



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: January 20, 2012
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / Sean.Williams@portlandoregon.gov

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

The Bureau of Development Services has **approved** 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 and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-183254 LDS

GENERAL INFORMATION

Applicant: Edna E Barnhart
2120 SE 130th Avenue
Portland, OR 97233-1420

Representative: Kevin Partain
Urban Visions
223 NE 56th Avenue
Portland, OR 97213

Site Address: 2120 SE 130th Avenue

Legal Description: BLOCK 7 N 75.39' OF LOT 1 EXC N 5' IN ST & EXC W 10' IN RD S 36.93' OF LOT 1 EXC W 10' IN RD N 38.46' OF LOT 2 EXC W 10' IN RD, DAGMAR AC

Tax Account No.: R193903570
State ID No.: 1S2E02CD 00700
Quarter Section: 3243
Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910. Midway, contact Bill Dayton at 503-252-2017.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: None
Zoning: Residential 5,000 (R5) w/ Alternative Design Density overlay (a)
Case Type: Land Division Subdivision (LDS)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is requesting to subdivide the subject property into 8 lots ranging in size from 3,371 to 7,943 square feet in area.

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 8 units of land. Therefore this land division is considered a subdivision.

Relevant Approval Criteria:

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

FACTS

Site and Vicinity: The site is located on the southeast corner of the intersection of SE 130th Avenue and SE Lincoln Street. Existing improvements consist of a single family home that will be retained within Lot 1. The site is relatively flat and contains a number of mature trees. The surrounding vicinity is primarily composed of single dwelling zoning and comparable development. Lincoln Park Elementary School is located approximately 330 feet east of the site.

Infrastructure:

- **Streets** – The site has approximately 299 feet of frontage on SE Lincoln Street and 145 feet of frontage on SE 130th Avenue. There is one driveway entering the site from SE 130th Avenue that serves the existing house. At this location, SE 130th Avenue is classified as a Neighborhood Collector, City Walkway and Local Service Street for all other modes in the Transportation System Plan (TSP). SE Lincoln Street is classified as a local service street for all modes in the TSP. Tri-Met provides transit service approximately 1,200 feet from the site on SE Division Street via Bus #4. Parking is currently allowed on both sides of SE Lincoln Street and SE 130th Avenue.

At this location, SE 130th Avenue is improved with a 40 foot paved roadway surface and pedestrian corridor that consists of a 4 foot planter, 5 foot sidewalk and 1 foot setback to private property (4-5-1) within a 60 foot wide right-of-way. Along the sites frontage, SE Lincoln Street is improved with a 40 foot paved roadway surface and curb with a 5 foot setback to private property. No curb or planter strip is present along the site’s SE Lincoln Street frontage.

- **Water Service** – There is an existing 6-inch CI water main in both SE 130th Avenue and SE Lincoln Street. The existing house is served by a 5/8-inch metered service from the main in SE 130th Avenue.
- **Sanitary Service** - There is an existing public 8-inch PVC sanitary gravity sewer line in both SE 130th Avenue and SE Lincoln Street. The existing house is served by a lateral from the main in SE 130th Avenue.

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.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

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

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits “E” for details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 21, 2011**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
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.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. The applicant is proposing eight single family lots for detached houses. The minimum and maximum density for the site is as follows:

Minimum = $(46,621 \text{ square feet} * .80) \div 5,000 \text{ square feet} = 7.45$ (which rounds down to a minimum of 7 lots, per 33.930.020.A)

Maximum = $46,621 \div 5,000 \text{ square feet} = 9.32$ (which rounds down to a maximum of 9 lots, per 33.930.020.B)

The applicant is proposing 8 lots. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Lot 1	7,943		66.93	117.32	66.93
Lot 2	3,470		47.59	72.85	47.59
Lot 3	3,371		47.58	70.85	47.58
Lot 4	5,098		47	138	47
Lot 5	6,569		47	139.78	47
Lot 6	5,032		36	139.78	36
Lot 7	5,032		36	139.78	36
Lot 8	5,032		36	139.78	36

* 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 above lot dimensions reflect required right-of-way dedications (described later in this report).

