



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** March 10, 2014  
**To:** Interested Person  
**From:** Stacey Castleberry, 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. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 13-214734 LDP**

#### **GENERAL INFORMATION**

**Owners:** Stephen A. Cookson & Kenneth R. Hoyt II  
4150 SE Crystal Springs Boulevard / Portland, OR 97202-7917

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

**Site Address:** 4150 SE Crystal Springs Boulevard

**Legal Description:** INC PT VAC ST LOT 1, PARTITION PLAT 2009-75

**Tax Account No.:** R649892970 (R632431)

**State ID No.:** 1S2E19CC 08801 **Quarter Section:** 3835

**Neighborhood:** Woodstock Neighborhood Assn., Terry Griffiths: 503-771-0011.

**District Coalition:** Southeast Uplift Neighborhood Prgm., Bob Kellett: 503-232-0010.

**Zoning:** R5 (Residential 5,000)

**Case Type:** LDP (Land Division – Partition)

**Procedure:** Type Ix (Administrative decision with appeal to the Oregon Land Use Board of Appeals [LUBA]).

**Proposal:** The applicant proposes to divide the existing 13,000 square foot site into two lots for detached, single-family homes. The existing house will remain on Parcel 1 (8,490 square feet), and a new home is proposed on Parcel 2 (4,510 square feet). Parcel 1 will be approximately 90 feet in width and 100 feet deep; Parcel 2--40 feet wide and 100 feet deep. One 20-inch diameter Noble fir tree is proposed to remain, to address tree protection requirements.

There is an existing public water main and a combined gravity sewer main line in SE Crystal Springs Boulevard. Individual connections to these lines are proposed by the applicant. Stormwater from future development on Parcel 2 is proposed to be managed onsite with a drywell.

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 (2 parcels). Therefore this land division is considered a partition.

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).

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

## FACTS

**Site and Vicinity:** The site is located southwest of the intersection of SE Crystal Springs Boulevard and SE 42<sup>nd</sup> Avenue. It is situated approximately ½ mile from the south end of Eastmoreland Golf Course, in inner Southeast Portland. The area is surrounded by developed Residential 5,000 neighborhoods to the north, with lower density residential neighborhoods to the south (Residential 10,000).

The rectangular parcel, 13,000 square feet in area, measures 130 feet wide by 100 feet deep. It is a relatively level site, currently developed with a single dwelling residence, patio, pool, and garage, covering approximately 4,000 square feet. The properties directly adjacent to the subject are all single family residential homes.

Street patterns in the area create gridded blocks varying from 400 to 700 feet long, by 200 feet wide. Johnson Creek lies approximately 400 feet south of the site and flows into Tideman-Johnson Natural Area roughly 800 feet southeast of the site.

### Infrastructure:

- **Streets** – The site has approximately 130 feet of frontage on SE Crystal Springs Boulevard, with one driveway entering the site to serve the existing house. The property is zoned R5 and on a Local Walkway and Local Traffic Street. At this location, SE Crystal Springs Boulevard is classified as a City Bikeway, Major Emergency Response Street, and a Local Service Street for all other modes. It has a 28-foot curb to curb paved surface within a 50-foot right-of-way, with parking on both sides. It is improved with an 11-foot sidewalk corridor with a 4-foot wide planter area, curb, 6-foot sidewalk and a 1-foot wide buffer at the back of the sidewalk. Tri-Met provides transit service approximately 950 feet from the site at SE 45th Avenue via Bus #75.
- **Water Service** – There is an existing 8-inch CI water main in SE Crystal Springs Boulevard. The existing house is served by a 5/8-inch metered service from this main (Serial #20142988, Account #2978182900).
- **Sanitary Service** - There is an existing public 15-inch concrete combined sewer in SE Crystal Springs Blvd (BES as-built #1606).

BES is currently doing sewer rehabilitation work in the Eastmoreland and Woodstock neighborhoods. The sewer described above is included in the project scope, and therefore is slated to be either replaced or lined-in-place, but the sequencing of the project has not yet been fully determined; therefore it is unknown at this time when work will begin in this site's frontage. Overall project work is scheduled to be completed by June 1, 2015.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant proposes a private drywell for lot and rooftop drainage on Parcel 2. The applicant provided a geotechnical report indicating that a reduced slope setback will be acceptable for the drywell.

**Zoning:** The Residential 5,000 (R5) zoning designation is one of the City's single-dwelling zones 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 R5 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 3,000 square feet. Newly created lots are limited to a maximum density of 1 lot per 5,000 square feet of site area.

