



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

FROM CONCEPT TO CONSTRUCTION

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Date: January 16, 2014
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 13-153470 LDP

GENERAL INFORMATION

Applicant/Owner: Anne Galisky
619 NE Graham St / Portland, OR 97212

Owner: Rebecca Shine
619 NE Graham St / Portland, OR 97212-3105

Site Address: 6806 N AMHERST ST

Legal Description: BLOCK 3 LOT 10, WILLAMETTE BLVD AC; BLOCK 3 LOT 11, WILLAMETTE BLVD AC

Tax Account No.: R912801330, R912801350

State ID No.: 1N1E07CB 06100, 1N1E07CB 06700

Quarter Section: 2223

Neighborhood: University Park, contact Andrew Noethe at 503-679-2347.

District Coalition: North Portland Neighborhood Serv, Mary Jaron Kelley at 503-823-4099.

Zoning: Residential 5,000 (R5)

Case Type: Land Division Partition (LDP)

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

Proposal:

The applicant proposes to divide this basically flat, 9750 square-foot lot into two parcels that will be consistent with the site's R5 zoning. The existing lot is 53.7 feet wide at its frontage on N. Amherst Street, 65.7 feet wide at the rear end of the site, and is 150 feet deep. The existing house on the site will remain on Parcel 1. The rear of the property will be developed with a flag lot that will be 63.7 feet wide by 68 feet deep. Access to the flag will be via a pole running along the west side of the site. Two large Douglas fir trees at the rear of the site will be preserved. All utilities will be located in the pole and a drywell will capture stormwater runoff.

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 approval criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: This 9,750 square-foot lot is located in North Portland, west of the University of Portland and just east of the Union Pacific/Santa Fe Railroad. The site is relatively flat and is developed with a one-story house with basement and covered porch at the front of the lot. An existing driveway leads to the rear of the house on the east side of the property. The remainder of the lot, beyond the garden area at the rear of the house, is undeveloped, but includes two large fir trees. The surrounding area is composed of an older neighborhood developed circa the 1920s with homes on 5,000 square-foot lots, with a few larger lots scattered throughout. McKenna Park, with its tennis court, soccer field, baseball diamond and children’s playground, is only 2½ blocks to the northeast of the site. The area is relatively flat and lies north of the bluff that overlooks the Willamette River to the south.

Infrastructure:

Streets – The site has approximately 54 feet of frontage on N. Amherst Street. There is one driveway entering the site that serves the existing house. At this location, N. Amherst Street is classified as a local service street for all modes in the Transportation System Plan (TSP). N. Amherst is improved with 28 feet of paving and a 9-6-1 sidewalk corridor within a 60-foot right of way. Because the existing improvements exceed the sidewalk corridor requirements, no frontage improvements will be required.

Tri-Met provides transit service less than 350 feet from the site via Route #44, Capitol Hwy/Mocks Crest.

Water Service – There are two water services fronting this property in N. Amherst Street, which serve the existing house at 6806 N. Amherst and the house south of the site, addressed as 6809A N. Willamette Boulevard. Both of these existing water services are provided from the existing 8-inch CI water main in N. Amherst Avenue. The existing house at 6806 N. Amherst Avenue is served by a 5/8-inch metered service from this main. A new service from this main will serve proposed development on new Parcel 2, the flag lot.

Sanitary Service – There is an existing 8-inch CSP public combination sewer line in N. Amherst Avenue which serves the existing house and is available to serve the proposed units on Parcel 2.

Stormwater Disposal – There is no public storm-only or combined sewer available to this property. There is a public underground injection control (UIC) system located east of the site in N. Amherst that receives stormwater runoff from the public right-of-way.

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

Land Use History: City records indicate 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 November 7, 2013. No written responses have been received.

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.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.610.200 supersedes 33.639).
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 in a public street.
	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. The applicant is proposing a 2-parcel partition that will result in one standard lot and one flag lot.

This 9,750 square-foot site has a minimum required density of 1 unit and a maximum density of 2 units.

Minimum = $(9,750 \text{ square feet} * .80) \div 5000 \text{ square feet} = 1.56$, which rounds up to a minimum of 2 lots.

Maximum = $9,750 \div 5,000 \text{ square feet} = 1.95$ (which rounds up to a maximum of 2 lots, per 33.930.020.B)

If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore in this case, the minimum density is reduced to 1.

