



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 16, 2013
To: Interested Person
From: Kathy Harnden, Land Use Services
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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 13-197140 LDP

GENERAL INFORMATION

Applicant: Mike Coyle / Faster Permits
14334 NW Eagleridge Lane / Portland, OR 97229

Owner: Vic Remmers / Everett Custom Homes Inc.
735 SW 158th Ave Ste 180 / Beaverton, OR 97008

Site Address: 7105 N GREENWICH AVE

Legal Description: BLOCK 2 LOT 6, MASTERS ADD **Tax Account No.:** R544500340
State ID No.: 1N1E16AA 18700 **Quarter Section:** 2328
Neighborhood: Arbor Lodge, contact Nate Young at 503-679-9929.
Business District: Interstate Corridor BA, Alexsandra Johnson at 503-735-4420.
District Coalition: North Portland Neighborhood Serv, Mary Jaron Kelley at 503-823-4099.
Plan District: North Interstate
Zoning: Residential 2,000 (R2)
Case Type: Land Division Partition (LDP)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to divide this basically flat, 5,000 square-foot lot, into two parcels that will be consistent with the site's R2 zoning. The existing lot is 50 feet wide by 100 feet deep. The two new parcels will each be 25 feet wide by 100 feet deep, and will front on N Greenwich Avenue. The existing house will be removed, but the 14-inch Magnolia tree at the rear of the site will be preserved within a 14-foot radius root protection zone. Each parcel will be developed with a single dwelling, each with a drywell at the rear of the lot for stormwater detention. The applicant has requested reduced interior side yard setbacks from five feet to three feet which is allowed outright per Ch. 33.120.270.D.

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 2 units of land. Therefore this land division is considered a partition.

Relevant Approval Criteria:

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 midblock on N. Greenwich Avenue. Existing development consists of a small house, constructed around 1923, that will be removed. The adjacent house to the south was constructed in 2006, but most of the surrounding properties were developed in the 1920s with single family structures.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on N. Greenwich Avenue with half of a shared driveway entering the site north of the house. At this location, N. Greenwich is classified as a Local Service street for all modes. Tri-Met provides frequent bus service via Bus 4 and via the Max yellow line. Parking is allowed on both sides of N. Greenwich at this location, although the street width is a minimal 24 feet.

At this location, according to the City’s GIS system, N. Greenwich is improved with 24 feet of paved roadway and a pedestrian corridor that includes an 11-foot planter area, 5-foot wide sidewalk and a 2-foot setback to private property (11-5-2), within a 60-foot wide right of way.

- **Water Service** – There is an 8-inch CI water main in N. Greenwich Avenue. The existing house is served by a 5/8” metered service from this main, which is available to provide service to a second parcel.
- **Sanitary Service** – There is a 12-inch combined public sewer in N. Greenwich Avenue available to provide service to both new parcels.

Zoning: The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing. This site is in the N. Interstate Plan District, which has no requirements that apply to land divisions.

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

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **October 22, 2013**. Several Bureaus responded to this proposal and relevant comments are addressed under the applicable approval criteria below. Please see Exhibits “E” for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 22, 2013**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

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	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, 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.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 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing two parcels for detached houses. Single-dwelling development is proposed for the entire site; therefore the applicant must

show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the R2 zone is one unit per 2,500 square feet of area and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 5,000 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. However, street dedication is not required for this proposal. Therefore the lot size for calculating density is 5,000 square feet, which has a minimum required density of 1 unit and a maximum density of 2 units. The required and proposed lot dimensions are shown in the following table:

R2	Minimum lot area (square feet)	Minimum lot width (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)
Detached Houses	1,600	25	none	25
Parcel 1	2,500	25	100	25
Parcel 2	2,500	25	100	25

* Width is measured from the midpoints of opposite lot lines.

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). Two trees, a 14-inch magnolia and a 36-inch apple, are located within the land division site subject to preservation standards. However, the arborist has determined that the apple tree is exempt from preservation standards because its trunk is full of decay and there is a large cavity in it that makes it hazardous. Therefore, the total non-exempt tree diameter on the site is 14 inches, which the applicant proposes to retain on the site.

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 Proposed Partition Plat showing the preserved tree (Exhibit C.3). Although the arborist report recommends a 12-foot root protection zone based on root habit, the applicant shows a 14-foot radius root protection zone on the Preliminary Plan/Utility Plan, which is consistent with the Code description (33.930.140), which states that each one inch of tree diameter equals one foot of root protection zone. This Plan indicates there is ample room between the proposed development and the 14-foot wide root protection zone. However, if needed for future development of this proposal, the 14-foot RPZ may be reduced to 12 feet.