**Land Use History:** City records indicate prior land use reviews for this site, including the following:

LU 07-111528 VA approved vacation of SE 42<sup>nd</sup> Ave, along the east side of the subject site.

LU 09-121750 LC AD approved consolidation and Adjustment of lots 1, 2, 3 and 4, block 10, Stanford Heights into one parcel. The Lot Consolidation was a condition of approval of LU 07-111528 VA. The Adjustment review approved adjusting the maximum lot size to allow a 10,000 square-foot parcel. The maximum lot size allowed in the R5 zone is 8,500 sq. ft.

**Agency Review:** Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits E.1 through E.7 in the application case file contain the complete responses.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **December 2, 2013**. One e-mailed response was received from a notified property owner in response to the proposal (see Exhibit F.1 in the application case file).

The neighbor expressed concerns regarding impacts to the existing laurel hedge situated on the project site, along its east property line. Their concerns are that future development on the new Parcel 2 will ultimately destroy the hedge which provides privacy between the 2 properties. The neighbors request conditions of approval to be applied to this land division that would require the applicant to provide the same level of privacy that the hedge provides, and to compensate the neighboring property for any damage to their property. They also request that they be provided information about the height of the future buildings on the site prior to [building] approval.

*Staff Response:* With regards to potential future impacts to the laurel hedge existing on Parcel 2 of the proposed land division, physical development on Parcel 2 is not reviewed as part of this Land Division Review. Site plans have been provided by the applicant to demonstrate that development *could* occur on Parcel 2, in conformance with the Zoning Code development standards applicable to the parcel after it is created. However, the site plans showing the possible future layout of Parcel 2 are not binding. Therefore, while it is possible that the hedge existing on Parcel 2 may be removed, this land use review does not guarantee its removal. Further, the hedge exists on the property owned by the applicant, and there are no Zoning Code limitations or standards that apply to preserving or removing the hedge. Further still, *Prunus laurocerasus* (English laurel) is listed as a nuisance species by the *Portland Plant List* and is considered to be invasive.

With regards to providing information about the height of future development on Parcel 2, as with any R5 zoned lot the maximum allowed height for structures that meet the setback requirements is 30 feet. For a garage that is within the side setback, the Zoning Code allows a maximum height of 15 feet. Development that meets these standards are allowed by right in the R5 zone, where no Plan District or overlay zones apply.

## 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	A phased land division or staged final plat has not

	Division or Staged Final Plat	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). 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 & 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 Zoning Code 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. Minimum density in the R5 zone is 80 percent of the maximum density of one unit per 5,000 square feet. The site has a minimum required density of 2 units and a maximum density of 2 units. The applicant is proposing 2 single family parcels. The density standards are therefore met.

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 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)
<b>R5 Zone</b>	3,000	8,500	36	50	30
Parcel 1	8,490		90	100	90
Parcel 2	4,510		40	100	40

\* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

The findings above 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.3). 1 tree has been exempted because it is a nuisance species, 3 trees are subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 47 inches. The applicant proposes to preserve tree #1, which comprises 20 inches of diameter, or 42 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 Preliminary Grading Plan (see attached Exhibit C.5).

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 Parcel 2 be carried out in conformance with the Preliminary Grading Plan (Exhibit C.5), and the applicant's arborist report (Exhibit A.3) 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, the Alternative Tree Preservation Plan describes how the 20-inch Noble fir will be protected during residential construction on Parcel 2. This criterion is met.

***Land Suitability***

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

**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.

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

The net increase of one single-family residence can be expected to generate 10 daily vehicle trips with 1 trip occurring in the AM and PM Peak Hours. This negligible increase will not have any significant impact on intersection levels of service or street capacity. On-site parking meeting Title 33 will be required for both lots limiting the impact to the on-street parking supply. Transit service is available by TriMet Bus Route #10 at SE Rex Street and SE 32<sup>nd</sup> Avenue approximately 0.7 miles northwest of the site. The local roadways in the vicinity are improved with sidewalks along both sides. Bicycles can share these low traffic and low volume streets. PBOT finds the transportation system can safely serve the additional residence in addition to existing uses in the area.