The findings above show that the applicable density and lot dimension standards are met. Therefore this criterion is 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). The arborist report identified 44 trees within the land division site, of which 11 trees were determined to be exempt because they are a nuisance species, hazardous or dead. Thus, 33 non-exempt trees are located within the land division site. These non-exempt trees comprise 780.5 inches in total diameter.

The applicant proposes to preserve trees identified as B30 (17" Douglas fir), B32 (26" Douglas fir), B33 (26" Douglas fir), B34 (27" Douglas fir), B35 (30" Douglas fir), B36 (29" Douglas fir), B37 (18" Douglas fir), B38 (31" Douglas fir), B39 (24" Douglas fir), B42 (6.5" Hawthorne) and B43 (39" Douglas fir). These trees comprise of 273.5 inches of diameter, or 35 percent of the total non-exempt tree diameter. 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).

In order to ensure that future owners of the lots are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Requirements at the time of final plat.

This criterion is met, subject to the condition that development on Lots 4-8 be carried out in conformance with the Tree Preservation Plan (Exhibit C-1) and the applicant's arborist report (Exhibit A-2) and an acknowledgement of tree preservation requirements is recorded with the final plat.

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With this condition, the new lots can be considered suitable for new development, and this criterion is met.

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

In this case the site is on a corner, and fronts on both SE 130th Avenue and SE Lincoln Street. A majority of the proposed lots (Lots 3-8) are on the south side of an east-west oriented street. Lot 2 will be on the corner, and will be wider than the other Lots 3-8. The existing dwelling will be retained within Lot 1, which is an interior lot on the east side of a north-south oriented street. Lot 1 is wider than Lot 2. Therefore, this criterion is met.

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

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

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

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

The water standards of 33.651 have been verified and noted earlier in this report. Water is available to serve the proposed development from the water mains in SE 130th Avenue and SE Lincoln Street. Lot 1 has an existing water service from the Main in SE 130th Avenue.

33.652 Sanitary Sewer Disposal Service standards - See Exhibit E-1 for detailed comments.

The sanitary sewer standards of 33.652 have been verified and noted earlier in this report. There is an existing public 8-inch PVC sanitary gravity sewer line in both SE 130th Avenue and SE Lincoln Street that can serve the sanitary needs of the proposed lots. As a result of the proposed land division, the existing sewer connection that serves the house on Lot 1 will cross over Lot 2 to reach the sewer main in SE 130th Avenue. The applicant proposes to place a private sewer easement over the portion of the lateral that crosses onto proposed Lot 2. However, the Bureau of Environmental Services has indicated that the proposed easement does not satisfy applicable requirements. Therefore, prior to final plat approval, the applicant must either cap the existing lateral to provide future service to Lot 2 and establish a new lateral for the existing house, or move the lot line between Lots 1 & 2 so that the existing lateral will remain on Lot 1. If a new sewer connection is established for the house, all plumbing permits must receive final inspection approval prior to Final Plat approval. If the applicant chooses to move the property line between Lots 1 and 2, the Approval Standards of 33.663.200, regarding conformance with the preliminary plan, shall not apply to these lots.

33.653.020 & .030 Stormwater Management criteria and standards– See Exhibit E-1

The Bureau of Environmental Services (BES) has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:

- **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 later 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.
- **Lot 1 (the lot with the existing house):** The applicant has submitted a utility plan that shows downspouts for the existing house. However, there is no indication where the downspouts are directed. Therefore, prior to final plat approval, the applicant must document the location of the stormwater disposal for the existing house, to the satisfaction of BES. If the stormwater disposal system for the existing house will not be fully located on the parcel it serves after the land division, then appropriate easements must be provided on the final plat. If an easement is provided, a Maintenance Agreement for the easement must be submitted for approval by BDS and the City Attorney and must be recorded with the Final Plat. Alternately, the applicant must modify the stormwater system for the existing house to the specifications of BES and obtain finalized permits for the modifications prior to final plat approval.
- **Lots 2-8:** Stormwater from these lots will be directed to 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. BES has indicated conceptual approval of the drywells.

