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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: July 6, 2009

To: Interested Person

From: John Cole, Land Use Services
503-823-3475 / ColeJA@ci.portland.or.us

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 09-123709 LDP

GENERAL INFORMATION

Applicants: Jeff Kraft and Angela Schmiede
2208 NE 28th Avenue
Portland, OR 97212

Representative: John Middleton
Ztec Engineers Inc
3737 SE 8th Ave
Portland OR 97202

Site Address: 2208 NE 28TH AVE

Legal Description: TL 12100 LOT 4, BOWERING TR
Tax Account No.: R095100130
State ID No.: 1N1E25CB 12100 **Quarter Section:**2833
Neighborhood: Grant Park, contact Geoff Hyde at 503-281-4097.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: NE Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135.
Plan District: None
Zoning: R5 - Single dwelling Residence 5,000
Case Type: LDP –Land Division (Partition)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: To divide a 27,363 square foot property into three parcels and one common green tract. Proposed Parcel 1 will be 8,500 square feet in size and retain the existing residence. Proposed Parcels 2 and 3 will be 7,540 and 8,227 square feet in size respectively and made available for single dwelling development consistent with the R5 Zone development standards. A 1,363 square foot common green is being proposed to provide access and amenity area to proposed Parcels 1 and 2. Stormwater management will be met through on-site infiltration. Tree preservation requirements will me met through the

preservation/protection of more than 35% of the existing on-site tree diameter. Approximately 1,733 square feet of right-of-way will be dedicated to NE Grant Place to accommodate sidewalk and planter strip improvements. Finally, minor modifications will be required to the existing garage on Parcel 1 to retain 18 feet of setback between the US Grant right of way and the garage entry.

This partition is reviewed through a Type I 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).

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

ANALYSIS

Site and Vicinity: The site is located at the northeast corner of NE 28th Avenue and NE Grant Place. It contains one existing single-family residence, a tennis court; a mature stand of Douglas firs and deciduous trees.

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.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on May 18, 2009.

1. Agency Review: Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

2. Neighborhood Review: 25 written responses have been received from neighborhood associations, notified property owners and other interested residents in response to the proposal.

The concerns raised in these letters include a number of common concerns and objections including but not limited to the following:

- The property is a historic landmark in the neighborhood. The proposed land division would detract from this property and would be out of character with the surrounding neighborhood.
- Development of this property would require the removal of a number of significant trees from the property. Future building on the proposed lots would require more tree removal than is anticipated in the applicant's overly optimistic tree preservation proposal.
- The proposed Common Green serves no valid purpose. It does not constitute a "street" as intended by the Portland City Code and therefore the correct minimum density calculation for this site is 4 dwelling units. The current proposal therefore does not meet its minimum density.
- Insufficient documentation has been provided that NE US Grant is capable of serving the proposed development in addition to the existing traffic in a safe manner.

Staff Comment: This proposal has generated a significant amount of neighborhood opposition. It is apparent from the magnitude of the response and the content of the letters that the residents care deeply for this neighborhood. Many of the stated concerns regarding neighborhood compatibility however do not lead this reviewer to specific approval criteria contained in Portland City Code 33.660.*120 Approval Criteria For land Divisions within Open Space and Residential Zones*. Any decision to approve or deny a partition application must be based upon an analysis its conformance with these specific criteria. Similarly, objections to the partition based on its negative impact on the historic character of the existing residence on the site are not supported by any of the pertinent approval criteria. This property is not listed on any local state or national register that would prohibit the proposed land division.

There are also a number of expressed concerns that do relate to the approval criteria:

Tree concerns are addressed more fully in this decision under a review of Code Section 33.630 *Trees* beginning on page 6 of this decision.

Related concerns regarding the common green and density are addressed under a review of Code Sections 33.610 *Lots on the RF through R5 Zone* (page 4) and 33.654 Rights-of-way (page 11).

Finally a consideration of the traffic impacts caused by this proposal and an ability of the existing street and sidewalk network to accommodate the increased demand is discussed under Code section 33.641 *Transportation Impact* (page 8).

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.

The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential 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	Topic	Applicability Findings
A	33.610	Lots	**Applicable - See findings below**
B	33.630	Trees	**Applicable - See findings below.**
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units
G	33.635 .100	Clearing and Grading	**Applicable - See findings below.**

Criterion	Code Chapter	Topic	Applicability Findings
G	33.635 .200	Land Suitability	**Applicable - See findings below.**
H	33.636	Tracts and Easements	**Applicable - See findings below.**
I	33.639	Solar Access	**Not Applicable - Maintaining existing development on the site limits new parcel configuration (33.610.200 supersedes 33.639).**
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site outside of environmental zones.
K	33.641	Transportation Impacts	**Applicable - See findings below**
L	33.651 - 33.654	Services and Utilities	**Applicable - See findings below**

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. These density and lot dimension requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. Section 33.610.010 "works in conjunction with other chapters of the Development Code to ensure that land divisions create lots that can support the appropriate uses and development." (33.610.010 Purpose)

Density Standards
Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

The method used to calculate density depends on whether a street is created as part of the land division. In this case, a street is proposed. The proposal includes a Common Green Tract that adjoins both Parcels 1 and 2. "Common Green", "Street" and "Right of way" are defined in Portland City Code Section 33.910 as follows:

- **Common Green.** A ***street*** that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.

- **Right-of-way.** An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract, or easement.

- **Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the

purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.

Based on these definitions a common green is a subset of street that provides for pedestrian and bicycle access. A common green can also serve as a community yard

The proposed Common Green Tract will be at least 25 feet in width, wider than the minimum 15' width required of common greens by the City's Administrative Rule for Private Rights of Way. It is a new full street serving Parcels 1 and 2. It is not a "trailing dedication of a partial width street" or "right of way dedication" subject to the exclusion described in code section 33.610.100B.

