

# City of Portland, Oregon

# **Bureau of Development Services**

## **Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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

**Date:** November 21, 2013 **To:** Interested Person

**From:** Kate Green, Land Use Services

503-823-5868 / Kate.Green@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 <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. 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 13-155144 LDP

### **GENERAL INFORMATION**

**Applicant:** Rich Grimes/WDC Properties

1335 NW 13th Avenue / Portland OR 97209

**Property Owner:** Mark R Madden

1355 NW 13th Avenue / Portland OR 97209

Site Address: 610 NW 17TH AVENUE & 1645 NW HOYT STREET

**Legal Description:** BLOCK 155 LOT 1-4, COUCHS ADD

**Tax Account No.:** R180213520, R180213520

**State ID No.:** 1N1E33AC 02200, 1N1E33AC 02200 **Quarter Section:**2928

**Neighborhood:** Northwest District/ John Bradley/ 503-313-7574

**Business District:** Nob Hill/ Mike Conklin/ 503-226-6126

Pearl District Business Association/ Adele Nofield/ 503-223-0070

**District Coalition:** Neighbors West/Northwest/ Mark Sieber/ 503-823-4212

**Zoning:** Central Employment (EX) Design (d) overlay

**Plan District:** Northwest

**Case Type:** Land Division-Partition (LDP)

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

Board of Appeals (LUBA)

**Proposal:** The applicant proposes a **Land Division-Partition** to divide an approximately 20,000 square foot lot into 2 parcels. Parcel 1 is proposed to be 7,000 square feet and Parcel 2 is proposed to be 13,000 square feet. Alterations have recently been made to the existing structures, which will remain on each parcel.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a commercial, employment, or industrial zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.662.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS

92.010 defines "parcel" as a single unit of land created by a partition of land. The applicant's proposal is to create 2 units of land (2 parcels), so this land division is considered a partition.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section 33.662.120, Approval Criteria for Land Divisions in Commercial, Employment, and Industrial zones.

#### **FACTS**

**Site and Vicinity:** The project site is a relatively flat, 20,000 SF site with frontages on NW 16<sup>th</sup> Avenue to the east, NW Hoyt Street to the south, and NW 18<sup>th</sup> Avenue to the west. The I-405 freeway is also situated directly to the east.

The site was developed with multi-level warehouse building circa 1952. Until recently, the development had included a 4-story portion of the warehouse on the west side of the site, and a single-story portion and loading dock along the east side of the site.

Per recent permits, the existing structure is being altered to separate the development to correspond to the proposed lot layout. The single story portion of the warehouse was remodeled to create a 25-foot wide opening between the single and multi-story sections of the building (Permit 13-115161 CO); and the applicant has indicated this development is intended to remain in warehouse use. The 4-story portion of the building is being renovated to a new use as apartments (Permit 13-120823 CO).

Within a 2 block radius, the surrounding development includes a mix of commercial, industrial, and residential structures.

#### Infrastructure:

**Streets** – The site has approximately 100 feet of frontage on NW 16<sup>th</sup> Avenue, 200 feet of frontage on NW Hoyt Street, and 100 feet of frontage on NW 17<sup>th</sup> Avenue. There are two driveways the serve the site, one from NW 16<sup>th</sup> Avenue and the other from NW Hoyt Street.

At this location NW 16th Avenue is classified as Major City Traffic Street, Community Transit Street, City Walkway, City Bikeway, Major Truck Street, and a Major Emergency Response Street. The site is located within a pedestrian district.

Tri-Met provides transit service approximately 300 feet from the site at NW Glisan Avenue via Bus Line 77.

**Water Service** – There is an existing 8-inch DI water main in NW 17<sup>th</sup> Avenue, an existing 12-inch CI water main in NW Hoyt Street, and a 4-inch fire service from the existing 8-inch DI water main in NW 17th Avenue. The estimated static water pressure range for this location is 56 psi to 70 psi at the existing service elevation of 67 ft.

