



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, 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:** December 6, 2016  
**To:** Interested Person  
**From:** Leah Dawkins, Land Use Services  
503-823-7830 / [Leah.Dawkins@portlandoregon.gov](mailto:Leah.Dawkins@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 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 16-218773 LDP**

**GENERAL INFORMATION**

**Applicant:** Kevin Partain, Urban Visions Planning Services Inc  
223 NE 56th Avenue / Portland, OR 97213  
(503) 421-2967

**Owner:** Melissa Shays  
2005 State Rd Po Box 324 / Mosier, OR 97040-0324

**Site Address:** 2123 SE 12TH AVE

**Legal Description:** BLOCK 127 LOT 6, STEPHENS ADD  
**Tax Account No.:** R794015740  
**State ID No.:** 1S1E02CD 16500  
**Quarter Section:** 3231

**Neighborhood:** Hosford-Abernethy, contact Michael Wietecki at [mjwietecki@gmail.com](mailto:mjwietecki@gmail.com)  
**Business District:** Central Eastside Industrial Council, contact Debbie Kitchin at [ceic@ceic.cc](mailto:ceic@ceic.cc)

**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.  
**Plan District:** Central City - Central Eastside  
**Zoning:** R1- Multi-Dwelling Residential  
**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 to divide the subject site into two parcels. Each parcel is proposed to be 2,500 square feet in size. The existing duplex on the site will be retained on Parcel 1. Parcel 2 will be a flag-like lot and will be developed with a new duplex. There are two nuisance species trees on the site, both or which will be removed.

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

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

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

## FACTS

**Site and Vicinity:** The site is located in a neighborhood consisting of single family homes, duplex and multi-dwelling development, and is adjacent to several businesses. The site itself contains an existing duplex. The site is relatively flat and contains two trees that are considered nuisance species. The street grid adjacent to the site provides good connectivity for all modes of transportation.

### Infrastructure:

- **Streets** –The site has approximately 50 feet of frontage on SE 12th Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, SE 12th Avenue is classified as a Major City Traffic Street, a Transit Access Street, a City Bikeway, a City Walkway, a Major Truck Route, a Major Emergency Response Route, and a Community Corridor in the Transportation System Plan (TSP). Tri-Met provides transit service adjacent to the site at SE 12th Avenue via Bus 70.

SE 12<sup>th</sup> Avenue has a 35-foot curb to curb paved surface within a 60-foot right-of-way with parking both sides. Along the 50-foot wide site frontage the pedestrian corridor includes a 4-foot wide planter area, curb, 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (4-6-2 configuration).

- **Water Service** – There is an existing 14-inch CI water main in SE 12th Avenue. The existing house is served by a 3/4-inch metered service from this main.

- **Sanitary Service** - There is an existing 12-inch VSP public combination sewer line in SE 12th Avenue.

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

**Zoning:** The R1 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 **October 13, 2016**. Two written responses have been received from notified property owners in response to the proposal.

The following issues were addressed in the comments received. Staff responses are in *italics*.

- Concern about the accuracy of the site survey.  
*The applicant is required to submit an existing conditions survey stamped and signed by a licensed surveyor. This was included in the application for this land division and is accurate based on the assessment of the licensed surveyor.*
- Questions about the setbacks and height of the proposed structure.  
*The setbacks for the new structure are based on the plane of the building wall and will be at least 5 feet from all property lines. The maximum height allowed in the R1 zone is 45 feet.*
- Concern about a driveway for Parcel 2 limiting the developable area of the lot.  
*Parcel 2 will not have a driveway and there is no required parking for this site because it is within 500 feet of a frequent transit line. New development on Parcel 2 will be accessed via a path from SE 12<sup>th</sup> Avenue.*

## 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, or the trees are nuisance species or exempt due to poor condition.
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 proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	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.
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 duplex parcels.

Single-dwelling or duplex development is proposed for some or all of the site, therefore the applicant must demonstrate how the proposed lots meet the minimum density and not exceed the maximum density stated in Table 120-3 at the time of the preliminary plan review.

