



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

FROM CONCEPT TO CONSTRUCTION

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www.portlandoregon.gov/bds

Date: August 11, 2014
To: Interested Person
From: Diane Hale, Land Use Services
503-823-7705 / Diane.Hale@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. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-151391 LDP

GENERAL INFORMATION

Applicant: Nick Daniken / Portland Development Group LLC
4224 NE Halsey St. Ste 300 / Portland, OR 97213 / (503) 778-9333

Owner: Mike Hubbell / Portland Development Group LLC
4224 NE Halsey St. Ste 300 / Portland, OR 97213

Site Address: 1606 NE GOING ST

Legal Description: BLOCK 63 W 1/2 OF LOT 1&2, VERNON
Tax Account No.: R860712360
State ID No.: 1N1E23AC 22900
Quarter Section: 2532
Neighborhood: Sabin Community Assoc., contact Rachel Lee at 503-964-8417.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.
Zoning: R5ah (Single Family Residential 5,000 square feet with "a" alternative design density overlay and "h" aircraft landing overlay zones)
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 is proposing a 2-parcel land division resulting in two parcels for attached housing. Each parcel will be approximately 50 by 50 feet wide and 2,500 square feet in area. This proposal utilizes the added density provision of 1 extra unit available for corner lots in the R5 zone (see 33.110.240.E). The existing house and garage on the site have been demolished.

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

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land (2 parcels). Therefore this land division is considered a partition.

Relevant Approval Criteria:

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

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. This application was submitted on May 1, 2014 and determined to be complete on June 10, 2014.

FACTS

Site and Vicinity: The 5,000 square foot site is a relatively flat corner lot, generally surrounded by single family homes. The house and garage were recently demolished, and there are no trees on the site. Alberta Street is approximately 2 blocks to the north, and contains a mix of urban-scale commercial and residential development.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on NE Going Street and approximately 100 feet of frontage on NE 16th Avenue. There is one driveway entering the site from NE 16th Avenue that served the house previously located on the site. At this location, NE Going Street and NE 16th Avenue are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). NE Going is improved with 36-ft of paving and a 5-7-0 sidewalk corridor within a 60-ft ROW. NE 16th Ave is improved with 30-ft of paving and a 3-7-0 sidewalk corridor within a 60-ft ROW.

The site and area are well served by nearby transit via Tri-Met Route #8 with a stop at the corner of NE 15th and NE Going approximately 250 ft from the subject property. An existing and well connected system of sidewalk facilities provides access to transit service.

- **Water Service** – There is an existing 8-inch CI water main in NE 16th Avenue and an existing 2-inch galvanized water main in NE Going Street.
- **Sanitary Service** - There is an existing 8-inch VSP public combination sewer line in NE Going Street, and an existing 12-inch CSP public combination sewer line in NE 16th Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant has proposed onsite infiltration through individual drywells to manage stormwater.

Zoning: The R5 zone is one of the City’s single-dwelling zones intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The purpose of the “a” Alternative Design Density overlay district is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for

the overlay zone is to allow increased density for development that meets additional design compatibility requirements. The project does not propose to take advantage of the provisions offered by the “a” Alternative Design Density overlay district.

The Aircraft Landing (“h”) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. In the R and C zones, structures are regulated by the base zone height limits rather than the height limits of the Aircraft Landing Zone chapter.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 13, 2014**. One written response was received from the Sabin Community Association in response to the proposal. The Association response stated that the proposal is not approvable because it does not meet the main entrance requirements in the Zoning Code (33.110.240.E.4.a), and expressed concerns about City policy encouraging demolitions, particularly on corner lots. Exhibit F contains the complete comment.

Staff Response: The Association correctly identified that both driveways face NE 16th Avenue in the conceptual development footprint distributed with the land use notice. However, while the main entrances are not shown, the applicant has stated that each unit will have its main entrance face a different street at the time of development, consistent with the requirements of the Zoning Code. The main entrance, as required by the standards, is the entrance pedestrians use, not the vehicle access. There are no standards that restrict the location of driveways and garages for the attached housing on a corner provision. The purpose statement discusses compatibility with the surrounding houses; the standards in that section that implement the purpose statement. This decision also includes conditions of approval to be met at the time of development that require consistency with the Alternative Development Options (33.110.240.E).

