



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

FROM CONCEPT TO CONSTRUCTION

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Date: August 1, 2016
To: Interested Person
From: Susan Ellis, 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 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 16-130618 LDP

GENERAL INFORMATION

Applicant/Owner: Milan Cole / JMA Properties
205 SE Spokane St. Ste 300
Portland, OR 97202
503-953-3416 or mcole@jmaproperties.com

Other Owners: Tom Hall
4236 SE 37th Ave
Portland, OR 97202

Karen Hall
4236 SE 37th Ave
Portland, OR 97202

Site Address: 4236 SE 37TH AVE
Legal Description: BLOCK 2 W 100' OF S 48' OF LOT 1, WILLIAMS ADD 2
Tax Account No.: R916101220
State ID No.: 1S1E12DD 13300
Quarter Section: 3434
Neighborhood: Creston-Kenilworth, contact Zachary Smith at 503-866-8575.
Business District: Greater Brooklyn, contact David Weislogel at 503-872-9320.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
Other Designations: None
Zoning: R2 – Low Density Multi-Dwelling Residential Zone
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 two-parcel land division on this 4,800 square foot lot resulting in one 2,448 square foot lot (Parcel 1) and one 2,352 square foot lot (Parcel 2). The existing home on Parcel 1 will remain. The applicant is proposing to retain the driveway located on Parcel 2 for future single-family development on this lot. Due to this site's proximity to a frequent service bus line, off-street parking is not required for this 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 two lots. 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 are 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 March 4, 2016 and determined to be complete on June 15, 2016.

ANALYSIS

Site and Vicinity: This is a flat site with a single-dwelling home that is proposed to remain. It is surrounded by a mix of single-dwelling and duplex development. A half a block to the north and to the west are larger multi-dwelling developments. This site is located about 350 feet from Cesar E Chavez Boulevard, which is a transit street with a frequent service bus line.

Infrastructure:

- **Streets** – This site has approximately 48 feet of frontage on SE 37th Ave and 100 feet of frontage on SE Cora St. There is one driveway entering the site on SE Cora that served the existing residence. At this location, the City's Transportation System Plan (TSP) classifies both SE 37th and SE Cora as Local Service Streets for all transportation modes. Trimet provides transit service on SE Cesar E Chavez Blvd with the bus route #75 approximately 354 feet from the site. SE 37th meets street standards and SE Cora does not meet standards as the furnishing zone is only 2.5-ft where 4-ft is required.
- **Water Service** – There is an existing 6-inch water main in SE Cora St to serve the lot to be developed.
- **Sanitary Service** - There is an existing 12-inch VSP public combination sewer line in SE Cora Street and an existing 30-inch RCP combined gravity main in SE 37th Avenue.
- **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.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 21, 2016**. One written response to this proposal has been received from a notified property owner who said he was “speaking for the neighbors.” He said he was opposed to:

- *The impact of increased density on the character of the neighborhood and the lack of gardens for kids to play.*

Staff Response: As described in Criterion A below, this site is zoned R2, with a maximum density of 1 unit per 2,000 square feet of site area and a minimum lot size of 1,600 square feet. The historic development pattern on this street has been single dwelling homes on 5,000 square foot lots and so staff concurs that new projects that meet the maximum density may feel out of character with the neighborhood. As Portland’s population continues to grow, more neighborhoods will be developing to this maximum potential.

- *The increase in parking on the street.*

Staff Response: A traffic analysis was provided by the applicant (Exhibit A.3) and reviewed by Portland Bureau of Transportation (PBOT) staff. Please see Criterion K below where PBOT has addressed parking. They have noted that while recent development activity in the area has likely increased the demand for on-street parking in the vicinity, PBOT does not consider an area heavily parked and in need of active parking management until the occupancy rate reaches 85% or more.