The applicant had requested a duplex structure for proposed Parcel 2, the flag lot, which would have resulted in three units on the site. Because site density allows only 2 units on this site, a duplex may not be constructed on Parcel 2. An accessory dwelling unit, however, is allowed, subject to the requirements of Chapter 33.205.

The required and proposed lot dimensions 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)	Min. Flag Lot Width (feet)	Min. Flag Lot Depth (feet)
R5 Zone	3,000	8,500	36	50	30	40	40
Parcel 1	4,403		58.7	82	53.7		
Parcel 2	5,451 (flag portion only)		--	--	--	65.7	68.0

* 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.

** For flag lots: (1) width and depth are measured at the midpoint of the opposite lot lines in the "flag" portion of the lot; and (2) lot area calculations do not include the pole portion of the lot.

Flag Lots

Flag Lots are allowed in limited circumstances, per 33.610.400. In this case, the original site dimensions and the existing development are such that they preclude a lot configuration that meets the minimum lot width standard. However, the proposed flag lot will include a 12-foot wide pole, connected to N. Amherst Street. The 65.7-ft by 82-ft dimensions of the flag portion of the flag lot exceeds the minimum 40' by 40' width and depth standards for flag lots.

The proposed flag lot further meets applicable Zoning Code standards found in 33.610.400 because it has a "pole" at least 12 feet wide that connects to a street, and as shown above, meets the minimum lot area, width and depth standards.

The applicant requested Portland Transportation to allow a separate access for the flag lot on the west side of the property. Because there were no public comments in opposition to this proposal, and because of existing development in the area and more than adequate street parking, Portland Transportation determined that a separate access for the flag portion of the site could be allowed. Typically, the "pole" access should be shared with the existing development's access. In this case however, there are several reasons to allow the pole to be on the opposite side of the existing driveway: the applicant proposes to construct an accessory dwelling unit (ADU) at the rear of the existing house in the near future. This new unit will share the existing driveway. Further, the proposed new flag lot will also have both a main structure and an ADU. Altogether, there will be 4 units on the site, each

requiring access. The existing drive is fairly narrow and was not built to provide access for four units. Providing a second access for the units on the flag lot will make access to the existing house and its proposed ADU much easier and safer, as congestion will be greatly reduced from what it would be if all four units used the existing driveway.

Therefore, it is not practical that existing and proposed development, that includes up to 4 units on the site, should share one, small access route, and Parcel 2 has met the thresholds for when a flag lot is allowed.

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 provided an arborist report that inventoried the trees within the land division site, evaluated their conditions, and specified root protection zones (Exhibit A.1). The site contains two Douglas fir trees at the rear of the site near the area that will be developed. Both of these trees are subject to the preservation requirements of this chapter and both are designated for preservation. The arborist report recommends a minimum 20-foot wide root protection zone for these two 28- and 32-inch diameter trees.

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 applicant proposed to preserve Tree #2, the 28-inch Douglas Fir, which comprises 47 percent of the existing non-exempt tree diameter on the site. Both trees and their root protection zones are shown on the applicant's "Utilities, Clearing, Tree Preservation, Existing Conditions/Proposed Development Plan" (Exhibit C.2). However, only the tree designated for preservation is required to be preserved.

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.

The original application included a proposal to hand-dig a vegetated stormwater swale within the root protection zones of these two trees. However, later application materials (Exhibit C.2) show that stormwater from the proposed new structure will be directed to a drywell outside the root protection zone, with potential overflow to the tree area.

Therefore, this criterion is met, subject to the conditions that the applicant preserve Tree 2; that development on Parcel 2 is carried out in conformance with the Tree Preservation Plan and the applicant's arborist report (Exhibit A.1), and that 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: 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.

Clearing and Grading: In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. No significant clearing or grading will be required on the site to make the new lots developable. In addition, no clearing and grading is proposed within the root protection zones of the trees on the site that are required to be preserved. With conditions that the root protection zones must be shown on the demolition and proposed development plans, this will ensure tree protections are in place throughout the clearing and grading activities associated with the demolition and new development.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. The applicant has proposed to keep the existing house and to develop the rear of the site for an additional lot.

Although the site is currently connected to the public sanitary sewer, as noted in the response from Site Development, there is an existing cesspool 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 cesspool and for obtaining final approval of the decommissioning permit.

