



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** December 2, 2021  
**To:** Interested Person  
**From:** Shawn Burgett, Land Use Services  
503-865-6734 / shawn.burgett@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 20-163128 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Darren Schroeder  
Darren Schroeder Design & Consulting  
716 SE 45th Ave  
Portland, OR 97215  
E-mail: [darren@dscd.us](mailto:darren@dscd.us)

**Owners:** Mohammed Yassin & Mahar Abs  
Po Box 23246  
Tigard, OR 97281

**Site Address:** 14055 SE STARK ST

**Legal Description:** S 97.65' OF E 101' OF LOT 110 EXC PT IN ST, ASCOT AC  
**Tax Account No.:** R041802970  
**State ID No.:** 1N2E35DD 01700  
**Quarter Section:** 3044  
**Neighborhood:** Hazelwood, contact Arlene Kimura at [arlene.kimura@gmail.com](mailto:arlene.kimura@gmail.com)  
**Business District:** Gateway Area Business Association, contact at [gabapdxboard@gmail.com](mailto:gabapdxboard@gmail.com)  
**District Coalition:** East Portland Community Office, contact at 503-823-4550.  
**Plan District:** East Corridor

**Zoning:** CM1 (Commerical/Mixed Use 1)  
**Case Type:** LDP (Land Division Partition)  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant is proposing a 2-lot land division on the 8,852 sq. ft. site which currently accommodates two existing commercial uses in separate buildings. The applicant is proposing to separate each building onto a separate lot under this proposal.

Proposed Parcel 1 will measure 7,554 sq. ft. and accommodate the existing Commercial use located on the eastern edge of the site. Proposed Parcel 2 will measure 1,297 sq. ft. and will accommodate the separate commercial use located along the western edge of the site. The existing commercial use proposed on Parcel 2 is attached to the adjacent commercial structure to the west (not part of this proposal).

This partition is reviewed through a Type Ix land use review because: (1) the site is in a commercial, employment, or industrial 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 33.662.110).

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 units of land (2 parcels). Therefore, this land division is considered a partition.

#### **Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- Section 33.662.120, Approval Criteria for Land Divisions in Commercial, Employment, and Industrial zones.

#### **FACTS**

**Site and Vicinity:** The site is located on a corner lot at the intersection of SE Stark St. and SE 141<sup>st</sup> Ave. Two commercial uses in separate building currently occupy the site. The western portion of the site has an existing restaurant, while the majority of the site on the eastern end has an existing auto related commercial use. No trees or landscaping is on the site. The area surrounding the site is a mixture of commercial and residential.

#### **Infrastructure:**

- **Streets** –The site has approximately 101 feet of frontage on SE Stark St. and approximately 88 feet on SE 141<sup>st</sup> Avenue. There is a driveway entering the site that serves the existing commercial use on eastern end of the site and an additional access point off SE 141<sup>st</sup> Ave. At this location:

**SE Stark St.** - The City’s Transportation System Plan (TSP) classifies SE Stark St. as a *Major City Traffic street, Major Transit Priority, City Bikeway, Major City Walkway, Major Truck street, Major Emergency Response, Civic Corridor*. According to City GIS data, SE Stark is improved with an approximate 66-ft wide paved roadway within a 80-ft wide ROW, which currently has a 7-ft curb tight sidewalk.

**SE 141<sup>st</sup> Ave.** - The City’s Transportation System Plan (TSP) classifies SE 141<sup>st</sup> Ave. as *Local Service* for all modes. According to City GIS data, SE 141<sup>st</sup> Ave is improved with an approximate 40-ft paved surface within a 40-ft ROW which lacks a curb and pedestrian corridor

- **Water Service** – Rockwood PUD serves this site. There is an existing 6” to 8” water main in SE Stark St. that serves each lot separately via 5/8 metered service lines.
- **Sanitary Service** - There is an existing 8-inch PVC sanitary sewer line in SE Stark St. and SE 141<sup>st</sup> Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

**Zoning:** The Commercial/Mixed Use 1 (CM1) zone is a small-scale zone intended for sites in dispersed mixed-use nodes within lower density residential areas, as well as on neighborhood corridors and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate in core commercial areas of centers in locations where older commercial storefront buildings of 1 to 2 stories are predominant. This zone allows a mix of commercial and residential use.

The East Corridor plan district encourages new housing and mixed-use development and expansions of existing development to promote the corridor's growth and light rail transit ridership and to implement the objectives of the City's Pedestrian Districts to enhance the pedestrian experience and access to and from light rail service

**Land Use History:** City records indicate the following land use reviews for this site:

- LU\_03-121907 AD: Approval of an Adjustment to increase the maximum height of *non-slatted, chain link* fencing and gates within the 10' street setback along SE Stark and SE 141<sup>st</sup> Avenue, from 3.5' to 7', per the approved site plan and elevations.

**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 **December 15, 2021**. 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 A COMMERCIAL, EMPLOYMENT, OR INDUSTRIAL ZONE

**33.662.120 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.**

The relevant criteria are found in Section **33.662.120 [A-K], Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones**. 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 applicability of each criterion.