- *The constant sound of construction in a once quiet neighborhood.*

Staff Response: As noted above, this neighborhood will see increased development due to the zoning allowances for higher density. The City of Portland does have a Noise Control program that limits the hours and volume of construction noise and activities. Please see this link for addition information about this:
<http://www.portlandoregon.gov/citycode/article/541431>

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 trees in excess of 6 inches in diameter are located fully or partially 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	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
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 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 development is proposed for 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 4,800 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:

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Detached Houses	1,600	25	none	25
Parcel 1	2,448	48	51	48
Parcel 2	2,352	49	48	49

* 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:

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. An existing home is proposed to remain on Parcel 1 and the applicant's narrative (Exhibit A.1) states that only some grass and shrubs will be disturbed with construction 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. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

PBOT has provided the following findings (see Exhibit E.2):

The regulations of this Chapter allow the traffic impacts caused by dividing and developing land to be identified, evaluated, and mitigated if necessary. The following approval criterion applies to all land divisions in all zones: *The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. 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.* To address the approval criteria, the applicant submitted a professional Transportation Impact Analysis (TIS) prepared by Lancaster Engineering.

The applicant is proposing this partition in order to develop the subject property with a new single-family dwelling on Parcel 2. The existing home will be retained on Parcel 1. Accordingly, the proposed project will result in a net increase of one new single-family home. Based upon trip generation estimates obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition*, the project is projected to generate one additional trip during both the morning and evening peak hours (10 additional trips in total each day). *The small number of trips that will be added into the transportation system as a result of the proposed development will not adversely impact the operations of area intersections.*

The applicant is proposing to retain the existing driveway, which will be located on Parcel 2 after approval of the partition request, to provide on-site parking for the new single-family dwelling. Due to the site's proximity to a frequent service bus line, off-street parking is not required at this site per the standards of the Zoning Code. However, the applicant must still

address the “on-street parking impacts” evaluation factor of the transportation-related approval criteria.

To estimate the parking demand generated as a result of the proposed development, the applicant’s traffic consultant utilized parking rates from the Institute of Transportation Engineers (ITE) *Parking Generation Manual, 4th Edition*. Per ITE parking rates, the peak parking demand for a single-family detached dwelling is 2 spaces. As proposed, two off-street parking spaces will be provided on Parcel 2 to include one space in the garage and one space in the driveway. Accordingly, the proposed development is estimated to generate the demand for two on-street parking spaces.

To determine the demand and availability of on-street parking in the vicinity, the applicant’s traffic engineer conducted observational analysis during three separate time periods: weekday morning peak hour (8:20am); weekday evening peak hour (5:20pm); and weekday overnight period (5:20am). The study area included both sides of SE 37th between SE Holgate and SE Gladstone and both sides of SE Cora between SE 37th and SE Cesar E Chavez. As documented in the applicant’s analysis, on-street parking within the study area was never found to be more than 67% occupied, which occurred during the overnight analysis period.

Staff is aware of concerns expressed by area residents regarding on-street parking becoming more difficult in this area. While recent development activity in the area has likely increased the demand for on-street parking in the vicinity, PBOT does not consider an area heavily parked and in need of active parking management until the occupancy rate reaches 85% or more. Accordingly, based upon the results of the applicant’s analysis, there is a sufficient supply of on-street parking to meet current demand in addition to the additional demand generated by the proposed development.

There are existing transit facilities in the vicinity and the nearest bus stop is located at SE Cesar Chavez & SE Cora (TriMet #75) approximately 475-ft from the site. The proposed partition will not have any effect on transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

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 1 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 1 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 stormwater management methods as follows: Stormwater from Parcel 2 will be directed to an individual drywell that will treat the water and slowly infiltrate it into

<p>the ground. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by BES, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.</p>
<p>33.654.110.B.1 Through streets and pedestrian connections</p>
<p>Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located meets the noted spacing requirements. Therefore, this criterion is met.</p>
<p>33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment</p>
<p>In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided. This criterion is met.</p>
<p>33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)</p>
<p>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.</p>

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.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several Zoning Code standards that relate to existing development on the site. Two that will need to be verified prior to final plat approval are:

- Minimum Setbacks** – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment. The existing house will be approximately 6 feet from the new property line. As documented by a staff site visit and photos provided by the applicant, there is a canopy on the east side of the house – close to the proposed lot line – that projects into the setback and does not meet the setback standard. The survey does not show this canopy. To ensure this standard is met at the final plat stage, documentation must be provided that this canopy either has been removed or modified to meet the setback standard. It is the applicant’s responsibility to consult with a Building Plans Examiner to determine if a permit is required for this work. If not, additional photo documentation will be required. A supplemental survey is also required showing the location of the existing building and canopy relative to the adjacent new lot lines.

- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, the existing accessory structure removed prior to final plat. Since this structure is less than 200 square feet the applicant must provide photo documentation prior to final plat approval that that this structure has been removed. To ensure that this standard is met, a condition of approval is necessary.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 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 11 – 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; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip in SE 37th Avenue adjacent to Parcel 1 prior to final plat approval. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 2 parcel partition as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: fire requirements, accessory structures, and stormwater facilities. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2 lot partition, that will result in 2 single-dwelling lots 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 and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Stormwater facilities for the existing house and the proposed general location of future building footprints and stormwater facilities for the vacant lot.
- Any other information specifically noted in the conditions listed below.

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.

Existing Development

2. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by BES, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.
3. The applicant must remove the shed on Parcel 2 and any portion of the attached canopy that projects into the rear lot line setback on Parcel 1. If a building permit is required for the canopy removal, this must receive final inspection. If no permit is required photo documentation must be provided and any remaining portions of the canopy must be shown on the supplemental survey. For the accessory structure, 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 within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.
4. The applicant must plant one (1) 1.5 caliper inch street tree in the planter strip on SE 37th Ave adjacent to Parcel 1. Street trees will be chosen from the City's approved street tree list for the 4- foot planting strip. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

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

1. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access for development on Parcel 2. 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: Susan Ellis

Decision rendered by:  on July 28, 2016.

Decision mailed (within 5 days of dec.) August 1, 2016.

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 March 4, 2016, and was determined to be complete on June 15, 2016.

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 March 4, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 13, 2016.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

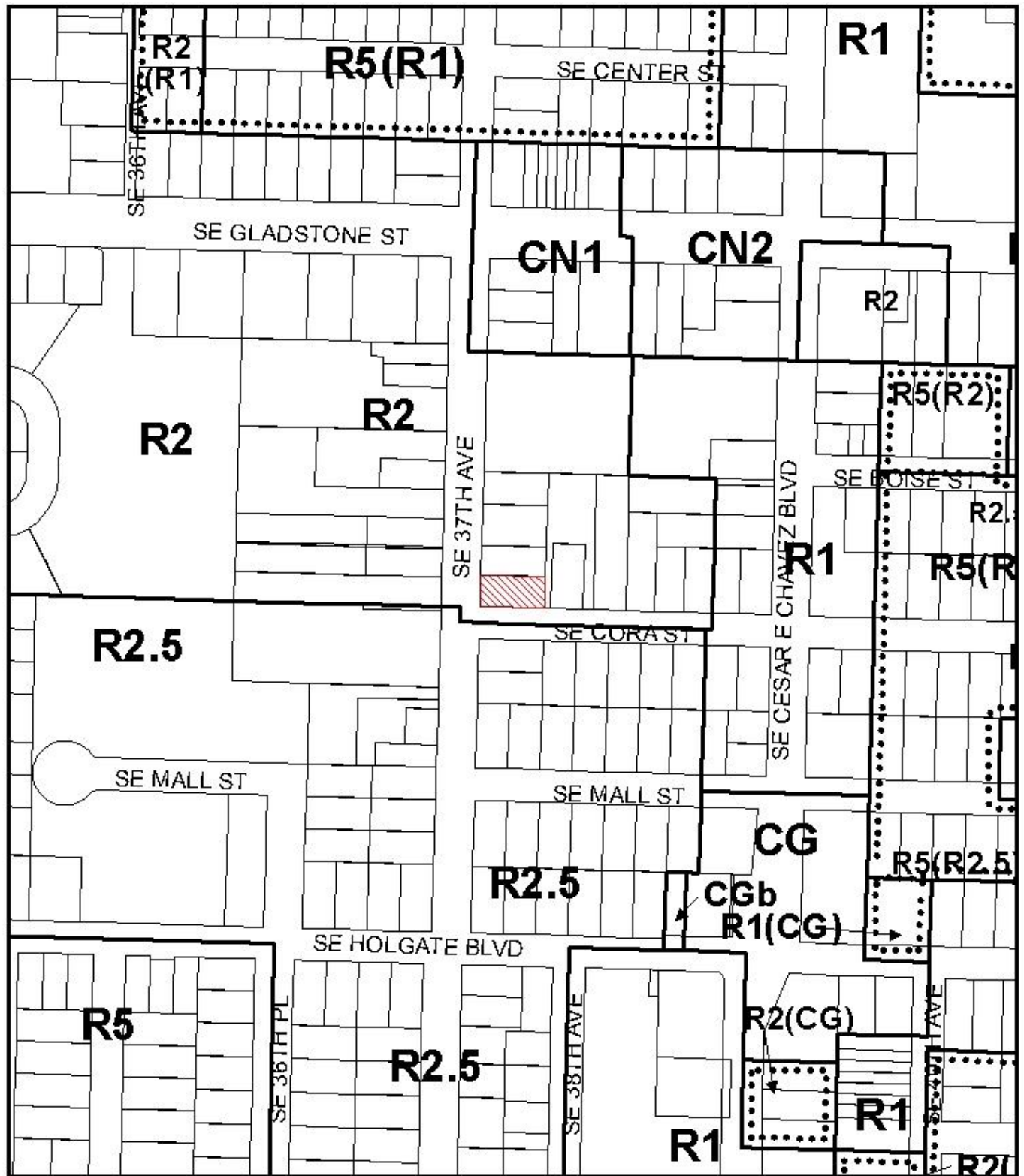
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application narrative
 - 2. Tri-met Bus Schedule
 - 3. Traffic Analysis (Rcvd 6/15/16)
 - 4. Stormwater Report (Rcvd 6/15/16)
 - 5. Site photos of accessory structures
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Site Plan Detail (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 Section of the Bureau of Development Services
- F. Correspondence:
 - 1. Mike Clarke, 7/9/16, email in opposition to this land division
- 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).