With the noted conditions, the new lots can be considered suitable for new development, and this criterion will be 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 for detailed bureau comments.</p> <p>The water standards of 33.651 have been verified. Water is available to serve the proposed development from the water main in SE 170th Avenue. There are two existing water services that front the existing house at 6806 N. Amherst. One of these services provides water to the existing house and the other used to provide service to a house at 6809 N. Willamette Boulevard, but was discontinued over five years ago. The Water Bureau considers this a “dead” line because no water runs through it, and says the meter must be readdressed to reflect the 6806 N. Amherst address. The Bureau requires that this line may be used only to provide service to the lot addressed at 6806 N. Amherst, and could be used to provide water service to a potential future accessory dwelling unit (ADU) on 6806 N. Amherst Street, but would not be allowed to provide service to any other, separate property.</p> <p>The Water Bureau also requires a new meter to be installed in the area fronting the “pole” of the proposed flag lot in order to provide water to the new lot at the time of development. The Bureau did not have any conditions of approval for this land use review.</p>
<p>33.652 Sanitary Sewer Disposal Service standards - See Exhibit E-1 for detailed comments.</p> <p>The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch CSP public sanitary-only sewer located in N. Amherst that serves the sanitary needs of the existing house at 6806 N. Amherst Street. A new lateral from this line must be constructed to serve the new parcel, at the owners’ expense, at the time of development.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards– See Exhibits E.1 & E.5</p> <p>BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.</p> <p>The applicant has proposed the following stormwater management methods:</p> <p>Parcels 1. Downspouts from the existing house are directed to drywells at the northeast and southwest corners of the house. BES finds that the “existing stormwater management system does not appear to conflict with the proposed land division.”</p> <p>Parcel 2: Stormwater from this parcel will be directed to an individual drywell that will treat</p>

the water and slowly infiltrate it into the ground. BES notes that the infiltration test result provided by the applicant is adequate for onsite infiltration for the future development and had no concerns regarding the proposed use of pervious pavers for on-site infiltration of stormwater from the proposed driveway for Parcel 2.

However, BES did note that it is the applicant's responsibility to register all on-site drywells (aka: underground injection control (UIC) facilities) with the Oregon Department of Environmental Quality (DEQ).

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 block on which the subject property is located does not meet the noted spacing requirements; however, as outlined in the response from Portland Transportation: *No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject block is not consistent with the majority of the blocks in the broader area that satisfy the aforementioned public street and pedestrian connection goals. The subject block is lengthier in the east-west direction and therefore does not meet the dimensional goals. However, providing a north-south public street or pedestrian connection would necessitate the demolition of one or more existing homes. 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.* 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

As outlined in the response from Portland Transportation, *the proposed land division will create 2 parcels from the current lot in order to accommodate 1 new detached single-dwelling residential home (the existing house on the site will be retained on Proposed Parcel 1). 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. 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 Shared Roadways along N Princeton and N Carey, north and west of the subject site. There is also a Bike Lane (painted) along N Willamette, south of the subject site.

With regard to impacts to on-street parking, the new residence that will be developed on the site will include on-site parking opportunities for at least one vehicle; a new parking pad will be created on Proposed Parcel 2 to serve the new house. A parking analysis was not prepared to determine existing and future on-street parking supply and demand in the area. However, the homes along N Amherst are served by driveways/garages that accommodate on-site parking for at least one vehicle/lot. Further, there does not appear to be a current high demand for on-street parking in the immediate vicinity.

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.

Based on these factors, Portland Transportation determined that no significant negative impacts are expected to occur in relation to any of the other evaluation factors, including vehicle access and loading; on-street parking; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for

all modes.

With regard to the width and elements in the right-of-way, Portland Transportation notes the site's existing 11-foot wide sidewalk corridor exceeds the referenced standard. Accordingly, there will be no frontage improvements or property dedication associated with the proposed land use request.

Therefore, no improvements will be required by Portland Transportation for the proposed further development of this site, and this criterion is met.

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

At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. 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, and this criterion will be 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.

Future Development

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

- Flag Lots-- special setback standards apply to flag lots in the RF-R2.5 zone (i.e., a 10-foot setback from all lot lines), and special landscape standards apply to flag lots that are 10,000 square feet or less in area in the R7-R2.5 zones (i.e., 5-foot deep perimeter landscaping is required on all four sides of the flag, 33.110.240.F). These standards apply to Parcel 2.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 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 32 feet from the new property line. The proposed new development will be 10 feet from its north property line. Therefore, the required setbacks are being met.