PBOT has reviewed and concurs with the information supplied, the methodology, assumptions and conclusions made by the applicant's traffic consultant. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. 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:** 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:

<b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.
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.
<b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.
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.
<b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibit E.1 for detailed comments.
The applicant has proposed the following stormwater management methods <ul style="list-style-type: none"> <li>• <b>Parcel 2:</b> Stormwater from Parcel 2 will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. Parcel 2 has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywell.</li> <li>• <b>Parcel 1 (the lot with the existing house):</b> Stormwater from the existing house is connected to a combined sewer in SE Crystal Springs Boulevard.</li> </ul>
<b>33.654.110. B.1 Through streets and pedestrian connections</b>
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, On February 11, 2009, Portland City Council passed Ordinance No. 181923 approving vacating SE 42nd Avenue where it crossed the subject property.

Ordinance No. 181923 states that the vacation is consistent with recommendations made by the City Engineer and Planning Commission, as provided in the City Engineer's Report, dated February 12, 2008, and on file with the Office of the City Auditor and the Office of Transportation.

The existing block within which the site is located is representative of the block pattern in the general area in terms of orientation and width/length. As with other blocks in the area, the subject block is primarily built out with the type and density of the expected housing for the area's zoning, and satisfies the above referenced connection goals. PBOT has no concerns relative to connectivity or locations of rights-of-way associated with the proposed land division partition. Furthermore, characteristics of the site deem this area as inappropriate for a street connection. Just south of the site the area has slopes of 20% or greater making access challenging. In addition, the area is forested and in the environmental conservation zone. For these reasons a through-street is not appropriate or practicable.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

For the reasons described above, this criterion is met.

**33.654.120.B & C Width & elements of the right-of-way** – See Exhibit E.2 for bureau comment

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is 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**

Zoning Code development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

**Existing development that will remain after the land division.** The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance with 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 6.7 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues

to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.

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.

<b>Bureau</b>	<b>Code Authority and Topic</b>
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	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 ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement. 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.3). 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 future development of Parcel 2.

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 standard lots as illustrated with Exhibit C.3, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.

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

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

1. The applicant shall meet the requirements and hydrant spacing requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant, and hydrant spacing requirements. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met for flow, the exception is used, or provide an approved Fire Code Appeal prior final plat approval; and must provide verification that Appendix C is met for hydrant spacing, or provide an approved Fire Code Appeal prior final plat approval.

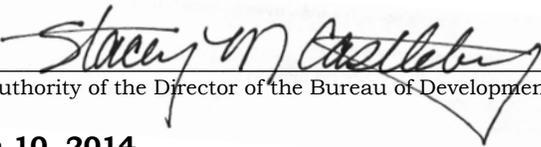
**Required Legal Documents**

2. 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.5) and the applicant's arborist report (Exhibit A.3). Specifically, tree number 1, is required to be preserved, with the root protection zones indicated on Exhibit C.5. 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 shall meet the addressing requirements of the Fire Bureau for Parcel 2. The location of the sign shall be shown on the building permit plans.
3. The applicant shall provide a fire access way that meets Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
4. The final plat shall meet minimum fire flow demand. The required fire flow and the number of fire hydrants required is based on the square footage of the proposed structure as noted in Appendix B and C of the Fire Code. If the proposed size of development on Parcel 1 or 2 requires additional fire flow or additional fire hydrants, it will be required at the time of development.

**Staff Planner: Stacey M Castleberry**

**Decision rendered by:**  **on March 6, 2014.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 10, 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 October 9, 2013, and was determined to be complete on November 19, 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 October 9, 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 extended the 120-day review period for an additional 60 days. Unless further extended by the applicant, **the 120 days will expire on: May 18, 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](http://www.portlandonline.com).

