



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: October 29, 2013
To: Interested Person
From: Kathy Harnden, Land Use Services
503-823-7318 / Kathy.Harnden@portlandoregon.gov

NOTICE OF A TYPE Ix 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 775 Summer St NE, Suite 330, Salem, OR 97301-1283. 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 13-180527 LDP

GENERAL INFORMATION

Applicant: Kevin Partain, Urban Visions
223 NE 56th Ave / Portland OR 97213

Owner: Jane L Hill
3117 SE 8th Ave / Portland, OR 97202

Site Address: 3117 SE 8TH AVE

Legal Description: TL 3500 0.23 ACRES, SECTION 11 1S 1E
Tax Account No.: R991110600
State ID No.: 1S1E11BC 03500 **Quarter Section:** 3331
Neighborhood: Brooklyn Action Corps, contact Steve Schmunk at 503-998-4096.
Business District: Greater Brooklyn, contact David Weislogel at 503-872-9320.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Zoning: R2.5 -Residential 2,500
Case Type: LDP - Land Division Partition
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to partition this 10,000 square-foot site into three parcels. The parcels will each be 100 feet deep. Parcels 1 and 3 will be 33 feet wide and contain 3,300 square feet. Parcel 2 will be 34 feet wide and have 3,400 square feet. All three parcels will have direct frontage on SE 8th Avenue and will be developed with detached, single-dwelling residences. The existing dwelling will be demolished. Of the four coniferous trees on the site, the 26-inch Western Red Cedar near the southwest corner will be preserved.

This partition is reviewed through a Type Ix 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 is 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 3 units of land. Therefore this land division is considered a partition.

Relevant Approval Criteria: 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 approximately 10,000 square-foot site slopes upward in a southwesterly direction, where the slope becomes much steeper as it rises 6 to 7 feet above the existing lawn area to create a 6 to 8-foot wide berm along the south side of the lot. It appears that in the past, the site was severely graded to create a flatter area upon which to build the existing house located in the northeast corner of the site. This house is to be demolished.

There are four trees on the site, including three 15” to 18” Douglas firs in a row along the south side of the property and one 26-inch Western Red Cedar in the southwest corner. The trees are situated on top of the berm. The rest of the site contains the existing house and a grass-covered lawn.

The site is located less than 1,000 feet east of the Willamette River, and a little over 500 feet southeast of the intersection of SE Powell and SE McLoughlin Boulevards. Brooklyn Park, a City park with a baseball diamond, is located approximately 800 feet to the southeast of the site.

Infrastructure:

Streets – The site has approximately 100 feet of frontage on SE 8th Avenue, with one driveway that serves the existing house. At this location, SE 8th Avenue is classified as a local service street for all modes in the Transportation System Plan (TSP). SE 8th Avenue has a 36-foot wide paved surface within a 60-foot right-of-way with curbs, sidewalks and parking on both sides.

Tri-Met provides transit service approximately 300 feet north of the site on SE Powell Boulevard via routes 9, 17 and 19 and along SE McLoughlin via routes 33 and 99. In addition a Shared Roadway bike facility is designated on SE 9th Avenue, one block east of the site.

Water Service – There is an existing 8-inch CI water main in SE 8th Avenue. The existing house is served by a 5/8-inch metered service from the main. This service is potentially available to provide service to proposed Parcel 2. The existing main is available to provide water to the other 2 proposed lots.

Sanitary Service - There is an existing 10-inch clay combined public sewer line in SE 8th Avenue, which can serve the sanitary needs of future development on the proposed three parcels.

Zoning: The site is located in the **Single Dwelling Residential 2,500 (R2.5)** zone. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

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

Agency Review: Several Bureaus 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 **August 19, 2013**. One written response was received from a notified property owner in response to the proposal, commenting that parking is a concern on SE 8th Avenue due to existing properties that do not have on-site parking and due to parking on the street by customers of nearby businesses. She also notes that with the proposed “Green Street” construction on SE 9th, that parking impacts on SE 8th are likely to increase. Relevant comments are addressed under the applicable approval criteria, below. Please see Exhibits “F” below for details.

