



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 23, 2014
To: Interested Person
From: Leah Dawkins, Land Use Services
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 14-210724 LDP

GENERAL INFORMATION

Applicant: Mike Coyle, Faster Permits
14334 NW Eagleridge Lane / Portland, OR 97229

Owner: Lawrence M Sunde
6327 SE Clinton St / Portland, OR 97206-1343

Representative: Gordon K Sunde, Trustee, Sunde Family Revocable Trust Dtd
6327 SE Clinton St / Portland OR 97206

Designer: Emerio Design
6107 SW Murray Blvd., Suite 147 / Beaverton OR 97008

Site Address: 6327 SE CLINTON ST

Legal Description: BLOCK 4 LOT 4, WITTEN
Tax Account No.: R923300590
State ID No.: 1S2E08BB 07200
Quarter Section: 3337
Neighborhood: South Tabor, contact Eric Lozano at 503-724-6266.
Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Zoning: R2.5a- Single Dwelling Residential with "a" Amenity Bonus 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 proposes to partition the subject property into two single-dwelling parcels. Parcel 1 will be 2,465 square feet and Parcel 2 will be 2,465 square feet. Each parcel is proposed to have a new single family residence. The existing house and garage will be removed from the site. There are several trees on the site. All but one of the trees will be removed. For mitigation, the applicant proposes to pay into the City Tree Fund for the amount of diameter that would otherwise be required to be preserved on site.

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 and general vicinity are flat. There is currently a single family home on the site which will be demolished. There are 14 trees on the site, all but one of which will be removed for the purposes of future development. The houses in the vicinity are primarily Cape Cod style homes built in the 1950’s. The street grid is a typical “street-car” grid, with square blocks and good connectivity.

Infrastructure:

- **Streets** –The site has approximately 50 feet of frontage on SE Clinton Street and approximately 100 feet of frontage on SE 64th Avenue. There is one driveway entering the site off of SE Clinton Street that serves the existing house on the site. At this location, both SE Clinton Street and SE 54th Avenue are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 660 feet from the site at SE Division Street via Bus #4.

SE Clinton Street and SE 64th Avenue each have a 28-foot curb to curb paved surface within a 50-foot right-of-way with parking on both sides. Along the 50-foot wide site frontage along SE Clinton, the pedestrian corridor includes a 4-foot wide planter area, curb, 5-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (4-5-2 configuration). Along the 100-foot wide site frontage along SE 46th Avenue, the pedestrian corridor includes a 4-foot wide planter area, curb, 5-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (4-5-2 configuration).

- **Water Service** – There is an existing 8-inch CI water main in SE Clinton Street. The existing house is served by a 5/8-inch metered service from this main. There is also an existing 8-inch CI water main in SE 64th Avenue.

- **Sanitary Service** - There is an existing 15-inch VSP public combination sewer line in SE 64th Avenue. There is also an existing 8-inch VSP public combination sewer located in SE Clinton Street.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The R2.5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

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 November 6, 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:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
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	No public dead-end streets or pedestrian

	public dead-end streets and pedestrian connections	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 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. The maximum density is one unit per 2,500 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. The site has a minimum required density of 1 unit and a maximum density of 2 units. The applicant is proposing 2 single dwelling parcels. The density standards are therefore 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)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2465		49.30	49.30	50
Parcel 2	2465		50	50	49.30

* 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.

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.5). 6 trees have been exempted because they are too small or unhealthy. 8 trees are subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 109 inches. The applicant proposes to preserve tree #15, an 11-inch Pissard Plum, or 10 percent of the total non-exempt tree diameter.

In order to ensure that future owners of the lots are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions at the time of final plat.

The proposal does not meet any of the tree preservation options in 66.630.100. The applicant proposes, instead, to use a combination of tree preservation and the mitigation options of 33.630.300.

The applicant is proposing to preserve tree #15, comprising 11 inches of tree diameter. This is the only tree that the applicant can preserve and still have enough room for a reasonable building on each parcel. Therefore, the applicant has met Criterion A, because as many trees as possible will be preserved.

The site is less than 15,000 square feet in area. The applicant wishes to divide the site for detached housing, which is an allowed housing type in the R2.5 zone. The location of the existing trees on the site would prevent a land division that would result in a practicable arrangement of lots that could each contain a reasonable building area and still be able to meet the development standards of the R2.5 zone. Criterion C.4 is met.

