



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

**Date:** October 7, 2014  
**To:** Interested Person  
**From:** Diane Hale, Land Use Services  
503-823-7705 / [Diane.Hale@portlandoregon.gov](mailto: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 14-163147 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Steve Buckles, PLS / Reppetto and Associates  
12730 SE Stark St. / Portland, OR 97233 / (503) 408-1507

**Owner:** Ginger Byrnes, JGT Investments, Inc.  
PO Box 66178 / Portland, OR 97290

**Site Address:** 727 SE 130TH AVE

**Legal Description:** S 2.62' OF E 100' OF LOT 7 N 47.38' OF E 100' OF LOT 8, BALL TR  
**Tax Account No.:** R051500280  
**State ID No.:** 1S2E02BA 11400  
**Quarter Section:** 3143  
**Neighborhood:** Mill Park, contact Chris Piekarski at [mill.park.pdx.chair@gmail.com](mailto:mill.park.pdx.chair@gmail.com)  
**Business District:** Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.  
**Zoning:** R2a - Multi Family Residential 2,000 square feet with "a" alternative design density overlay.  
**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 for this 5,000 sq foot site, resulting in two new parcels. The existing house will be demolished. On-site parking will be provided for both parcels.

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 30, 2014 and determined to be complete on July 30, 2014.

## FACTS

**Site and Vicinity:** This 5,000 square foot site is a flat interior lot surrounded generally by single family homes. David Douglas High School is approximately 700 feet to the southeast, and commercial development along SE Stark St. is approximately 400 feet to the north. There are two trees on the edge of this site that are partially on adjacent lots, and therefore are exempt from the Tree Preservation requirements for land divisions (neither allowed to be removed nor required to be protected).

**Infrastructure:**

- **Streets** – The site has approximately 50 feet of frontage on SE 130th Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, the City's Transportation System Plan (TSP) classifies SE 130th Ave as a Neighborhood Collector, a City Walkway, and a Local Service street for all other transportation modes. According to City GIS, SE 130th Ave is improved with 40-ft of pavement within a 60-ft of right-of-way (ROW). There is 10-ft of ROW from the face of the existing curb to the property line and there are no sidewalks along this segment of SE 130th Avenue. TriMet Route # 20 has a stop at SE Stark and SE 130th approximately 640-ft north of the subject property.
- **Water Service** – There is an existing 12-inch CI water main in SE 130th Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch PVC public sanitary sewer line in SE 130th 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 site is zoned R2a (Residential 2,000), with a Comprehensive Plan designation of R2, and an "a" alternative design density overlay zone. 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 Alternative Design Density (a) overlay encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the a-overlay provisions.

**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 4, 2014**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

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

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

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. 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.
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.B – Non-local street standard	The site is located on a local street.
	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.

**Applicable Approval Criteria are:**

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

**Findings:** Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 2 single family parcels.

Single-dwelling or duplex development is proposed for some or the entire site, therefore the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the 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 5,031 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. A street dedication is required that totals 100 square feet. Therefore the resulting lot size for calculating density is 4931 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>Detached Houses</b>	1,600	25	none	25
Parcel 1	2,450	25	98	25
Parcel 2	2,481	25.62	98	25.62

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

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

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

**Findings:**

***Clearing and Grading***

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved on the site. This criterion is met.

***Land Suitability***

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic

system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility.

The applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new parcels are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval.

With these conditions, the new parcels can be considered suitable for new development, and this criterion is met.

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

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

***Street capacity and level-of-service***

The proposed land division will create two (2) new parcels from the current lot in order to accommodate two new detached single-dwelling homes. The existing parcel currently is developed with a single-family home which will be demolished. Referring to the ITE Trip Generation Manual, 9<sup>th</sup> Edition, *the net new trips* for the proposed land division will be one (1) new AM peak hour trip and one (1) additional PM peak hour trip (10 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 one additional dwelling unit.