With the condition 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 regard to addressing requirements for flag lots and posting of "No Parking" signs in the flag pole driveway, ensuring adequate hydrant flow, fire apparatus access, aerial fire department access roads, and driving surfaces. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 2-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:

- Decommissioning of a cesspool;
- Water line disconnections and reconnections;
- Flag lot provisions;
- Acknowledgement of Tree Preservation and Tree Protection Plan;
- Future development of proposed Parcel 2;
- Fire Bureau access, hydrant flow, and addressing requirements.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in one standard lot and one flag lot, as illustrated with Exhibit C.1, subject to the following conditions:

A. The final plat must show the following:

1. A recording block for the Acknowledgement of Tree Preservation Requirements as required by Condition C.4 below. The recording block 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."

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

Utilities

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for decommissioning the existing cesspool on the site.
2. 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.
3. 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.


Required Legal Documents

4. If required by the Fire Bureau, the applicant shall execute an Acknowledgement of Special Land Use conditions. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.
5. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Parcel 2. 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.

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

1. Development on Parcel 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.2) and the applicant's arborist reports (Exhibits A.2 and A.3). Specifically, Tree 2, a 28-inch Douglas fir tree, is required to be preserved with the root protection zone indicated on Exhibit C.2.
2. Tree protection fencing is required along the root protection zone of the 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 zone 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 the specific methods of construction, and that the activities will be performed under his supervision.
3. The applicant must meet the Fire Bureau addressing and driving surface requirements, as necessary, to the satisfaction of the Fire Bureau; and the applicant must identify such improvements on the development permit.
4. After construction of the new driveway, the applicant shall reconstruct the existing sidewalk corridor to the satisfaction of the City Engineer. The sidewalk reconstruction must be consistent with the requirements of Title 17.

Staff Planner: Kathy Harnden

Decision rendered by:  on January 14, 2013
By authority of the Director of the Bureau of Development Services

Decision mailed: January 16, 2014

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 May 14, 2013, and was determined to be complete on November 7, 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 May 14, 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 for an additional 45 days. Unless further extended by the applicant, **the 120 days will expire on: April 21, 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,