To ensure the continued viability of this tree, and to be sure 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.

With the conditions of approval described above, this criterion can be met.

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.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. However, historic plumbing records show an existing single family residence, built in 1923, was serviced by a cesspool. Current records show that demolition permit 13-198412_RS, issued September 5, 2013, which includes decommissioning of the cesspool, must receive final inspection approval prior to final plat approval.

Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

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</p> <p>The water standards of 33.651 have been verified and noted earlier in this decision. Proposed Parcel 1 may, potentially, use the existing lateral connected to the 8-inch CI water main in N. Greenwich Avenue. Water is available to serve proposed Parcel 2 from this same water main. Therefore, this criterion is met.</p>
<p>33.652 Sanitary Sewer Disposal Service standards - See Exhibit E.1</p> <p>The sanitary sewer standards of 33.652 have been verified and noted earlier in this decision. The applicant proposes to re-use the existing lateral to provide service to proposed Parcel 1, and install a new lateral from this main to serve proposed Parcel 2. The existing lateral must be capped at the time that the existing house is demolished. The Bureau of Environmental Services (BES) has accepted this proposal and does not require any conditions of approval.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards- See Exhibit E.1</p> <p>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:</p> <ul style="list-style-type: none"> • Parcels 1 and 2: Stormwater from both parcels will be directed to individual infiltration facilities, i.e., drywells, that will treat the water and slowly infiltrate it into the ground. Both parcels have 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 infiltration facilities for the purpose of this land use review.

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

There are no dead-end streets in the vicinity of this proposal. PBOT's Analysis (Exhibit E.2) is quoted, in part, as follows:

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. 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 and pedestrian connectivity spacing goals in the east-west direction only. With blocks that are approximately 215-ft (east-west length) and 590-ft (north-south length), neither spacing goal is satisfied along the subject block or in the general area. Although the subject site is located midway along the subject block, making it the typically desirable location to provide a public street and/or pedestrian connection through the block, this is not feasible. The subject block shape and orientation is the prevailing shape and orientation for a considerable distance throughout a vast swath of this portion of N Portland. Providing a public street and/or pedestrian connection through the subject site (or block) would not result in a meaningful connection in any direction from the subject site. In order to provide a public street and/or pedestrian connection through the subject site and block, the proposed development would be compromised and the existing residential units on nearby lots would need to be raised. These impacts do not make further connectivity through the subject site or block (or beyond) feasible. PBOT therefore has no concerns relative to connectivity or locations of rights-of-way associated with the proposed land division partition.

Therefore, this criterion is met.

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

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's Analysis (Exhibit E.2) is quoted, in part, as follows:

At this location, N.Greenwich Avenue is classified as a City Walkway and Local Service Street for all other modes. It is improved with a 24-ft wide roadway and a substandard 11-5-2 sidewalk corridor within a 60-foot right of way. The existing 5-foot sidewalk must be reconfigured/reconstructed to include the required 6-ft sidewalk element

The proposed land division will create 2 parcels from the current lot in order to accommodate 2 new detached single-dwelling residential homes (the existing house on the site will be demolished). Referring to the ITE Trip Generation Manual, 9th Edition, there will be 1 new AM peak hour trip and 1 additional PM peak hour trip (10 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 nearby light-rail transit service along N Interstate, one block to the east of the subject site. There are existing sidewalk corridors throughout the vicinity that facilitate pedestrian travel. There are identified bike facilities (Portland Bike/Walk Map) in the area including Neighborhood Greenways/signed marked routes along N Concord and N Bryant, one block west and to the south, respectively, from the subject site.

With regard to impacts to on-street parking, preliminary plans submitted in relation to this land use review do not indicate that the applicant will be providing any on-site parking on either of the proposed lots. The site is served by frequent transit that is located within 500-ft of the subject site,

therefore the Zoning Code exempts the requirement for on-site parking in this case. The surrounding area is developed with homes that appear to have on-site parking opportunities along individual driveways and within garages. There does not appear to be a significant demand for on-street parking in the area and there is adequate uninterrupted curb length along N Greenwich to satisfy the demand that may exist in the area. In that there will be no new curb cuts/driveways to serve as access to the proposed parcels, there will be no diminishment of any physical on-street parking opportunities in the area. Although on-street parking demands will be increased as a result of the proposed development, impacts will be minimized with the lack of new curb cuts/driveways.