***Vehicle access and loading***

Vehicles will access this site via SE 130<sup>th</sup> which is classified as a Neighborhood Collector, a City Walkway, and a Local Service street for all other transportation modes. The site is located within a neighborhood where the grid system is reasonably intact allowing multiple access routes to and from the subject property. There are no turn restrictions or one-way facilities in the immediate vicinity and vehicles can easily access the greater transportation network via SE Stark to the north and SE Division to the south. Private driveways will serve as vehicle access from SE 130<sup>th</sup> to each lot.

Loading is expected to take place using the private driveways 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.

***On-street parking impacts***

Each parcel will be developed with on-site parking areas which include a garage as well as sufficient space in front of each garage to accommodate a parked vehicle. Accordingly, the proposed development could accommodate up to four on-site parking spaces.

The vicinity of the site is predominately developed with single-family conventional homes that accommodate on-site parking for multiple vehicles which minimizes the demand for on-street parking. While the proposed development will result in an additional curb-cut/driveway on SE 130<sup>th</sup>, more than adequate on-street parking opportunities currently exist in the vicinity and will continue to be available with the construction of the additional dwelling unit.

***Availability of transit service and facilities and connections to transit***

Transit service is available in the vicinity of the site. TriMet Route # 20 has a stop at SE Stark and SE 130<sup>th</sup> approximately 640-ft north of the subject property. The required frontage improvements, to include a 6-ft wide sidewalk, will improve pedestrian connections to transit facilities in the area.

***Impacts on the immediate/adjacent neighborhoods***

As identified herein, the added trips as a result of the proposed additional dwelling unit 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.

***Safety for all modes***

SE 130<sup>th</sup> has a speed limit of 25 mph and currently carries low-volumes of residential traffic. Although sidewalks are only available intermittently in the vicinity of the site, the low speeds/volumes are such that pedestrian circulation can be accommodated within the roadway and/or the 10-ft of ROW behind the existing curb until such time as the remaining gaps in the sidewalk system are improved. The frontage improvements required as part of this land division will improve pedestrian safety in the area. Additionally, marked crosswalks are present at SE 130<sup>th</sup> & SE Stark providing enhanced pedestrian connection to transit facilities.

There are bike facilities in the area (Portland Bike/Walk Map) including SE 130<sup>th</sup> which is identified as a Shared Roadway (low traffic volumes). SE Market and SE Mill, to the south of the site, are also identified as Shared Roadways that provide bike connectivity to the east/west.

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

PBOT has reviewed and concurs with the information supplied, the methodology, assumptions and conclusions made by the applicant (See Exhibit E.2). 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:

<b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
<b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
<b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:
<ul style="list-style-type: none"> <li>• <b>Public Street Improvements:</b> As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists.</li> </ul>

BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.

- **Parcels:** Stormwater from these parcels will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these parcels 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.

### **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. 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. However, the required frontage improvements as part of this land division will serve to improve pedestrian connectivity in the area.

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**

At this location, the City's Transportation System Plan (TSP) classifies SE 130th Ave as a Neighborhood Collector, a City Walkway, and a Local Service street for all other transportation modes. According to City GIS, SE 130th Ave is improved with 40-ft of pavement within a 60-ft of right-of-way (ROW). There is an existing curb along the site's frontage but no sidewalk. There is 10-ft of ROW between the face of the existing curb and the property line.

For a City Walkway classified street, abutting an R2 zoned site, the City's Pedestrian Design Guide recommends a 12-ft wide sidewalk corridor (0.5-ft curb/4-ft furnishing zone/6-ft sidewalk/1.5-ft frontage zone).

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development.

In this case Portland Transportation has determined that sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development.

Prior to the issuance of a Building Permit(s), frontage improvements consistent with the Pedestrian Design Guide and to the satisfaction of the City Engineer will be required. A 2-ft dedication of property for ROW purposes will be required to construct the recommended sidewalk corridor behind the existing curb. The required 2-ft dedication of property will occur as part of the Final Plat process. With those improvements, one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the condition that sidewalk improvements are made and the required right-of-way dedication is shown on the Final Plat.

### **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 parcels is developed.

### Future Development

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

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

## 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 <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; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.



## CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-parcel partition for single dwelling development as illustrated with Exhibit C.1, subject to the following conditions:

**A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review review and approval, if the reduced side setbacks are desired. 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:

- The reduced side setbacks allowed under 33.120.270.D;
- Any other information specifically noted in the conditions listed below.

**B. The final plat must show the following:**

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 130<sup>th</sup> Avenue. The required right-of-way dedication must be shown on the final plat.

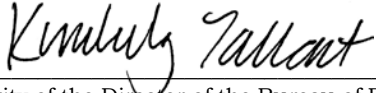
**C. The following must occur prior to Final Plat approval:**

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.
2. 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.
3. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.
4. The applicant must remove the shed on Parcel 2. The applicant must submit before and after photos of the removal (with the same perspective). Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on Parcel 2. The covenant must be recorded with Multnomah County prior to final plat approval.

**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. The location of the sign must be shown on the building permit.
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: Diane Hale**

**Decision rendered by:**  **on October 3, 2014.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed October 7, 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 30, 2014, and was determined to be complete on **July 30, 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 30, 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: November 27, 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).

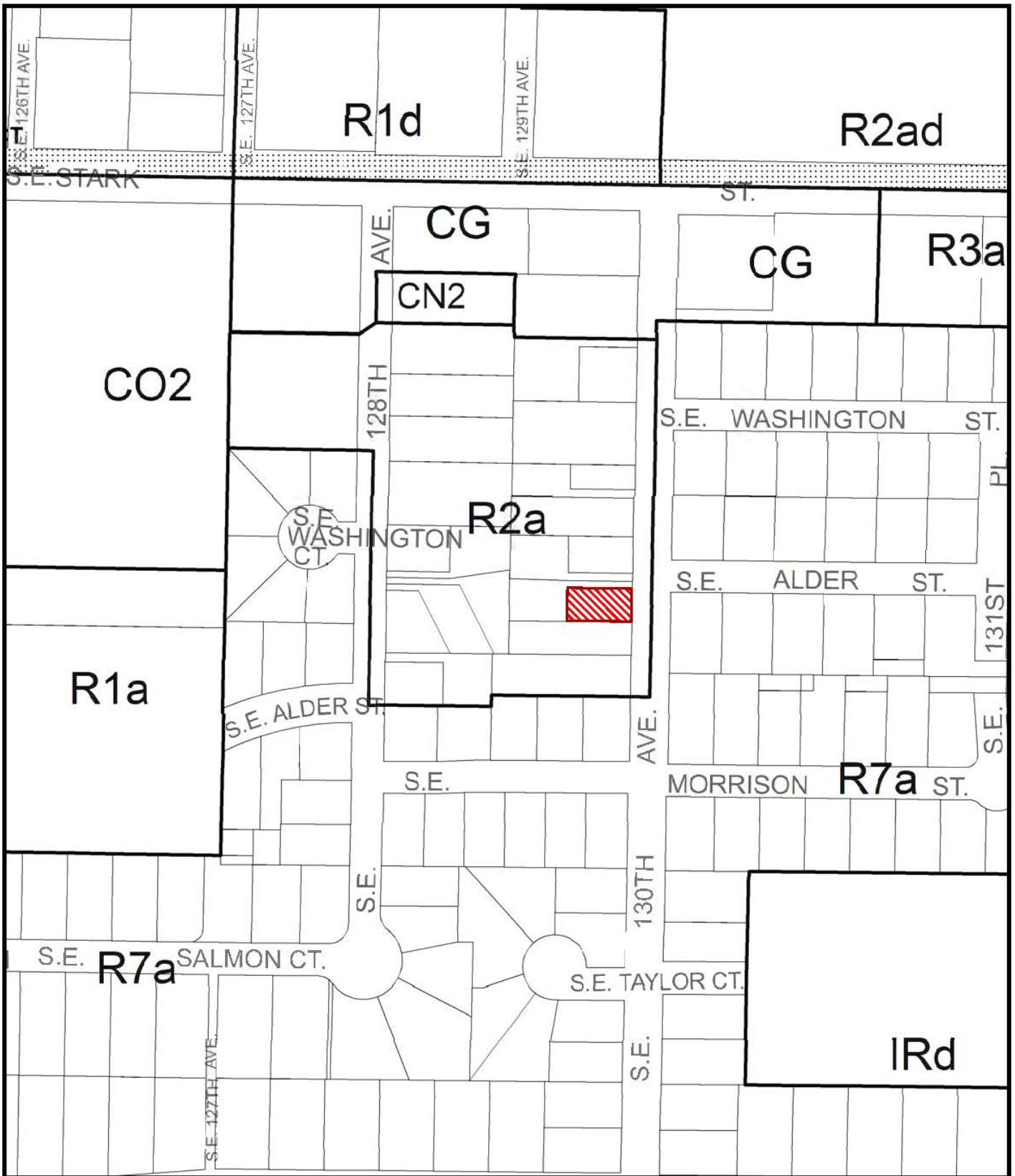
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Applicants original submittal and plans
  - 2. Applicants response, July 30, 2014
  - 4. Stormwater Simplified Approach Form
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Site and Utility Plan (attached)
  - 2. Preliminary Partition Plat
  - 3. Existing Conditions Survey
- 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: 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