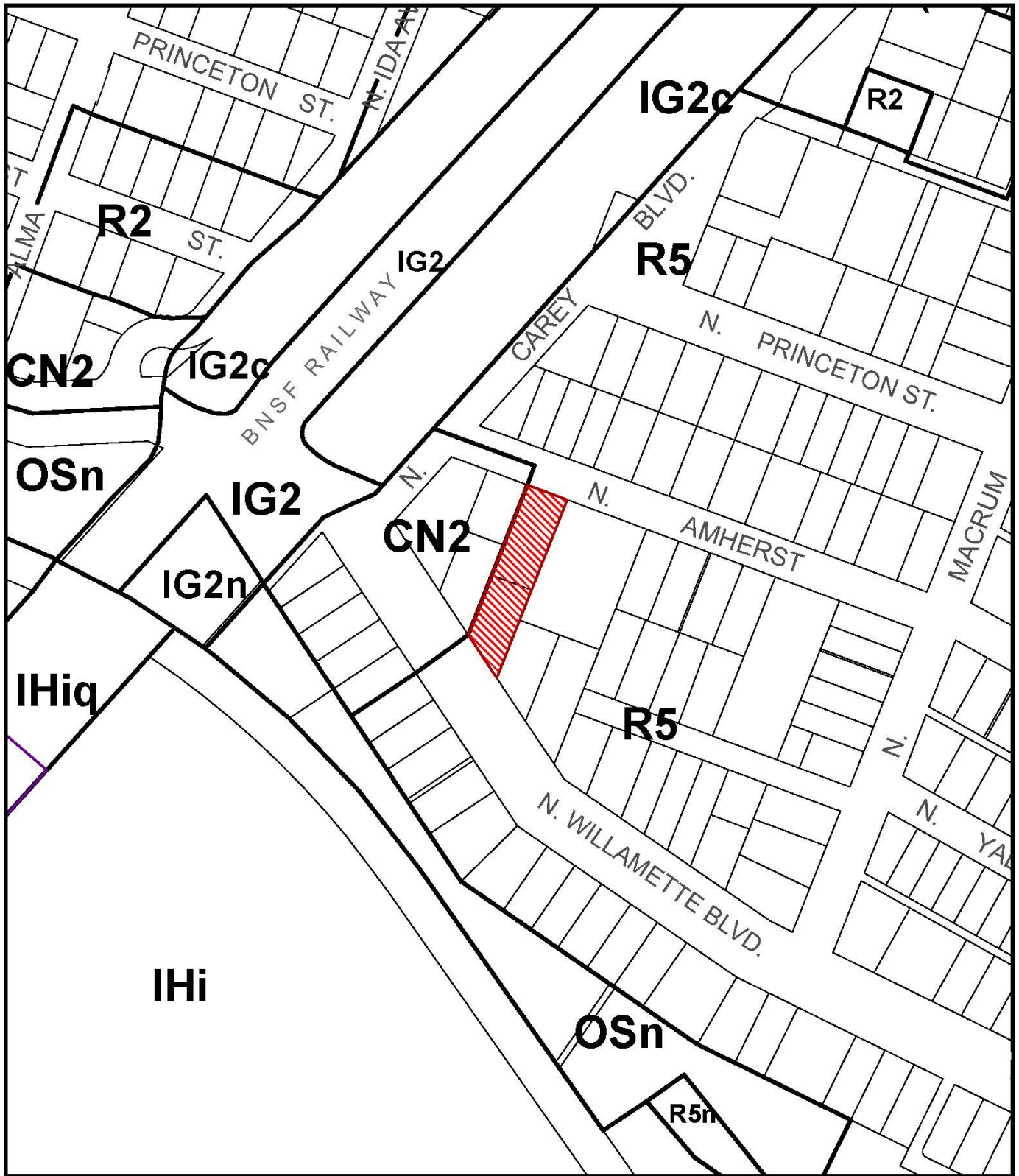
and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Initial Submittal
 - 2. Supplemental Narrative
 - 3. Simplified Approach Stormwater Report
 - 4. Transportation Impacts
 - 5. Supplemental Arborist Report
 - 6. 120-Day Extension Request
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat (attached)
 - 2. Site Plan, including utilities, tree preservation & existing development
- 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/BDS
 - 6. Urban Forestry/Bureau of Parks
 - 7. Life Safety/BDS
- F. Correspondence:
 - None
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter to Applicant with Service Bureau Comment Letters attached

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).