Staff recognizes that the proposed common green is an optional design feature of this land division but such an approach is not prohibited by the code. The proposed common green will serve an access function for both Parcels one and two and perhaps even as a community amenity.

Therefore, the maximum and minimum density for this site are calculated using the formulas described by Code Section 33.610100D. as follows:

Minimum = **27,363** square feet * .68 ÷ 5,000 square feet = 3.72 (which rounds up to a minimum of 4 lots, per 33.930.020.B)

Maximum = **27,363** square feet * .85 ÷ 5,000 square feet = 4.65 (which rounds down to a maximum of 4 lots, per 33.930.020.B)

Code section 33.610.100E states that "If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum." Therefore in this case the minimum density is reduced to 3.

The applicant is proposing 3 lots. The density standards are therefore met.

Lot Dimensions

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

The dimensions of the proposed lots as compared to the required lot dimension requirements are shown in the following table (this information is found in Table 610-2 of the Zoning Code):

	R5 Zone Requirement	**Proposed Lot 1**	**Proposed Lot 2**	**Proposed Lot 3**
Minimum Lot Area	3,000 sq. ft.	8,500 sf	7,540 sf	8,227 sf
Maximum Lot Area	8,500 sq. ft.			
Minimum Lot Width*	36 ft.	48.26 ft	58.25 ft	60.69 ft
Minimum Lot Depth	50 ft.	127.07 ft	129.4 ft	130.57 ft
Minimum Front Lot Line	30 ft.	73.82 ft	58.25 ft	60.69 ft

* 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 describe how the applicable lot standards are met.

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

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

The applicant has submitted an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A-2). Some trees have been exempted by the arborist because they are either too small, unhealthy, a nuisance species, located partially off the property or located within 10 feet of an existing structure to remain on the property. Tree #16, an 11" Flowering Dogwood exempted by the Arborist as being within the right-of-way has been reclassified by staff as a non-exempt species because it is located entirely within the site *prior to the right-of-way dedication.*

The total non-exempt tree diameter on the site is 339.5 inches. The applicant proposes to preserve trees 6,7,9,11,12 which comprise of 131 inches of diameter, or 38.5 percent of the total non-exempt tree diameter. This information is contained on Exhibit C-1 the Preliminary Plan dated 6-15-09 which was submitted after the last Arborist's report. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total tree diameter on the site to be preserved. The applicant has provided a Tree Preservation Plan showing the preserved trees and the required root protection zones (Exhibit C-1).

The Arborist report also contains recommendations regarding activities that should be taken now and at time of construction that will act to ensure the health of protected trees. These include a recommendation that trees 6, 11 & 12 should be crown cleaned of deadwood and hanging limbs in the upper canopy and that these trees should be (correctively) pruned to improve their structure. The arborist also makes recommendations regarding tree fencing and limits of activities within the root protection zones. These recommendations are incorporated as conditions of this decision.

The City Forester's office has also reviewed the proposed Tree Protection Plan and offered a number of recommendations. (Exhibit E-6) City Forester recommendations regarding tree # 2, a Pin Oak located adjacent to the NE 28th Avenue right of way are being omitted here because this tree is no longer designated for protection. Recommendations regarding the use of foundation piers and spans over increased 16' root protection zones for trees #11 and #12 have been incorporated into this decision as conditions of approval. These conditions are intended to ensure the continued viability of the trees used to meet the City's Tree Protection requirements.

This criterion is met, subject to the condition that development on Parcels 1, 2 and 3 be carried out in conformance with the Tree Preservation Plan (Exhibit C-1) the applicant's arborist report (Exhibit A-2 as it pertains to the protected trees designated on Exhibit C-1.) and certain recommendations by the City Forester's office that have been added to the Conditions of approval.

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.
The approval criteria of Chapter 33.635 are found in two groups – clearing and grading, and land suitability.

33.635.100 – Clearing and Grading

A. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must

not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;

B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;

C. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;

D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and

E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable.

Findings: The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable.

It is anticipated that clearing and grading will primarily involve excavating for the foundations of the new houses, trenching for the utilities, installation of a walkway within the Common Green and removal of the concrete tennis court. Mass grading of the site to alter the existing surface contours is not necessary. Clearing and grading within the root protection zones of the trees on the site that are required to be preserved shall occur only under the supervision of a certified arborist.

Additional stormwater "run-off" from this developed site will be managed through the use of on-site infiltration so it will not impact adjoining properties. The conceptual stormwater proposal for this property has been reviewed and approved by the Site Development Section of the Bureau of Development Services. (See the more detailed consideration of stormwater management beginning on page 9 of this decision.)

With the conditions noted above requiring that the building permits for lots 1, 2 and 3 and removal of the tennis court comply with the recommendations of the arborist and City Forester this criteria is met.

33.635.200 – Land Suitability

Where geologic conditions or historic uses of the site indicate 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 in order to make the lots suitable for their intended uses and the provision of services and utilities.

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.

H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

33.636.100 Requirements for Tracts and Easements

A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:

1. **The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;**
2. **The Homeowners' Association for the area served by the tract;**
3. **A public or private non-profit organization; or**
4. **The City or other jurisdiction.**

Findings: Tract A: Common Green tract is proposed. With a condition that the proposed tract be owned in common by the owners of Parcels 1 and 2, this criterion can be met.

B. Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat.