NORTH

File No. LU 14-163147 LDP  
 1/4 Section 3143  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E02BA 11400  
 Exhibit B (Jun 03,2014)

# PRELIMINARY SITE & UTILITY PLAN

TAX LOT 11400, A PORTION OF LOTS 7 AND 8, BALL TRACTS,  
SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 2,  
TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

DATE: JULY 29, 2014 SCALE: 1"=20'  
FOR: JGT INVESTMENTS, INC.

## NOTES

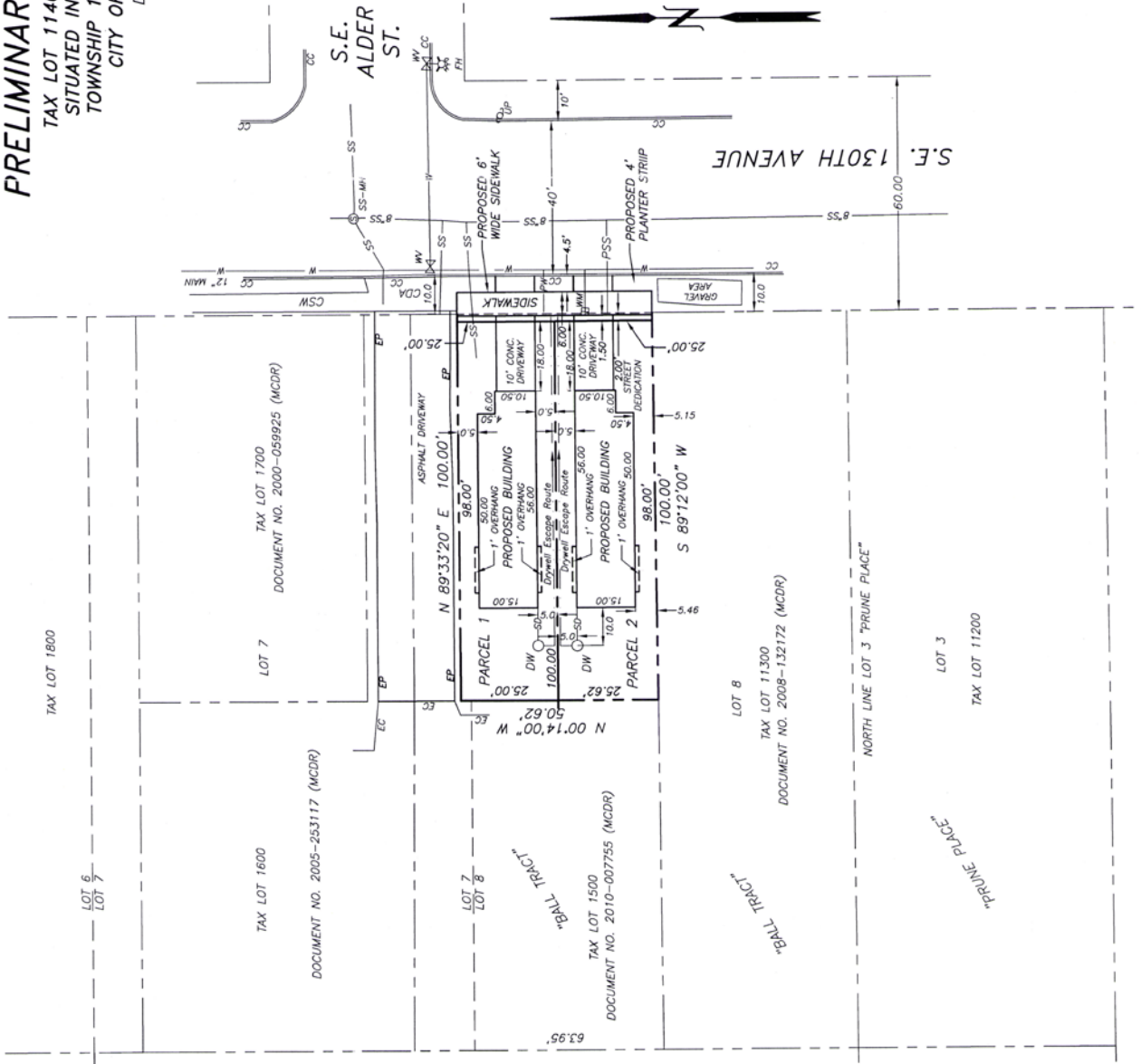
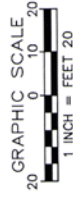
1. A 28 INCH DIAMETER, 5 FOOT DEEP DRY WELL WILL BE INSTALLED PER BES STANDARDS AND THE STORM WATER MANAGEMENT MANUAL ON EACH PARCEL FOR STORM WATER MANAGEMENT.
2. ZONING OF THE SUBJECT PROPERTY IS R2, RESIDENTIAL 2,000.
3. THE TREES ON THIS SITE ARE EXEMPT BECAUSE THEY ARE ON AN EXISTING PROPERTY.
4. EXISTING FENCES AND ELEVATIONS ARE NOT SHOWN ON THIS PLAN.
5. THE EXISTING SEWER SERVICE WILL BE USED FOR THE NEW HOUSE ON PARCEL 1.
6. THERE IS A GARAGE PROPOSED INSIDE THE BUILDING FOOTPRINT.
