



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

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Date: July 11, 2013 **To:** Interested Person

From: Rachel Whiteside, Land Use Services

503-823-7605 / Rachel.Whiteside@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 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 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 13-142418 LDP

GENERAL INFORMATION

Applicant: Robert Hawthorne / PDX Living LLC

616 NE 61st Pl / Portland, OR 97213

Owner: Tatiana Moller

616 NE 61st Pl / Portland, OR 97213

Site Address: 616 NE 61ST PL

Legal Description: BLOCK 1 LOT 6, BARRETTS ADD

Tax Account No.: R055800060 **State ID No.:** R052800060 1N2E31AD 04400

Quarter Section: 2936

Neighborhood: North Tabor, contact Nicole Davenport at 661-965-9602. **District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.

Zoning: R1

Case Type: LDP, Land Division (Partition)

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use

Board of Appeals (LUBA).

Proposal:

The applicant proposes to divide the existing 5,000 square foot site into two lots. The site is a through lot with frontage on NE 61st Place to the west and NE 62nd Avenue to the east. The lot is flat and has no significant topographical or vegetative features. The existing single-family home, oriented towards NE 61st Place, is proposed to remain on Parcel 1 along with a shed and off-street parking space. A detached garage will be demolished in the area of future Parcel 2.

Public sanitary sewer and water service are available in both NE $61^{\rm st}$ Place and NE $62^{\rm nd}$ Avenue. The existing house utilizes a soakage trench for stormwater management, as will future development on proposed Parcel 2. No alteration to either public street frontage is proposed.

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 proposes to create two parcels.

RELEVANT APPROVAL CRITERIA:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: **Section 33.660.120**, **Approval Criteria for Land Divisions in Open Space and Residential Zones**

FACTS

Site and Vicinity: The block between NE 61st Place and NE 62nd Avenue is only 100 feet wide, or one lot deep, rather than the standard two lots like surrounding blocks. The site is currently developed with a house facing NE 61st Place and a detached garage off of NE 62nd Avenue. The site is flat with no significant topographical features or trees.

Most of the surrounding area is developed with single-family homes to the R5 density, though the entire vicinity has a multi-dwelling residential Comprehensive Plan designation. There are commercial pockets of zoning and development at NE $60^{\rm th}$ and Glisan Street and NE $67^{\rm th}$ and Glisan.

Infrastructure:

Streets – The site has 50 feet of frontage on NE 61st Place and 50 feet on NE 62nd Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, NE 61st Place and NE 62nd are classified as a Local Service Streets for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 300 feet from the site at NE Glisan Street via Bus #19.

According to City database sources, NE 61st Place is improved with 26 feet of paving and a 6-foot planter, 4-foot sidewalk, and 2-foot reserve (6-4-2 configuration) within a 50-foot wide right-of-way. NE 62nd Avenue is improved with 28 feet of paving and a 9-foot planter, 6-foot sidewalk, and 0-foot reserve (9-6-0 configuration) within an approximate 58-foot wide right-of-way.

- **Water Service** There is an existing 4-inch CI water main in NE 62nd Avenue and an existing 4-inch CI water main in NE 61st Place. The existing house is served by a 3/4-inch metered service from the main in NE 61st Place.
- **Sanitary Service** There is an existing 8-inch concrete public combination sewer line in NE 62^{nd} Avenue and an existing 8-inch concrete public combination sewer line NE 61^{st} Place. The existing house is served by a lateral from the main in NE 61^{st} Place.

Zoning: The R1 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 is one prior land use review for this site. LU 13-111303 ZC approved a Zone Change in conformance with the Comprehensive Plan from R5 to R1 zoning.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits "E" contain the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 28, 2013** 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. <u>The following table summarizes the criteria that are not applicable.</u> Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section	Findings: Not applicable because:		
	and Topic			
В	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches		
		in diameter are located fully on the site.		
С	33.631 - Flood Hazard Area	The site is not within the flood hazard area.		
D	33.632 - Potential	The site is not within the potential landslide		
	Landslide Hazard Area	hazard area.		
E	33.633 - Phased Land	Not applicable. These standards only apply to land		
	Division or Staged Final	divisions in the RF through R2.5 zones.		
	Plat			
F	33.634 - Recreation Area	Not applicable. The minimum required density is		
		less than 40 units.		
Н	33.636 - Tracts and	No tracts or easements have been proposed or will		
	Easements	be required.		
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on		
		a corner). In this context, solar access standards		
		express no lot configuration preference.		
J	33.640 - Streams, Springs,	No streams, springs, or seeps are evident on the		
	and Seeps	site outside of environmental zones.		
L	33.654.110.B.2 - Dead end	No dead end streets are proposed.		
	streets			
	33.654.110.B.3 -	The site is not located within an I zone.		
	Pedestrian connections in			
	the I zones			
	33.654.110.B.4 - Alleys in	No alleys are proposed or required		
	all zones			
	33.654.120.C.3.c -	No turnarounds are proposed or required		
	Turnarounds			
	33.654.120.D - Common	No common greens are proposed or required		
	Greens			
	33.654.120.E - Pedestrian	There are no pedestrian connections proposed or		
	Connections	required		
	33.654.120.F - Alleys	No alleys are proposed or required		
	33.654.120.G - Shared	No shared courts are proposed or required		
	Courts			
	33.654.130.B - Existing	No public dead-end streets or pedestrian		
	public dead-end streets	connections exist that must be extended onto the		
	and pedestrian connections	site.		
	33.654.130.C - Future	No dead-end street or pedestrian connections are		
	extension of dead-end	proposed or required.		
	streets and pedestrian			
	connections			
	33.654.130.D - Partial	No partial public streets are proposed or required.		
	rights-of-way			