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	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed 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	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, 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	No pedestrian connections are 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 public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end	No dead-end street or pedestrian connections are proposed or required.

	streets and pedestrian connections	
	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 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. In this zone, the 10,000 square-foot site has a minimum required density of 2 units and a maximum density of 4 units. The applicant is proposing 3 parcels, so the density standards are met.

The lot dimensions for standard lots are shown in the following table:

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	3,300		33	100	33
Parcel 2	3,400		34	100	34
Parcel 3	3,300		33	100	33

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

Narrow Lots

The three proposed parcels range from 33 to 34 feet wide, which is narrower than the minimum 36-foot width required for new lots in the R2.5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the application demonstrates that future development can meet the regulations of 33.611.200.C, Minimum Lot Width, for the R2.5 zone, as described below.

Consistent with the Purpose of Lot Dimension Regulations

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (3) lots are not so large that they could be further divided and exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are wide enough to allow development to orient toward the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9) lots are compatible with existing lots while also considering the purpose of this chapter.

The applicant has demonstrated that the proposed Parcels are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of building footprints that meet all applicable setback requirements and which show that the houses will be oriented towards the street. Therefore they have demonstrated that the proposed parcels can accommodate reasonably sized houses and garages while meeting the development standards of the zoning code;
- The applicant has provided a preliminary utility plan which demonstrates that each parcel has access for utilities and service;
- Each parcel will be more than 25 feet wide and will be able to accommodate a 9-foot wide driveway;
- While somewhat narrower than most existing lots on the block, there are at least three 30-foot wide lots, which are narrower than the proposed lots, on the block between SE

7th and 8th Avenues to the west and east, and SE Powell and . Further, each parcel will have a single dwelling residence with off-street parking as do the other lots in the neighborhood; and

- The proposed parcels are not landlocked nor do they narrow to an unbuildable width close to the street.

The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet

- The applicant's preliminary plan shows that each parcel will be developed with detached houses, and that each parcel is at least 33 feet wide. Therefore, this standard is met.

Based on the foregoing, the applicable density and lot dimension standards will be met, so this criterion is met.

Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development

The applicant has demonstrated, with Exhibit C.1 that each lot will be built with a house that is greater than 22 feet in width and will be able to accommodate a garage that will occupy no more than 50% of the length of the street-facing façade. The garage limitation standards of Subsection 33.110.253.E can be 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 provided an arborist report (Exhibit A.2) that includes an inventory of trees within the land division site, an evaluation of their conditions, and specified root protection zones. All 4 trees on the site are in relatively good condition. Trees 208 through 210 are mature 15- to 18-inch Douglas fir trees that grow in a row down the center of proposed parcel 3. The applicant proposes to remove these three trees and retain tree 211, a 26-inch Western Red Cedar in order to develop the site with 3 lots with individual houses. None of the trees is exempt from preservation requirements (per Table 630.1 of the *Portland Zoning Code*), so the total non-exempt tree diameter on the site is 75 inches. However, the Tree Preservation Chapter requires retention of only 35 percent of the total non-exempt tree diameter on the site.

Preservation of the 26-inch diameter cedar provides just under the required 35 percent (34.67%) of the total non-exempt tree diameter that must be preserved. The applicant states that development of proposed Parcel 3 could not occur if any of the three Douglas fir trees were to remain on the site, due to their locations down the center of the proposed lot. Therefore, one additional tree must be planted as mitigation. This tree must be at least 1.5 inches in diameter.

The applicant's Tree Preservation Plan shows the preserved Cedar with a 20-foot radius root protection zone (Exhibit C.1). The mitigation tree must also be preserved and have a root protection zone. Although the mitigation tree will be only 1.5 inches in diameter, a minimum 10-foot radius root protection zone is required to ensure its protection throughout the development of the property. Further, to ensure that future owners of the parcels are aware of the tree preservation requirements, the applicant must record an *Acknowledgement of Tree Preservation Requirements* at the time of final plat, and show the location, species and diameter of both the existing cedar tree as well as the required 1.5-inch mitigation tree on a Supplemental Plan. The mitigation tree should be planted on Parcel 2, as it is the largest of the three proposed lots. Therefore, development on Parcels 2 and 3 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.1, as modified by this condition), the applicant's arborist report (Exhibit A.2.b), and conditions of approval of this

land use review. Neither the existing tree nor the mitigation tree can be counted as part of the required landscaping for the site.