7. THE NEAREST FIRE HYDRANT IS 135 FEET EAST AND 53 FEET NORTH OF THE FARTHEST BUILDING DEVELOPMENT POINT. SAID HYDRANT IS SHOWN ON THE PLAN, WHICH IS AT THE SOUTHEAST CORNER OF SE 130TH AVE. AND SE ALDER ST.

## LEGEND

- ⊕ = FIRE HYDRANT
- ⊙ = SANITARY SEWER MANHOLE
- ⊖ = WATER METER
- ⊘ = UTILITY POLE
- ⊚ = WATER VALVE
- CC = CONCRETE CURB
- DW = PROPOSED DRYWELL
- HM = HYDRANT
- MM = MANHOLE
- PSS = PROPOSED SANITARY SEWER LINE
- SF = PROPOSED WATER SERVICE
- SS = SANITARY SEWER LINE
- W = WATER LINE
- WM = WATER METER

## TREE TABLE

TREE NO.	DIAMETER	SPECIES	COMMENTS
T1	20"	CHERRY	EXEMPT
T2	40"	MAPLE	EXEMPT



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Steven P. Buckles*  
OREGON  
JULY 17, 1986  
STEVEN P. BUCKLES  
2231  
RENEW: 12/31/15

REPPETO & ASSOCIATES, INC.  
LAND SURVEYORS

Plaza 125, Building G  
12730 SE Stark Street  
Portland, Oregon 97233  
Phone: (503) 408-1507  
Fax: (503) 408-2370

DATE: JULY 29, 2014 K14045-UP.DWG  
DRAWN BY: RL/SPD JOB NO. K14045

14163147.000  
C-1