The applicant has submitted a tree mitigation plan that proposes preserve one tree, #11, which comprises 11 inches of diameter. The applicant proposes to mitigate for the remaining 28 inches of required tree diameter by paying into the City Tree Fund.

The mitigation plan provides for approximately the same caliper inches as Option 1 of the Tree Preservation Chapter. Option 1 would require that 35% or 39 inches of the existing non-exempt tree diameter on site be preserved. 28 inches paid into the tree fund is roughly equivalent to the 39 inches that would be required to be preserved. Payment into the Tree Fund will also contribute to the general beauty and natural heritage of the City, if not directly on the site. Criterion B is met with a condition of approval requiring a payment into the City Tree Fund the amount equivalent to 28 inches of trees prior to final plat approval.

Title 11, Trees goes into effect 1/1/15 and will apply to the development of these lots. Title 11 Tree Density Standards under Section 11.50.050, requires trees to be planted on new lots as part of the approval of future building permits. The Tree Density Standard requires a certain density of trees be planted based on the size of a specific site. For this site, meeting Tree Density Standards will result in one large canopy tree or two medium canopy trees being planted on proposed Parcel 1 as well as one additional medium canopy tree planted on Parcel 2. Because of the small size of the parcels it is not practical for additional trees beyond the Tree Density standard to be planted without jeopardizing the overall health of all of the trees on the site. Therefore, offsite mitigation for Parcel 1 in the form of payment into the City Tree Fund is more appropriate for this proposal.

This criterion is met, subject to the conditions that development on Parcel 2 be carried out in conformance with the Preliminary Land Division Plan (Exhibit C.4) and the applicant's arborist report (Exhibit A.3), an Acknowledgement of Tree Preservation Land Use Conditions is recorded with the final plat and payment is made into the City Tree Fund.

Therefore, with the conditions noted above for preservation and mitigation, the criteria 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, the one tree required to be preserved will be protected during construction with fencing. 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. The applicant has proposed to remove the existing house and garage and 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 and sewer capping prior to final plat approval. With this condition, the new lots can be considered suitable for development, and this criterion is met.

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

The Solar Access Approval Criteria are superseded by other conflicting requirements in the 600's chapters of the Zoning Code, per 33.639.020. Corner lots should be narrower than interior lots but because of limited depth and the need to create lots that can meet development standards, it is not practical to adjust lot dimensions to make Parcel 1 narrower than Parcel 2.

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.

Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes. The Portland Bureau of Transportation has provided the following findings. (see Exhibit E.2):

**Street Capacity and Level-of-Service
Vehicle access and loading**

The proposed land division will create 2 parcels from the current lot in order to accommodate 2 new detached single-family homes (the existing single-family detached house on the site will be demolished). Referring to the ITE Trip Generation Manual, 9th Edition, there will be 1 new AM peak hour trip and 1 additional PM peak hour trip (10 additional total new daily trips) that may result from the development proposal on the site. The new peak hour trips will have minimal impacts to the nearby intersections of the area and do not warrant any mitigation to said intersections. The intersections will continue to operate at current levels without further degradation from the vehicle trips generated by the proposed project factored into the analysis.

On-street parking impacts

In association with the proposed development on the site, there will be an increase in on-street parking demand that needs to be factored. The parking demand that is expected to be generated as a result of the proposed project is estimated using rates from the Institute of Transportation Engineers (ITE), *Parking Generation Manual, 4th Edition, 2010*. The data utilized to determine the parking demand for the one additional dwelling unit on the site was for land use #210, *Single-Family Detached Housing*. Based upon this data, the 85th percentile peak parking demand for the one additional dwelling unit is 2 parking spaces.

Availability of transit service and facilities and connections to transit

The site is served by nearby transit service along SE Division, north of the subject site via Tri-Met route #4 [Division/Fessenden]

Impacts on the immediate/adjacent neighborhoods

A survey of the site vicinity indicates most, if not all the homes within a reasonable distance from the subject site that have driveways and garages sufficient in length/size to accommodate at least 1-2 vehicles per lot. There does not appear to be a significant demand for on-street

parking in the area. With on-site parking opportunities for at least one vehicle on each of the proposed lots, on-street parking impacts will be minimized.