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	A phased land division or staged final plat has not been proposed.
F	33.635- Clearing, Grading and Land Suitability.	Existing development to remain, no clearing and grading proposed. Site Development had no concerns (Exhibit E.5)
G	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
H	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
I	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

K	33.654.110.B.1 -Through streets and pedestrian connections	The site is a corner lot at intersection of SE Stark St. and SE 141 <sup>st</sup> Ave and existing development is proposed to remain. Since the site is a corner lot is does not warrant consideration for a new through street based on the applicable criteria.
	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
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

**Applicable Approval Criteria are:**

**A. Lots. The standards and approval criteria of Chapters 33.613 through 33.615 must be met.**

**Findings:** Chapter 33.613 contains the lot standards applicable in the commercial zones.

Each lot must have a front lot line that is at least 10 feet long. Parcels 1 and 2 meet this standard.

There are no minimum lot area, width, or depth standards. Lots must be of a size, shape and orientation that is appropriate for the location of the land division and for the type of development and use contemplated. The type of development and use contemplated is currently existing on each lot.

Proposed Parcel 1 will measure 7,554 sq. ft. and accommodate the existing Commercial use located on the eastern edge of the site. Proposed Parcel 2 will measure 1,297 sq. ft. and will accommodate the separate commercial use located along the western edge of the site. The existing commercial use proposed on Parcel 2 is attached to the adjacent commercial structure to the west (not part of this proposal).

The parcels shown on Exhibit C.1 are of dimensions and area that is sufficient for the uses allowed in this zone because they adequately accommodate existing commercial uses.

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

**J. 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: safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced and measures to mitigate impacts may be necessary.

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 provided a written narrative addressing the transportation approval criteria above. The application proposes to divide the existing property into two parcels with the existing development and accesses remaining. With no new development proposed, the existing accesses are allowed to remain, however if any future development occurs on the corner parcel, access will be required to be taken from SE 141<sup>st</sup> Ave instead.

The proposed partition will not adversely impact the operations of area intersections as all access will remain, and the transportation network will remain the same as compared to existing volumes in the area and is consistent with the zoning of the property. Therefore, the transportation system is capable of safely supporting future development in addition to existing uses in the area and capable of maintaining acceptable levels of service.

The subject site directly abuts TriMet bus service No. 20 – *Stark*, in which the nearest eastbound stop is approximately one block to the west; and the closest westbound stop is approximately two blocks to the east. For bicycles, SE 139<sup>th</sup> is a north-south Neighborhood Greenway; whereas E Burnside has bike lanes. The remaining surrounding streets are low volume which provides for safe and comfortable riding conditions to connect to larger facilities located nearby. The existing sidewalk network along SE Stark is complete, yet substandard in today's standards. SE 141<sup>st</sup> Ave lacks a curb and sidewalk, however, the relative low-volume provides safe access within the surrounding neighborhood to more developed surrounding pedestrian network. Therefore, with the existing structures to remain and no proposed development, the partition request will not negatively impact the neighborhood, transportation modes, and connectivity.

PBOT has reviewed and concurs with the information supplied, the methodology, assumptions and conclusions made by the applicant's traffic consultant. 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.

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

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

**33.651 Water Service standard** – See Exhibit E.3 for detailed bureau comments.

The Rockwood PUD provides water service to the existing uses on the site, as noted on page 2 of this report. The applicants site plan (exhibit C.1) shows an existing water lateral serving the existing use on each lot connecting to a water main in SE Stark St. Prior to final plat approval the applicant will be required to provide verification from Rockwood PUD that the existing water service connections shown on the site plan meet applicable Rockwood PUD service requirements that may apply.

Based on the condition not above, 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.

BES has noted the following:

1. *Existing Connections Parcel 1:* According to the submitted site plan, the existing buildings on proposed Parcel 1 are connected to the sanitary sewer in SE 141<sup>st</sup> Ave. BES has records to confirm this connection.
2. *Existing Connections Parcel 2:* The submitted site plan indicates that the existing structure on proposed Parcel 2 is connected to the sanitary sewer in SE Stark St. BES does not have clear records confirming this connection. The existing lateral may cross the proposed new property line or be a non-conforming connection with the adjacent property to the west.

Therefore prior to final plat approval, the applicant must:

- 1) Demonstrate that the service lateral for the existing structure on Proposed Parcel 2 is located on the lot that it serves by locating the lateral relative to the proposed property line; or
- 2) Cap the existing lateral and establish a new connection serving the structure on proposed Parcel 2 within its frontage.

