connections to the public main;
- Public right-of-way dedications and improvements;
- Existing easements;
- Property lines;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SW Whitaker Street. The required right-of-way dedication must be shown on the final plat.

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right-of-way improvements along the site's street frontages. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.

Utilities

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.

Required Legal Documents

3. If an appeal or exception is used to meet Condition C.2, above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on affected parcels to contain internal fire suppression sprinklers. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

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

1. If required by Condition C.2, the applicant will be required to meet any requirements identified through a Fire Code Appeal or exception to install residential sprinklers in the development of Parcels 1 and 2. Please refer to the final plat approval report for details on whether or not this requirement applies.

Staff Planner: Marisol Caron**Decision rendered by:**  **on October 25, 2012.**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 29, 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 June 19, 2012, and was determined to be complete on September 11, 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 June 19, 2012.

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 extended by the applicant, **the 120 days will expire on January 9, 2013.**

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 13, 2012** at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 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.ci.portland.or.us .

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

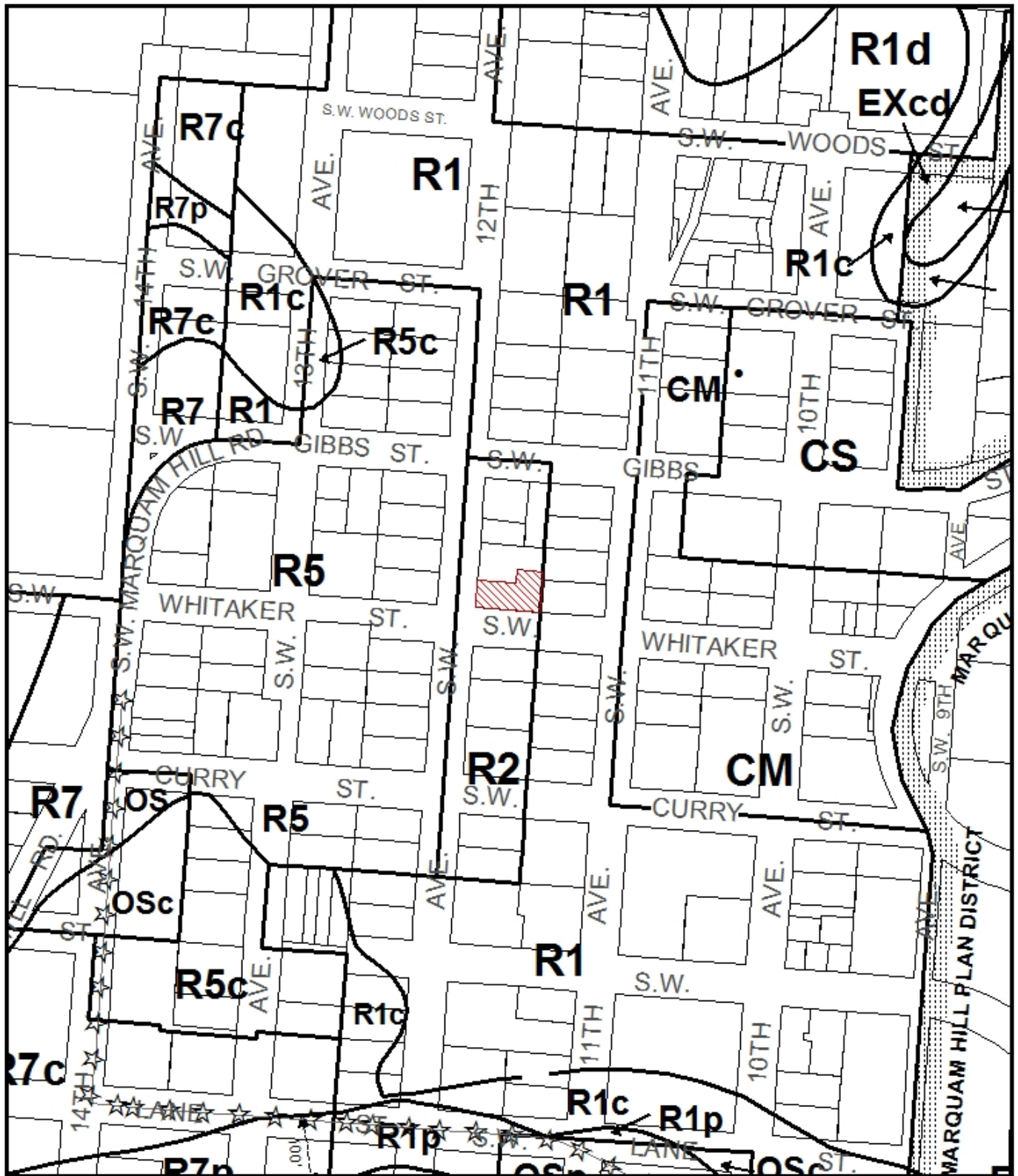
Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity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