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 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 R1 zone is one unit per 2,000 square feet (for sites less than 10,000 square feet in area) and the maximum density is one unit per 1,000 square feet. The total site area shown on the applicant's survey is 4,994 square feet. The site has a minimum required density of 2 units and a maximum density of 5 units.

In this zone, there are no minimum lot area requirements for lots designated for detached houses or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division, to avoid further division of lots in the future that could result in non-compliance with the overall density requirements of the site as it exists in this proposal.

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R1	Minimum lot area (square feet)	Minimum lot width (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)	
Multi Dwelling	10,000	70	70	70	
Attached Houses	none	15	none	15	
Detached Houses	none	25	none	25	
Duplexes	2,000	none	none	10	
Parcel 1 – detached	2,497	50.0	49.95	50.0	
Parcel 2 – detached	2,497	50.0	49.95	50.0	

^{*} 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.

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 are no plumbing records regarding the previous residence on the site that was demolished in 2009. The City has no record that an on-site sewage facility, if present, was ever decommissioned. Therefore, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for completing an *Existing On-site Sewage Disposal System* form at the time of building permit on Parcel 2. 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,

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services and provided the following evaluation:

Street Capacity and Level of Service

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

- 1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
- 2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. It should be noted that the applicant recently received City approval of a Zone Change on the subject site. As part of this other land use process, a Traffic Impact Study (TIS) was prepared, which also addressed the applicable transportation-related land division approval criteria. The following discussion is based on PBOT's assessment of the transportation impacts and submitted TIS for this proposal.

Additionally, the referenced Zone Change (13-111303 ZC) included another site [lot] north of the subject site and located on the same block. The previously prepared TIS also considered the potential impacts of the other site in addressing the land division approval criteria. Accordingly, the analysis, conclusions and recommendations prepared by the applicant's traffic consultant were conservative with respect to this subject land division to create one additional lot. A similar application to split the other northern lot is being reviewed simultaneously by the City (13-142423 LDP).

The proposed land division will create one new parcel (from the existing lot) in order to accommodate one new detached single family home. The trip generation calculations prepared by the applicant's traffic consultant show that future development within the two properties will generate a net increase of two trips during the morning peak hour. During the evening peak hour a total of one additional trip is expected. A weekday total of 14 additional trips are

expected with half entering and half exiting the site. The applicant's traffic consultant performed site visits to observe current performance of four critical area intersections, including NE 60th Ave/NE Oregon, NE 60th Ave/NE Glisan, NE 62nd Ave/NE Hoyt and NE 62nd Ave/NE Glisan. Due to the small number of trips generated by this development, the proposed land division(s) will not result in changes to the current operation of the nearby transportation facilities, which are each operating with sufficient capacity and satisfying the City's previously referenced (LOS) performance measures.

Vehicle Access and Loading

Vehicles will access the divided properties via both NE 61st Pl and NE 62nd Ave. The current dwelling on 616 NE 61st Pl already has a private driveway accessible from NE 61st Pl. The dwelling located at 715 NE 62nd Ave (the northern lot) has existing driveways connecting to both NE 61st Pl and NE 62nd Ave. Most site trips are expected to utilize the site access driveways for access and loading; however on-street parking is also adequate to serve for access and loading.

On-Street Parking Impacts

A site visit was performed at midnight to observe available parking in the area since on-street parking is available on both sides of NE 61st PI and NE 62nd Ave. Thirteen open parking spaces were observed on NE 61st PI while NE 62nd Ave had 17 open parking spaces. Future development within the subject properties is projected to result in an increased parking demand of two to three vehicles during peak times. The additional parking demands can be met by existing available on-street parking in the site vicinity. On-street parking is adequate to serve the proposed uses in addition to the existing uses in the site vicinity.