33.654.110.B.1 -Through streets and pedestrian connections
33.654.130.B - Extension of existing public dead-end streets & pedestrian connections
33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The site has approximately 145 feet of frontage on SE 130th Avenue and 299 feet of frontage on SE Lincoln Street. This is a corner lot location which meets the above criteria for adequate connectivity. Therefore, additional connectivity is not required at this location. In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

For the reasons described above, this criterion is met.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030
33.654.120.B & C Width and elements of the street right-of-way
33.654.130.D Partial Rights of way

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). The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area based on a number of evaluation factors. The Portland Bureau of Transportation has provided the following evaluation (Exhibit E-2) of the applicants proposal based on the submittal of a Traffic Study (Exhibit A-4):

Street capacity and level-of-service:

The applicant has submitted a trip generation and distribution study prepared by Main Street Engineering that documents the expected vehicle trips from the 8 single-family residences will have minimal impact on street capacity and level of service for close by intersections. The proposal can be expected to generate 67 daily vehicle trips with 6 trips occurring in the AM Peak Hour and 7 trips in the PM Peak Hour. Since both SE 130th and SE Lincoln are both low volume streets, the transportation system within the influence area is adequate to accommodate the 7 new PM Peak Hour trips.

Vehicle access and loading:

With the exception to the existing driveway serving the existing residence on SE 130th to remain, all the new housing units will have driveways on the lower classification street, SE Lincoln Street. Loading spaces are not required for single-dwelling development.

On-street parking impacts:

The new lots range in width from 36-ft to 47-ft. Each lot will be required to provide a minimum of one on-site parking space. Each lot is wide enough to accommodate at least one on-street parking space. Spill over parking in front of near by lots can be expected to be minimal.

Availability of transit service:

Tri-Met bus line #4 runs on SE Division Street approximately ¼ mile from the site.

Safety for all modes:

With the requirement to construct sidewalks along SE Lincoln and widen the existing substandard sidewalk on SE 130th safety for pedestrian will be enhanced. No safety impacts are anticipated for any of the other modes of travel.

Impacts on the immediate and adjacent neighborhoods:

Development of the site with detached single-family residences with on-site parking should have minimal neighborhood impacts since the development type matches the existing pattern in the area.

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 curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, as well as an associated stormwater facility discussed earlier in this report, additional right-of-way must be dedicated along the site's SE 130th Avenue and SE Lincoln Street frontages. With those improvements, the proposed development can be safely served by these existing streets without having any significant impact on the level of service provided.

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

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, 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 Lot 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there is one Zoning Code standard that relates to existing development on the site:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be approximately 7 feet from the northern property line and 19 feet from the eastern property line of proposed Lot 1. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.
- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, the existing shed located on Lot 6 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all 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 and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation
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 www.portlandonline.com/bds

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements, ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement, aerial Fire Department access roads and dead end roads greater than 300 feet in length. These requirements are based on the technical standards of Title 31 and Oregon Fire Code. See Exhibit E-4 for further details.

CONCLUSIONS

The applicant has proposed an 8-lot subdivision, 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: tree preservation, sanitary sewer disposal requirements and transportation impacts.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for an 8-lot subdivision that will result in 8 standard lots, as illustrated with Exhibit C-1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use and BES review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The storm system associated with the Existing house to remain on Lot 1;

- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 130th Avenue and SE Lincoln Street. The required right-of-way dedications must be shown on the final plat.
2. 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-8 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's SE 130th Avenue and SE Lincoln Street frontages. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor. The improvements along the frontage of Lot 1, where the existing house will be retained, must be constructed prior to final plat approval. The improvements along the frontage of the undeveloped lots (Lots 2-8) may be constructed with development on each lot as per the City Engineer's discretion.