With conditions to preserve the ~26-inch cedar tree on Parcel 3 and to plant one 1.5-inch diameter tree in the back yard of Parcel 2; to not include either the existing or mitigation tree's diameters in required landscaping totals; to show the locations of both the preserved 26-inch cedar and the required 1.5-inch diameter tree on a Supplemental Plan submitted with the Final Plat application; and to provide and record an Acknowledgement of Tree Preservation Requirements for both trees with the Final Plat, this criterion will be met.

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

Findings: 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.

Clearing and Grading: In this case, the site slopes upward from northeast to southwest, but is not located within the Potential Landslide Hazard Area. It is developed with a house, driveway, mowed lawn and four mature evergreen trees. The applicant has not described any significant grading that might be required to make the new lots developable, although . In addition, no clearing or grading is proposed within the root protection zone of the tree on the site that is to be preserved. Conditions that require the root protection zones of the 26-inch cedar and 1.5-diameter mitigation tree to be shown on grading, proposed development, and Final Plat Supplemental plans will ensure tree protections are in place throughout any potential grading and development activities associated with the house demolition and development of the site.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. The applicant proposes to remove the existing house and garage and redevelop the site.

Site Development requires that a final inspection approval for a demolition permit for removal of the existing house must occur prior to Final Plat approval. With this condition, the new lots can be considered suitable for new development, and this criterion will be 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, if necessary. Chapters 33.651 through 33.654 address water service and 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.
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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.
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33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.

The Bureau of Environmental Services has indicated that public 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 proposes on-site infiltration for new development on the three lots via individual drywells. BES has no objections to this proposal. Therefore, the Stormwater Management standards have been verified.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030**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. In this case, Portland Transportation determined that existing curb and sidewalk improvements exceed the standards for Local Service streets abutting R2.5 zones.

However, Portland Transportation advised the applicant that if the existing sidewalk corridor is damaged during the course of construction, it will need to be re-constructed to the satisfaction of the City Engineer.

Therefore, the Transportation standards have been verified.

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 rights-of-way can be provided on the final plat. At this time no specific utility easements adjacent to the rights-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 applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause any structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, 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 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual

Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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.

- At the time of final plat, the applicant must meet the requirements of the Fire Bureau in regard to addressing and ensuring adequate hydrant flow from the nearest fire hydrant or obtain an approved Fire Bureau appeal to this requirement. This requirement is based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting at the time of building permit review. This requirement is based on the standards of Title 20.40.
- Existing trees 12 inches in diameter or larger on private property may not be removed without an approved written permit issued by the City Forester.

CONCLUSIONS

The applicant has proposed a 3-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:

- Tree preservation requirements;
- Acknowledgement of Tree Preservation and Tree Protection Plan requirements
- Fire Bureau hydrant flow and spacing
- Addressing

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition that will result in three standard lots, as illustrated with Exhibit C.1, and subject to the following conditions:

- A. Supplemental Plan.** Two copies of an additional supplemental plan shall be submitted with the final plat survey for review and approval. This plan must portray how the conditions of approval listed below are met and show the surveyed location of the following:
- Any buildings 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 parcel;
 - The locations of the existing 26-inch Cedar tree and the required 1.5-inch mitigation tree;
 - The required 20-foot and 10-foot, respectively, root protection zones for each of the required trees;
 - Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. A recording block for each of the legal documents such as an acknowledgement of tree preservation requirements as required by Condition C.4, below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "An Acknowledgement of Tree Preservation Requirements" has been recorded as Document No. _____, Multnomah County Deed Records."

C. 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 and hydrant spacing.

Existing development:

2. A final inspection approval is required for a demolition permit for the removal of the existing house and shed on the site. (Note that Title 24 requires a 35-day demolition delay period for most residential structures.)
3. The site plan for the demolition permit must show all trees required to be preserved and their root protection zones as shown on Exhibit C.1. All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A.2) and conditions of approval in this report.