Findings: As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement will be required describing maintenance responsibilities for the tract described above and facilities within this area. This criterion can be met with the condition that a maintenance agreement be prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement with a recording block substantially similar to the following example:

"A Declaration of Maintenance agreement for Tract A: Common Green has been recorded as document no. _____, Multnomah County Deed Records."

With the condition of approval discussed above, this criterion is met.

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

The relevant approval criteria of Chapter 33.641 are found in the two paragraphs below.

33.641.020. 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.

33.641.030. The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.

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. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required). A formal traffic study has not been required for this three lot land division that will result in two additional dwellings and generate approximately 20 daily trips with two trips occurring in the AM and PM peak hours. The City Bureau of Transportation has indicated that this additional traffic will not have a negative impact on the surrounding street network capacity.

The site has approximately 141 feet of frontage on NE 28th Ave and 195 feet of frontage on NE US Grant Place. Both streets are classified as local service streets for all modes in the Transportation Element of the Comprehensive Plan. Tri-Met provides transit service approximately 1,100 feet from the site on 24th Ave via bus 9. Parking is currently allowed on both sides of NE 28th Avenue and US Grant Place. There is one driveway entering the site that provides access to off-street parking for the existing house.

NE 28th Avenue is fully improved with a paved roadway, curbs, planting strips, and sidewalks that meet city standards.

NE US Grant Place is improved with a paved roadway and curb adjacent to the site but no sidewalk. 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. In this case Portland Transportation has determined that sidewalk and planter strip improvements must be made in order to ensure that safe pedestrian travel is possible adjacent to the proposed development. To accommodate these improvements, additional right-of-way must be dedicated along the frontage of the site. The Bureau of Transportation has asked that the existing brick wall and any other built structures be removed from the dedicated right of way prior to final plat and this has been incorporated as a condition of approval. With the dedication and improvements, two additional dwellings can be safely served by these existing streets without having any significant impact on the level of service provided. (Please refer to the Bureau of Transportation memo dated June 30, 2009 Exhibit E-2 for additional detail.)

Staff estimates that two to four on-street parking spaces may be lost after development occurs on parcels 2 and 3 as driveways are installed to serve the new homes. This will leave over 100 feet of uninterrupted, useable curb frontage for parking on NE 28th Avenue and approximately 125 feet of useable frontage on NE US Grant. This is consistent with the surrounding neighborhood of large lot single family residences served by a combination of one and two car garages, driveway parking areas and on-street parking.

This criterion is met, with the condition that sidewalk and planter strip improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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 water standards of 33.651 have been verified. An existing 16-inch water main is available in NE 28th Avenue that can continue to provide service to Parcel 1 and new service to Parcel 2. There is an 8-inch water main in NE US Grant Place that can provide water service to Parcel 3. See Exhibit E-3 for more details.

- The sanitary sewer standards of 33.652 have been verified. There is an existing public sanitary sewer lateral located in NE US Grant (from NE 28th to the west) that can continue to serve the sanitary needs of proposed parcel 1 to retain the existing residence; an additional existing sewer lateral from the east can provide service to proposed Parcel 3; and Parcel 2 can be served from an existing lateral located approximately 126 feet north of the sewer manhole located at the corner of NE 28th Avenue and US Grant Place. See Exhibit E-1 for more details.

  - The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.

33.653.020 Stormwater Management Approval Criteria

A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and

B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

Findings: No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In order to meet this approval criterion, land division proposals must demonstrate an approved method of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

The Stormwater Management Manual contains a hierarchy of acceptable methods of stormwater treatment and disposal. The hierarchy requires that applicants first explore the use of methods that have a lower potential impact on groundwater, such as on-site surface infiltration swales and infiltration planters. If these methods are not feasible on a site, applicants may move lower on the hierarchy, to methods that inject water deeper into the ground through mechanical devices such as drywells or sumps, or carry it off of the site into storm sewers, drainageways, or other approved disposal points.

In addition to determining appropriate treatment and disposal methods by working through the hierarchy in the Stormwater Management Manual, stormwater facilities must be sized, through engineering calculations, to accommodate the expected amounts of stormwater. In some cases, sizing a stormwater facility necessitates testing the infiltration rate of the soil at the site.

The applicant has proposed the following stormwater management methods (Exhibit A-1, A-3 and C-1), and the Bureaus have responded as follows (Exhibits E-1 and E-5)

- **Public Street Improvements:** As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.

- **Common Green:** The limited amount of stormwater runoff from the sidewalk within the common green will be directed to the landscape areas adjacent to the sidewalk that are required as part of the common green. Site Development Section has indicated conceptual approval of this proposal.

- **Parcel 1:** The existing house has downspouts that drain into underground pipes. The outfall from these underground pipes is into the combination sewer located in NE Grant Place. The applicant has proposed to redirect this run-off to a new drywell located south of the existing residence. The installation of this new drywell to serve parcel 1 is unnecessary. Site Development has indicated conceptual approval of the continuation of the existing stormwater management for this residence including disposal to the public sewer.

- **Parcels 2 and 3:** Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots 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. Infiltration tests have been conducted to confirm that the soil on the site is capable of accommodating on-site stormwater management facilities. (exhibit A-3) Site Development has indicated conceptual approval of the drywells.

As shown by the findings above, the Services and Utilities criteria are met.

