



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

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**Date:** December 29, 2021  
**To:** Interested Person  
**From:** Timothy Novak, Land Use Services  
503-823-5395 / [Timothy.Novak@portlandoregon.gov](mailto:Timothy.Novak@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 21-073991 LDP**

**GENERAL INFORMATION**

**Applicant:** Gene Pavlenko | *Anamic Construction*  
12808 SE Cooper St  
Portland, OR. 97236  
(503) 830-9853 | [anamicconstruction@gmail.com](mailto:anamicconstruction@gmail.com)

**Applicant's Consultant:** Dave Roeger | *CMT Surveying & Consulting, Inc*  
20330 SE Hwy 212 | Damascus, OR. 97089  
(503) 860-2545 | [paul@cmtsc.net](mailto:paul@cmtsc.net)

**Owner/ Representative:** James Jodoin for *Bethel Baptist Church Of Portland*  
7807 N Fessenden St  
Portland, OR. 97203

**Site Address:** N FESSENDEN ST (West of WNW of church parking lot)  
**Legal Description:** TL 15800 0.34 ACRES, SECTION 06 1N 1E  
**Tax Account No.:** R941060430  
**State ID No.:** 1N1E06CB 15800  
**Quarter Section:** 2022 & 2023  
**Neighborhood:** St. Johns, contact Patrick Theiss at [landuse@stjohnspdx.org](mailto:landuse@stjohnspdx.org)  
**Business District:** St. Johns Boosters Business Association, contact at [info@stjohnsboosters.org](mailto:info@stjohnsboosters.org)  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.  
**Plan District:** NONE  
**Zoning:** Residential 5,000 (R5)  
**Case Type:** Land Division - Partition (LDP)  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:**

The applicant proposes to divide the vacant 14,984 square foot lot into three more or less equal size parcels. Parcel 1 is proposed at 4,897 square feet and Parcels 2 and 3 are proposed at 4,894 square feet each. There are no trees on the property.

The partition will include approximately 2 feet of dedication to allow for an 11-foot-wide pedestrian corridor along the frontage, which the applicant will be required to construct.

In order to show feasibility of providing services and other criteria, the applicant has provided a conceptual development plan showing duplexes on each of the parcels. The applicant's narrative refers to an on-site parking space for each of the units; these spaces are not included on the proposed development plan. Please note that the proposed lots qualify for additional density under the Residential Infill Options of 33.110.265. On-site parking is not required (33.266.110).

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 three units of land (three lots). Therefore, this land division is considered a partition.

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).

**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 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.*****ANALYSIS**

**Site and Vicinity:** The site, though currently addressed off of N Fessenden St, actually fronts on N Allegheny Ave, a result of the site being only recently removed from the Church site that it abuts to the east and to the south. The site is relatively flat, as is the vicinity. The nearest water feature is over 4,000 feet away as the crow flies, up near Smith and Bybee Lakes. The tree canopy is relatively light in the area, with Pier Park, about a half mile to the west/northwest, being the starkest exception. The nearest park to the site is George Park, a two-acre park five blocks to the east on N Fessenden St. Schools in the area include George Middle School about a third of a mile to the east, Sitton Elementary a little more than three-quarters of a mile to the west, and Roosevelt High School, about a half-mile to the southeast. Zoning in the vicinity is overwhelmingly the R5 single-dwelling zone, with some patches of RM2 Multi-dwelling and CM1 Commercial Mixed-Use zones along N Fessenden, including the southern portion of the abutting church site, which is in the RM2 zone.

**Infrastructure:**

- **Streets** - The site is located within an area in which the established grid-pattern provides many redundant routes for multiple modes. The abutting streets are fully improved with a paved roadway and established pedestrian corridors. At this location, N Allegheny Ave is improved with approximately 32-feet of paved roadway and a 9-foot-wide pedestrian corridor that includes a 5-foot wide sidewalk. The Transportation System Plan classifies N Allegheny Ave as a Local Service street for all modes. The site is not within a Pedestrian District.

- **Water Service** – There is a 6-inch main in N Allegheny Ave that is available for use by future development on all three parcels.
- **Sanitary Service** - There is a public 8-inch PVC sanitary sewer in N Allegheny Ave (BES as-built # 6086) that is available for future development on the parcels to connect to.
- **Stormwater Disposal** – There is no public storm-only sewer available to this property.