Minimum density in the R1 zone is one unit per 1,000 square feet and the maximum density is one unit per 1,450 square feet. The total site area shown on the applicant's survey is 5,000 square feet. The site has a minimum required density of 3 units and a maximum density of 5 units.

In this zone, there are no minimum lot area requirements for lots designated for attached houses, detached houses, or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division, to avoid development on the site or further division of lots that would result in non-compliance with the overall density requirements of the site.

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

<b>R1</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>Duplexes</b>	none	none	none	10
Parcel 1	2,500	40	62.50	40
Parcel 2	2,500	50	37.50	10

\* 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 in the areas where new development on the site is anticipated. This criterion is met.

**Land Suitability**

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

**Findings:** 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. Mitigation may be necessary to reduce impacts.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

*The applicant is proposing this partition in order to develop Parcel 2 with either a duplex or a new single-family residential home. The existing duplex on-site will be retained on Parcel 1. Accordingly, under a worst-case scenario in which the Parcel 2 is developed with a duplex unit, the proposed project will result in a net increase of two additional dwelling units. Based upon trip generation estimates obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition, the partition is projected to generate 2 additional trip during both the morning and evening peak hours (20 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 site is well served by transit with the closest bus stop (TriMet bus line #70) located at SE 12<sup>th</sup> & SE Harrison approximately 370-ft from the subject property.*

*There is an existing curb-cut along the site's frontage that currently does not provide access to a legal on-site parking space. If this curb-cut is not proposed to provide access to on-site parking for Parcel 2, it will be required to be closed and the curb line reestablished under a Minor Improvement Permit (MIP) as a condition of the building permit for Parcel 2. Whether this curb-cut is proposed to be retained or required to be closed, there will be no net loss in the supply of on-street parking within SE 12<sup>th</sup> as a result of this partition. 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:

<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.
<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.
<ul style="list-style-type: none"> <li>• <b>Parcel 2:</b> Stormwater from this lot will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. This lot 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 drywell.</li> <li>• <b>Parcel 1 (the lot with the existing house):</b> The existing house has downspouts that drain onto the ground. BES has noted that the downspouts appear to not meet setback requirements. Modifications will be needed to redirect this and any other downspout that falls within the required setbacks. The applicant is required to finalize plumbing permits prior to final plat approval for modifications to the stormwater disposal system on the existing house that will result in properly functioning gutters, downspouts, and disposal points, located outside of required setbacks.</li> </ul>
<b>33.654.120.B &amp; C Width &amp; elements of the right-of-way</b> – See Exhibit E.2 for bureau comment
In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.
The existing sidewalk corridor meets standards in terms of width but not configuration as the furnishing zone is 3.5-ft wide where 4-ft is required. While the site does not meet the infill provisions of TRN 1.22 due to SE 12 <sup>th</sup> 's classification as a Major City Traffic Street, consistent with the Public Works Alternative (16-240615-PW) approved for this site, the existing corridor will be accepted as the standard and will not be required to be reconstructed to the 0.5/4/6/1.2 configuration. However, as a condition of approval of the Public Works Alternative, the existing wall within the ROW will be required to be removed. <b><i>Given that the wall is located adjacent to the existing duplex which is proposed to remain, the wall will be required to be removed prior to Final Plat approval. Removal of the wall to be confirmed by PBOT inspection.</i></b>
This criterion is met, with the condition that the wall encroachment within the right-of-way be removed and that inspection of the removal is completed prior to Final Plat approval.
<b>33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)</b>
Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

## DEVELOPMENT STANDARDS

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

**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 R1 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 is one Zoning Code standard that relate to existing development on the site:

- 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 or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 8.2 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.

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 <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 11 – 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.

- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Parcel 1 prior to final plat approval. This requirement is based on the standards of Title 11.

## 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: density and infrastructure requirements.

With conditions of approval that address these requirements this proposal can be approved.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-parcel partition, that will result in 2 duplex 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 BES 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;
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots;
- Any other information specifically noted in the conditions listed below.