Availability & Access to Transit

TriMet has bus stops are in place along NE Glisan St and NE 60th Avenue. Tri-Met Bus #71 (60th Ave/122nd Ave) serves a stop just north of NE Oregon St and Tri-Met Bus #19 (Woodstock/Glisan) serves a stop on the corner of NE 62nd Ave/NE Glisan St. Tri-Met's NE 60th Ave MAX Station is also located nearby providing access to the MAX Blue, Green, and Red lines. Access to transit is sufficient for the proposed development in addition to the existing uses in the site vicinity.

Impacts on the Immediate & Adjacent Neighborhoods

The land division is not expected to cause a significant impact on the immediate neighborhood. The traffic utilizing the sites is able to access NE Glisan St and NE 60th Ave with ease. NE Hoyt St ends in a dead-end after NE 64th Ave and does not proceed through any other neighborhood. NE Oregon St also dead-ends after NE 65th Ave leaving little opportunity for traffic from the land division to impact the immediate neighborhood. Since there is easy access to the main corridor of NE Glisan St and the collector NE 60th Ave, the impact of traffic on adjacent neighborhoods is expected to be minimal. Additionally, since ample parking exists in the immediate site vicinity the proposed land division(s) and subsequent development will not materially impact the immediate and adjacent neighborhoods.

Safety for all Modes

Traffic volumes along the residential streets within the vicinity of the subject sites are low and travel speeds are limited by the 25 mph statutory residential speed limit. Speeds are further restricted by the narrow roadways that are also utilized for on-street parking. Accordingly, bicycles are expected to share the roadways with motorized vehicles in the area. Existing sidewalks are in place throughout the immediate neighborhood to adequately facilitate pedestrian use.

Given the area in which the site is located, the minimal increase in vehicle trips that will be generated by the proposed partition, and the analyses contained in the applicant's TIS, which PBOT concurs with and supports, the applicant has adequately demonstrated that the transportation system will be able to support the existing development in the area as well as the proposed development.

PBOT has determined that no mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

Findings: 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:

33.651 Water Service standard - See Exhibit E.3 for detailed bureau comments.

The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.

33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.

The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1

No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The applicant has proposed the following stormwater management methods

- Parcel 2: Stormwater from this lot will be directed to an individual soakage trench 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. BES has indicated conceptual approval of the soakage trench, but notes that the Oregon Department of Environmental Quality (DEQ) regulates underground injection control (UIC) facilities to protect groundwater. Drywells and soakage trenches are examples of UICs. It is the applicant's responsibility to register all on-site UICs with DEQ, as appropriate.
- Parcel 1 (the lot with the existing house): The existing house has downspouts that drain a soakage trench meeting the criteria of the Stormwater Management Manual.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The above referenced connectivity goals are generally met along the subject block and beyond. PBOT has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition.

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment 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. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided. 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.

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 R1 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:

• <u>Minimum Setbacks</u> – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed <u>new</u> 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, including building eaves, relative to the adjacent new lot lines.

<u>Accessory Structures</u> – 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, all accessory structures on 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. To ensure that this standard is met, a condition of approval is necessary.

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		
Development Services/503-823-7300	Title 24 – Building Code, Flood plain		
www.portlandonline.com/bds	Title 10 – Erosion Control, Site Development		
	Administrative Rules for Private Rights-of-Way		
Environmental Services/503-823-7740	Title 17 – Sewer Improvements		
www.portlandonline.com/bes	2008 Stormwater Management Manual		
Fire Bureau/503-823-3700	Title 31 Policy B-1 – Emergency Access		
www.portlandonline.com/fire			
Transportation/503-823-5185	Title 17 – Public Right-of-Way Improvements		
www.portlandonline.com/transportation	Transportation System Plan		
Urban Forestry (Parks)/503-823-4489	Title 20 – Street Trees and other Public Trees		
www.portlandonline.com/parks			
Water Bureau/503-823-7404	Title 21 – Water availability		
www.portlandonline.com/water			

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 addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; and fire apparatus access, including aerial 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.2). 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: existing development, Fire Code standards, and conditions for future development of Parcel 2.

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, as illustrated with Exhibit C.2, subject to the following conditions:

- **A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use 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:
- Any buildings (including eaves) or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- Any other information specifically noted in the conditions listed below.

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

Utilities

1. 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.

Existing Development

2. The applicant must obtain a finalized demolition permit for removing the 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.