Right of Way Approval Criteria

Chapter 33.654 contains standards and approval criteria for rights of way. Due to the location of this site, and the type of street that is proposed, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

Code Section	**Topic**	**Applicability Findings**
33.654.110.B.1	Through streets and pedestrian connections	Applicable - See findings below
33.654.110.B.2	Dead end streets	Not applicable - No dead end streets are proposed.
33.654.110.B.3	Pedestrian connections in the I zones	Not applicable - The site is not located within an I zone.
33.654.110.B.4	Alleys in all zones	Not applicable – No alleys are proposed or required.
33.654.120.C.1	Width of the street right-of-way	Not applicable – The proposal includes a common green instead of a traditional street.
33.654.120.C.3.c	Turnarounds	Not applicable – No turnarounds are proposed or required.
33.654.120.D	Common Greens	Applicable - See findings below.
33.654.120.E	Pedestrian Connections	Not applicable – There are no pedestrian connections proposed or required.
33.654.120.F	Alleys	Not applicable – No alleys are proposed or required.
33.654.120.G	Shared Courts	Not applicable – No shared courts are proposed or required.
33.654.130.A	Utilities	Applicable - See findings below.
33.654.130.B	Extension of existing public dead-end streets and pedestrian connections	Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site.
33.654.130.C	Future extension of proposed dead-end streets and pedestrian connections	Not applicable – No street extensions are required to serve abutting sites that are further dividable.
33.654.130.D	Partial rights-of-way	Applicable - See findings below Not applicable – No partial public streets are proposed or required.
33.654.130.E	Ownership of Alleys	Applicable – See findings below Not applicable- No alleys are proposed or required.

Applicable Approval Criteria are:

33.654.110.B.1 Approval criterion for through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:

a. **Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;**
b. **Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;**
c. **Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;**
d. **Master street plans for the area identified in Goal 11B of the Comprehensive Plan;**
e. **Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.**

Findings: The site is located at the southwest corner of an established block bounded by NE 28th to the east; NE 30th Ave to the west; NE Thompson Street to the north and NE Grant Place to the south. The greatest distance between these parallel streets is approximately 350 feet (north to south). If the distance between these existing streets is evaluated against the optimum spacing requirement of 200-530 feet, one can conclude that an additional through street is not needed at this location and could not be placed on this property without conflicting with the criteria that through connections not be placed closer than 200 feet apart.

In addition, this block is within the Portland Master Street Plan for the Northeast District (see map 11.11.11 of the Transportation Element of the Comprehensive Plan) and identified as "meets street spacing standard".

For the reasons described above, this criterion is met.

33.654.120.D. Approval criteria for common greens.

1. **The size of the common green right-of-way must be sufficient to accommodate expected users and uses. The size must take into consideration the characteristics of the site and vicinity, such as the pedestrian system, structures, natural features, and the community activities that may occur within the common green.**
2. **Generally, common greens should be dead-end streets. However, common greens may be through streets if a public pedestrian connection is provided directly abutting the common green, or in close proximity. See Figure 654-1. Common greens may also have frontage on more than one intersecting street,**

if the green is located at the corner of the intersecting streets. See Figure 654-2.

3. **Where a common green abuts a public pedestrian connection, the green must include design features that distinguish the common green from the pedestrian connection, such as perimeter landscaping, low decorative fencing, or paving materials.**
4. **Where a common green is a through street, the design of the green should encourage through pedestrian and bicycle traffic to use nearby public pedestrian connections, rather than the common green.**

Findings: The applicant has proposed a dead-end common green to provide secondary access to Parcels 1 and 2. Each lot has additional street frontage for vehicular access. The amount of pedestrian traffic utilizing this common is anticipated to be negligible in that it serves only two residences and will not be the only access to these properties. Therefore minimal improvements will be required. The common green will be located within a tract that is at least 25 feet wide. The *Administrative Rules for Private Rights of Way* are the standards that govern the construction of private streets. These rules recommend a minimum width of 15 feet for common greens. This width will provide room for the construction of a 5-foot wide sidewalk and landscaping to the L1 standard (Code Section 33.248.020 A). Therefore the proposed tract width is sufficient to accommodate the elements of the common green and serve the expected users. Criterion 1 is met.

In this proposal, the applicant will be disposing of stormwater from the sidewalk in the landscaped portions of the green. This amount of runoff from the sidewalk is anticipated to be minimal, so this is acceptable.

The final configuration of the Common Green will likely be revised to be wider along NE 28th Avenue and not as deep (east to west) so that the existing house to remain on Parcel 1 retains its required 10 foot frontyard setback. Subject to this revision prior to final plat criterion 1 is met.

This is a dead end common green, its current configuration includes a 7.45 foot wide extension that is located at the corner of NE 28th Avenue and NE US Grant Place. These are intersecting streets. Therefore criterion 2 is met.

No specific improvement plan has been submitted with this application. A condition of approval has been included with this decision requiring that the site development permit required for the installation of improvements within the common green include a paving treatment for the sidewalk within the common green that will distinguish it from the public sidewalk in NE 28th Ave. Subject to this condition criterion 3 is met.

This is not a through connection so approval criterion 4 is not applicable.

As described above the approval criteria for a common green are met.

Utility Location, Extension of Streets, Partial Rights of Way

33.654.130 Additional Approval Criteria for Rights-of-Way

A. Utilities. Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way.

Findings: Utilities are defined in the Zoning Code as telephone, cable, natural gas, electric, and telecommunication facilities. Any easements that may be needed for private utilities that cannot be accommodated within the proposed common green or right-of-way dedication can be provided on the final plat. At this time no specific utility easements adjacent to the

common green or right of way dedication have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

General Information about Development Standards and Approval Criteria. The Zoning Code contains two types of regulations: Development standards and Approval criteria.

Approval criteria, such as those listed earlier in this report, are administered through a land use review process. Approval criteria are regulations where the decision-maker must exercise discretion to determine if the regulation is met. Public notice is provided and public comments received that address the approval criteria are addressed in the decision.