**Zoning:** The **R5** designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

**Land Use History:** City records indicate one relevant prior land use review for this site:

- LU 18-220027 CU - Approval of a Conditional Use review to reduce the site boundary of the Bethel Baptist Church from approximately 60,000 square feet in area to 35,026 square feet in area; and approval of an Adjustment for the reduced and new Conditional Use church site to allow a property to be contained within more than one base zone (33.667.300.C, Split zoning). *This review removed the subject site from the adjacent church condition use site.*

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **September 27, 2021**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### **APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES 33.660.120.**

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

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

<b>Criterion</b>	<b>Code Chapter/Section and Topic</b>	<b>Findings: Not applicable because:</b>
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	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on

		a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands 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	No pedestrian connections are 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 33.605 through 33.612 must be met.**

**Findings:** Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey, the site area is 14,985 square feet. The maximum density in the R5 zone is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area.

The site has a maximum density of 3 units and a minimum required density of 2 units. The applicant is proposing 3 parcels. The density standards are therefore met.

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

	<b>Min. Lot Area (square feet)</b>	<b>Max. Lot Area (square feet)</b>	<b>Min. Lot Width* (feet)</b>	<b>Min. Depth (feet)</b>	<b>Min. Front Lot Line (feet)</b>
<b>R5 Zone</b>	3,000	8,500	36	50	30
Parcel 1	4,897		49.97	98	49.93
Parcel 2	4,894		49.94	98	49.94
Parcel 3	4,894		49.94	98	49.94

\* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

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.

Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading: 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 on the site required to be preserved. 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 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 14,985 square foot lot into three parcels fronting onto N Allegheny Ave. In accordance with 33.266.110, B.1.a, on-site parking is not required, however the applicant has noted that each lot will have a duplex, which will be served by a single 18-ft wide driveway. Driveways are reviewed at time of Building permit and must meet the requirements of Title 17. Providing the three driveways will result in approximately 80-linear feet of curb adjacent to the site for on street parking. It should be noted that this section of N Allegheny is 32-ft wide, which is wide enough for on-street parking on both sides of the street and two-way travel lanes. PBOT finds that with on-site parking provided for both properties, that on-street parking supply will effectively be unchanged, thus negating the potential demand the proposal places on the neighborhood. Therefore, neighborhood livability and on-street parking demand is expected to remain in this case.*

*Based upon trip generation estimates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, each new parcel is projected to generate two additional morning and one evening trip, for approximately twenty daily trips each. The net addition of three duplexes added to the transportation system resulting from the development will not*

*adversely impact the operations of area intersections, as the proposed development adds negligible trips to the transportation network, as the established grid-pattern provides many redundant routes for multiple modes and is consistent with the zoning of the property. The abutting streets are fully improved with a paved roadway and established pedestrian corridors. Therefore, the transportation system is capable of safely supporting the proposed development in addition to existing uses in the area and capable of maintaining acceptable levels of service.*

*The subject site is located within walking distance from two TriMet bus lines - #4 (frequent service) and #11, both have stops at the intersection of N Fessenden and N Allegheny. Therefore, regular and reliable transit service is available in close proximity to the site and have complete sidewalks and adequate crossings between the site and transit stops. For bicycles, the site is within close proximity to N Fessenden, which is a City Bikeway for the east-west connection, and N Buchanan, which is a Neighborhood Greenway serving the north-south connection. The remaining surrounding streets are low-volume neighborhood streets that provide a safe and comfortable environment for cyclists to connect to other complete facilities in the immediate area and other areas within Portland. For Pedestrians, while the abutting sidewalk will be improved to City standards, the remainder of the sidewalk network in the area is complete and provides safe passage to locations within the immediate vicinity and to local transit stops. Therefore, the resulting proposed development will not negatively impact transit access or other transportation modes and will enhance the pedestrian environment.*

*For a Local Service street in the R5 zone, the City's Creating Public Streets and Connections document (TRN 1.09) recommends an 11-ft wide pedestrian corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, and a 0.5-ft wide frontage zone. The existing pedestrian corridor does not meet City standards due to a 9-ft wide corridor. Further, the site cannot qualify for Administrative Rule 1.22 due to the current configuration is not consistent for the entire block length. Therefore, dedicate sufficient property to accommodate an 11-ft wide pedestrian corridor (approx. 2-ft) and reconstruct to City standards above, through a Public Works Permit.*