The Bureau of Development Services ensures that development complies with the existing Zoning Code, rather than creating new policy and code, and there is not an approval criterion relevant to the demolition concerns expressed in the Sabin Association comment. Please direct concerns about City policy to the Bureau of Planning and Sustainability and City Council.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential	The site is not within the potential landslide

	Landslide Hazard Area	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	The proposed development is for something other than single-dwelling detached homes.
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.B - Non-local street standard	NE Going St and NE 16th Ave are Local Streets.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing 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 streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.
	33.654.130.E Ownership of Alleys	No alleys are proposed or required.

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

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the R5 zone. Minimum density in the R5 zone is one unit per 5,000 square feet and the maximum density is one unit per 5000 square feet.

The applicant is proposing 2 parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses.

With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards are met.

The lot dimensions required and proposed 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)
Original lot before division in R5 zone	4,500	NA	NA	NA	NA
Original lot before division	5,000				
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Parcel 1	2,500		50	50	50
Parcel 2	2,500		50	50	50

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

Attached Houses on Corner Lots

Parcels 1 and 2 are smaller than would normally be allowed in the R5 zone. As described above, these parcels are being created through a provision that allows attached houses on corner lots. To use this code provision the original lot before the division must be at least 4,500 square feet.

As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Proposed Parcels 1 and 2 each exceed the minimum lot dimension standards. Therefore, the corner lot may be divided to create Parcels 1 and 2 as proposed.

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. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

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.

Street capacity and level-of-service

The proposed land division will create 1 new parcel from the current lot in order to accommodate 2 new attached single-dwelling homes. Referring to the ITE Trip Generation Manual, 9th Edition, the net new trips for the proposed land division will be 1 new AM peak hour trip and 1 additional PM peak hour trip (10 additional total new daily trips).

PBOT finds that site generated vehicle trips as a result of one additional dwelling unit will have negligible impacts to the capacity of nearby intersections. Additionally, the subject property is located in an area that has numerous opportunities for alternative modes of transportation including transit, biking, and pedestrian connectivity which could potentially reduce the number of vehicle trips generated by the additional dwelling unit.

Vehicle access and loading

Access to the attached units is proposed to be via a shared driveway on NE 16th, classified as a Local Service street for all transportation modes. NE Going is identified as a Neighborhood Greenway (Portland Bike/Walk Map) and is a highly utilized bike route. As such, PBOT is supportive of locating the residential access on NE 16th. No access is proposed via NE Going. The subject site can be easily accessed by motor vehicles as well as other modes. The site's frontage along NE Going and NE 16th is consistent with the recommended sidewalk corridor requirements and connects to a fully improved pedestrian and vehicular grid system.

Loading is expected to take place using the private driveways for individual homes and on-street parking. Loading activities associated with residential land uses are typically light and infrequent, and there is ample space for these activities to occur. Accordingly, vehicle access and loading space at this location are able to sufficiently accommodate the existing uses as well as the proposed land division.

On-street parking impacts

Each unit will have an on-site parking space via an attached garage and sufficient space has been provided in front of each garage to accommodate an additional parked vehicle for a total of 4 on-site spaces. The submitted site plan indicates a shared curb cut accessing individual driveways on NE 16th, which will aid in the effort to preserve space available for on-street parking. Currently there are no curb cuts/driveways along the site's NE Going frontage and no curb cuts are proposed. Therefore, no change in available on-street parking on NE Going is anticipated as a result of the land division.

Each lot is proposed to have 50-ft of frontage on NE 16th which will leave sufficient space to accommodate 1 on-street parking space per lot. Thus, staff finds the provision of adequate on-site parking and a shared curb cut on NE 16st will allow the development of one additional dwelling unit at this location without an appreciable impact to on-street parking in the area. In the effort to preserve on-street parking opportunities in the area, PBOT recommends that the shared curb cut, as shown on the submitted site plan, be included as a condition of approval of the land division.

Availability of transit service and facilities and connections to transit

The site and area are well served by nearby transit via Tri-Met Route #8 with a stop at the corner of NE 15th and NE Going approximately 250 ft from the subject property. An existing and well connected system of sidewalk facilities provides excellent access to transit service.