Development Standards: Development standards are clear and objective regulations (for example: building setbacks; number of required parking spaces; and maximum floor area). Compliance with development standards is reviewed as part of the administrative permitting process and are not considered to be discretionary reviews. 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 Parcel1. 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 R5 zone (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:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. The following table describes the required and proposed setbacks that apply to this proposal.

R5 Zone Setback	Required	Proposed
Front (west)	10’	4.5’ approx
Side (north)	5’	5’ approx
Rear (east)	5’	11.5’ approx
Street Side (south)	5’	14’ approx
Garage	18’	17’ approx

There are two conflicts between the proposed land division and the required setbacks within the R5 Zone: the front yard setback as measured from the Common Green; and the garage entry setback.

Frontyard setback: A ten foot setback is required from the front of the house to the common green: This can be accomplished either by remodeling the existing residence so that it is moved back from the proposed common green boundary or more likely that the common green boundary be redrawn so that it is located the required ten feet away from the existing residence. This is considered a minor revision to the proposed preliminary plan. A condition of approval has been attached to this decision requiring that such a remodel or tract boundary revision be made prior to final plat approval.

Garage Entrance: The submitted preliminary plan indicates that the garage will be located 17’ back from the new side street property line after the required US Grant right of way dedication is made. This is 1 foot short of the required 18’. A detailed survey may show that the 18’ is indeed met if the measurement is taken from the face of the garage door as is allowed rather than to the face of surrounding building wall. Staff is asking that this supplemental survey be submitted prior to final plat.

If an 18' setback is not documented at that time a building permit must be obtained and finaled, prior to final plat, that moves the garage entry back from US Grant right of way the minimum 18'.

Subject to these conditions the R5 development standards for proposed Parcel 1 will continue to be 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.

- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, all accessory structures on Parcel 2 must be removed prior to final plat. The applicant must provide documentation prior to final plat approval that all accessory structures have been removed from Parcel 2 and any required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	**Code Authority**	**Topic**	**Contact Information**
Water Works	Title 21	Water availability	503-823-7404 http://www.water.ci.portland.or.us/
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 http://www.bes.ci.portland.or.us/
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 http://www.fire.ci.portland.or.us/
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 http://www.trans.ci.portland.or.us/
Development Services	Titles 24 –27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 http://www.bds.ci.portland.or.us.

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 is required to make improvements to the proposed private common green. Several conditions are required, including provision of plans, initiating a building permit, and providing a maintenance agreement. In addition to the approval criteria of Title 33, these requirements are also based on the technical standards of Title 17 and Title 24.

- 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 20.

CONCLUSIONS

The applicant has proposed a 3 lot partition, with a common green tract 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 calculations, tree preservation, street dedication and sidewalk improvements, and compliance with required setbacks for the existing residence to remain.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3- Parcel partition that will result in three standard lots and a Common Green Tract serving Parcels 1 and 2 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 Site Development 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;
- The setback from the garage entrance to the new property line at NE US Grant Place.
- The setback from the existing residence to remain to the new Common Green.
- 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.

This document shall also confirm the existing site size.

B. The final plat must/may show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for NE US Grant Place. The required right-of-way dedication must be shown on the final plat.

2. The common green tract shall be noted on the plat as Tract A: Private Street (Common Green). In addition, a note on the plat must be included that reads "Tract A is a common green, a private pedestrian and bicycle access way for ingress and egress to Parcels 1 and 2. Motorized vehicles are not permitted on Tract A."

3. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C-7 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for Tract A Common Green has been recorded as document no. _____, Multnomah County Deed Records."

4. Code section 33.663.200 notwithstanding the applicant may revise the common green tract size and shape in order to restore the required ten foot front yard setback to the existing residence on Parcel 1.

C. The following must occur prior to Final Plat approval:

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of NE US Grant Place. The applicant must obtain an approved Right Of Way permit from the Bureau of Transportation Engineering and Development Review to install the required sidewalk and planter strip. The improvements along the frontage of Parcel 1, where the existing house will be retained, must be constructed prior to final plat approval. The improvements along the frontage of the Parcel 3 may be constructed with new development on this lot.

2. The applicant shall submit an application for and receive the final inspection for a Site Development Permit for construction of pedestrian improvements within the common green. These improvements shall include a sidewalk paving design that distinguishes the common green from the public sidewalk on NE 28th Avenue.

Existing Development

3. The applicant must obtain a finalized demolition permit for removing the shed structure on Parcel 3. Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.

4. The applicant must obtain a permit for and complete the demolition of the Wall and any other built structure within the area to be dedicated as NE US Grant right of way.

5. The applicant must obtain finalized building permits for modifications to the existing house that will remain on proposed Parcel 1 or otherwise demonstrate compliance with the front yard and garage entrance setback requirements from the proposed new lot lines:

6. The applicant must plant street tree(s) in the planter strip on street adjacent to parcel 1 Street trees will be chosen from the City's approved street tree list for the 4- foot planting strip. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

Required Legal Documents

7. The applicant shall execute a Maintenance Agreement for the common green tract. The agreement shall assign common, undivided ownership of the tract to the owners of Parcels 1 and 2 and include provisions assigning maintenance responsibilities for the tract and any shared facilities within that area. The maintenance agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

Other requirements

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

1. Development on Parcels 1, 2 and 3 shall be in conformance with the Tree Preservation Plan (Exhibit C-1) and the applicant's arborist report (Exhibit A-2) as modified herein to include recommendations of the City Forester. Specifically, trees numbered 6,7,9,11and

12 are required to be preserved, with the root protection zones indicated on Exhibit C-1 with the following requirements:

- The building foundation for construction on Parcel 2 shall employ foundation piers and spans to reduce the soil disturbance (and root destruction located within 16' of these two trees.)
- Prior to development on Parcel 2, trees 6, 11 & 12 shall be crown cleaned of deadwood and hanging limbs in the upper canopy correctively pruned to improve their structure.