Safety for all modes

There are existing sidewalk corridors throughout the vicinity that facilitate pedestrian travel. There are identified bike facilities (Portland Bike/Walk Map) in the area including a Neighborhood Greenway/Signed & Marked Route along SE Woodward, south of the site.

PBOT has reviewed and concurs with the information supplied and available evidence. 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:

33.651 Water Service standard – 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.
33.652 Sanitary Sewer Disposal Service standards – 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.
33.653.020 & .030 Stormwater Management criteria and standards – 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"> • 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.
33.654.120.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 one additional dwelling can be safely served by the existing streets without having any significant impact on the level of service provided.
At this location, based on City GIS resources, SE Clinton and SE 64 th are improved with 28-ft paved roadways with 4-5-2 sidewalk corridors within 50-ft rights-of-ways.
For Local Service classified streets abutting R2.5-zoned sites, the City's Pedestrian Design Guide recommends 11-ft wide sidewalk corridors (0.5-ft curbs, 4-ft wide furnishing zones, 6-ft wide sidewalks & 0.5-ft wide frontage zones).
Although the existing sidewalk corridors satisfy the overall 11-ft width as identified in the City's Pedestrian Design Guide, the existing 5-ft wide sidewalk elements are 1-ft shy of the standard sidewalk width. HOWEVER, the existing site and sidewalk corridor conditions satisfy the provisions of PBOT's Administrative Rule TRN-1.22. Accordingly, the existing

sidewalk configuration will be accepted as the standard sidewalk configuration for the block lengths. No r.o.w. improvements or property dedication will be required in relation to the proposed partition request. The applicant has correctly shown on the submitted plans that the existing curb cut/driveway along the site's SE Clinton frontage will be closed. Minor Improvement Permits associated with the Building Permits for each new house will be required for the new curb cuts/driveways for both parcels.

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 parcels is developed.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- 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.3). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: tree preservation, tree mitigation and demolition of existing structures.

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 2 standard R2.5 parcels as illustrated with Exhibit C.4, 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 B.4 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "An Acknowledgement for Tree Preservation Land Use Conditions 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 Site Development Section of the Bureau of Development Services for the decommissioning the septic system on the site.

Existing Development

2. Finalized permits must be obtained for demolition of the existing residence and garage 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.

Required Legal Documents

3. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 2. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

Other requirements

4. The applicant must pay into the City Tree Fund the amount equivalent to 28 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

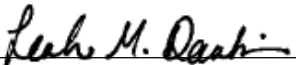
D. The following conditions are applicable to site preparation and the development of individual lots:

1. Development on Parcel 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.4) and the applicant's arborist report (Exhibit A.5). Specifically, tree numbered 15, an 11-inch Pissard Plum, is required to be preserved, with the root protection zones indicated on Exhibit C.4. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground.

Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.

2. 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 from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Leah Dawkins

Decision rendered by: _____  _____ **on December 19, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed December 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 September 10, 2014, and was determined to be complete on **October 31, 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 September 10, 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: February 28, 2015**.

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.

