



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

FROM CONCEPT TO CONSTRUCTION

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

Date: December 5, 2013
To: Interested Person
From: Rachel Whiteside, Land Use Services
503-823-7605 / Rachel.White@portlandoregon.gov

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

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. 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 13-181911 LDP

GENERAL INFORMATION

Applicant: Kevin Partain / Urban Visions
223 NE 56th Ave / Portland OR 97213

Owner: Vladimir Ozeruga / Portland Redevelopment LLC
PO Box 11778 / Portland, OR 97211-0778

Site Address: 4625 NE 72ND AVE

Legal Description: BLOCK 6 INC PT VAC ST-N 118' OF LOT 7&8, PADDOCK AC
Tax Account No.: R637202500
State ID No.: 1N2E20BD 03300 **Quarter Section:** 2537
Neighborhood: Cully, contact Evans Martin at 503-784-1494.
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.
Zoning: R7h – Single-Dwelling Residential with an Aircraft Landing Zone (height) overlay

Case Type: LDP – Land Division (Partition)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to divide the existing 22,593 square foot lot into three parcels for detached single-family homes. The proposed parcels are approximately 39 feet in width and just over 7,500 square feet each. A demolition permit has already been issued for the existing dwelling.

Water and sanitary service for all parcels are proposed from the existing mains in NE 72nd Avenue. Stormwater from future development is proposed to be managed through individual drywells onsite. Street improvements were appealed by the applicant under a separate process.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or

services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 3 units of land. Therefore, this land division is considered a partition.

Relevant Approval Criteria:

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

FACTS

Site and Vicinity: The area slopes gently downward to the north, but this particular lot is flat. All existing development was recently demolished, although the site is “fenced” by several fences shared with abutting properties. A 30-foot easement across the front of the site is a remnant of vacated right-of-way. Housing in the vicinity are one to two-stories and modest in overall size. The area is residential housing in all directions for at least 500 feet. There is a small pocket of neighborhood commercial at 72nd and Prescott Street.

Infrastructure:

Streets – The site has approximately 118 feet of frontage on NE 72nd Avenue. The 60-foot wide right-of-way is improved with 20 feet of paving (off-set from the centerline) with no curb or sidewalk. There are gravel shoulders, but no formal designated on-street parking.

At this location, NE 72nd Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP), except that it is classified as a City Walkway and City Bikeway. Tri-Met provides transit service approximately 590 feet south of the site along NE Prescott Street via Bus #71.

- **Water Service** – There is an existing 6-inch CI water main in NE 72nd Avenue. The existing house is served by a 5/8-inch metered service from this main which can be reused for the future parcel which it will front.
- **Sanitary Service** - There is an existing 12-inch concrete public sanitary sewer line in NE 72nd Avenue.

Zoning: The R7 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 Aircraft Landing (“h”) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. In the R and C zones, structures are regulated by the base zone height limits rather than the height limits of the Aircraft Land Zone chapter.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 18, 2013**. One written inquiry was received from Central Northeast Neighbors, Inc. in response to the proposal. The district coalition requested more information on the public works appeal process, noting that “not requiring sidewalks with redevelopment is likely not in the best interest of the neighborhood and its residents.” Portland Bureau of

Transportation has addressed this issue in their comments to the Transportation Impacts criteria later in this report.

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:
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Maximum density in the R7 zone is one unit per 7,000 square feet and the minimum density is 80 percent of the maximum. The maximum allowed density is 3 units and the minimum is 2 units. The applicant is proposing 3 single family parcels. 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)
R7 Zone	4,200	12,000	40	55	30
Parcel 1	7,540		39.33	191.70	39.33
Parcel 2	7,532		39.34	191.47	39.34
Parcel 3	7,521		39.33	191.23	39.33

* 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.

Narrow Lots

Parcels 1-3 are narrower than the minimum width for the R7 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of Section 33.610.200.D.