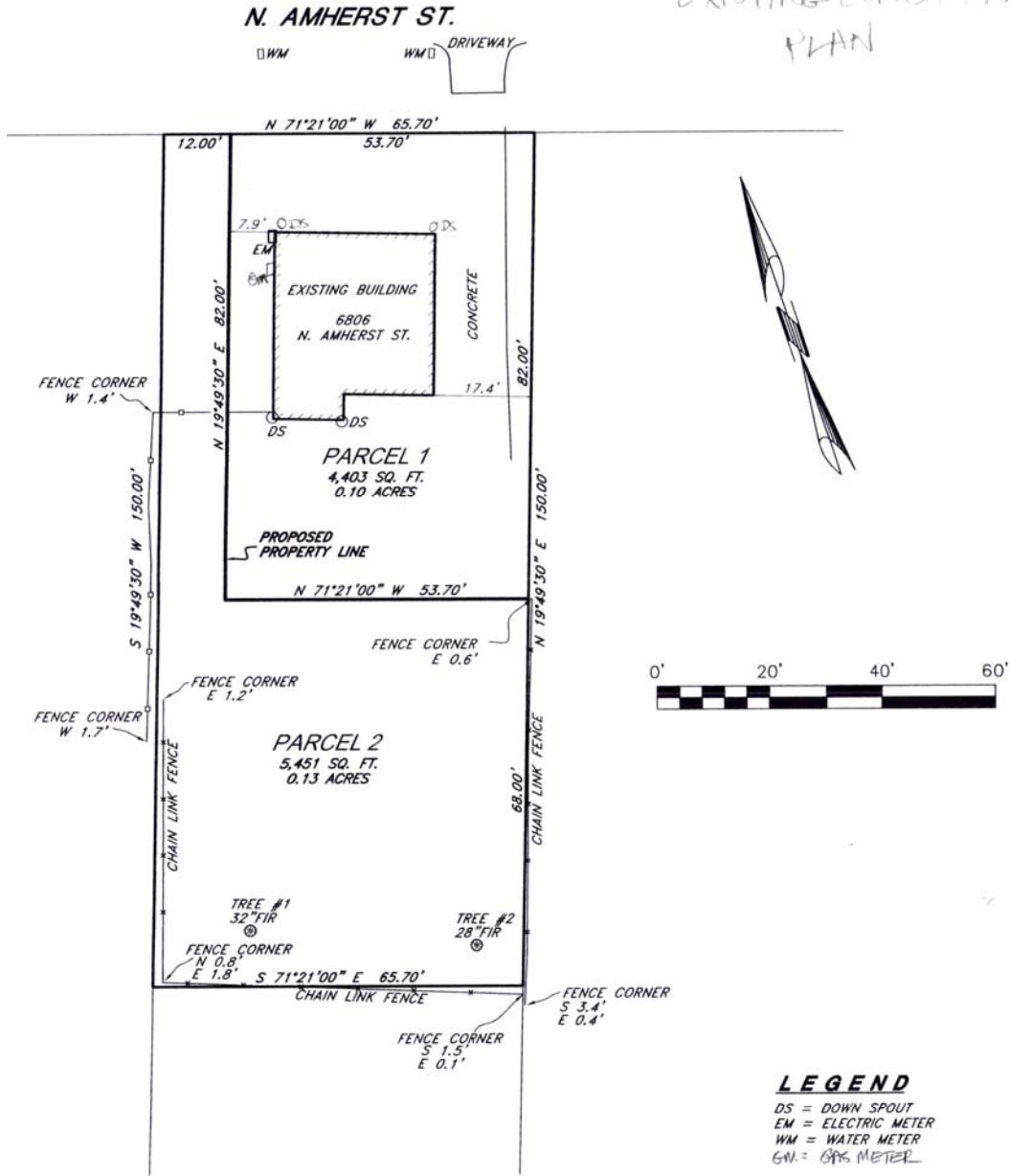
ZONING

 Site



File No. LU 13-153470 LDP
 1/4 Section 2223
 Scale 1 inch = 200 feet
 State_Id 1N1E07CB 6100
 Exhibit B (May 16, 2013)

PRELIMINARY LAND DIVISION
 EXISTING CONDITIONS
 PLAN



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Eric D. Jones

OREGON
 JULY 16, 1982
 ERRIC D. JONES
 1996

EXPIRES: 6-30-13

SUPPLEMENTAL PARTITION PLAT
 OF
 LOT 10, BLOCK 3, WILLAMETTE BOULEVARD AVENUE
 SITUATED IN THE
 S.W. 1/4 OF SECTION 7, T. 1 N., R. 1 E., W.M.
 CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON

R.S. GREENLEAF
 (1885-1915)
 MARSHALL BROTHERS
 (1915-1957)
 BOOTH & WRIGHT
 (1957-1977)
 SETON, JOHNSON & ODELL
 (1977-1983)
 CHASE, JONES &
 ASSOCIATES, INC.
 (1983-)

CHASE, JONES & ASSOCIATES INC.
 716 S. E. 11TH AVE. PORTLAND, OREGON 97214
 PHONE (503) 228-9844

PROJECT NO. 13349	1/4 SECTION 2223	DATE MARCH 27, 2013
DRAWN BY JJ	CHECKED BY EJ	SCALE 1" = 20'