There appears to be clear and sufficient line of sight looking north or south along the property frontage to allow for safe access onto/from the proposed parcels. N Greenwich is a straight, generally flat street with no sight obstructions. Parking is allowed on both sides of the street and typical of any street that allows parking, sight distance can be partially obstructed by parked vehicles.

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.

Frontage improvements will be required along the site's frontage. It appears that there is an existing curb cut/driveway that is located partially along the northern end of the subject site's frontage that serves as access to on-site parking areas for both the subject site and the abutting site to the north. The applicant is advised that the current location/configuration will need to be modified such that the curb cut/driveway serves the abutting lot to the north, only. The City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor (0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, 0.5-ft wide frontage zone) for Local Service streets abutting R2 zoned sites. The existing sidewalk corridor along the site's frontage does not satisfy this standard; although the overall existing sidewalk corridor width exceeds the standard 12-ft wide width, the existing 5-ft wide sidewalk is 1-ft shy of the 6-ft wide standard width.

In relation to the eventual Building Permits for the new homes, the applicant is advised that the existing sidewalk will need to be reconfigured/reconstructed to include the required 6-ft sidewalk element noted above.

Therefore, with a condition that the sidewalk be reconfigured/reconstructed to include the required 6-foot sidewalk element noted above, this criterion will be met.

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

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

DEVELOPMENT STANDARDS

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

Future Development

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

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are those of the base zone. This proposal is eligible to use these provisions. **To take advantage**

of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.

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 that may be 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 , 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, fire hydrant spacing and aerial Fire Department access roads. These requirements are based on the technical standards of Title 31 and Oregon Fire Code (Exhibit E.4).

CONCLUSIONS

The applicant has proposed a two-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: tree preservation and utilities and sidewalk impacts.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition that will result in two single dwelling lots, as illustrated with Exhibit C.3, subject to the following conditions:

A. A Supplemental Plan.

Two copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use review and approval. This 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;
- Proposed building footprints;
- The existing 14-inch Magnolia tree to be preserved and its root protection zone.
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following

1. 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 **Conditions C.3** below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: “an Acknowledgement of Tree Preservation Requirements” has been recorded as document no. _____, Multnomah County Deed Records.”

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

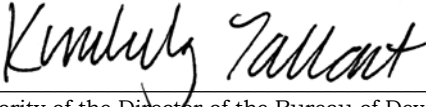
1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
2. The applicant shall meet the requirements of the Fire Bureau for hydrant spacing, in accordance with Appendix C of the Fire Code, to the satisfaction of the Fire Bureau.
3. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements applicable to Parcels 1 and 2. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be submitted with the Final Plat, and the approved Acknowledgement shall be referenced on the final plat and recorded with Multnomah County.
4. Prior to final plat approval, the applicant must receive final inspection approval on demolition permit 13-198412-RS for decommissioning the on-site cesspool and demolition of the house.

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

1. Development on Parcel 1 shall be in conformance with the Proposed Partition Plat (Exhibit C.1) and the applicant's arborist report (Exhibit A.2). Specifically, the 14-inch Magnolia tree must be preserved with the a standard root protection zone (33.930.140) of a 1-foot radius for each 1 inch diameter of tree, or 14 inches. Tree protection fencing must be placed along the root protection zone of this tree. 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 needed for the proposed development of this site, the 14-foot RPZ may be reduced to 12 feet.
3. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. This condition applies only if the structure(s) exceeds 30 feet in height.

- The sidewalk along N. Greenwich Avenue must be reconstructed to the satisfaction of Portland Transportation, as a condition of building permits.

Staff Planner: Kathy Harnden

Decision rendered by:  **on December 12, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed December 16, 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 August 23, 2013, and was determined to be complete on October 21, 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 August 23, 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 requested that the 120-day review period be extended 14 days. Unless further extended by the applicant, **the 120 days will expire on: March 4, 2014.**

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

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

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

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

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

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

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. Initial Submittal
 - 2. Tree Preservation Plan/Arborist Report
 - 3. Response to Incomplete Letter
 - 4. 120-Day Extension Request
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Revised Preliminary Plat (attached)
 - 2. Existing Conditions Site Plan with Surveyor Signature and Stamp
 - 3. Proposed Development and Tree Protection Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life/Safety
- F. Correspondence: (none received)
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter to Applicant w/Service Bureau RFC comment letters

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

This site lies within the:
NORTH INTERSTATE PLAN DISTRICT

File No. LU 13-197140 LDP
 1/4 Section 2328
 Scale 1 inch = 200 feet
 State_Id 1N1E16AA 18700
 Exhibit B (Aug 27, 2013)