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

### Streets

1. The applicant shall meet the requirements of the Portland Bureau of Transportation for the removal of the wall encroachment adjacent to Parcel 1 and verification of the removal.

### Utilities

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.

### Existing Development

3. The applicant must document the location of the stormwater disposal system serving the existing structure and either confirm it meets SWMM requirements or modify the system according to BES and SWMM requirements. 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. The location of all existing and proposed sanitary and stormwater connections and facilities must be shown on the supplemental plan.
4. The applicant must meet the requirements of Urban Forestry to plant 1 street tree in the planter strip on SE 12<sup>th</sup> Avenue Street adjacent to Parcel 1. The applicant must contact Urban Forestry at 503-823-TREE (8733) prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit.

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



1. The minimum and maximum density for the lots in this land division are as follows:

Parcel	Minimum Density	Maximum Density
1	2	2
2	2	2

2. Parcel 2 must be developed with a duplex.
3. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height 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:** Leah M. Dawkins **on (December 1, 2016)**  
By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) December 6, 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 August 8, 2016, and was determined to be complete on October 10, 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 August 8, 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: February 7, 2017.**

**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).

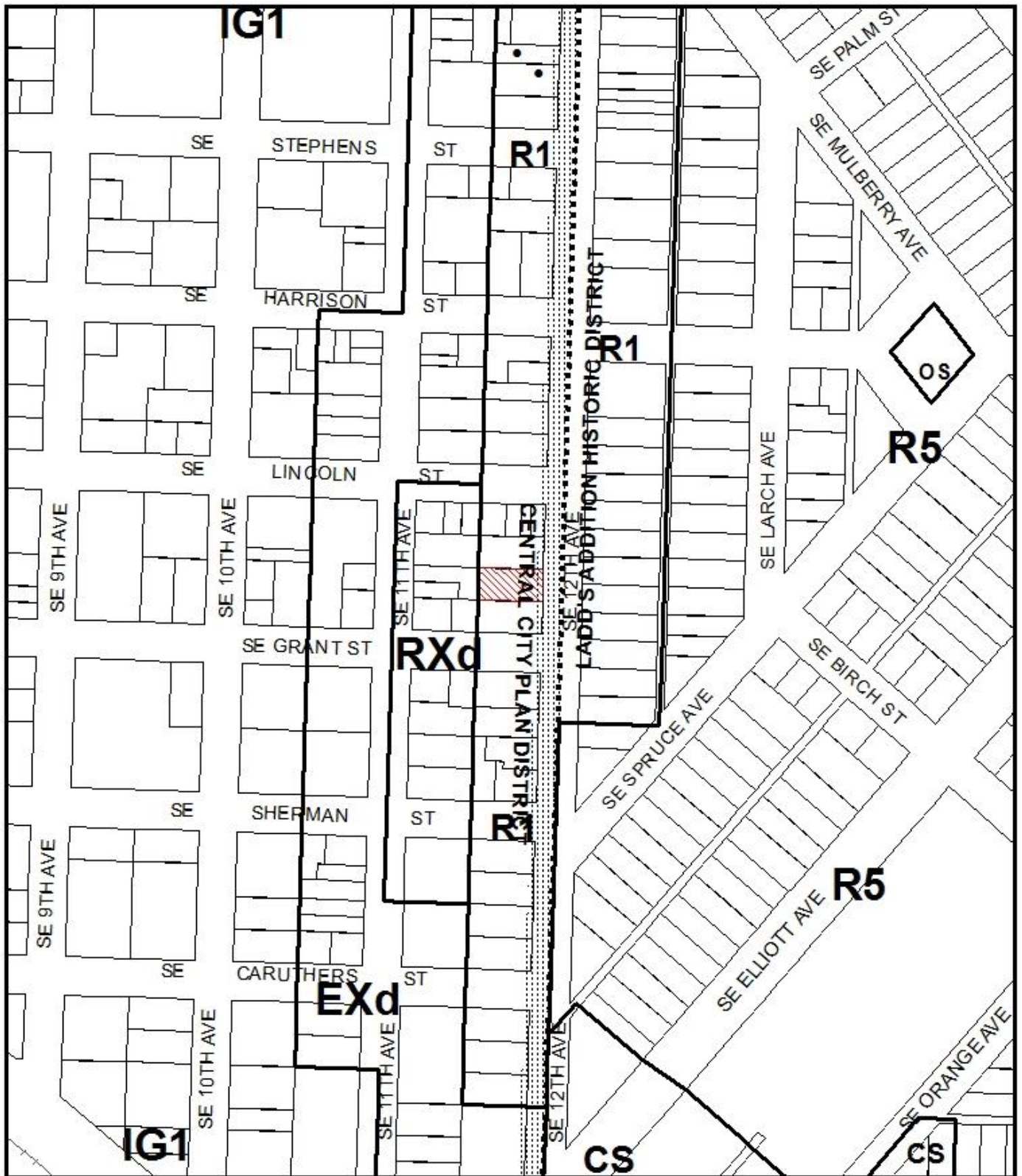
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Applicant Narrative
  - 2. Revised Applicant Narrative
  - 3. Applicant Resubmittal Memo
  - 4. Stormwater Report
  - 5. Simplified Approach Form
  - 6. Arborist Report
  - 7. Original Plan Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety
- F. Correspondence:
  - 1. Tom Peloquin, 10/21/16, concerns about survey, height and setbacks
  - 2. Mark Harris, 11/3/16, concerns about development area
- G. Other:
  - 1. Original LU Application and Expedited Land Division Acknowledgement
  - 2. Incompleteness 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