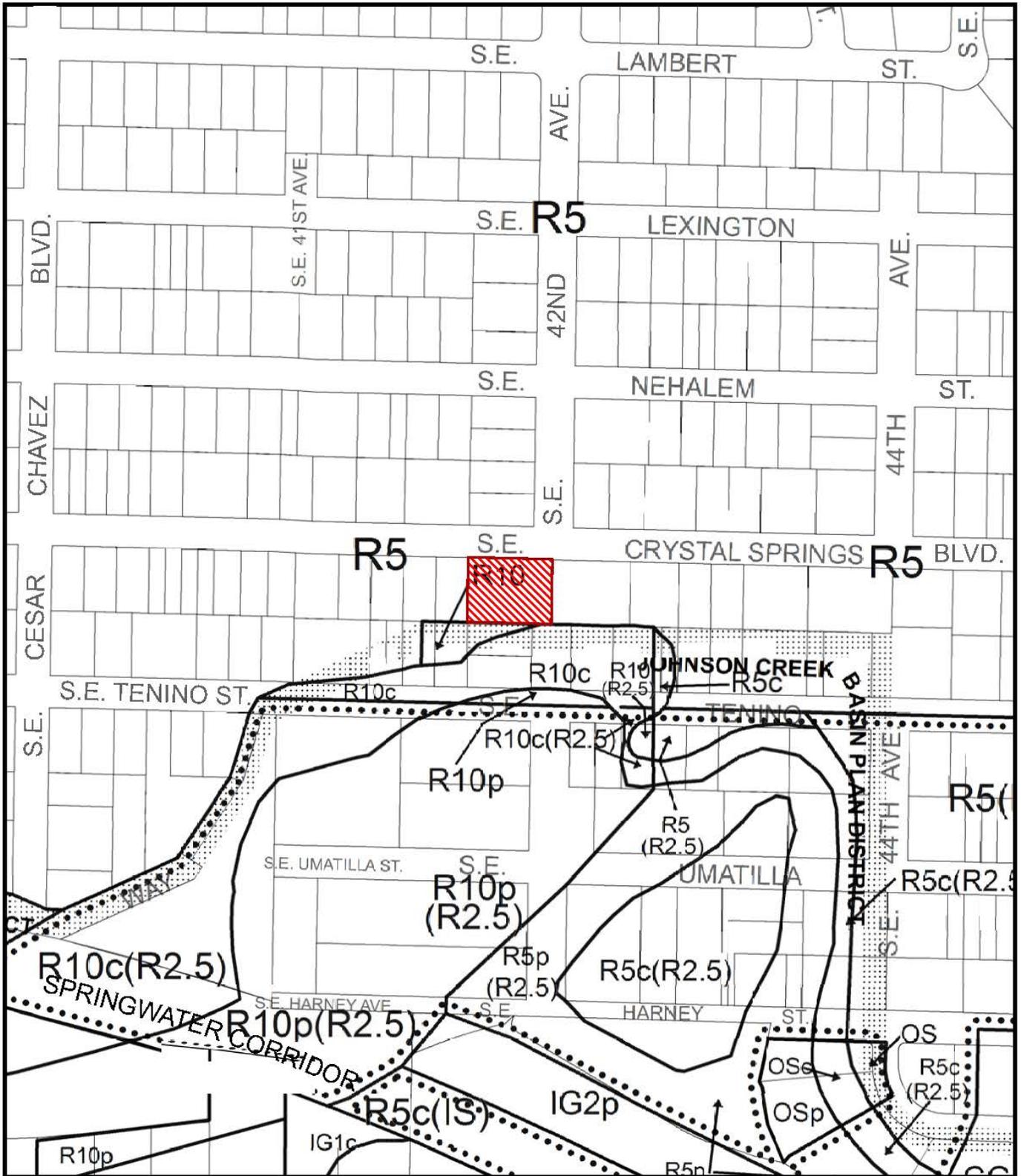
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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 Statements
  - 1. Land Division Approval Criteria – Single Dwelling Zones
  - 2. Response to Incomplete Letter
  - 3. Alternative Tree Preservation Plan
  - 4. Soil Infiltration Testing Results
  - 5. Simplified Approach for Stormwater Management
  - 6. Geotechnical Report regarding drywell location
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Cover Sheet
  - 2. Existing Conditions
  - 3. Preliminary Plat (attached)
  - 4. Preliminary Utility Plan
  - 5. Preliminary Grading Plan (attached)
  - 6. Stamped Site Survey
- 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 Review Section of BDS
- F. Correspondence:
  - 1. Michael and Audreann Slover, e-mailed message of January 1, 2014: Privacy Concerns.
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter
  - 3. LU 09-121750 LC AD Notice of Decision
  - 4. Ordinance No. 181923