7105 N GREENWICH AVENUE
TAX MAP T1N R1E 16AA
PORTLAND, OREGON

PRELIMINARY PLAT

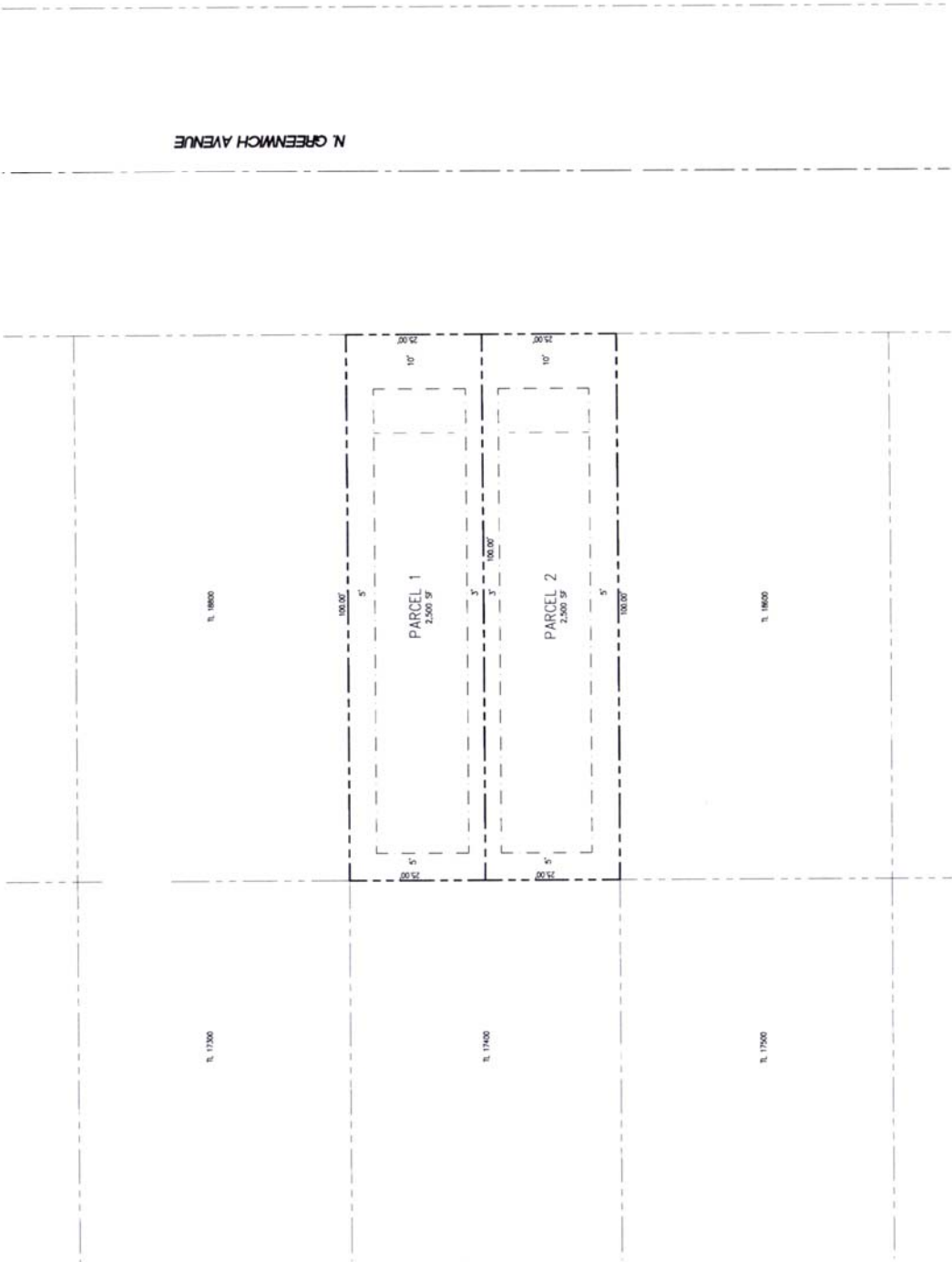
NO.	DATE

EMERIG
6107 SW MURRAY BLVD., SUITE 147
BEASTON, OREGON 97008
PH: (503)-746-8812

SHEET
3
5



- LEGEND
- PROPERTY LINE
 - ADJACENT/ADJOINING LOT LINE
 - CURTAIN LINE ROW
 - SETBACK LINE



LU 13-197140 LDP
Exhibit C.1