This site lies within the:  
 CENTRAL CITY PLAN DISTRICT  
 CENTRAL EASTSIDE SUBDISTRICT

-  Site
-  Historic Landmark

File No.	<u>LU 16-218773 LDP</u>
1/4 Section	<u>3231</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E02CD 16500</u>
Exhibit	<u>B (Aug 09, 2016)</u>

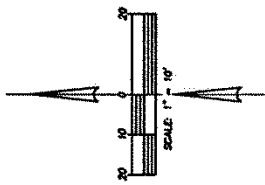
**EXISTING CONDITIONS AND TREE SURVEY  
FOR A PROPOSED PARTITION PLAT, LOT 6, BLOCK 127,  
"STEPHENS' ADDITION TO EAST PORTLAND"**

SITUATED IN THE S.W. 1/4, SECTION 2, T.1S., R.1E., W.M.  
MULTNOMAH CO., OREGON  
CITY OF PORTLAND

**MARK ASSOCIATES**  
18815 E. BURNSIDE STREET  
PORTLAND, OR 97233  
TEL: 503-687-5550  
FAX: 503-688-5848  
EMAIL: DALE@MARKASSOCIATES.NET

DATE DRAWN: JUNE 27, 2016  
DRAWING NO. 16043EVC  
ACCOUNT NO. 16043  
REVISED: JULY 27, 2016  
REVISED: SEPTEMBER 30, 2016