- ***Consistent with the Purpose of Lot Dimension Regulations***

The purpose of Lot dimension regulations are as follows:

The lot dimension regulations 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 applicant has demonstrated that the proposed Parcels 1-3 are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that the proposed lot(s) can accommodate a reasonably sized house and garage while meeting the development standards of the zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services
- While the proposed lots are not as wide as other lots on the block and in the vicinity, their overall size is consistent with the lot sizes in the vicinity. Therefore, the proposed lots are compatible with existing lots.
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street

- ***The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet***

The lots will be developed with detached houses; however, the proposed parcels are at least 25 feet wide.

- ***If the lot abuts an alley, then vehicle access is allowed only from the alley***

The site does not have access from an alley, so this standard does not apply.

- ***Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development***

The narrowest house that could be developed on each of the new lots (a 22 foot wide detached house) could provide a garage wall that is up to 11 feet wide. This would allow for a 9-foot wide garage door with 1 foot of structural support on either side. According to the Building Plan Review division of the Bureau of Development Services, this

configuration of garage wall can be approved through an "engineered solution," that shows adequate structural support for the garage walls and door. Typically such solutions involve metal framing material and support members rather than wood, at a minimum. However, these solutions can be approved at the time of building permit review. With such an engineered solution, development on the proposed lots can provide a garage wall that occupies only 50 percent of the front façade of the house.

As an alternative to this scenario, detached garages could be provided at the rear of each lot, accessed by shared driveways that straddle the lots lines between properties.

- **60 percent landscaping requirement for attached houses**
The applicant has indicated that the lots will be developed with detached houses; therefore, this requirement does not apply.
- **If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.**
Parking is required. Therefore, the garage limitation requirements described above must be met.

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 arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.2). A total of 12 trees have been exempted because they are a nuisance species or located partially or fully off the property. Seven trees are subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 170 inches. The applicant proposes to preserve trees 507, 508, 510, and 512, which comprise 81 inches of diameter, or 48 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 non-exempt tree diameter on the site to be preserved. The trees to be preserved and the required root protection zones are shown on the applicant's Tree Preservation Plan/Preliminary Site Plan (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 Parcels 1-3 be carried out in conformance with the Tree Preservation Plan/Preliminary Site 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 was most recently in residential use and there is no record of any other use in the past. The applicant has proposed to remove the existing house and garage and redevelop the site. A demolition permit has been issued and is under inspection for this work. In order to ensure that the new lots are suitable for development, the permit for demolition of all structures on the site and sewer capping must receive final inspection prior to final plat approval. With this condition, the new lots can be considered suitable for development, and this criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services. PBOT has provided the following comments:

The proposed land division will create 3 parcels from the current lot in order to accommodate 3 new detached single-dwelling residential homes (the existing house on the site has been demolished). Referring to the ITE Trip Generation Manual, 9th Edition, there will be 2 new AM peak hour trip and 2 additional PM peak hour trip (20 additional total new daily trips) that may result from the development proposal on the site. The new peak hour trips will have minimal impacts to the area's nearby intersections and do not warrant any mitigation to said intersections. The intersections will continue to operate at current levels without further degradation from the vehicle trips generated by the proposed project factored into the analysis.

No significant negative impacts are expected to occur in relation to any of the other evaluation factors. The site is served by transit service (approximately 590 feet) south of the subject site along NE Prescott (via Tri-Met route #71 [60th Ave/ 122nd Ave]. There are no existing sidewalk corridors throughout the vicinity to facilitate pedestrian travel; pedestrians currently must utilize the gravel shoulders found in the area to navigate throughout the neighborhood. There are identified Shared Roadway bike facilities (Portland Bike/Walk Map) in the area along NE 72nd Ave, and along NE Prescott, south of the site.