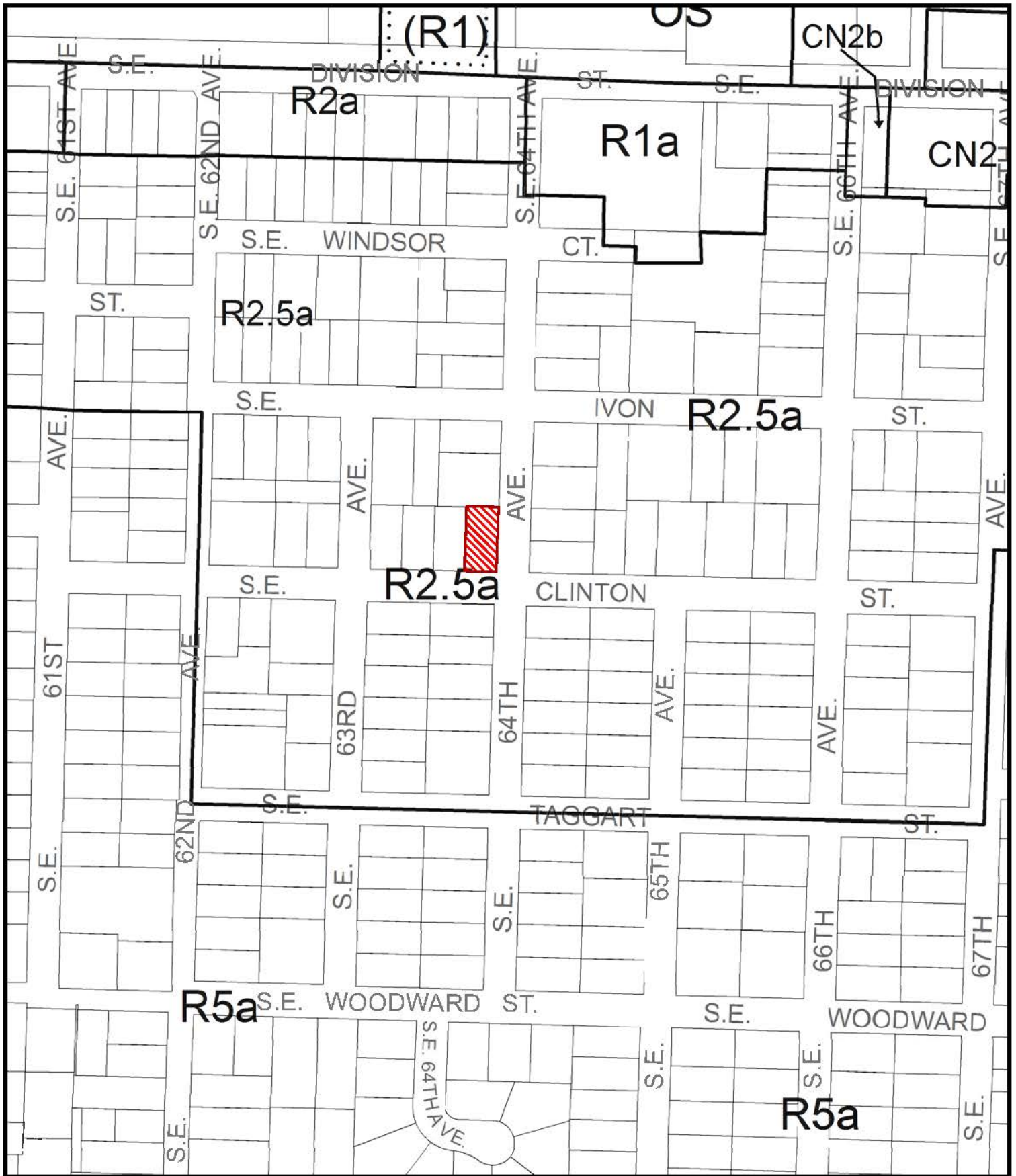
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessor's Office after it is signed by the Planning Director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

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| <p>A. Applicant's Statement</p> <ol style="list-style-type: none"> 1. 9/10/2104, Original Application Submittal 2. 10/31/2014, Additional Information Submitted 3. Certification of Trust 4. Fire Flow Report 5. Arborist Report 6. Revised Arborist Statement 7. Simplified Approach Form <p>B. Zoning Map (attached)</p> <p>C. Plans/Drawings:</p> <ol style="list-style-type: none"> 1. Cover Sheet 2. Existing Conditions 3. Preliminary Plat 4. Site Plan/Utility Plan/Tree Plan (attached) 5. Clearing and Grading Plan | <p>D. Notification information:</p> <ol style="list-style-type: none"> 1. Mailing list 2. Mailed notice <p>E. Agency Responses:</p> <ol style="list-style-type: none"> 1. Bureau of Environmental Services 2. Bureau of Transportation Engineering and Development Review 3. Water Bureau 4. Fire Bureau 5. Bureau of Development Services Site Development Section 6. Life Safety Review Section of BDS 7. Bureau of Parks, Forestry Division <p>F. Correspondence: None Received</p> <p>G. Other:</p> <ol style="list-style-type: none"> 1. Original LU Application 2. Incomplete Letter Sent 9/24/2014 |
|---|--|

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 14-210724 LDP
 1/4 Section 3337
 Scale 1 inch = 200 feet
 State_Id 1S2E08BB 7200
 Exhibit B (Sep 11, 2014)