MAY 9, 2013
 LV 13-153470 LDP Exhibit C.1

CONSTRUCTION ENTRANCE =
GRAVEL & BIOBAGS AS REQ'D
FOR EROSION CONTROL

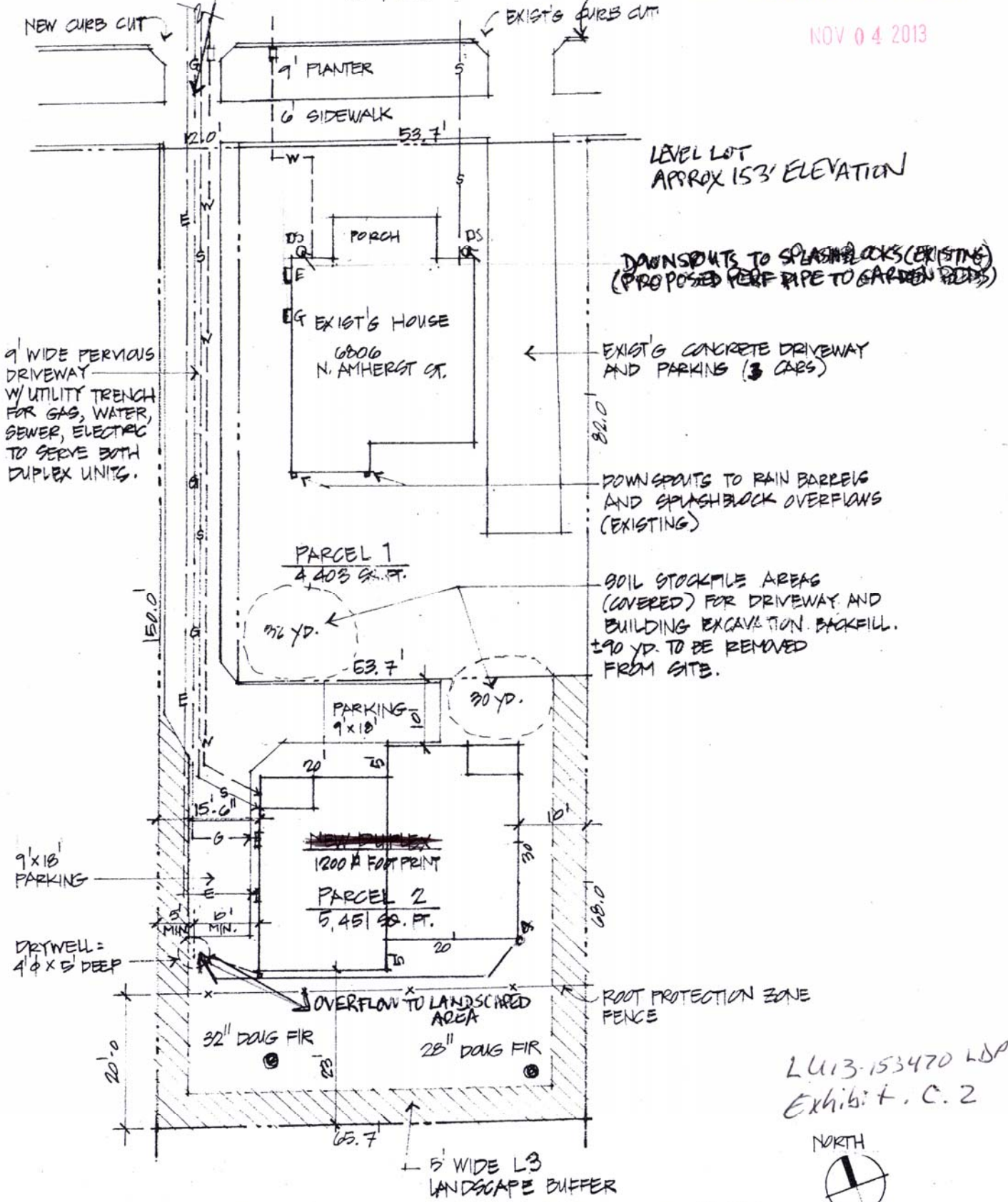
N. AMHERST ST.

60 R.O.W.

CURB HEIGHT = 6"

RECEIVED

NOV 04 2013



LEVEL LOT
APPROX 153' ELEVATION

DOWNSPOUTS TO SPLASHBLOCKS (EXISTING)
(PROPOSED PERF PIPE TO GARDEN BEDS)

EXISTING CONCRETE DRIVEWAY
AND PARKING (3 CARS)

DOWNSPOUTS TO RAIN BARRELS
AND SPLASHBLOCK OVERFLOWS
(EXISTING)

SOIL STOCKPILE AREAS
(COVERED) FOR DRIVEWAY AND
BUILDING EXCAVATION BACKFILL.
±90 YD. TO BE REMOVED
FROM SITE.

PARCEL 1
4,405 SQ. FT.

PARKING -
9x18'

1200 SQ. FT. FOOT PRINT

PARCEL 2
5,451 SQ. FT.

9x18'
PARKING

DRYWELL =
4' Ø X 5' DEEP

OVERFLOW TO LANDSCAPED
AREA

ROOT PROTECTION ZONE
FENCE

32" DOUG FIR

28" DOUG FIR

L113-153470 LDP
Exhibit C.2



SITE PLAN • 1" = 20'-0"

GALSKY LAND DIVISION

UTILITIES, CLEARING, TREE PRESERVATION, EXISTING CONDITIONS