With regard to impacts to on-street parking, the new residences that will be developed on the site will include on-site parking opportunities for at least one vehicle on each parcel. Without existing curbs or sidewalks in the area, residents/visitors in the neighborhood currently utilize the gravel shoulders to park along the street(s) in vicinity of the subject site. It appears as though lots throughout the immediate area along NE 72nd Ave that are developed with single-family residential homes include lengthy driveway with/without garages that are long enough to accommodate multiple on-site parking opportunities. With on-site parking opportunities for at least one vehicle on each of the proposed lots, on-street parking impacts will be minimized.

Given the area in which the site is located, the minimal increase in vehicle trips that will be generated by the proposed partition, and the classification of the street within the transportation system, PBOT expects that the transportation system will be able to support the existing development in the area as well as the proposed development. For these reasons, these criteria are met.

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

Findings: 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:

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p> <p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>Stormwater from proposed Parcels 1-3 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. The Bureau of Environmental Services has indicated conceptual approval of the drywells. Therefore, criterion B is met.</p>
<p>33.654.110.B.1 Through streets and pedestrian connections</p> <p>The City’s spacing requirements for public through streets and public pedestrian connections is a maximum of 530 feet and 330 feet, respectively. No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject block and others in the vicinity satisfy the above referenced public street spacing goal but not the pedestrian connectivity goal. With blocks that are approximately 430 feet (north-south length) and 500 feet (east-west length), the pedestrian connectivity goals are not satisfied in any direction. The subject site is located midway along the subject block, making it a desirable location to provide a pedestrian connection through the block (in an east-west direction), if this was feasible. However, the subject block shape and orientation is the prevailing shape and orientation for a considerable distance. Providing a pedestrian connection through the subject site (or block) would not result in a meaningful connection in any direction from the subject site. Properties that abut the subject site to the west and north are sized to be further partitioned (as is the subject site), except for the 2 lots at the western end of the block (1N2E20BD 2500 and 2600) where a straight pedestrian connection from the subject site would be aligned. These two lots cannot be further divided/developed, therefore, a potential pedestrian connection (from the subject site) across the subject block would fall short of reaching NE 70th Ave. In order to provide a pedestrian connection through the subject site and block, the proposed tree preservation plan would also be compromised. These impacts do not make further connectivity through the subject site or block feasible. PBOT therefore has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition and this criterion is met.</p>
<p>33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment</p>

For City Walkway classified streets abutting sites zoned R7, the City's public right-of-way standards requires a 58-foot right-of-way width to accommodate a 26-foot roadway (which would allow parking along both sides) and two 16-foot wide sidewalk corridors (0.5-foot curb, 8-foot stormwater management facility, 6-foot sidewalk & 1.5-foot frontage zone). In relation to a land use/building permit on the subject site, the above referenced standard frontage improvements would typically need to be constructed.

The applicant filed an appeal (13-166411 PW) of the requirements for consideration by the City's Public Works Appeal Board (PWAB). Said appeal included an alternative proposal for a floating pedestrian pathway in lieu of the standard frontage improvements. In October, the PWAB granted the applicant's appeal request. Subsequent to this decision, PBOT's Development Review Manager determined that the proposed alternative floating sidewalk would not provide any meaningful improvement to the area in general and eliminated any physical pedestrian improvement requirements associated with the proposed partition request. In lieu of any physical sidewalk corridor construction, the applicant will be required to submit completed and executed Waivers of Remonstrance.

This criterion is met, with the condition that the required waivers are signed prior to final plat approval.

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.

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.

Future Development

Among the various development standards that will be applicable to this lot, the applicant should take note of:

Narrow Lots-- development on Parcels 1-3 will be subject to the following standards at the time of development permitting:

- Height of the structures will be limited to 1.2 times the width of the structure, per 33.110.215.B.2; and
- Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.E.3.a
- Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R7 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

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

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the

project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant spacing and flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 3-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: waivers for frontage improvements, Fire Code standards, and tree preservation. 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 3 narrow lots, as illustrated with Exhibit C.1, subject to the following conditions:

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

Streets

1. The applicant shall complete street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms and instructions will be provided to the applicant during the final plat review process.