PBOT has reviewed and concurs with the information supplied and available evidence. Sidewalk corridor improvements along N Allegheny will be required to serve the proposed development. With the conditions noted above, 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:

<p><b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.</p> <p>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.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 3 of this report. The sanitary sewer service standards of 33.652 have been verified.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibit E.1</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed the following stormwater management methods:</p> <ul style="list-style-type: none"> <li>• <b>Public Street Improvements:</b> As noted in BES' response:</li> </ul>

*If PBOT will require public right-of-way improvements during permit review, then public drainage improvements per the standards of the SWMM and the Sewer and Drainage Facilities Design Manual may be required if the improvements include 500 square feet or more of new impervious area. Note that if triggered, this area would be eligible to submit the Staff Review Special Circumstances form and pay the offsite discharge fee. Refer to the SWMM for additional information.*

- **Private Property:** Per BES' response:

*Stormwater runoff from this project must comply with all applicable standards of the SWMM and the SCM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee. Staff reviewed the project's Simplified Approach stormwater report (7/23/21), which includes Simple Pit infiltration test results of 7 inches per hour on this site. The applicant proposes to infiltrate runoff from the development onsite via drywells that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM.*

*[BES] Staff finds the applicant's proposed stormwater management plan acceptable for the purpose of reviewing the preliminary land division application against the stormwater management approval criterion. Therefore, this criterion is met.*

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

Per PBOT's Response:

*For a Local Service street in the R5 zone, the City's Creating Public Streets and Connections document (TRN 1.09) recommends an 11-ft wide pedestrian corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, and a 0.5-ft wide frontage zone. The existing pedestrian corridor does not meet City standards due to a 9-ft wide corridor. Further, the site cannot qualify for Administrative Rule 1.22 due to the current configuration is not consistent for the entire block length. Therefore, dedicate sufficient property to accommodate an 11-ft wide pedestrian corridor (approx. 2-ft) and reconstruct to City standards above, through a Public Works Permit.*

With the dedication and required improvements, the additional dwellings on the three proposed lots can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the conditions that the required dedication is made to allow a 11-foot sidewalk corridor and that curb and sidewalk improvements are made.

### **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**

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 requirements of Title 11 can be met, and that all development standards 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 site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

## OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 <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 and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

## CONCLUSIONS

The applicant has proposed a 3-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: stormwater management and right-of-way dedication and sidewalk corridor improvements.

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

## ADMINISTRATIVE DECISION

Approval of a three-parcel partition for three parcels, per the approved Preliminary Plat Plan, Existing Conditions Proposed Development Plan, and Utility Plan, Exhibits C.1- C.3, subject to the following conditions:

### A. The final plat must show the following:

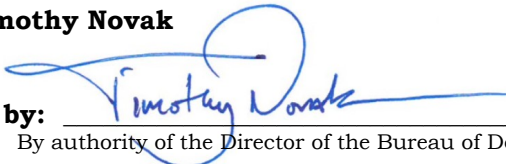


1. The applicant shall meet the street dedication requirements of the City Engineer for N Allegheny Ave. The required right-of-way dedication must be shown on the final plat.

**B. 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. 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.
2. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of Parcels 1, 2, and 3.

**Staff Planner: Timothy Novak**

**Decision rendered by:**  **on December 27, 2021**  
By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) December 29, 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 August 4, 2021, and was determined to be complete on September 16, 2021.

*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 4, 2021.

*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: January 14, 2022.**

**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. Original Submittals
    - a. Narrative
    - b. Existing Conditions and Proposed Partition Plan
    - c. Preliminary Partition Plat
    - d. Simplified Approach Form (Stormwater Management)
  - 2. Revised Submittals (09/16/2021)
    - a. Response to Incomplete Letter
    - b. Narrative
    - c. Revised Plans (See the "C" Exhibits)
    - d. Preliminary Plat Sheets
    - e. Simplified Approach Form (Stormwater Management)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions and Proposed Partition Plan (attached)
  - 2. Utility and Conceptual Development Plan
- 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 Plans Examiner
- F. Correspondence: NONE
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**