2. Tree protection fencing is required along the root protection zone of each tree to be preserved as shown on Exhibit C-1. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. **Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist.** Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under their supervision. This requirement applies to the removal of the existing tennis court as well as to new residential construction.

3. The Site Development Permit for the construction of the common green must receive final inspection approval before the permits for the house on the Parcel 2 can be issued. In addition, the improvements in the common green must be shown on the site plan for the permits for the house on Parcel 2.

Staff Planner: John Cole

Decision rendered by: _____ **on July 1, 2009**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 6, 2009

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 April 23, 2009, and was determined to be complete on May 14, 2009.

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 April 23, 2009.

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: September 11, 2009.**

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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandonline.com.

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

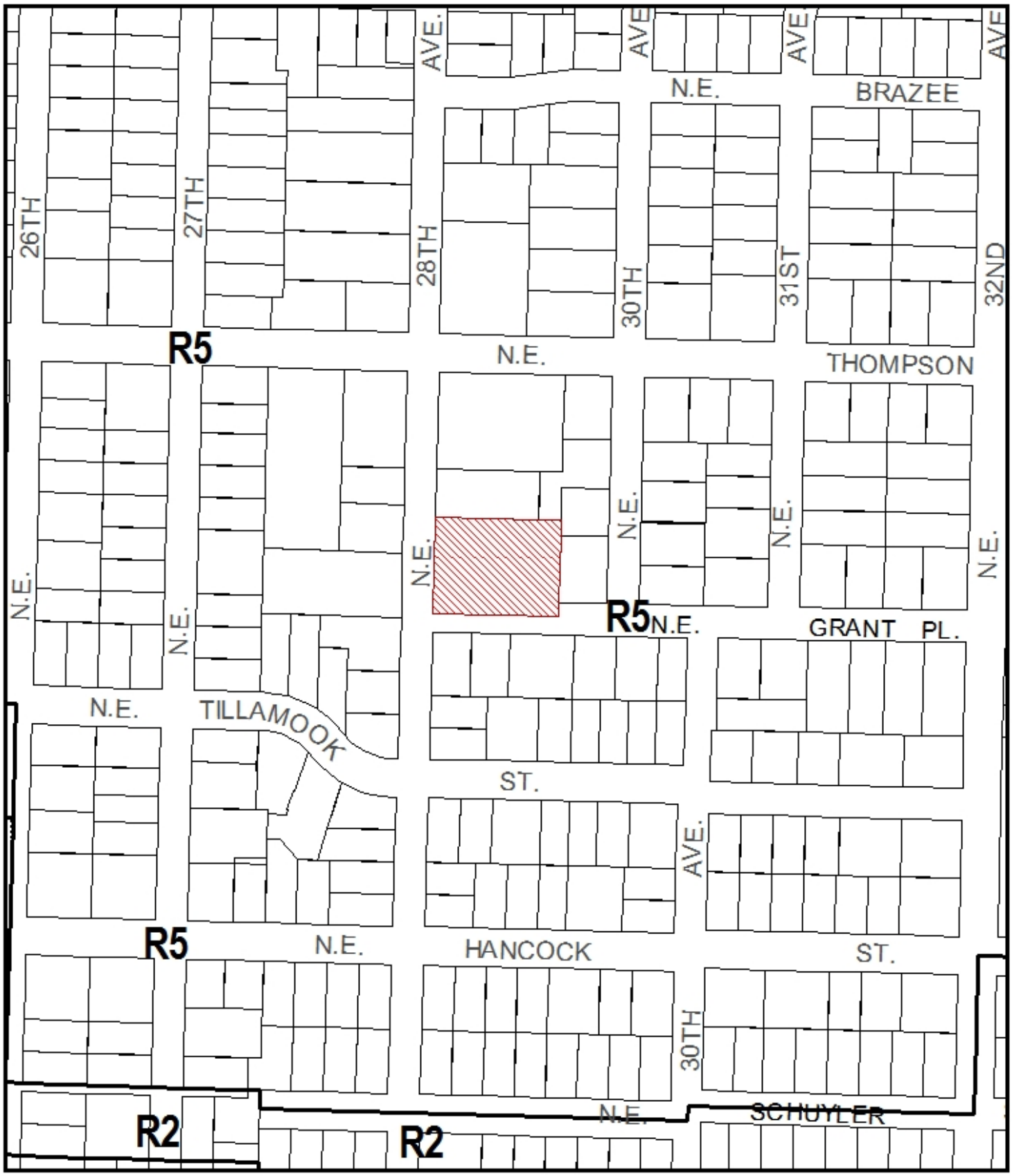
A. Applicant's Submittal
   1. Applicant's Narrative
   2. Arborist Report by Arbor Pro dated May 11, 2009
   3. Preliminary Storm Drainage Report by ZTEC Engineers revised May 20, 2009 with addendum e-mail from Jeff Kraft dated June 16, 2009
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan including Tree Preservation Plan (attached)
   2. scalable plan set dated 5/13
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services dated June 17, 2009
   2. Bureau of Transportation Engineering and Development Review dated June 30, 2009
   3. Water Bureau dated June 16, 2009
   4. Fire Bureau (undated)
   5. Site Development Review Section of BDS Dated June 8, 2009 w/ June 30, 2009 addendum

6. Bureau of Parks, Forestry Division dated June 18, 2009 w/ E-mail from Frank Krawczyk, certified arborist dated June 16, 2009