Utilities

2. The applicant shall meet the requirements of the Fire Bureau for residential hydrant spacing. The applicant must provide verification to the Fire Bureau that Appendix C of the Fire Code is met or provide an approved Fire Code Appeal prior final plat approval.
3. 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.

4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way for all parcels, as required in Chapter 5 of the Oregon Fire Code. Alternately, the applicant will be required to install residential sprinklers in the new house, if applying the exception. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

Existing Development

5. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection.

Required Legal Documents

6. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Parcels 1-3. 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.

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

1. Development on Parcels 1-3 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.2). Specifically, trees numbered 507, 508, 510, and 512 are required to be preserved, with the root protection zones indicated on Exhibit A.2. 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. The applicant must meet the addressing requirements of the Fire Bureau for Parcels 1-3.
3. If required as a result of conditions above, the applicant must meet any requirements identified through a Fire Code Appeal. This may include the installation of residential sprinklers in the new dwelling units on Parcels 1-3. Please refer to the final plat approval report for details on whether or not this requirement applies.
4. 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: Rachel Whiteside

Decision rendered by: _____ *RWhiteside* _____ **on December 2, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed December 5, 2013

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on July 19, 2013, and was determined to be complete on October 16, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on July 19, 2013.

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.

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

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

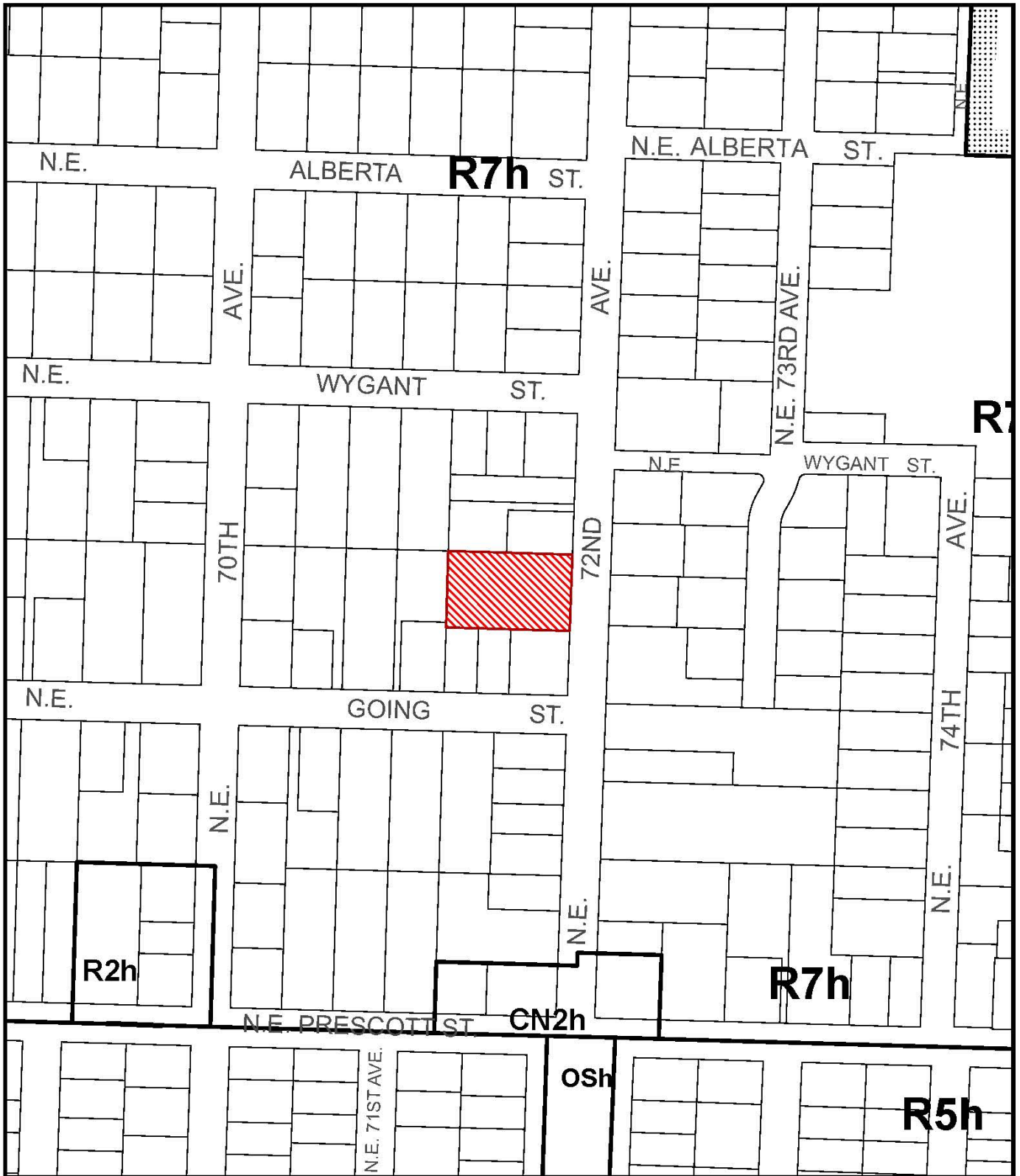
a final plat is submitted within three years of the date of the City's approval of the preliminary plan.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant's Narrative
 - 2. Arborist Report
 - 3. Stormwater Report
 - 4. Response to Incomplete Letter, dated October 15, 2013
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. Central Northeast Neighbors Inc, email received 10/30/13 requesting more information on public works appeal
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated August 5, 2013

