



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** July 28, 2014  
**To:** Interested Person  
**From:** Kate Green, 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 13-241486 LDP**

#### **GENERAL INFORMATION**

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

**Property Owners:** Amy K Nyberg & Derrick J Walker  
4937 SW Nevada Crt/Portland OR 97219

**Site Address:** 4937 SW NEVADA COURT  
**Legal Description:** W 12' OF LOT 11, LONG MEADOW; LOT 12, LONG MEADOW  
**Tax Account No.:** R506500350, R506500370  
**State ID No.:** 1S1E19AA 06400, 1S1E19AA 05900  
**Quarter Section:** 3724  
**Neighborhood:** Maplewood / Claire Carder at 503-880-6503  
**District Coalition:** Southwest Neighborhoods Inc. / Leonard Gard at 503-823-4592  
**Zoning:** Single Dwelling Residential 7,000 (R7)  
**Case Type:** Land Division-Partition (LDP)  
**Procedure:** Type IX, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA)

**Updated Proposal:** The applicant requests a **Land Division-Partition** to divide an approximately 19,800 square foot property into 2 parcels. Parcel 1 will be approximately 9,793 square feet in area. Parcel 2 will be approximately 9,795 square feet. A 2-foot right-of-way dedication is proposed along the SW Nevada Court frontage.

*Initially, the applicant indicated an existing house would be retained and an existing garage, shed, and driveway would be removed from the site. The applicant now proposes to remove all existing structures and redevelop the property with a new detached house on each parcel.*

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

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

## FACTS

**Site and Vicinity:** The site is approximately 19,800 square feet and is developed with a single story house, a detached garage and a detached shed. The site slopes down moderately from the frontage along SW Nevada Court, and is otherwise relatively flat. There are numerous large trees located throughout the site.

There is a wooded stream channel located approximately 300 feet to the east and the nearby streets terminate or are undeveloped near the stream corridor. An elementary school (Maplewood Elementary) is located approximately 600 feet to the southwest of the site. The balance of the surrounding development consists of one and two story single story homes.

### **Infrastructure:**

**Streets** – The site has approximately 150 feet of frontage on SW Nevada Court. At this location, SW Nevada Court is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). The street frontage is improved with a 20-foot wide center strip of paving within a 50-foot wide right-of-way. There are currently no curbs or sidewalks at this location.

SW Nevada Court is effectively a dead-end street, since the paved roadway ends approximately 100 feet east of the subject site and the right-of-way is undeveloped beyond that point.

There is one driveway that serves the existing residence on the site.

Tri-Met provides transit service approximately 700 feet west of the site via Bus Line #1.

**Water Service** – There is an existing 4-inch CI water main in SW Nevada Court. The existing house is served by a 5/8-inch metered service from this main. New water and sanitary services must meet the separation requirements required by city and state regulations.

**Sanitary Service** - There is an existing 8-inch CSP sanitary sewer in SW Nevada Court. Within a public sewer easement on the adjacent property to the north there is an 8-inch CSP sanitary sewer.

**Zoning:** The subject site is located in the **Single Dwelling Residential 7,000 (R7)** zone. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

**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 **May 12, 2014**. 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.
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 33.610 contains the density and lot dimension requirements applicable in the R7 zone. Based on a site area of 19,786 square feet and the density calculations in 33.610.110.C, the maximum density for the site is 2 units and the minimum density is 1 unit (per 33.610.100.E). The applicant is proposing 2 parcels for detached single-dwelling houses.

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)
<b>R7 Zone</b>	4,200	12,000	40	55	30
Parcel 1	9,793		49	197	49
Parcel 2	9,795		49	197	49

\* 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 applicant provided an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.1).

Some of the trees have been exempted because they are small, unhealthy or dead, or located partially off the property. The total non-exempt tree diameter on the site is 486 inches. The applicant proposes to preserve nine trees (Trees 10, 11, 12, 16, 17, 18, 19, 20, and 21), which comprise of 177 inches of diameter, or 36 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 Site/Utility Plan (Exhibit C.3). However, within the proposed root protection zone for the nine trees that are required to be preserved, there are five other trees. Three of these trees are identified as exempt and two are noted for no protection. It is unclear if the applicant intends to retain those trees or remove them, and the arborist report does not address how those five trees could be removed to avoid damaging the nine trees that must be protected. If any of those five trees are to be removed, the applicant will be required to provide an updated arborist report to demonstrate how the removal can occur without damaging the nine trees that must be protected, and this will be evaluated at the time of development.