F. Correspondence:
1. Carolyn and Carl Christoferson dated June 9, 2009 opposed
2. Cecil and Rose Quintana dated June 9, 2009 opposed
3. Christian Eberle AIA dated June 10, 2009 opposed
4. Cathy Galbraith dated June 12, 2009 opposed
5. Sydney Haigh dated June 12, 2009 opposed
6. Eileen Blaser dated June 13, 2009 opposed
7. Doug Capps dated June 13, 2009 opposed
8. Reid Mueller and Lisa Crupi dated June 13, 2009 opposed
9. Vance Terrall MD dated June 13, 2009 opposed
10. Steven Blair dated June 15, 2009 opposed
11. Jow and Angie Meade dated June 15, 2009 opposed
12. Elaine and John McComb dated June 15, 2009 opposed
13. Richard Olmsheid MD and Virginia Olmscheid RN dated June 15, 2009 opposed
14. Don Friedman dated June 16, 2009 opposed
15. Andrew Gardner and Jackie Blyn dated June 16, 2009 opposed
16. Alan Hoogs dated June 16, 2009 opposed
17. Geoffrey Hyde for GPNA Board dated June 16, 2009
18. Christopher Koback on behalf of Joe and Angie Meade, Andy and Cindy Bilotti and Paul and Kimberly Schafbuch dated June 16, 2009 opposed
19. Marcia Leonard dated June 16, 2009 opposed
20. Georgette Callas dated June 17, 2009 opposed
21. Margo and Stephen Peifer dated June 17, 2009 opposed
22. Joan Jasper dated June 17, 2009 opposed
23. Teddie Matteson dated June 17, 2009 opposed
24. Jon Olsen dated June 17, 2009 opposed
25. Pamela Vik dated June 17, 2009 opposed

G. Other
1. Original LU Application
2. extension e-mail from applicant dated June 30, 2009

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING

Site

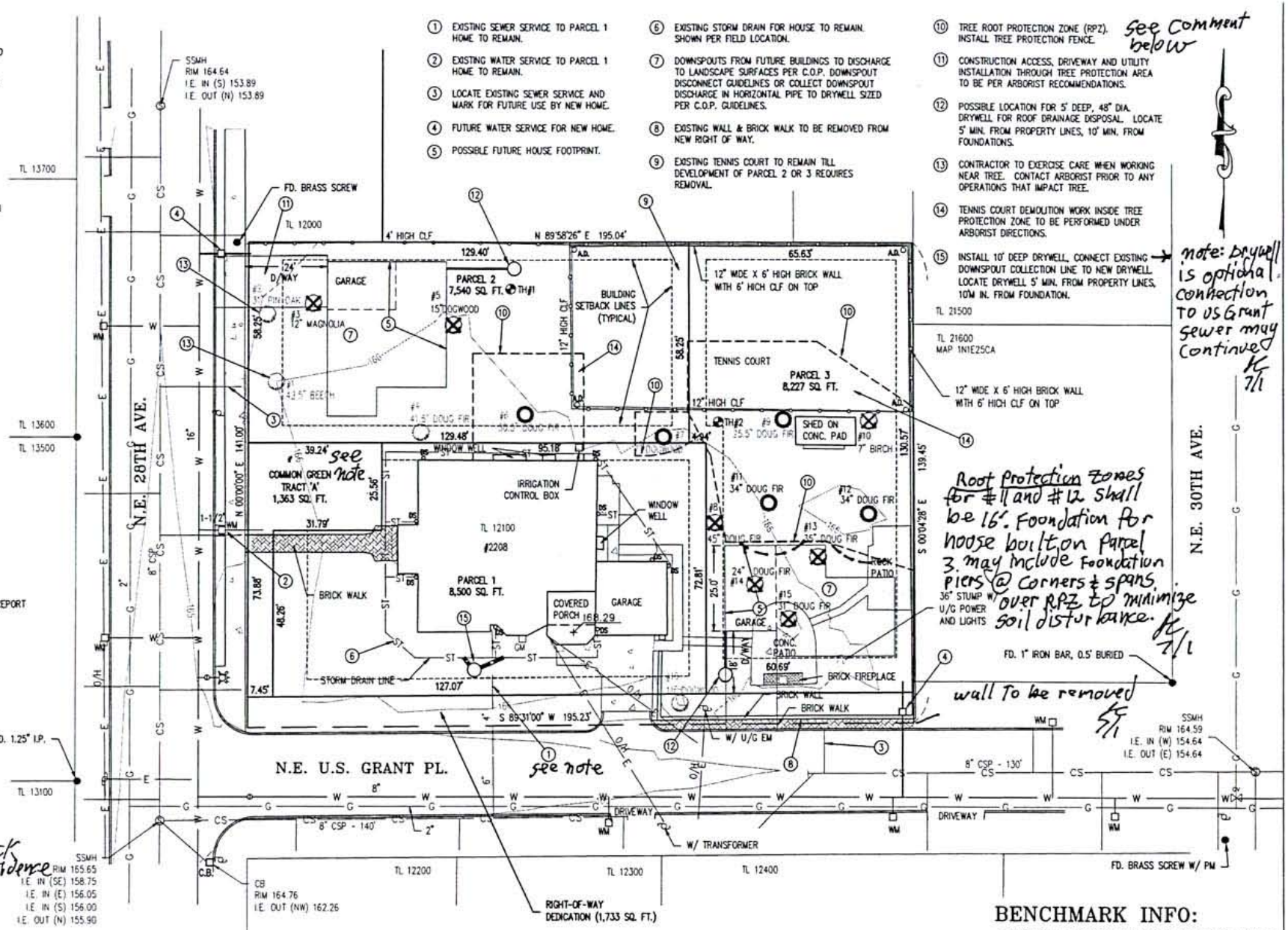
NORTH

File No.	LU 09-123709 LDP
1/4 Section	2833
Scale	1 inch = 200 feet
State_Id	1N1E25CB 12100
Exhibit	B (Apr 28,2009)