**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

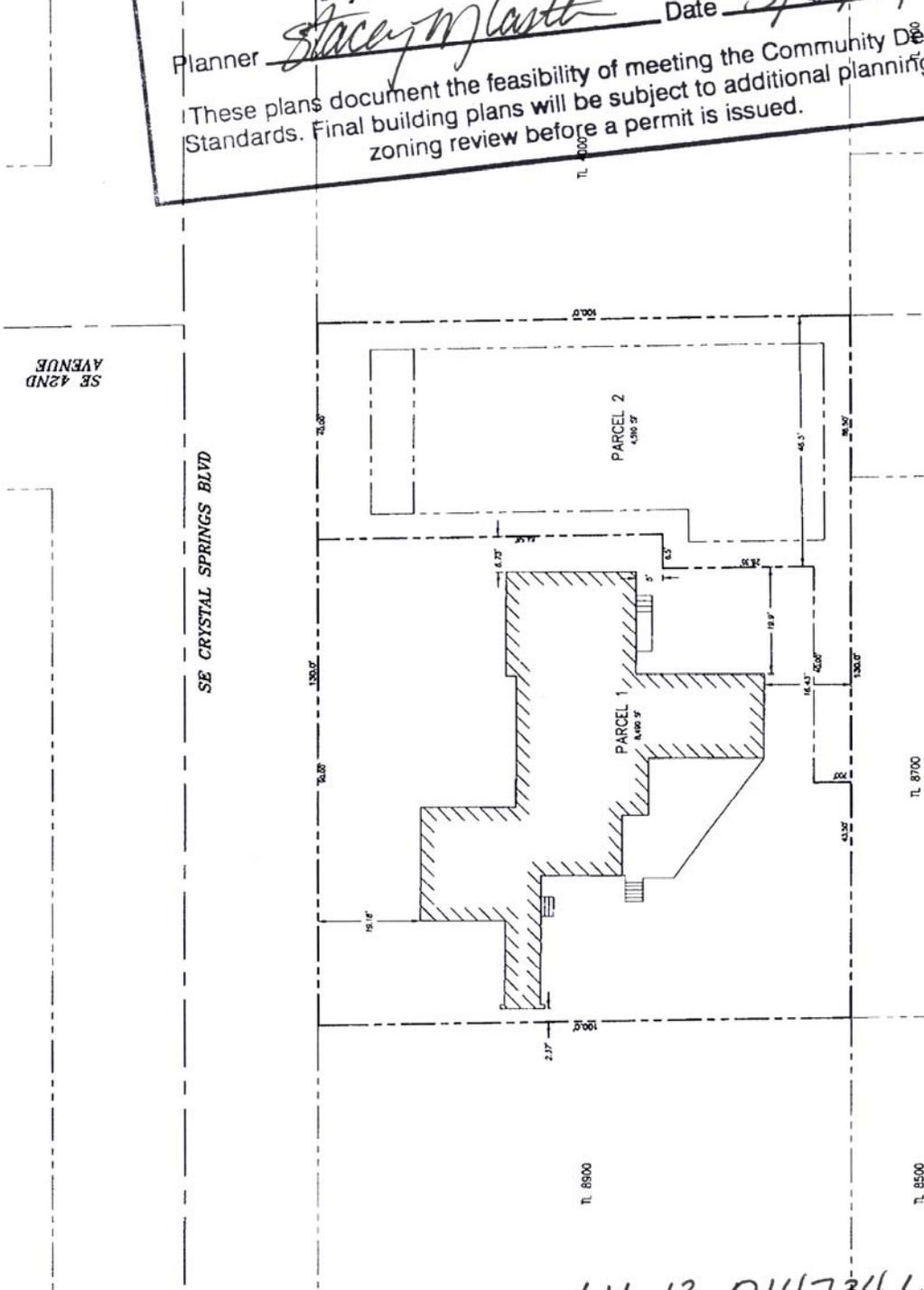
File No.	LU 13-214734 LDP
1/4 Section	3835
Scale	1 inch = 200 feet
State_Id	1S2E19CC 8801
Exhibit	B (Oct 16, 2013)



**LEGEND**  
 --- PROPERTY LINE  
 --- EXISTING/PROPOSED LOT LINE  
 --- EXISTING LOT LINE  
 --- SET BACK LINE

**SETBACKS**  
 FRONT: 10 FT.  
 GARAGE: 18 FT.  
 REAR: 5 FT.  
 SIDE: 5 FT.

City of Portland - BDS - Land Division Review  
 Planner Stacey M. Lantz Date 3/6/14  
 These plans document the feasibility of meeting the Community Design Standards. Final building plans will be subject to additional planning and zoning review before a permit is issued.