Utilities

2. The applicant shall meet the requirements of the Bureau of Environmental Services regarding the sanitary sewer connection for the existing house to remain on Lot 1. The applicant must either cap the existing lateral to provide future service to Lot 2 and establish a new lateral for the existing house, or move the lot line between Lots 1 & 2 so that the existing lateral will remain on Lot 1. If a new sewer connection is established for the house, all plumbing permits must receive final inspection approval prior to Final Plat approval. If the applicant chooses to move the property line between Lots 1 and 2, the Approval Standards of 33.663.200, regarding conformance with the preliminary plan, shall not apply to these lots.
3. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.
4. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
5. The applicant must meet the requirements of the Fire Bureau regarding dead end access roads greater than 300 feet in length. The applicant must receive an approved Fire Code Appeal to this standard prior to final plat approval.

Existing Development

6. The applicant must obtain a finalized demolition permit for removing the shed on Lot 6.
7. Documentation of the location of the stormwater disposal system for the existing house shall be submitted to the Bureau of Environmental Services. The location of any existing or required stormwater systems serving the existing home must be shown on the Supplemental Plan. If, as a result of final plat approval, the stormwater system for the

existing home will extend beyond the boundaries of Lot 1 (the lot with the existing home), then the applicant must meet one of the following:

- Provide private stormwater easements on the final plat as necessary to ensure operation and maintenance of those systems, and record a maintenance agreement for the easement area; or
- Provide finalized plumbing permits for modifications to the stormwater system that result in a system that meets City requirements.

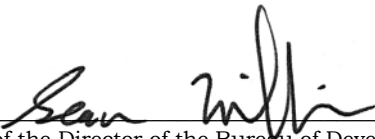
Required Legal Documents

8. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Lots 4-8. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be recorded with Multnomah County and referenced on the final plat.

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

1. Development on Lots 4-8 shall be in conformance with the Tree Preservation Plan (Exhibit C-1) and the applicant's arborist report (Exhibit A-2). Specifically, trees identified as B30 (17" Douglas fir), B32 (26" Douglas fir), B33 (26" Douglas fir), B34 (27" Douglas fir), B35 (30" Douglas fir), B36 (29" Douglas fir), B37 (18" Douglas fir), B38 (31" Douglas fir), B39 (24" Douglas fir), B42 (6.5" Hawthorne) and B43 (39" Douglas fir) are required to be preserved, with the root protection zones indicated on Exhibit C-1. Tree protection fencing is required along the root protection zone of each tree to be preserved. 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 his supervision.
2. If required, the applicant shall meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling units on Lots 2-8. Please refer to the final plat approval report for details on whether or not this requirement applies.
3. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Sean Williams

Decision rendered by:  **on January 18, 2012**

By authority of the Director of the Bureau of Development Services

Decision mailed: January 20, 2012

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 October 6, 2011, and was determined to be complete on **November 17, 2011.**

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 October 6, 2011.

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: March 16, 2012.**

Note: 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.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 3, 2012** at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 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.ci.portland.or.us .