Required Legal Documents

4. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Parcel 2 and Parcel 3. A copy of the approved Tree Preservation Plan must be included as an exhibit to the Acknowledgement.
5. The Acknowledgment of Tree Preservation 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. The 26-inch cedar tree shall be preserved on the site and shall have a 20-foot radius root protection zone
2. The applicant shall install a 1.5-inch diameter mitigation tree on Parcel 2, and provide it with a 10-foot radius root protection zone.
3. A Zoning Permit shall be required to ensure that the 1.5-inch diameter tree is installed on the site. A final inspection of the Zoning Permit shall be required at the time of development review.
4. The root protection zones of the 26-inch cedar and 1.5-inch diameter mitigation tree shall be depicted on all grading, proposed development, and Final Plat Supplemental plans
5. Any development, including grading and excavation on Parcels 2 and 3 shall be in conformance with the Tree Preservation Plan (Exhibit C.1), the Supplemental Plan, and the applicant's arborist report (Exhibit A.2).
6. Diameters of the existing 26-inch cedar tree and the 1.5-inch mitigation tree shall not be included in any required landscaping totals.

Staff Planner: Kathy Harnden

Decision rendered by:  **on October 25, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed October 29, 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 July 17, 2013, and was determined to be complete on August 15, 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 July 17, 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 requested that the 120-day review period be extended for a period of 35 days. Unless further extended by the applicant, **the 120 days will expire on: November 14, 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.

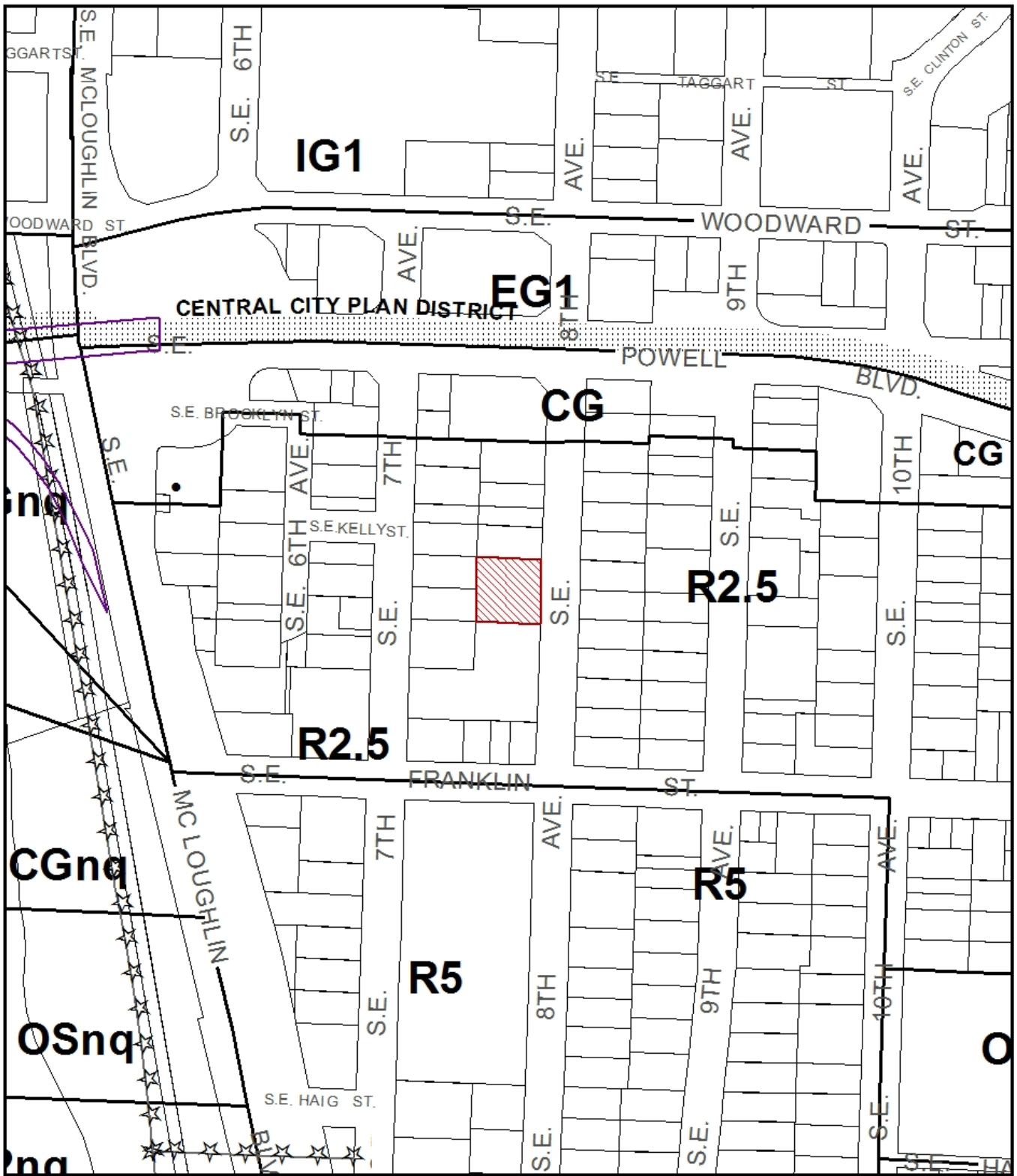
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Narrative
 - 2. Arborist Report
 - 3. Stormwater Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat with Site Plan and Tree Preservation (attached)
 - 2. Full size plan set
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Urban Forestry
- F. Correspondence:
 - Tina Lowe, 9/12/13: parking impacts, small lot sizes, traffic
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. RFC Responses
 - 4. 120-Day Review Timeline Extension