Impacts on the immediate/adjacent neighborhoods

Traffic volumes on area roadways and at area intersections are not expected to change significantly upon approval of the proposed land division which will result in one additional dwelling unit. The additional site trips during the peak hours will have no noticeable impacts to immediate and adjacent neighborhoods. No significant operational or safety problems were identified and vehicle parking will be accommodated on-site minimizing the impacts that the additional dwelling unit could have upon on-street parking in the area.

Safety for all modes

Pedestrian and vehicle travel is accommodated in the vicinity of the site via a well connected sidewalk and street system that meets City standards. There are also identified bike facilities in the area (Portland Bike/Walk Map) including a Neighborhood Greenway on NE Going and Shared Roadways along NE 14th PL and NE 17th to the west and east respectively. Additionally, a number of marked crosswalks are available in the surrounding area. The vicinity of the proposed 2-parcel partition is currently safe for all modes and will not be adversely affected by the proposed new residence. No mitigation measures are needed or recommended.

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

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p>
<p>The Water 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.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p>
<p>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.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5</p>
<p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable. Stormwater from parcels 1 and 2 will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots 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 and Site Development have indicated conceptual approval of the drywells.</p>
<p>33.654.110.B.1 Through streets and pedestrian connections</p>
<p>Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The specified spacing goals for public through streets and pedestrian connections are met in this area. PBOT has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition. Therefore, this criterion is met.</p>
<p>33.654.120.C1 and C.2 Local Service Streets width & elements of the right-of-way – See Exhibit E.2 for bureau comment</p>

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.

At this location, the City's Transportation System Plan (TSP) classifies NE Going Street as a Local Service street for all modes. According to City GIS, NE Going is improved with 36-ft of paving and a 5-7-0 sidewalk corridor within a 60-ft right of way. For a Local Service street abutting R5 zoned sites, the Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor (0.5-ft curb/4-ft furnishing zone/6-ft curb/0.5-ft frontage zone).

At this location, the City's Transportation System Plan (TSP) classifies NE 16th Avenue as a Local Service street for all modes. According to City GIS, NE 16th Ave is improved with 30-ft of paving and a 3-7-0 sidewalk corridor within a 60-ft ROW. For a Local Service street abutting R5 zoned sites, the Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor (0.5-ft curb/4-ft furnishing zone/6-ft curb/0.5-ft frontage zone).

The sidewalk corridors do not meet the specified configuration of the Pedestrian Design Guide, but they meet the requirements of Administrative Rule 1.22 "Infill Development on Streets with an Existing Sidewalk Corridor" and can remain in their current configuration. The applicant will only be responsible for repairing any damaged portion of the existing sidewalk.

The proposed development on the site includes adjacent driveways with a single curb cut centered on the common property line between the two parcels. This will replace the current curb cut and driveway serving the existing house that has been recently demolished. The applicant will be required to close the existing curb cut and reconstruct the pedestrian corridor along that section of the site frontage, and use a shared curb cut to access the individual driveways for Parcels 1 and 2. With the conditions of approval described above, this criterion is met.

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

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

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

Among the various development standards that will be applicable to this lot, the applicant should take note of:

- Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Parcel 1 must be oriented toward NE Going Street and development on Parcel 2 must be oriented toward NE 16th Avenue.
 3. The height of the two units must be within 4 feet of each other
 4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.

7. Trim must be the same in type, size and location.
8. Windows must match in proportion and orientation.

Existing development that will remain after the land division. The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R5 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.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements 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-1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

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 attached housing parcels as illustrated with Exhibit C-1, subject to the following conditions:

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

1. Lots 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.

2. The applicant must meet the addressing requirements of the Fire Bureau for Parcels 1 and 2. The location of the sign must be shown on the building permit.
3. 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.
4. Access to the attached homes shall be via a shared curb cut on SE 16th Avenue. The applicant must close the existing curb cut and reconstruct the pedestrian corridor along that portion of the site frontage.

Staff Planner: Diane Hale

Decision rendered by: Kimberly Tallant **on (August 7, 2014)**
By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) August 11, 2014

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 1, 2014, and was determined to be complete on **June 10, 2014**.