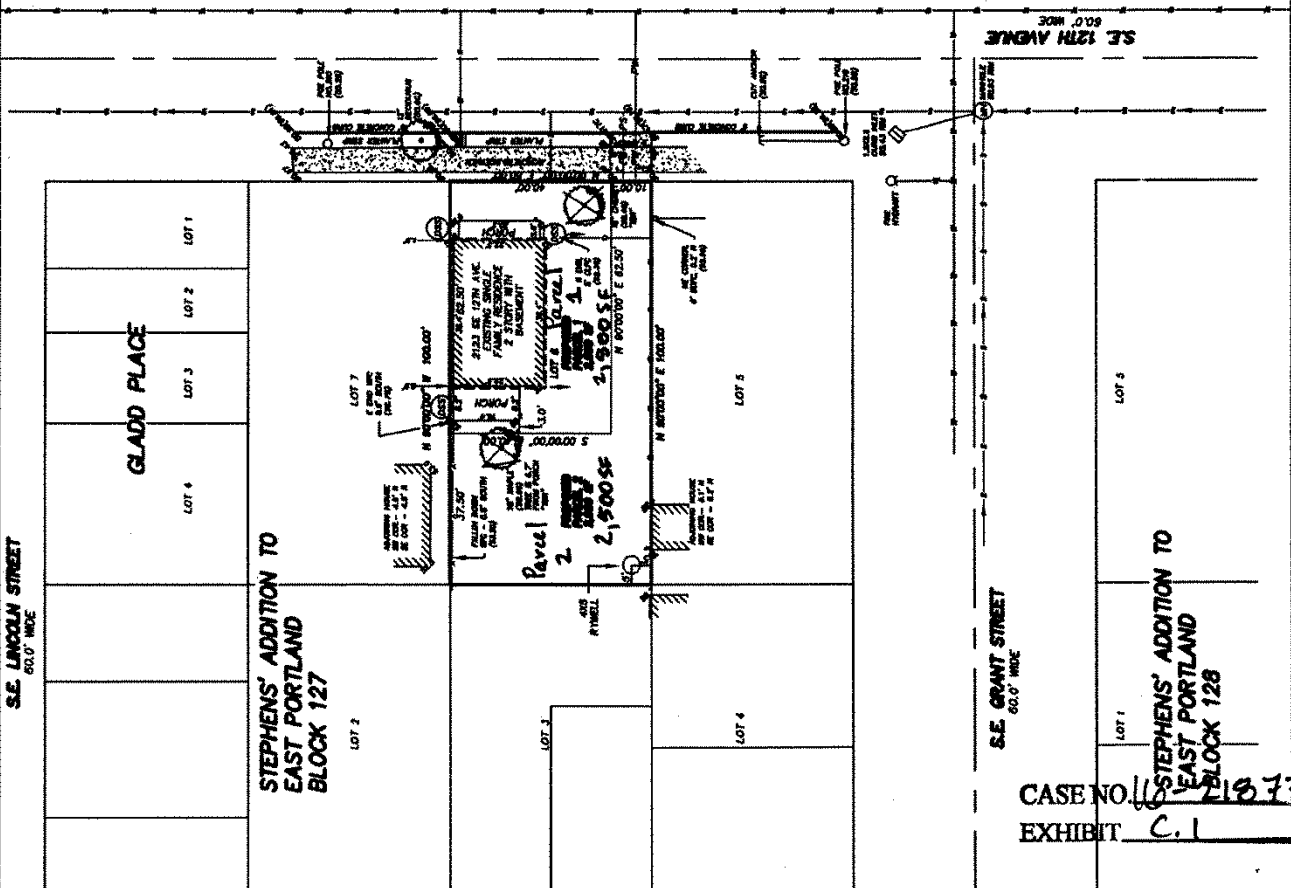
**NOTES:**  
1. "E" DENOTES WATER METER.  
2. "L" DENOTES CHAIN LINK FENCE.  
3. "C" DENOTES CHAIN LINK FENCE.  
4. "B" DENOTES BOARD FENCE.  
5. "W" DENOTES WIRE FENCE.  
6. "S" DENOTES SINKER LINE.  
7. "P" DENOTES PROPOSED WATER LINE.  
8. "PS" DENOTES PROPOSED SINKER LINE.  
9. "M" DENOTES MANHOLE.  
10. "I" DENOTES 1/2" x 1/2" CUMULATIVE INLET.  
11. "ELEVATION" DENOTES ELEVATION AT THE DECIMAL POINT.  
12. "ELEVATION" DENOTES ELEVATION OF THE DECIMAL POINT.  
13. "ELEVATION" DENOTES ELEVATION OF THE DECIMAL POINT.  
14. "ELEVATION" DENOTES ELEVATION OF THE DECIMAL POINT.  
15. "ELEVATION" DENOTES ELEVATION OF THE DECIMAL POINT.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
DALE W. MARK  
EXPIRES 12/31/2016  
EXPIRES INTO 12/31/2017

**RECEIVED**  
OCT 10 2016  
By \_\_\_\_\_

LADD'S ADDITION



CASE NO. 16-18773  
EXHIBIT C.1