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. June 19, 2012 Narrative and Site Plan
 - 2. Geotechnical Site Assessment
 - 3. Neighborhood Contact, dated June 12, 2012
 - 4. July 26, 2012 Additional Information
 - 5. August 22, 2012 Transportation Impact Narrative
 - 6. September 11, 2012 Landslide Hazard Study
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plan (attached)
 - 2. Public Works Permit Plans
- 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. Site Development Review Section of BDS
 - 5. Life Safety Plans Examiner
 - 6. Bureau of Parks, Forestry Division
 - 7. Fire Bureau
- F. Correspondence:
 - 1. Karen Ellmers, received September 19, 2012
 - 2. Karen Ellmers, received September 21, 2012
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter

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
-  Historic Landmark



File No.	LU 12-152300 LDS
1/4 Section	3328
Scale	1 inch = 200 feet
State_Id	1S1E09AC 6200
Exhibit	B (Jun 25, 2012)

EXISTING CONDITIONS MAP

TAX LOT 8200
 N.E. 1/4 SECTION 9, T.1S., R.1E., W.M.,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 JUNE 18, 2012 SCALE 1"=20'

VERTICAL CONTROL FROM FOUND CITY
 OF PORTLAND BENCHMARK NO. 1393
 AT THE INTERSECTION OF SAM JACKSON
 PARK ROAD AND VETERANS HOSPI...
 ELEVATION = 543.577, COP DATUM.

LEGEND
 Some symbols shown may not be used on map

- | | | |
|--------------------------|----------------|-----------------------------|
| ⊙ CLEANOUT | ⊙ CATCH BASIN | ⊙ UTILITY AND LIGHT POLE |
| ⊙ SANITARY SEWER MANHOLE | ⊙ WATER VALVE | ⊙ GUY WIRE |
| ⊙ WATER METER | ⊙ FRIE HYDRANT | → TRAFFIC SIGNAL POLE |
| ⊙ GAS VALVE | ⊙ GAS VALVE | ⊙ ELECTRICAL POWER PEDISTAL |
| ⊙ GAS METER | ⊙ GAS METER | ⊙ COMMUNICATIONS PEDISTAL |
| ⊙ SIGN | ⊙ SIGN | ⊙ COMMUNICATIONS MANHOLE |
| ⊙ MAILBOX | ⊙ MAILBOX | ⊙ OVERHEAD LINE |
| ⊙ UTILITY POLE | ⊙ UTILITY POLE | ⊙ GAS LINE |
| ⊙ LIGHT POLE | ⊙ LIGHT POLE | ⊙ ELECTRICAL LINE |
| | | ⊙ COMMUNICATIONS LINE |
| | | ⊙ SANITARY SEWER LINE |
| | | ⊙ STORM DRAIN LINE |
| | | ⊙ WATER LINE |
| | | ⊙ FENCELINE |
| | | ⊙ ELECTRIC RISER |
| | | ⊙ UTILITY RISER |

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

REGISTERED
 LAND SURVEYOR
 JAMES BURLIN BROWN
 60379

VALID THROUGH DECEMBER 31, 2013

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 709 N. CLATSOP AVENUE, SUITE 114-2
 PORTLAND, OREGON 97205
 PHONE 503.650.0188 FAX 503.650.0189
 DRAWN BY: JMW CHECKED BY: JBB ACCOUNT # CARNEY
 M:\PROJECTS\CARNEY-06\10100

LU 12-152300 LDP
 Exhibit C.1