Additionally, due to the required street dedication, discussed in more detail in Criterion L, below, nine trees along the SW Nevada Court frontage will become right-of-way trees and those trees will be regulated by the Urban Forester. Two of those right-of-way trees (Trees 32 and 39) are noted for removal on the applicant's plan (Exhibit C.2). However, both of those trees appear they will straddle the new south lot line after the right-of-way dedication. As noted in the Urban Forestry response (Exhibit E.6), none of the right-of-way trees can be removed through the land use review, and any removal will need to be evaluated by Urban Forestry at the time of development. To ensure clarity about the regulating agency for the street trees, BDS-Land Use staff will add a note to this effect on an amended Preliminary Site/Utility/Tree Preservation Plan (Exhibit C.2).

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, which spells out that development on Parcel 1 must be carried out in conformance with the Preliminary Site/Utility/Tree Preservation Plan (Exhibit C.2), as amended by BDS-Land Use staff, and the applicant's arborist report (Exhibit A.1)

With such conditions, this criterion will be met.

**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: The site is not located within the Potential Landslide Hazard Area and does not have steep (>20%) slopes; however, the site does slope down moderately from the street and is then more gently sloped to the north across the balance of the site.

Grading will be needed to provide vehicular access to each parcel and to install utilities to serve the new houses. Some grading and tree removal may also be necessary for the removal of the existing structures; otherwise, no significant clearing or grading appears necessary to make the new lots developable.

Further, the trees that are proposed for preservation are located in the northeast corner of Parcel 1, which is outside of any proposed development area.

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 remove the existing house, detached garage, and detached shed and redevelop the site. In order to ensure that the new lots are suitable for development, permits must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval.

Also, although the site is currently connected to the public sanitary sewer, there is an old sewage disposal system on the site. The City has no record that this facility was ever decommissioned. Therefore, prior to final plat, the applicant must meet the requirements of BDS-Site Development for the decommissioning of this facility. With a condition requiring final inspection for a decommissioning permit, the new lots can be considered suitable for new development.

As further discussed in Criterion L, below, BES notes that the existing sewer service may not be reused for future development on Parcel 1. BES indicates new connections to the existing sanitary sewer line in SW Nevada Court must be installed to serve both of the proposed parcels, which will allow the parcels to be developed for the uses intended in the R7 zone.

Based on these factors and with the noted conditions, the new lots can be considered suitable for development. As such, this criterion will be met.

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

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

Both proposed lots will be interior lots on the north side of an east-west street (SW Nevada Court). In this context there is no preference that any one lot be wider or narrower than the other lots. As such, 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. 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.

Portland Transportation reviewed the proposal for consistency with these factors and provided the following:

*Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:*

- 1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.*
- 2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.*

*The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.*

*Referring to the ITE Trip Generation Manual, 9<sup>th</sup> 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 transit service along SW Nevada Ct via Tri-Met route # 1 [Vermont]. There are no existing sidewalk corridors throughout the vicinity to facilitate pedestrian travel. However, the surrounding area is mostly residential development and the Local Service streets that serve the neighborhood are low volume/low speed, and therefore can easily accommodate pedestrian travel on area wide roadways/shoulders. There are identified bike facilities (Portland Bike/Walk Map) in the area including On-Street Routes along SW Nevada Ct, SW 51<sup>st</sup> and SW 52<sup>nd</sup> Aves and SW Vermont.*

*With regard to impacts to on-street parking, the new residences that will be developed on the site will include on-site parking opportunities for at least one vehicle on each parcel, with access via separate curb cuts/driveways. A survey of the homes in the area shows lengthy driveways with garages to accommodate multiple vehicles. On-street parking does not appear to be in high demand along this segment of SW Nevada Ct. The additional curb-cut/driveway will not result in detrimental impacts to on-street parking.*

*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 the foregoing, 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:

**33.651 Water Service standard** – 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.

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

The Bureau of Environmental Services has indicated that sanitary sewer service is available to the site, as noted on page 2 of this report, so the standards of 33.652 have been verified.