**Sanitary Service -** There are two public combined sewers in NW Hoyt Street:

- An 18-inch concrete combined sewer (as-built # 1308); and
- A 10-inch clay combined sewer (as-built # 20380).

**Stormwater Disposal** – There is a public 72-inch concrete storm-only sewer in NW 17<sup>th</sup> Avenue.

**Zoning:** The zoning designations for the site include: **Central Employment** (EX), **Design** (d) overlay, and the **Northwest Plan District**.

The EX zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The d-overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing

development are subject to design provisions, which are intended to ensure that development will be compatible with the neighborhood and enhance the area.

The Northwest Plan District provisions aim to strengthening the area's role as a commercial and residential center.

Land Use History: City records indicate there are 3 prior land use reviews for this site:

- VZ 093-68: Sign variance. Approved.
- LUR 97-00025 DZ: Design Review for exterior alterations and new windows. Approved.
- LUR 98-00091 DZ: Design Review for renovations to an existing warehouse and loading dock. Approved with conditions.

**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 **September 26, 2013**. No written responses have been received.

#### ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN A COMMERCIAL, EMPLOYMENT, OR INDUSTRIAL ZONE

33.662.120 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.

The relevant criteria are found in Section **33.662.120 [A-K], Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones**. 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 applicability of each criterion.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
В	33.630 – Tree Preservation	No trees are located on the site.
С	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard	The site is not within the potential landslide hazard
	Area	area.
E	33.633 - Phased Land Division or	A phased land division or staged final plat has not
	Staged Final Plat	been proposed.
G	33.636 - Tracts and Easements	No tracts or easements are proposed or required.
Н	33.639 - Solar Access	The proposed development is for something other
		than single-dwelling detached homes.
I	33.640 - Streams, Springs, and	No streams, springs, or seeps are evident on the site
	Seeps	outside of environmental zones.
J	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian	The site is not located within an I zone.
	connections in the I zones	
	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	No pedestrian connections are proposed or required.
	Connections	
	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-	No public dead-end streets or pedestrian connections
	end streets and pedestrian	exist that must be extended onto the site.
	connections	
	33.654.130.C - Future extension of	No dead-end street or pedestrian connections are
	dead-end streets and pedestrian	proposed or required.
	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 33.613 through 33.615 must be met.

**Findings:** Chapter 33.614 contains the lot standards applicable in the employment zones.

Each lot must have a front lot line that is at least 10 feet long. There are no other required minimum lot dimensions for lots in the EX zone.

Parcel 1 is proposed to have a 70 foot front lot line (along NW Hoyt Street) and be 7,000 square feet in area.

Parcel 2 is proposed to have a 100 foot front lot line (along NW 16th Avenue) and be 13,000 square feet in area.

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

# F. 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 is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required to make to redevelop the parcels.

Land Suitability: The site has been in industrial (warehouse) use, and there is no record of any other use in the past. As indicated above, the structures on the site are undergoing alterations. In order to ensure that the new parcels are suitable for the proposed development, permits must be obtained and finalized for changes to the existing water, fire line, sanitary, and stormwater management services, as noted in the responses from Water, Fire, and Environmental Services. Additionally, as noted in the response from Life Safety, the pending building permits have considered the building alterations relative to the structures being located on one property. Those permit must be revised or new permits must be obtained to evaluate the buildings based on the property line changes. With the implementation of those conditions, spelled out in more detail in the findings for Criterion K and Other Technical Requirements, below, this criterion will be met.

# J. 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.

In this case, Portland 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 provided the following comments:

Dividing EX zoned land does not allow any more additional development than is already allowed by the base zone. Therefore, no additional transportation impacts are anticipated to occur. The transportation system is capable of serving the site in addition to existing uses in the area.

Based on the foregoing, these criteria are met.