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 13-180527 LDP
1/4 Section	3331
Scale	1 inch = 200 feet
State_Id	1S1E11BC 3500
Exhibit	B (Jul 22, 2013)

PRELIMINARY PLAT MAP

A TRACT OF LAND PER DOCUMENT NO. 2049-684
 BEING TAX LOT 3500 LOCATED IN THE
 N.W. 1/4 SECTION 11, T.1S., R.1E., W.M.,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 JULY 9, 2013 SCALE: 1"=20'

SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON CITY OF PORTLAND BENCHMARK NUMBER 307,
 BEING A BRASS DISC ON TOP OF CURB AT THE SOUTHEAST CORNER OF S.E. FRANKLIN
 STREET AND S.E. 8TH AVENUE.
 A TRIMBLE S8--SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD
 TRAVERSE.
 AREA OF SUBJECT PARCEL: 10,000 S.F. OR 0.23 ACRES

THE BASIS OF BEARINGS FOR THIS SURVEY AS PER MONUMENTS FOUND AND HELD PER
 RECORDS OF MULTNOMAH COUNTY.

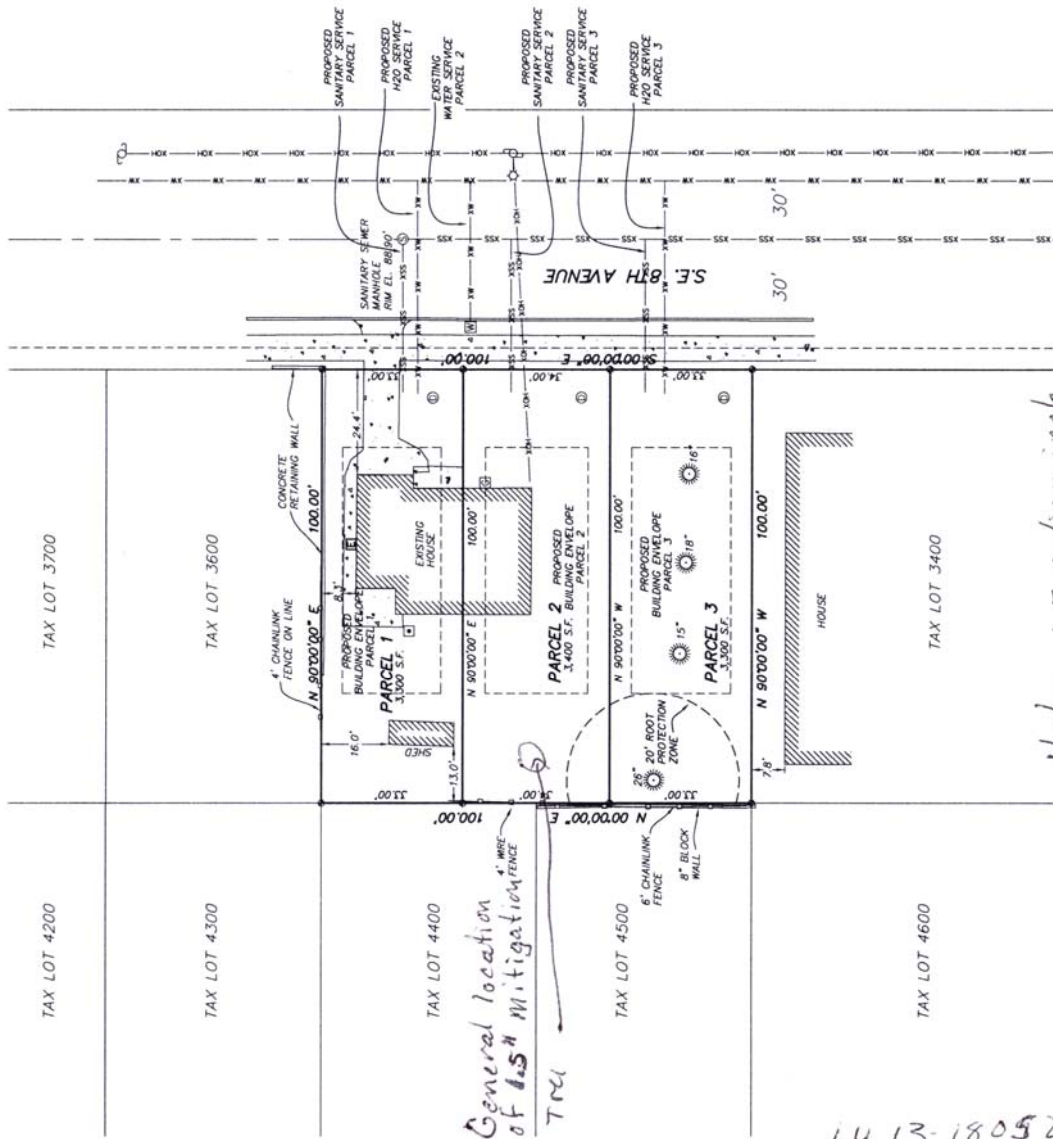
THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERMETER BOUNDARY
 OF THE SUBJECT PARCEL TO SATELITE BENCHMARK NUMBERS AND
 ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE
 POSSESSION, ESTOPPEL, ADVERSE POSSESSION, ETC.

LEGEND:

Some Symbols shown may not be used on map

- | | | | |
|--|-------------------------|--|---------------------------|