BES reviewed the project plans and provided the following comments:

*The submitted utility plan shows a new connection to the public sewer in SW Nevada Ct for future development on Parcel 2, which is acceptable. The existing residence (4937 SW Nevada Ct) has a connection to the sewer north of the site, but that residence will be demolished and the sewer line must be capped. BES' preferred route of sanitary service for future development on Parcel 1 is to the public sewer in SW Nevada Ct. Therefore prior to final plat approval, the applicant must submit a supplemental plan showing proposed sewer service for both parcels to the public sewer in SW Nevada Ct.*

With the implementation of the noted condition about submitting a Supplemental Plan showing that each parcel will have a sanitary connection to SW Nevada Court, this condition will be met.

**33.653.020 & .030 Stormwater Management criteria and standards** – See Exhibits E.1

No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods:

**Parcels 1 and 2:** Stormwater from these lots will be directed to individual soakage trenches that will treat the water and slowly infiltrate it into the ground. BES has indicated conceptual approval of the soakage trenches. BES has noted that the sizing of the facilities will have to be refined at the time of building permit review, and each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home.

**Public Street Improvements:** No public stormwater management facilities are required at this time, since Portland Transportation will allow the applicant to provide street and storm sewer waivers to defer the street improvements.

**33.654.110.B.1 Through streets and pedestrian connections**

Generally, through streets should be provided no more than 530 feet apart, and pedestrian connections should be provided no more than 330 feet apart, and through street and pedestrian connections should be at least 200 feet apart

Portland Transportation evaluated the proposal for connectivity and provided the following:

*No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The neighborhood within which the subject site is situated has a variety of block sizes and orientations. Some of these blocks satisfy both of the above referenced connectivity goals, while other blocks only satisfy one of the two goals. The subject block satisfies the above referenced public street connectivity goal, but the pedestrian connection goal is not satisfied.*

However, due to the site's position along the block, Portland Transportation notes that the subject site is not in a desirable location for a pedestrian connection. Therefore, based on these factors, the current conditions do not warrant any new through street or pedestrian connections at this location. As such, this criterion is met.

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

The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features. These standards also call for the roadway to include a turnaround, when required by the City Engineer, the Fire Bureau, or BDS.

Portland Transportation reviewed the proposal and provided the following comments:  
*At this location, based on City GIS resources, SW Nevada Ct is improved with 20-ft of center-strip paving width within a 50-ft wide r.o.w. (no curbs or sidewalks).*

*The proposed development on the site would typically trigger standard frontage improvements. For sites zoned R7, the City's public r.o.w. standards document requires a 54-ft r.o.w. width to accommodate a 26-ft roadway width (which would allow parking along both sides) & two 14-ft wide sidewalk corridors (0.5-ft curb, 8-ft stormwater management facility, 5-ft sidewalk & 0.5-ft frontage zone). To accommodate the above referenced frontage improvements, the applicant will be required to dedicate 2-ft of property (assuming the standard 8-ft wide stormwater management facility will be appropriate for the site specific needs). Dedication may vary depending on the site specific designed facility. The dedication can occur as part of the Final Plat stage of this land use review.*

*However, in April of this year, the applicant filed a Public Works Alternative Review seeking a waiver of the above referenced frontage improvements requirements. The City's Public Works Alternative Review Committee approved the applicant's request, with a condition to (continue to) require the 2-ft dedication of property. Additionally, the applicant will be required to submit completed and executed street and storm sewer waivers of remonstrance in lieu of the actual frontage improvements.*

Additionally, as noted in the description of the site and surrounding area, SW Nevada Court is effectively a dead-end street, since the roadway improvements terminate approximately 300 feet east of the site, adjacent to a nearby stream corridor. Given this, the Fire Bureau initially noted that the proposal would need to provide an approved area for turning around fire apparatus (Exhibit D.4.a). However, the applicant subsequently requested an appeal of that requirement, which was approved per Fire Code Appeal 14-38. As such, the applicant must comply with the conditions of that appeal, and the Fire Bureau will not require the roadway width to change to include a turnaround. Neither the City Engineer nor BDS have called for a turnaround at this location.