LU 13-214734 LDP  
 Exhibit C. 3

NO.	DATE	DESCRIPTION

**EMERIO**  
*Engineering*  
 6107 SW MURRAY BLVD, SUITE 147  
 BEAVERTON, OREGON 97008  
 PH: (503) 519-5528

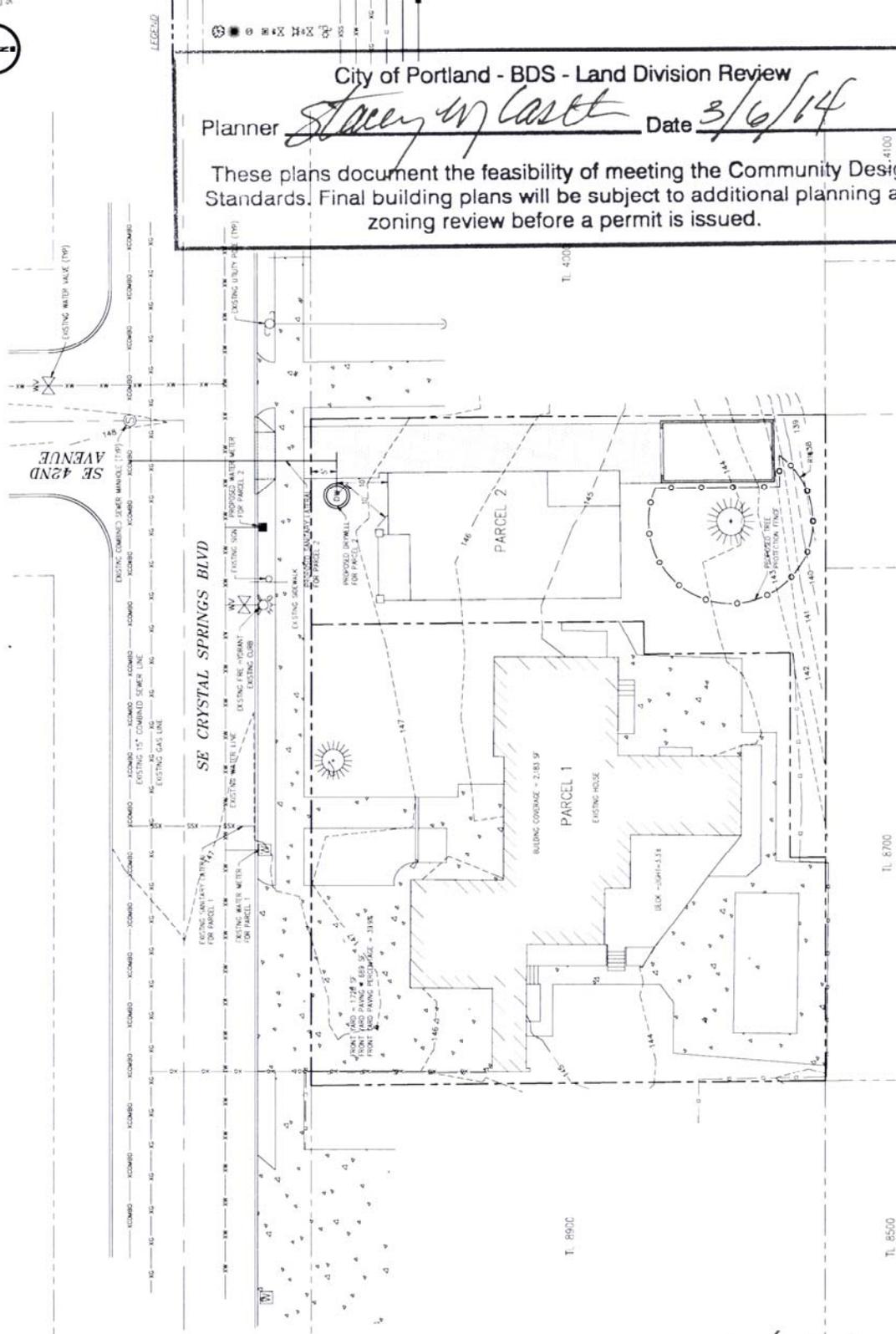


- LEGEND**
- BOUNDARY LINE
  - ADJACENT/ADJOINING LOT LINE
  - CENTER LINE ROW
  - EXISTING DECEDUOUS TREE
  - EXISTING CONIFEROUS TREE
  - EXISTING SANDY/SERBER MANNHOLE
  - EXISTING WATER METER
  - EXISTING WATER VALVE
  - EXISTING FIRE HYDRANT
  - EXISTING GAS VALVE
  - EXISTING UTILITY AND LIGHT POLE
  - EXISTING SANDY/SERBER LINE
  - EXISTING WATER LINE
  - EXISTING GAS LINE
  - EXISTING FENCE LINE
  - PROPOSED SANITARY LATERAL
  - PROPOSED WATER METER

**City of Portland - BDS - Land Division Review**

Planner Stacey W. Carter Date 3/6/14

These plans document the feasibility of meeting the Community Design Standards. Final building plans will be subject to additional planning and zoning review before a permit is issued.



LU 13-214734 LDP  
 Exhibit C.4