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 1, 2014.

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: October 8, 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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

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.

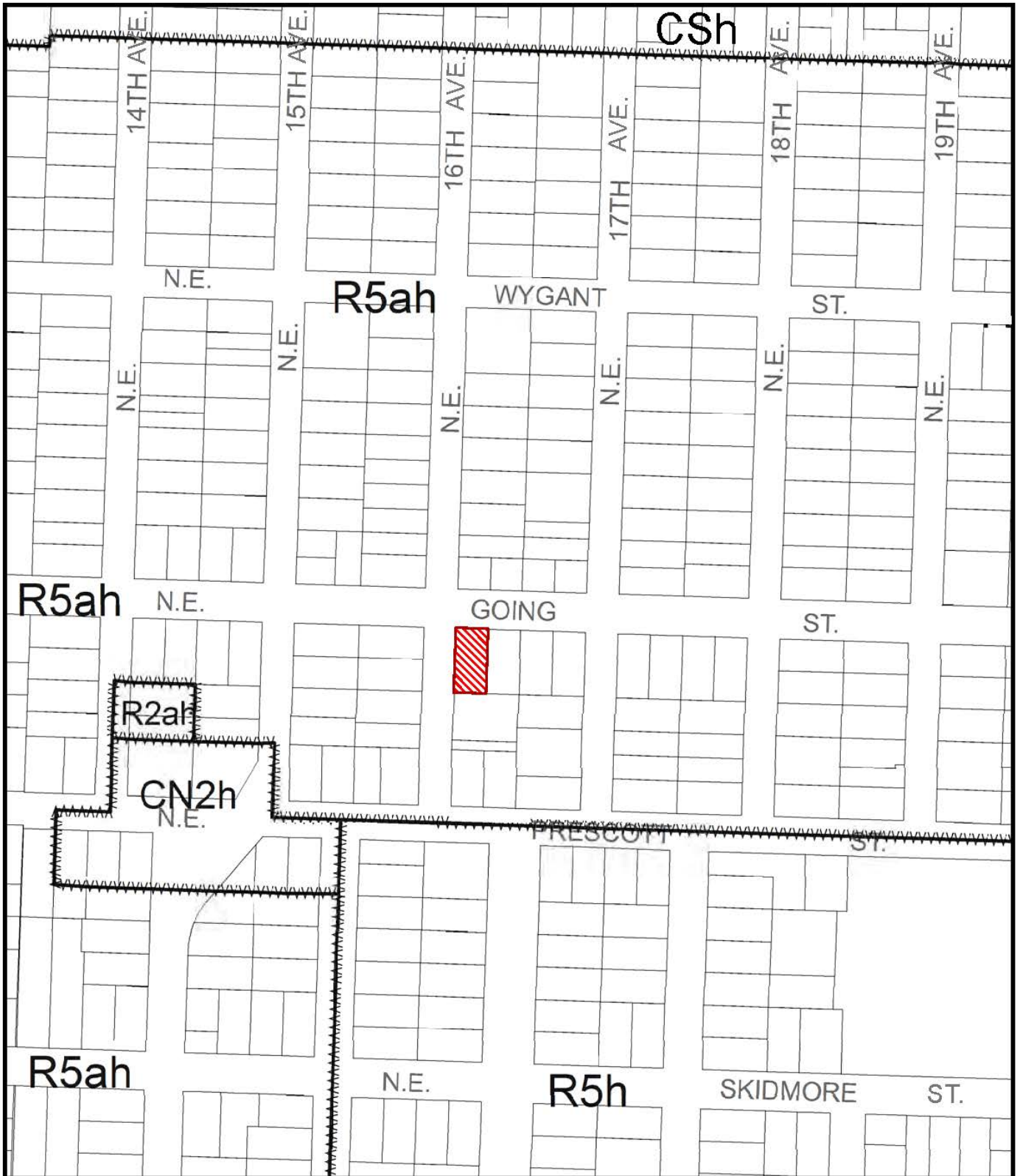
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Applicants original submittal and plans
 - 2. Applicants response, June 10, 2014
 - 3. Stormwater management report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- 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. Life Safety Section of BDS
 - 7. Parks Urban Forestry
- F. Correspondence:
 - 1. Sabin Community Association c/o Rachel Lee, July 14, 2014
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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



ZONING

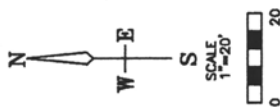


Site

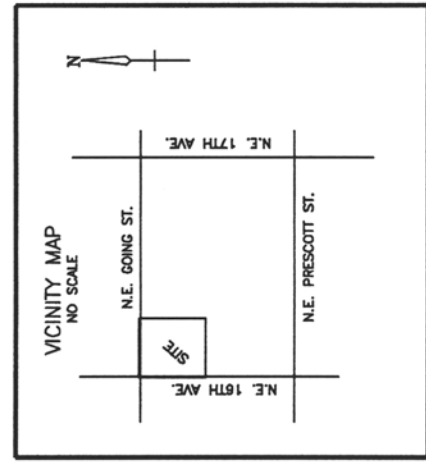
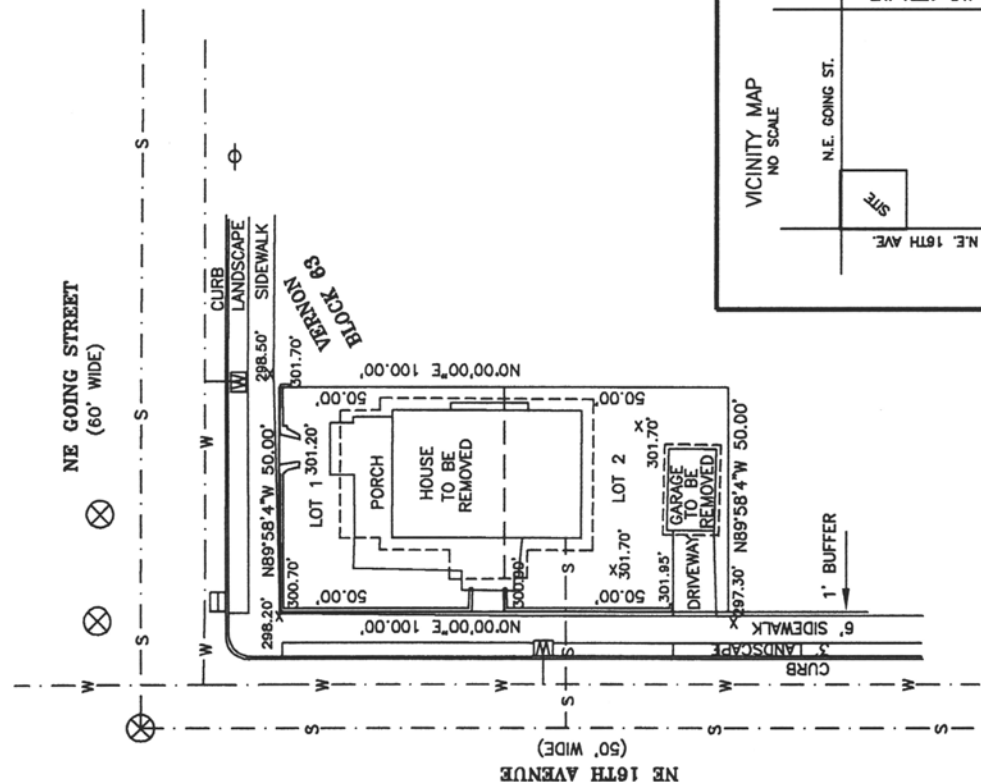


NORTH

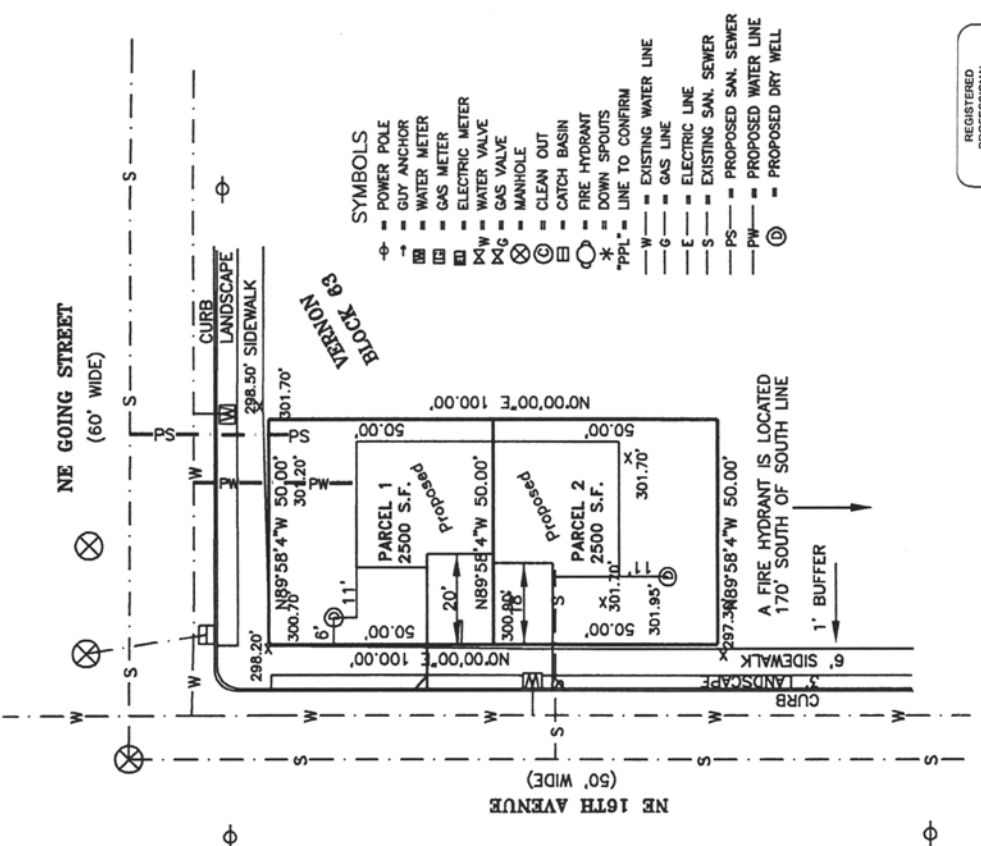
File No. LU 14-151391 LDP
 1/4 Section 2532
 Scale 1 inch = 200 feet
 State_Id 1N1E23AC 22900
 Exhibit B (May 06, 2014)



EXISTING CONDITIONS



PROPOSED CONDITIONS



- SYMBOLS**
- ⊕ POWER POLE
 - ⊙ GUY ANCHOR
 - ⊖ WATER METER
 - ⊕ GAS METER
 - ⊖ ELECTRIC METER
 - ⊕ W WATER VALVE
 - ⊖ G GAS VALVE
 - ⊕ MANHOLE
 - ⊖ CLEAN OUT
 - ⊕ FIRE HYDRANT
 - ⊖ DOWN SPOUTS
 - PPL — LINE TO CONFIRM
 - W — EXISTING WATER LINE
 - G — GAS LINE
 - E — ELECTRIC LINE
 - S — EXISTING SAN. SEWER
 - PS — PROPOSED SAN. SEWER
 - PW — PROPOSED WATER LINE
 - ⊙ — PROPOSED DRY WELL

REGISTERED PROFESSIONAL LAND SURVEYOR
 JOE H. FERGUSON
 JULY 25, 1990
 OREGON
 RENEWAL DATE 12/31/15

CASE NO. 14-151391 LDP
 EXHIBIT C.1

Ferguson Land Surveying, Inc.
 646 SE 106TH AVE. PORTLAND, OR 97216
 Phone (503) 408-0601 Fax (503) 408-0602
 www.FergusonLandSurveying.com

SITE PLAN
 WEST HALF OF LOTS 1 & 2, BLOCK 83, VERNON
 IN THE NE 1/4, SECTION 23, T.1N., R.1E., W.M.
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PORTLAND DEVELOPMENT GROUP
 NICK DANIKEN
 4244 NE HALSEY ST, SUITE 300
 PORTLAND, OR 97213

JOB NO. 14-024
 DRAFTED 4/23/14
 SHEET 1 OF 1

DATE: APRIL 23, 2014
 REVISED
 REVISED