| | DECIDUOUS TREE | | UTILITY AND LIGHT POLE |
| | EVERGREEN TREE | | GUY WIRE |
| | PROPOSED DRYWELL | | TRAFFIC SIGNAL POLE |
| | SANITARY SEWER CLEANOUT | | ELECTRICAL POWER PEDESTAL |
| | CATCH BASIN | | COMMUNICATIONS PEDESTAL |
| | SANITARY SEWER MANHOLE | | OVERHEAD LINE |
| | WATER VALVE | | GAS LINE |
| | WATER METER | | ELECTRICAL LINE |
| | FIRE HYDRANT | | COMMUNICATIONS LINE |
| | BOLLARD | | SANITARY SEWER LINE |
| | GAS VALVE | | STORM DRAIN LINE |
| | GAS METER | | WATER LINE |
| | SIGN | | FENCE LINE |
| | MANHOLE | | ELECTRIC RISER |
| | UTILITY POLE | | UTILITY RISER |
| | LIGHT POLE | | AIR CONDITIONER UNIT |
| | ELECTRIC METER | | SPOT ELEVATION |
| | | | PROPERTY CORNER |



General location
 of Gas Mitigation
 Tree

Note: 1.5 caliber inch
 tree to be planted
 in rear yard of
 Parcel 2.

LU 13-180527 LDP
 EX. C.1

SIGNED ON: 7-10-2013
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 NOVEMBER 2007
 JAMES BURTON BROWN
 60379
 VALID THROUGH DECEMBER 31, 2013

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 729 MOLALLA AVE., SUITE 1 & 2
 OREGON CITY, OREGON 97045
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