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

1. The minimum and maximum density for the lots in this land division are as follows:

Lot	Minimum Density	Maximum Density			
1	1	2			
2	1	2			

- 2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for a *Disclaimer for Existing on-site Sewage Disposal System* at the time of building permit application on Parcel 2.
- 3. The applicant must meet the addressing requirements of the Fire Bureau for Parcel 2. The location of the address sign must be shown on the building permit.
- 4. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal. Please refer to the final plat approval report for details on whether or not this requirement applies.
- 5. 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.

Staff Planner: Rachel Whiteside

Decision mailed July 11, 2013

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 April 23, 2013, and was determined to be complete on May 24, 2013.

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 April 23, 2013.

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: September 21, 2013.**

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.

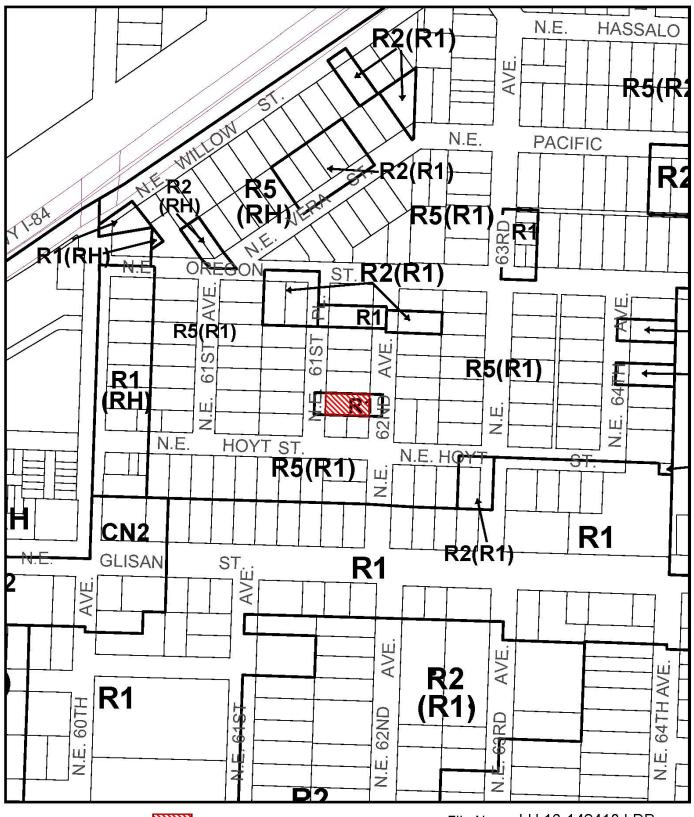
Recording the land division. The final land division plat must be submitted to the City within three years of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, 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. Original Narrative
 - 2. Transportation Analysis prepared by Lancaster Engineering
 - 3. Simplified Stormwater Approach Form
 - 4. Response to Incomplete Letter, received May 21, 2013
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Plan
 - 2. Proposed Improvements Plan (attached)
 - 3. Preliminary Plat
- 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 Review Section of BDS
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, sent May 14, 2013

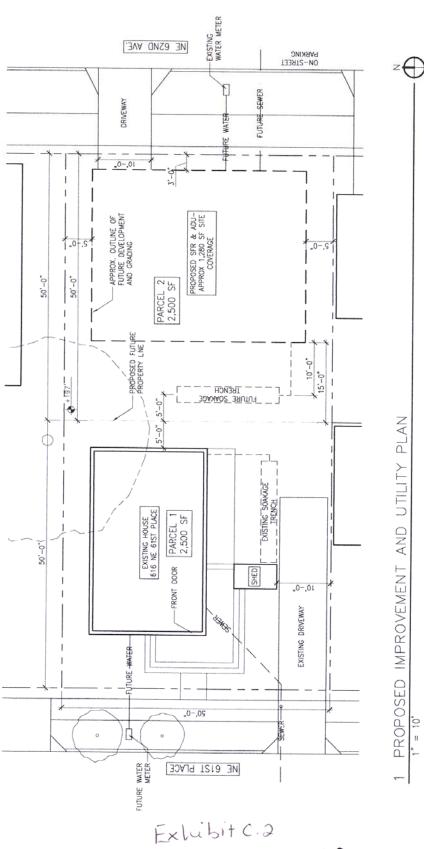
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING Site

LU 13-142418 LDP File No. 2936,2937 1/4 Section 1 inch = 200 feet Scale 1N2E31AD 4400 State_ld В Exhibit, (Jul 09,2013)





13-142418 LPP LN

LAND DIVISION 101 616 NE 61ST PLACE PORTLAND, OR 97213 SHEET TILLE. SHEET NO. PROPOSED IMPROVEMENTS PLAN DATE: 9 APRIL 2013 CASE FILE: