



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** September 23, 2014  
**To:** Interested Person  
**From:** Brandon Rogers, Land Use Services  
503-823-7597 / [Brandon.Rogers@portlandoregon.gov](mailto:Brandon.Rogers@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 14-120990 LDP**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Vincent R Alvarez,  
9131 N Westanna Ct  
Portland, OR 97203

**Site Address:** Vacant lot west of 1600 N Emerson Street

**Legal Description:** BLOCK 14 LOT 6, RIVERSIDE ADD  
**Tax Account No.:** R591022  
**State ID No.:** 1N1E21AA 09601  
**Quarter Section:** 2528  
**Neighborhood:** Overlook NA, contact Kent Hoddick at 503-286-9803.  
**Business District:** Interstate Corridor Business Association, contact Alexsandra Johnson at 503-735-4420.  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.  
**Plan District:** North Interstate  
**Zoning:** Residential 2,000 (R2)  
**Case Type:** Land Division Partition  
**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 a 5,000 square foot lot into two 2,500 square foot parcels meeting the narrow lot standards for development of attached houses. The existing garage will be removed from the site. A certified arborist has inspected the 34-inch apple tree at the site and has determined that the tree has significant decay. Therefore, the tree is exempt from the Tree Preservation requirements due to its health.

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 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. 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 criteria are found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

## FACTS

**Site and Vicinity:** The site is undeveloped and is characterized by an average slope of 4 percent. The southern portion of the lot is primarily flat and the site slopes down towards N Emerson Street. A detached garage is proposed to be removed from the site. A permit has been issued for demolition of the garage (RS 14-200105). The surrounding neighborhood is characterized primarily by single family development, with commercial and multi-family development along N. Interstate Avenue. Beach Elementary School and Patton Square Park are located near the site.

### Infrastructure:

- **Streets** – The site has 50-feet of frontage on N Emerson Street. At this location N. Emerson Street is classified in the Transportation System Plan (TSP) as a Local Service street for all modes with a 28-foot wide paved roadway and a 9-6-1 sidewalk corridor within 60-foot wide right-of-way (ROW). The site’s frontage meets/exceeds the recommended sidewalk corridor width/configuration. As such, there will be no dedication/frontage improvements associated with the proposed development. The applicant will be responsible for reconstructing the existing sidewalk corridor that is damaged during the course of construction to the satisfaction of the City Engineer. Additionally, the existing driveway is proposed to be removed and the applicant will be responsible for reconstructing the curb/sidewalk corridor to their current conditions.
- **Water Service** – There is an existing 8-inch water main in N Emerson Street. There are no existing water services to the site.
- **Sanitary Service** - There is an existing 8-inch sewer line in N. Emerson Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

**Zoning:** The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

The North Interstate Plan District provides for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density.

**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 **August 7, 2014**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. 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. The single tree located on the site is exempt per Subsection 33.630.030.D.
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	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	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	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	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 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones.

This site is in the R2 zone and attached houses are proposed. Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 5,000 square feet. The site has a minimum required density of 2 units and a maximum density of 2 units.

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

<b>R2</b>	<b>Minimum lot area (square feet)</b>	<b>Minimum lot width (feet)</b>	<b>Minimum lot depth (feet)</b>	<b>Minimum front lot line (feet)</b>
<b>Attached Houses</b>	1,600	15	none	15.00
<b>Detached Houses</b>	1,600	25	none	25
Parcel 1	2,500	25	100	25
Parcel 2	2,500	25	100	25

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

The findings above show that the applicable density and lot dimension standards are met. With conditions limiting minimum and maximum density, this criterion can be 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 has historically been in residential use, and there is no record of any other use in the past. The applicant has proposed to remove the existing garage and plans to redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site prior to final plat approval.

With this condition, the new lots can be considered suitable for development, and this criterion is met.

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

**Findings:** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation (PBOT) 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. Evaluation factors include: (1) street capacity and level-of-service; (2) vehicle access and loading; (3) on-street parking impacts; (4) the availability of transit service and facilities and connections to transit; (5) impacts on the immediate and adjacent neighborhoods; and (6) safety for all modes. The transportation analysis (Exhibit E.2) of Portland Bureau of Transportation is quoted, in part, as follows:

### **1. Street capacity and level-of-service**

The proposed land division will create two (2) new parcels from the current lot in order to accommodate attached housing. The existing parcel currently is developed with a garage which will be razed. Referring to the ITE Trip Generation Manual, 9th Edition, the net new trips for the proposed land division will be two (2) new AM peak hour trips and two (2) additional PM peak hour trips (20 additional total new daily trips).

PBOT finds that the minimal number of vehicle trips associated with this project will have negligible impacts on the capacity of nearby intersections and none of the surrounding transportation facilities are expected to be negatively impacted as the result of the construction of two additional dwelling units.

### **2. Vehicle access and loading**

Vehicles will access this site via N. Emerson which is classified as a Local Service street for all modes. The site is located within a neighborhood where the grid system is reasonably intact allowing multiple vehicular access routes to and from the subject property. There were no turn restrictions or one-way facilities in the immediate vicinity and vehicles can easily access the greater transportation network via N. Interstate Ave. to the east and N. Killingsworth St. to the north. A private shared driveway will serve as vehicle access from N. Emerson to each lot.

Loading is expected to take place using the private driveway for individual homes. 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 is sufficient to accommodate the existing uses in the vicinity in addition to the proposed development.

### **3. On-street parking impacts**

A shared driveway/curb-cut will be required to serve the proposed attached housing in the effort to preserve on-street parking opportunities. Additionally, the existing driveway/curb-cut along the eastern property boundary will be required to be closed prior to building permit approval. Therefore, there will be no additional curb-cuts along this segment of N. Emerson as a result of this land division.

The vicinity of the site is predominately developed with single-family conventional homes that accommodate on-site parking for multiple vehicles in garages as well as within private driveways which minimizes the demand for on-street parking. Accordingly, adequate on-street parking opportunities currently exist in the vicinity and will continue to be available with the construction of the additional dwelling units.

### **4. Availability of transit service and facilities and connections to transit**

Transit service is available in the vicinity of the site. TriMet (Route # 72) has a stop at N. Killingsworth & N. Interstate approximately 528 feet from the site as well as a stop at N. Killingsworth and N. Concord approximately 895-ft from the site. The N. Killingsworth St. MAX station is located at N. Interstate and N. Killingsworth approximately 430-ft from the site. A fully improved pedestrian system provides excellent connection to these transit facilities.

### 5. Impacts on the immediate/adjacent neighborhoods

As identified herein, the added trips as a result of the proposed additional dwelling units will not have a significant impact on the efficiency or safety of the nearby street system and there is a sufficient supply of on-street parking to accommodate the additional development. Accordingly, the immediate and adjacent neighborhoods will not be adversely impacted as a result of the proposed land division.

### 6. Safety for all modes

N. Emerson has a speed limit of 25 mph and currently carries low-volumes of residential traffic consistent with the Local Service classification of the roadway. The site is located within an established grid system that provides safe pedestrian connectivity via fully improved sidewalk corridors.

There are also bike facilities in the area (Portland Bike/Walk Map) including N. Concord Ave. approximately 265-ft to the west (north/south connection) and N. Willamette to the north (east/west connection) which are both identified as Neighborhood Greenways.

The vicinity of the proposed land division is currently safe for all modes and will not be adversely impacted by the proposed additional dwelling units.

PBOT has determined that no mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. Other factors taken into consideration include frequent transit service available less than 1000 feet from the site. PBOT has determined that there will be a minimal impact on existing facilities and capacity and no mitigation is required (see Exhibit E.2 for a detailed analysis). Based on the PBOT analysis, these criteria are met.

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

**Findings:** The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<p><b>33.651 Water Service standard</b> – 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><b>33.652 Sanitary Sewer Disposal Service standards</b> – 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><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:</p> <ul style="list-style-type: none"> <li>• <b>Parcels 1 and 2:</b> Stormwater from these lots 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 has indicated conceptual approval of the drywells.</li> </ul>

**33.654.110.B.1 Through streets and pedestrian connections**

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the site is located is approximately 580 feet long, and the site is located mid block. The block on which the subject property is located does not meet the noted spacing requirements.

The Portland Bureau of Transportation has provided the following evaluation of connectivity for this proposal (Exhibit E.2):

*This section requires street and pedestrian connections where appropriate and practical, taking a number of factors into consideration. The following discussion is based on PBOT's assessment of the connectivity potential in the area. The City's spacing goals for public through streets and public pedestrian connections is a maximum of 530-ft and 330-ft, respectively.*

*While the block does not meet the specific spacing goals, the surrounding development pattern and the location of the subject property does not facilitate the opportunity for further connectivity in this area. Therefore, PBOT has no concerns relative to connectivity or locations of rights-of-way associated with the proposed land division.*

For the reasons described above, this criterion is met.

**33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment**

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that two dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

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 garage (to be demolished). PBOT requires conditions of approval that require the applicant to make any necessary repairs to the existing sidewalk corridor as well as close the existing curb-cut. Street trees, consistent with the recommendations of the City Forester, will also be required to be planted at the time of development of each parcel.

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. Therefore, this criterion is met.

**DEVELOPMENT STANDARDS**

Development standards that are not relevant to the land division review have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

**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.

<b>Bureau</b>	<b>Code Authority and Topic</b>
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	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; fire hydrant spacing, ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcels 1 and 2; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and the 2007 Oregon Fire Code.

## CONCLUSIONS

The applicant has proposed a two 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 land suitability and Fire Bureau requirements. With conditions of approval requiring demolition of the existing garage and compliance with Fire Bureau requirements prior to approval of the final plat, this proposal can be approved.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a two-parcel partition that will result in two lots for attached or detached houses, as illustrated with Exhibit C.1, subject to the following conditions:

### A. The final plat must show the following:

1. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.4 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: “A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”



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

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
2. The applicant shall provide information to the satisfaction of the Fire Bureau that Fire Hydrant spacing is adequate. If necessary, the applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant. The applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.
3. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way for Parcels 1 and 2, as required in Appendix D of the Oregon Fire Code. Alternately, the applicant may be required to install residential sprinklers in the new houses on Parcels 1 and 2, if approved through a Fire Code Appeal. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

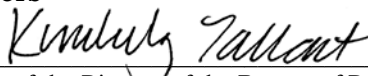
**Existing Development**

5. The applicant must obtain a finalized permit must be obtained for demolition of the existing garage on the site.

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

1. The applicant must meet the addressing requirements of the Fire Bureau for Parcels 1 and 2.
2. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

**Staff Planner: Brandon Rogers**

**Decision rendered by:**  **on September 19, 2014.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed September 23, 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 February 26, 2014, and was determined to be complete on August 5, 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 February 26, 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: December 2, 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](http://www.portlandonline.com).

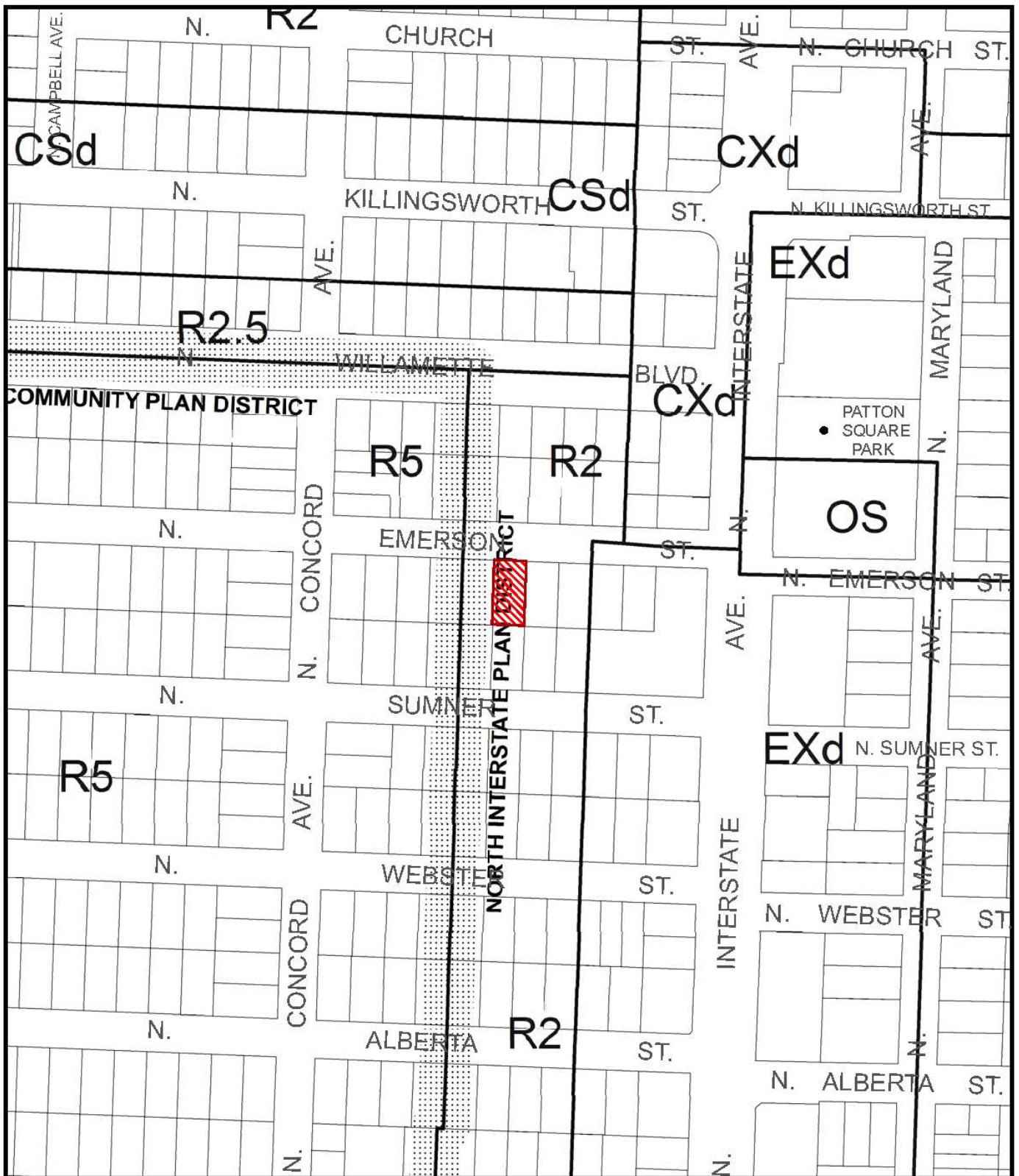
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Submittal
  - 2. Revised Submittal
  - 3. Arborist Report
  - 4. Infiltration Testing
  - 5. Stormwater Simplified Approach
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plan and Utility 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. Bureau of Parks, Forestry Division
  - 7. Life Safety Division of BDS
- F. Correspondence: None
- 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



Historic Landmark



This site lies within the:  
**NORTH INTERSTATE PLAN DISTRICT**

File No. LU 14-120990 LDP  
 1/4 Section 2528  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E21AA 9601  
 Exhibit B (Feb 28, 2014)

UTILITY PLAN  
PRELIMINARY PLAN

**EXISTING CONDITIONS MAP**  
*PROPOSED DEVELOPMENT PLAN*

TAX LOT 9601  
LOCATED IN THE N.E. 1/4 SECTION 21, T.1N., R.1E., W.M.,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON  
JANUARY 13, SCALE 1"=30'

**SURVEY NOTES:**

THE DATUM FOR THIS SURVEY IS BASED UPON CITY OF PORTLAND BENCHMARK NUMBER 3716, BEING A BRASS DISC ON TOP OF CURB ON THE N.E. CORNER OF INTERSECTION OF SUMNER STREET AND N.E. CONCORD AVENUE. THE ELEVATION IS 205.321' CIP DATUM.  
A TRIMBLE 56-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.  
AREA OF SUBJECT PARCEL: 5,000 S.F. OR 0.11 ACRES  
THE BOUNDS OF THIS SURVEY AS SHOWN MONUMENTS FOUND AND HELD BY RECORDS OF MULTNOMAH COUNTY.  
THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERMETER BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERTINENT BOUNDARY ISSUES 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, ACCOESSENCE, ETC.

**LEGEND:**

- Some Symbols shown may not be used on map
- DECIDUOUS TREE
  - EVERGREEN TREE
  - ⊙ STORM SENIOR MANHOLE
  - ⊙ SANITARY SENIOR CLEANOUT
  - ⊙ CATCH BASIN
  - ⊙ SANITARY SENIOR MANHOLE
  - ⊙ WATER VALVE
  - ⊙ WATER METER
  - ⊙ FIRE HYDRANT
  - ⊙ BOLLARD
  - ⊙ GAS VALVE
  - ⊙ GAS METER
  - ⊙ SIGN
  - ⊙ MALEBOX
  - ⊙ UTILITY POLE
  - ⊙ LIGHT POLE
  - ⊙ ELECTRIC METER
  - UTILITY AND LIGHT POLE
  - GUY WIRE
  - ⊙ TRAFFIC SIGNAL POLE
  - ⊙ ELECTRICAL POWER PEDERSTAL
  - ⊙ COMMUNICATIONS PEDERSTAL
  - ⊙ COMMUNICATIONS MANHOLE
  - ⊙ OVERHEAD LINE
  - ⊙ GAS LINE
  - ⊙ ELECTRICAL LINE
  - ⊙ COMMUNICATIONS LINE
  - ⊙ SANITARY SENIOR LINE
  - ⊙ STORM DRAIN LINE
  - ⊙ WATER LINE
  - ⊙ FENCELINE
  - ⊙ ELECTRIC RISER
  - ⊙ UTILITY RISER
  - ⊙ HEAT PUMP