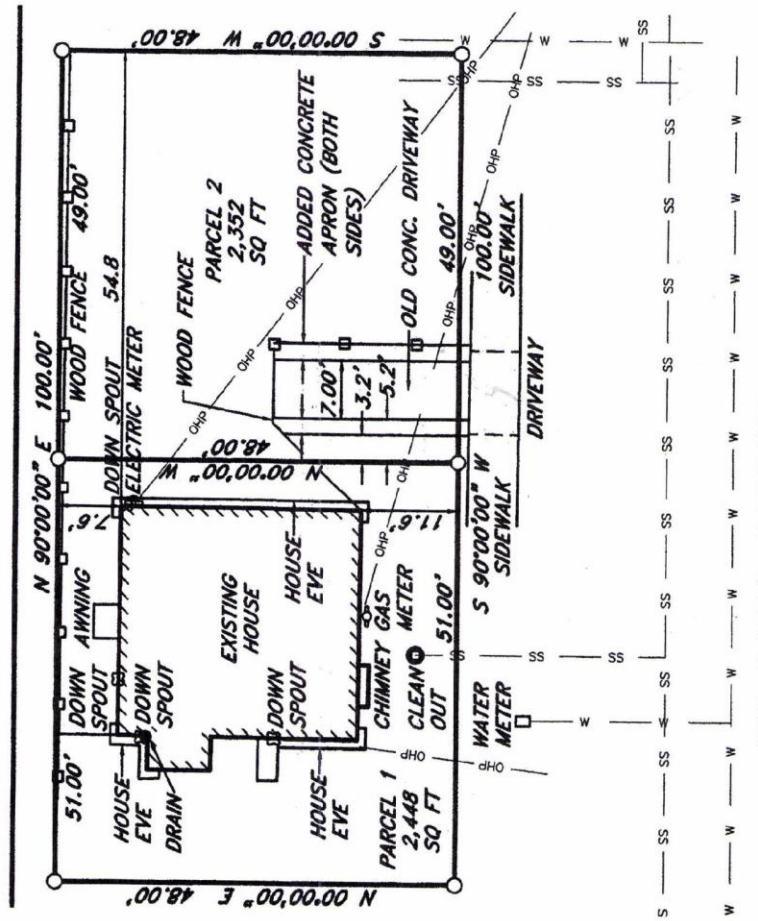
ZONING

 Site



File No.	LU 16-130618 LDP
1/4 Section	3434
Scale	1 inch = 200 feet
State_Id	1S1E12DD 13300
Exhibit	B (Mar 07, 2016)

Site Plan Detail



CASE NO. 16-130618 LDP
 EXHIBIT C.2