# K. 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

The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. However, as noted in the following Water Bureau response, upgrades or new water services to the existing buildings may be required as follows:

For the proposed Parcel 1 located at 610 NW 17th Ave, there is an existing 2" metered service (Serial #20122046, Account Number unknown at this time) and a 4" fire service (Serial #WI12, Account #2955580100) which provide water to this location from the existing 8" DI water main in NW 17th Ave. These services may potentially be used as is to provide water to the proposed Parcel 1. If the water services have not already been sized for this development, then City title 21.12.010 will apply and will require any new building construction, renovation, remodeling or additions to existing buildings, or any construction that will need water, to have a water service and meter of appropriate size installed within the public right-of-way and within the specific property boundary/frontage for which it will serve. A Water Bureau review for fixture count along with any fire flow requirements will need to be submitted by the applicant at the time of submittal of the building permit to appropriately size the water services and meters for this location. If a water service and or meter upsize is required for the existing water service and or fire service, or a new water service is purchased, all applicable costs will be the responsibility of the applicant.

For the proposed Parcel 2, located at 1645 NW Hoyt St, there is an existing 5/8" metered service (Serial #11112049, Account #2955580200) which is provided water from the existing 12" CI water main in NW Hoyt St. The 5/8" metered service may potentially be used as is to provide water to the proposed Parcel 2 and a new fire service purchased if needed. City title 21.12.010 will apply and will require any new building construction, renovation, remodeling or additions to existing buildings, or any construction that will need water, to have a water service and meter of appropriate size installed within the public right-of-way and within the specific property boundary/frontage for which it will serve. A Water Bureau review for fixture count along with any fire flow requirements will need to be submitted by the applicant at the time of submittal of the building permit to appropriately size the water services and meters for this location. If a water service and or meter upsize is required, or a new fire service, all applicable costs will be the responsibility of the applicant.

Based on these factors, this criterion is met.

### 33.652 Sanitary Sewer Disposal Service standards - See Exhibit E.1

The Bureau of Environmental Services (BES) has indicated that service is available to the site, as noted on page 2 of this report. However, as noted in the response from BES:

Each lot must be shown to have a means of access and individual connection to a public sewer, as approved by BES. Currently, the existing building is served by a non-conforming private sewer line that, were it to remain after this land division, would result in a party sewer. This situation must be corrected before BES will sign off on the final plat. The applicant has shown on the Proposed Site Plan separate connections for each lot and references permit 13-129923-UB, but the work has not yet been completed (or the permits have not been properly finaled). Therefore, prior to final plat approval, the applicant must complete the work to separate the plumbing and sanitary sewer connections for the buildings on the two lots and have all permits finaled (e.g. 13-129923-UB and 13-217200-UC). For more information contact the BES Nonconforming Sewer Program at 503-823-7869.

With the implementation of the noted condition, this criterion will be met.

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

No stormwater tract is proposed or required. BES provided the following comments regarding stormwater management for the proposed parcels:

Parcels 1 and 2: The applicant does not propose to redevelop the site in a manner that would trigger the SWMM's pollution reduction or flow control requirements. The applicant has shown on the Proposed Site Plan separate stormwater connections for each lot and references permit 13-129923-UB, but the work has not yet been completed (or the permits have not been properly finaled). Therefore, prior to final plat approval the applicant must complete the work to separate the plumbing and stormwater connections for the buildings on the two lots and have all permits finaled (e.g. 13-129923-UB and 13-217200-UC).

Nonconforming Parking Lot and Landscape Requirements: If this project will bring existing parking areas into compliance with current landscaping requirements per Chapter 33.258.070, then Section 1.5 of the SWMM requires that new landscaped areas must also be utilized as vegetated stormwater facilities where feasible. Section 1.5 includes examples of criteria that will be considered to determine feasibility. Future phases of this project may need to show how this requirement is met during review of land use or building permit applications.