GRAPHIC SCALE



1" = 30' (1:3600)

SIGNED ON: 1-14-2014

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

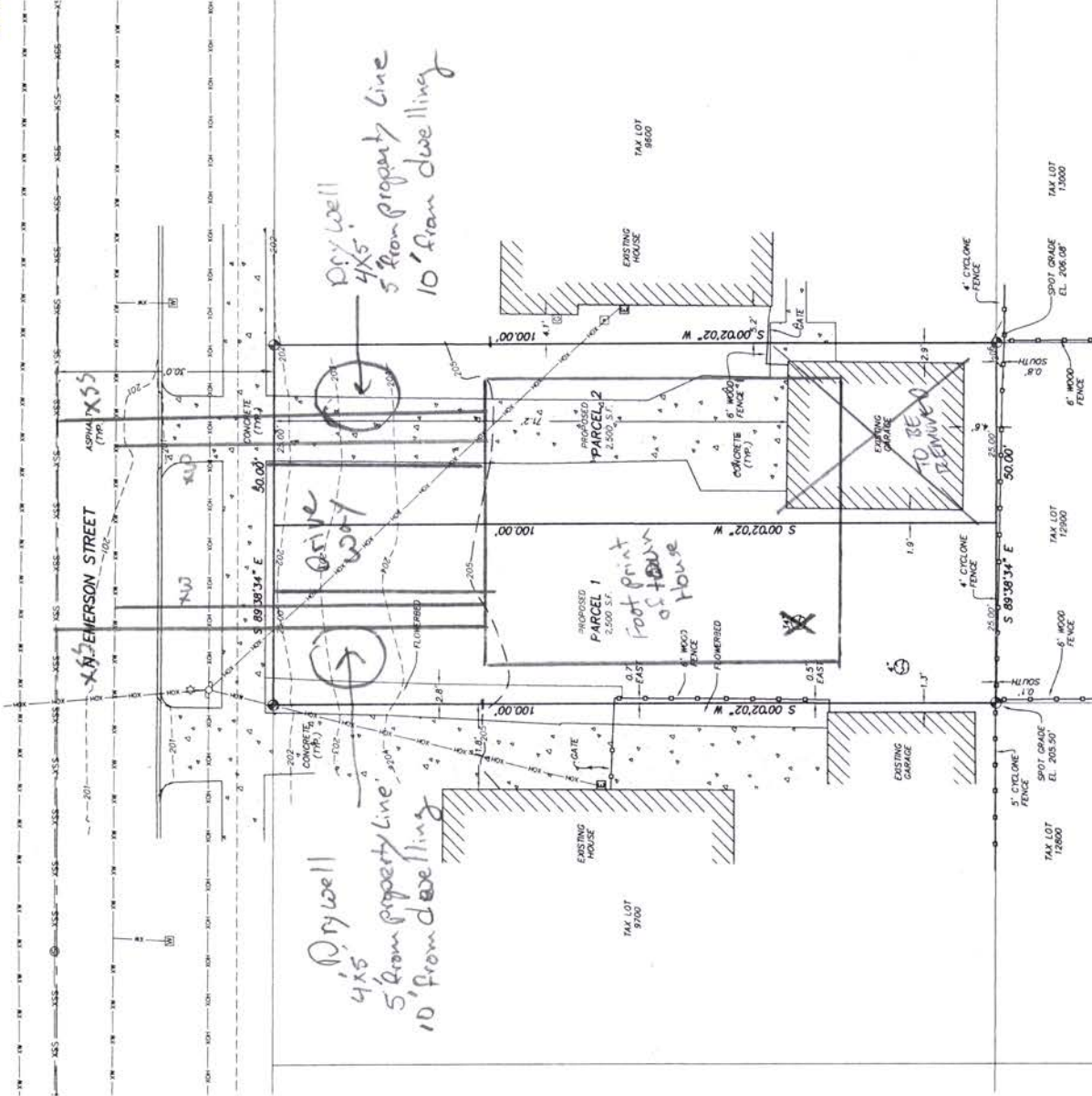
OREGON  
NO. 1000  
JAMES BURTON BROWN  
60379

VALID THROUGH DECEMBER 31, 2013



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CASE NO. LU 19-020990 LDP  
EXHIBIT C.1  
RECEIVED 8-4-14