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

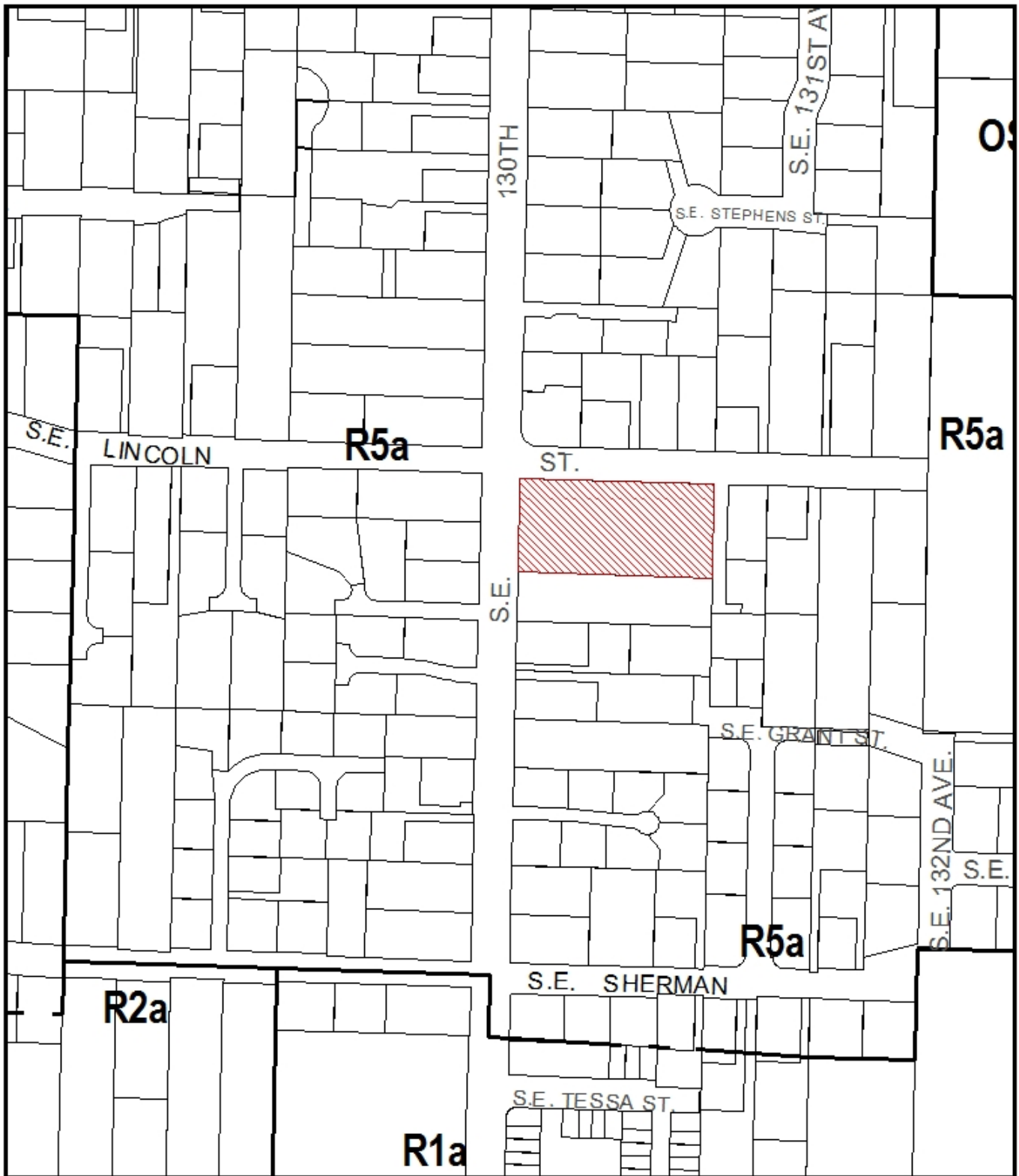
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application Narrative
 - 2. Arborist Report
 - 3. Infiltration Test Report
 - 4. Traffic Study
 - 5. Sewer Locate Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions, Tentative Plan, Tree Plan & Proposed Utility Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Plans Examiner
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter
 - 4. Neighborhood Notification

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



ZONING

 Site



File No.	<u>LU 11-183254 LDS</u>
1/4 Section	<u>3243</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E02CD 700</u>
Exhibit	<u>B</u> (Oct 13, 2011)

**EXISTING CONDITIONS, TENTATIVE PLAN
TREE PLAN & PROPOSED UTILITY PLAN
PROPOSED PLAT OF
"LINCOLN WOODS"**

SITUATED IN THE SW 1/4 OF SECTION 2, T.15, R.2E, W.M.
MULTNOMAH CO., OREGON

MARY ASSOCIATES
CITY OF PORTLAND
18615 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-667-5550
FAX: 503-666-8666
EMAIL: DALE@MARYASSOCIATES.NET

DATE DRAWN: NOVEMBER 04, 2010
DRAWING NO. 10059EX23
ACCOUNT NO. 10059
REVISION: NOVEMBER 17, 2010
REVISION: NOVEMBER 23, 2010
REVISION: OCTOBER 03, 2011
REVISION: NOVEMBER 14, 2011

S.E. LINCOLN STREET - ROAD NO. 3730 (HARRISON STREET)

S.E. 130TH AVENUE - ROAD NO. 2902

CASE NO. 152381-11
EXHIBIT 1-1