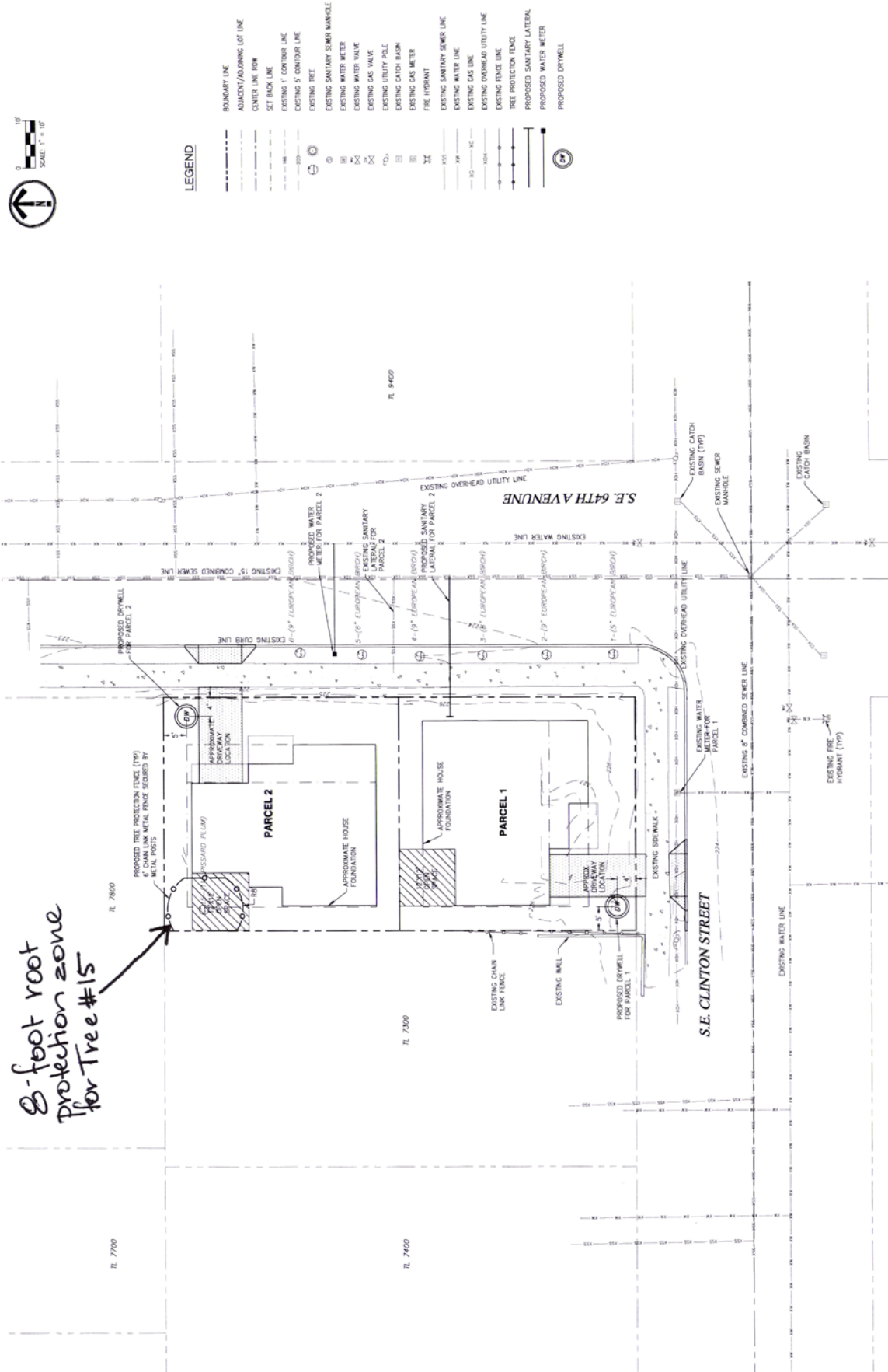
6327 SE CLINTON STREET
 TAX MAP T1S R2E 8BB
 TAX LOT 7200
 PORTLAND, OREGON

**PRELIMINARY
 SITE/UTILITY PLAN
 Tree Preservation Plan**

NO.	DATE	DESCRIPTION

EMERIO
Design
 6107 SW MURRAY BLVD., SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503) 746-8912

SHEET
 4 of 5



8-foot root protection zone for Tree #15