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

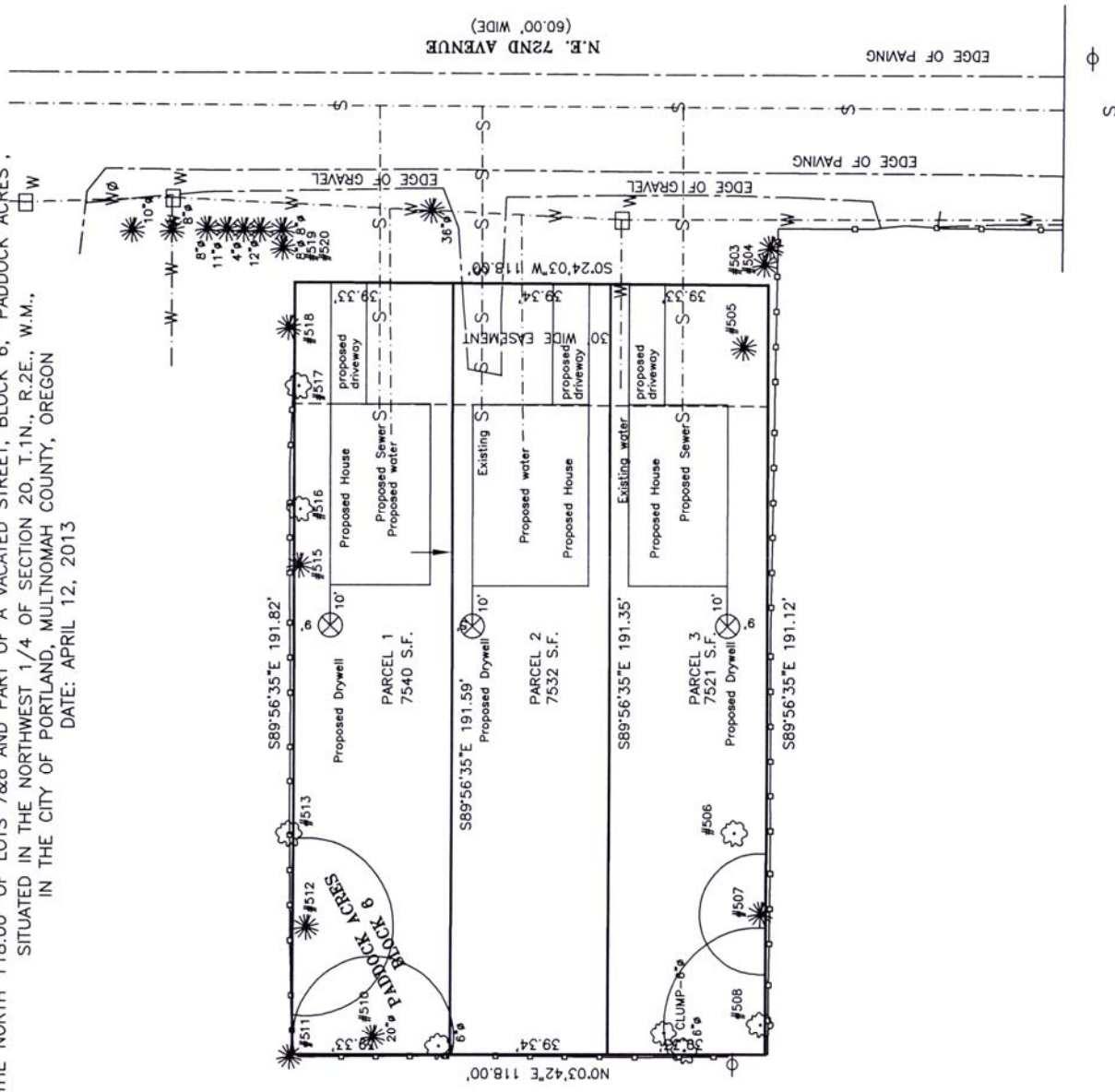


NORTH

File No. LU 13-181911 LDP
 1/4 Section 2537,2538
 Scale 1 inch = 200 feet
 State_Id 1N2E20BD 3300
 Exhibit B (Jul 23,2013)

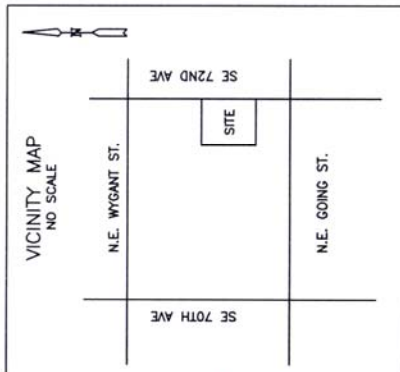
SITE PLAN

THE NORTH 118.00' OF LOTS 7&8 AND PART OF A VACATED STREET, BLOCK 6, "PADDOCK ACRES", SITUATED IN THE NORTHWEST 1/4 OF SECTION 20, T.1N., R.2E., W.M., IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
DATE: APRIL 12, 2013



SYMBOLS

- TELEPHONE RISER
- ⊕ POWER POLE
- OF OIL FILL
- W WATER METER
- G GAS METER
- EL ELECTRIC METER
- W WATER VALVE
- G GAS VALVE
- ⊗ MANHOLE
- ⊙ CLEAN OUT
- ⊕ CATCH BASIN
- ⊕ FIRE HYDRANT
- * DOWN SPOUTS
- ⋯ G GAS LINE
- W WATER LINE
- S SANITARY SEWER
- PW PROPOSED WATER LINE
- PS PROPOSED SANITARY SEWER
- ⊕ DECIDUOUS TREE
- ⊕ CONIFEROUS TREE
- ⊕ ROOT PROTECTION ZONE



LU 13-181911 LDP Ex.C.1

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 25, 1990
JOE H. FERGUSON
2485
RENEWAL DATE 12/31/13

SHEET NO. 1 OF 1
JOB NO. 13-042
DRAFTED: 4/12/13 KF

CLIENT: PORTLAND REDEVELOPMENT GROUP
PO BOX 11778
PORTLAND OR, 97211

Ferguson Land Surveying, Inc.
646 SE 106TH AVENUE, PORTLAND, OR 97216
Phone (503) 408-0601 Fax (503) 408-0602