Based on the conditions noted above, this criterion is met

**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. BES had the following comments:

*Existing Development:* Prior to preliminary land division plan approval, the applicant must demonstrate that the stormwater management for existing development will meet applicable SWMM requirements and will not be impacted by the proposed lot lines, as described below:

- 1) The submitted site plan indicates that the stormwater for the entire site is connected to the sanitary sewer. Note that the sewers in SE Stark and SE 141<sup>st</sup> Ave are sanitary only, not combination sewers. Stormwater discharges are not allowed in the sanitary only sewers. Prior to final plat approval, the applicant must:
- 2) Locate the subsurface utilities by scoping and locating, metal tracer wire detection, or an equivalent method. Locations and setbacks must be shown on a supplemental plan. Acceptable documentation such as a report and site plan from the utility locate service must be provided, and the applicant should be prepared to provide surface locate markers onsite (spray paint or other) along with copies of sewer scope videos or other substantiating information. Note that a survey showing the located utilities will be required.

If necessary, based on their locations, the applicant may be required to retrofit the stormwater facilities for the existing structures according to SWMM and SCM standards, with all required permits finalized, prior to final plat approval.

Based on the conditions noted above, this criterion is met

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

In reviewing this land division, PBOT 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. PBOT has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that existing commercial uses on the site can be safely served by this existing street without having any significant impact on the level of service provided.

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. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

**Existing development that will remain after the land division.** The existing development on the site will remain and be located on Parcels 1 and 2. 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 CM1 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:

**Maximum Building coverage/Minimum Landscaping:** The existing buildings identified to remain on the site must meet the required Zoning Code building coverage requirements based on the new lot area. This CM2 zone has a maximum building coverage limitation of 85% at this site (33.130.220, table 130-2). Based on the site plan, each building is below the 85% building coverage threshold based on the proposed lot areas and this requirement is met.

In addition, the CM2 zone requires 15% landscaping on each lot (33.120.225, table 130-2). No landscaping currently exists in association with the two commercial uses on this site that will be placed on separate lots under this proposal. Therefore, the proposal is not moving further out of conformance with the zoning landscaped standards.

To ensure the building coverage 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.

- It should be noted that the Fire Bureau (exhibit E.4), Urban Forestry (exhibit E.6) and Life Safety (exhibit E.7) had no concerns. However, due to the proximity of the existing commercial buildings from the new internal lot line a condition of approval is necessary. Prior to final plat approval, the applicant will be required to verify that all applicable Building Code requirements are met in association with the proposed lot line and proximity to the existing commercial uses on the site.

## 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: location of sanitary sewer laterals serving site, confirmation existing development meets stormwater management requirements and confirming the existing structures meet applicable Life Safety building code requirements in relation to new internal lot line separating each use.

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 two commercial lots as illustrated with Exhibit C.1, subject to the following conditions:

- A. Supplemental Plan.** Supplemental plan shall be submitted with the final plat survey 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:



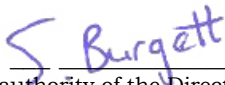
- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Stormwater facilities and sewer laterals serving each lot as required by BES.
- Any other information specifically noted in the conditions listed below.

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

**Existing Development**

1. The applicant shall meet the requirements of the Bureau of Environmental Services (BES). Prior to final plat approval the applicant must demonstrate to the satisfaction of BES that the sewer lateral serving the existing structure on Parcel 2 is located within the Parcel 2 frontage or cap the existing lateral and establish a new service connection from the existing structure to a public sewer. If modifications to the lateral are necessary, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.
2. The applicant shall meet the requirements of the Bureau of Environment Services (BES). Prior to final plat approval the applicant must document the location of the stormwater disposal system serving the existing structures to confirm whether they will be located entirely within each parcel and meet all required setbacks and BES requirements. If the system will extend beyond the boundaries of the proposed new property line or do not meet BES requirements per the SWMM, then the applicant must complete the following: Obtain finalized permits for modifications to the stormwater system so that it results in a system which meets the City's Stormwater Management Manual and other BES requirements.
3. The applicant must verify with the Life Safety section of BDS that all applicable building code requirements are met to the satisfaction of Life Safety based on the proposal and the new lot line separating the existing commercial uses on the site. If modifications or building code appeals are required, the applicant must meet any applicable building code requirements prior to final plat approval.

**Staff Planner: Shawn Burgett**

**Decision rendered by:**  **on November 30, 2021**

By authority of the Director of the Bureau of Development Services

**Decision mailed December 2, 2021**

**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 July 2, 2020, and was determined to be complete on December 3, 2020.

*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 July 2, 2020.

*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 requested

that the 120-day review period be extended 245 days. Unless further extended by the applicant, **the 365 days will expire on: December 3, 2021.**

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

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

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

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

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

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

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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicants' submittal 7/2/20
  - 2. Applicant re-submittal memo dated 11/30/20
  - 3. 60-day extension
  - 4. 245-day extension
- 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: (1.a and 1.b)
  - 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 Plans Examiner
  - 8. Rockwood Water PUD
- F. Correspondence: (None received)
- G. Other:
  - 1. Original Land Use Application/Expediated Land use acknowledgement
  - 2. Incomplete Letter dated 7/30/20
  - 3. PBOT RFC memo dated 7/27/20
  - 4. BES RFC memo dated 7/29/20

**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).**