LEGEND:

- ● DENOTES MONUMENTS FOUND AS NOTED
- ○ DENOTES 5/8"X30" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZTEC LS 1944" SET ON
- I.R. DENOTES IRON ROD
- I.P. DENOTES IRON PIPE
- FD. DENOTES FOUND
- (M) DENOTES MEASURED
- SN DENOTES SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- (P) DENOTES PLAT OF "_____"
- EXISTING CONTOUR
- CS EXISTING COMBINED SEWER
- ST EXISTING STORM
- W EXISTING WATER
- EXISTING FIRE HYDRANT
- AD EXISTING AREA DRAIN
- DS EXISTING DOWNSPOUT
- EXISTING SANITARY MANHOLE
- EXISTING GAS VALVE
- EXISTING POWER POLE
- EXISTING WATER VALVE
- WM EXISTING WATER METER
- (XXX.XX) EXISTING SPOT ELEVATION
- EXISTING CONCRETE SIDEWALK
- TREE PROTECTION FENCING
- REMOVE TREE IF BUILDING FOOTPRINT AS SHOWN
- TREE TO BE RETAINED PER ARBORIST REPORT
- TREE CAN BE REMOVED IF REQUIRED
- TH INFILTRATION TEST HOLE
- PROPOSED STORM DRAIN

1. EXISTING SEWER SERVICE TO PARCEL 1 HOME TO REMAIN.
2. EXISTING WATER SERVICE TO PARCEL 1 HOME TO REMAIN.
3. LOCATE EXISTING SEWER SERVICE AND MARK FOR FUTURE USE BY NEW HOME.
4. FUTURE WATER SERVICE FOR NEW HOME.
5. POSSIBLE FUTURE HOUSE FOOTPRINT.
6. EXISTING STORM DRAIN FOR HOUSE TO REMAIN. SHOWN PER FIELD LOCATION.
7. DOWNSPOUTS FROM FUTURE BUILDINGS TO DISCHARGE TO LANDSCAPE SURFACES PER C.O.P. DOWNSPOUT DISCONNECT GUIDELINES OR COLLECT DOWNSPOUT DISCHARGE IN HORIZONTAL PIPE TO DRYWELL SIZED PER C.O.P. GUIDELINES.
8. EXISTING WALL & BRICK WALK TO BE REMOVED FROM NEW RIGHT OF WAY.
9. EXISTING TENNIS COURT TO REMAIN TILL DEVELOPMENT OF PARCEL 2 OR 3 REQUIRES REMOVAL.
10. TREE ROOT PROTECTION ZONE (RPZ). INSTALL TREE PROTECTION FENCE. see comment below
11. CONSTRUCTION ACCESS, DRIVEWAY AND UTILITY INSTALLATION THROUGH TREE PROTECTION AREA TO BE PER ARBORIST RECOMMENDATIONS.
12. POSSIBLE LOCATION FOR 5' DEEP, 48" DIA. DRYWELL FOR ROOF DRAINAGE DISPOSAL. LOCATE 5' MIN. FROM PROPERTY LINES, 10' MIN. FROM FOUNDATIONS.
13. CONTRACTOR TO EXERCISE CARE WHEN WORKING NEAR TREE. CONTACT ARBORIST PRIOR TO ANY OPERATIONS THAT IMPACT TREE.
14. TENNIS COURT DEMOLITION WORK INSIDE TREE PROTECTION ZONE TO BE PERFORMED UNDER ARBORIST DIRECTIONS.
15. INSTALL 10' DEEP DRYWELL, CONNECT EXISTING DOWNSPOUT COLLECTION LINE TO NEW DRYWELL. LOCATE DRYWELL 5' MIN. FROM PROPERTY LINES, 10'M IN. FROM FOUNDATION. → note: Drywell is optional. connection to US Grant sewer may continue KC 7/1



NOTES:

ZONE: R5

Common Green Tract may be redimsioned to maintain 10' setback from the existing residence prior to FP KC 7/1

BENCHMARK INFO:

ELEVATIONS ARE BASED ON CITY OF PORTLAND BM# 378, A BRASS DISC IN CONCRETE AT THE S.E. CORNER OF N.E. TILLAMOOK & N.E 28TH AVE. ELEV. = 164.51

SITE T.B.M. IS A RAILROAD SPIKE IN POWER POLE AT WEST SIDE OF INTERSECTION OF N.E. 28TH AVE. & N.E. U.S. GRANT PL. ELEV. = 165.49

6/15/09

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 INCH = 20 FEET

JOB#:	S3822-1
DATE:	3-19-09
SCALE:	1"=20'
DRAWN:	JWS
CHKD:	CCF
FILE:	S3822-1PRE2

ZTEC ENGINEERS INC.
3737 S.E. 8TH AVE., PORTLAND, OREGON 97202
PH: (503) 235-8795 FAX: (503) 233-7889

LOCATED SW 1/4 SECTION 25, T. 1N, R. 1E., W.M., IN THE CITY OF PORTLAND MULTNOMAH COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 17, 1981 CHRIS FISCHBORN 1944

JEFF KRAFT
2208 NE 28TH AVE.

PRELIMINARY PLAN

LU 09-123709 LDP
Exhibit C.1
(11x17 version is in the file)