### 33.654.120.B & C Width & elements of the right-of-way - See Exhibit E.2

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 provided the following comments regarding the width of the rights-of-way:

Arterial streets such as NW 16th Avenue are required to have 15-foot sidewalk corridors based on the Pedestrian Design Guide. It is improved with a 12-foot sidewalk corridor with a 4-6-2 configuration. Expansion of the office use on the site triggers frontage improvements per the requirements of Title 17.88.020. The applicant submitted and received approval of a public works appeals to waive the requirements to bring the frontages up to current City standards (13-159857 & 13-218728).

Based on these factors, this criterion is met.

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

At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. 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. As such, 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.

**Future Development:** Alterations and new development on the site must conform to the Design overlay provisions in addition to the EX base zone and Northwest Plan District regulations, at the time of permit review.

**Existing Development:** The existing development on the site is undergoing alterations per active permits. 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 EX 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 buildings identified to remain on the site must meet the required Zoning Code setbacks from the proposed <u>new</u> lot lines. In the EX zone, buildings are allowed have a zero setback from street lot lines and abutting E zoned lots. The applicant must submit a supplemental plan to show the buildings relative to the new lot line to demonstrate the buildings do not cross the new property line, prior to final plat approval.
- <u>Perimeter Landscaping</u>: Landscaping is required for existing parking and loading areas, when permits trigger non-conforming upgrades. The pending permit plans show new landscaping is to be installed around the perimeter of the existing loading area. The approved and installed landscaping must be shown on the supplemental survey.

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.

**Life Safety:** Two existing buildings have been modified with building permits as one property. Buildings will need to be evaluated based on the proposed property line change. Building permits will be required. Additional work may be required to meet building code requirements.

- Openings in exterior walls less than 3 feet to a property line are not allowed. Unprotected openings in exterior walls less than 5 feet to a property line are not allowed in an unsprinklered building. OSSC 705.8
- Exterior walls less than 30 feet to property line must be 1-hour fire-rated construction. Exterior walls located less than or equal to 10 feet to a property line must be one-hour fire-rated for exposure to fire from both sides. Exterior walls located more than 10 feet to a property line must be one-hour fire-rated for exposure to fire from the inside only. OSSC 602.1, 705.5

Alternative methods and materials may be approved by the Administrative Building Code Appeal Board.

**Fire Bureau:** All current Fire Code requirements apply and are required to be met. Specifically,

the Fire Bureau has noted the applicant must provide verification that each of the buildings meet the requirements of the City of Portland, Building Department as independent buildings.

The Fire Bureau has requested the following condition: *The Building permits, the Change of Occupancy permit and any required trade permits must meet all applicable Fire Code requirements and shall be finaled prior to approval of the final plat for these proposed separate buildings. If these conditions cannot be met, an appeal providing an alternative method is an option for the applicant.* 

**Urban Forestry**: Street trees will be reviewed at the time of building permits, per Urban Forestry.

#### 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:

- Separate water, fire line, sanitary, and stormwater management utilities must be provided for each parcel.
- A supplemental plan must be provided to address existing development.

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

#### ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-parcel partition that will result in 2 parcels, as illustrated with Exhibit C.1, subject to the following conditions:

- **A. Supplemental Plan.** Five copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review, Life Safety, BES, and Fire 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 or accessory structures on the site at the time of the final plat application;
- Any driveways, off-street vehicle parking or loading areas, and any associated landscaping on the site at the time of the final plat application;
- Any other information specifically noted in the conditions listed below.

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

#### Utilities

1. The applicant must complete the work to separate the sanitary sewer and stormwater plumbing into two individual connections to the public sewer main, within each lot's frontage, and have all applicable permits finaled for such work, to the satisfaction of the Bureau of Environmental Services (BES). BES will also require a Supplemental Plan showing as-built locations of the permitted utility improvements.

## **Existing Development**

2. The applicant must obtain finalized permits to demonstrate the existing structures that will remain on Parcel 1 and Parcel 2 will be separate buildings, with independent utilities, and will comply with the applicable Zoning Code, Building Code, and Fire Code standards relative to the proposed new lot lines to the satisfaction of Land Use Services, Life Safety, and the Fire Bureau. In the event any appeals or adjustments are granted to allow exceptions to the standards, the permits must demonstrate compliance with any approved alternative methods. The as-built locations of any permitted alterations or utility improvements must be identified on the Supplemental Plan.

Staff Planner: Kate Green

Decision rendered by:

By authority of the Director of the Bureau of Development Services

On November 19, 2013

#### Decision mailed November 21, 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 May 16, 2013, and was determined to be complete on September 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 May 16, 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 January 22, 2014.** 

**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.

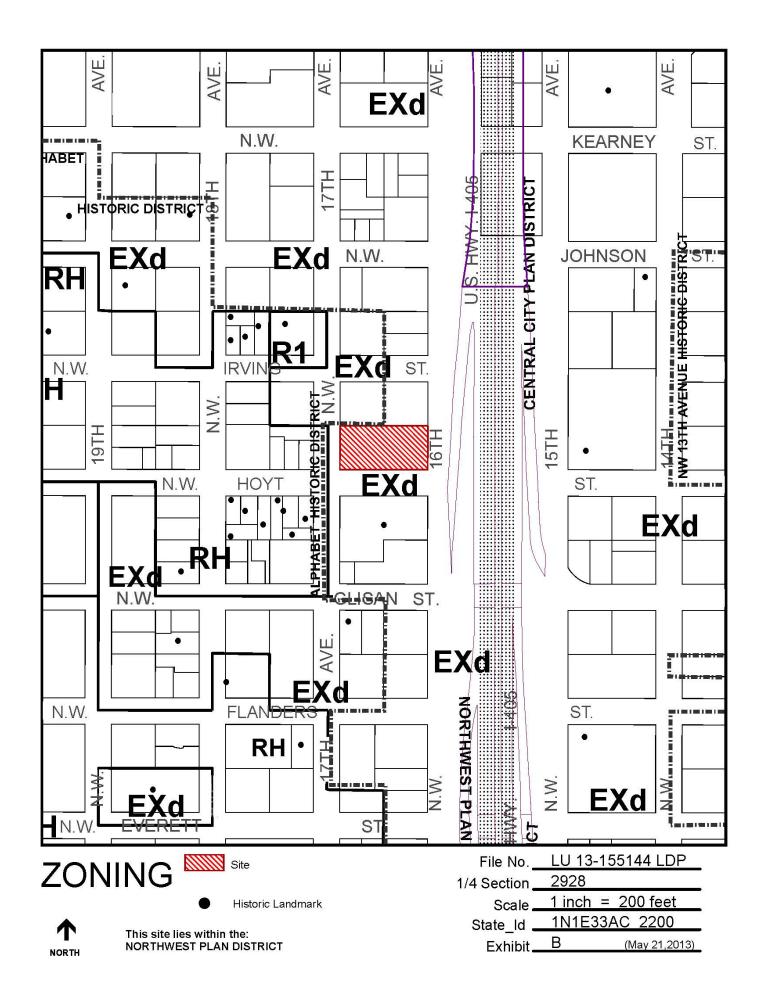
Recording the land division. The final land division plat must be submitted to the City within three years of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate,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

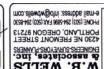
#### **EXHIBITS**

### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Initial Submittal
  - 2. Supplemental Narrative
  - 3. Letter re: Fire System
  - 4. Letter re: Water System
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plat (attached)
  - 2. Existing Conditions Plan
  - 3. Proposed Alterations Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development/BDS
  - 6. Life Safety/BDS
- F. Correspondence: (none received)
- G. Other:
  - 1. Original LU Application
  - 2. Letter to applicant re: incomplete application
  - 3. Correspondence to/from applicant

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).











SHEET 1 OF 1

# WDC PROPERTIES PRELIMINARY PLAT