Based on the foregoing, with the noted conditions, this criterion will be 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. As such, this criterion is met.

**DEVELOPMENT STANDARDS**

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

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



## 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 <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.

- Fire Bureau: The applicant must meet the requirements of the Fire Bureau in regards to fire apparatus access, the conditions of approval for Fire Code Appeal 14-38, fire flow/water supply, fire hydrant spacing, addressing, and aerial fire department access roads. These requirements are based on the technical standards of Title 31 and the 2007 Oregon Fire Code, and Fire Code Appeal 14-38.
- Urban Forestry: Trees that are located in the right-of-way or those that will be located within the right-of-way after the required dedication are subject to the regulations of Urban Forestry. This requirement is based on the standards of Title 20.

## 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:

- Right-of-way dedication
- Demolition and removal of existing structures and onsite sanitary system
- Tree Preservation
- Sanitary sewer connections
- Fire Bureau requirements

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 2 standard lots as illustrated with Exhibit C.1, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- The proposed sewer service for both parcels to the public sewer in SW Nevada Court; and
- Any other information specifically noted in the conditions listed below.

**B. The final plat must show the following:**

1. The applicant shall meet the street dedication requirements of the City Engineer for SW Nevada Court. The required right-of-way dedication must be shown on the final plat.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Conditions C.8 and C.9 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "An Acknowledgement of Special Land Use Conditions has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

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

**Streets**

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

**Utilities**

2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for decommissioning the existing sanitary sewer system on the site.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal.
4. The applicant shall meet the requirements of the Fire Bureau for fire hydrant spacing. The applicant must provide verification that Appendix C of the Fire Code is met to the satisfaction of the Fire Bureau. If a new hydrant is required by the Fire Bureau, the applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant. The applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.
5. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire apparatus access. If an exception is taken, an Acknowledgement of Special Land Use Conditions must be referenced on and recorded with the final plat to the satisfaction of the Fire Bureau.

**Existing Development**

6. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a demolition

delay period for most residential structures. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on Exhibit C.2.

7. The applicant must obtain finalized demolition permits for removing a detached garage (approximately 550 square feet) and a detached shed (approximately 280 square feet) on Parcel 2. Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.

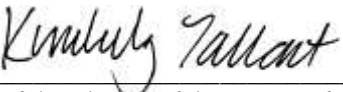
**Required Legal Documents**

8. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Parcel 1. 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.
9. The applicant shall execute an Acknowledgement of Special Land Use Conditions, in accordance with the conditions of approval of Fire Code Appeal 14-38: The total size of the future dwelling units must not exceed 3,600 square feet, and the maximum height measured at the gutter or parapet must not exceed 30 feet. The acknowledgement shall be recorded with Multnomah County and referenced on the final plat.

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

1. Development on Parcel 1 shall be in conformance with the Tree Preservation Plan, as amended by BDS staff, (Exhibit C.2), and the applicant's arborist report (Exhibit A.1). Specifically, Trees 10, 11, 12, 16, 17, 18, 19, 20, and 21 must be preserved, with the root protection zones indicated on Exhibit C.2. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.
2. The applicant must meet the addressing requirements of the Fire Bureau.
3. The applicant must meet the Fire Bureau requirements identified through Fire Code Appeal 14-38: The total size of the future dwelling units must not exceed 3,600 square feet, and the maximum height measured at the gutter or parapet must not exceed 30 feet.
4. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

**Staff Planner: Kate Green**

**Decision rendered by:**  **on July 23, 2014**  
By authority of the Director of the Bureau of Development Services

**Decision mailed July 28, 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 December 24, 2013, and was determined to be complete on **May 8, 2014**.

*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 December 24, 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 by 30-days (Exhibit A.3). Unless further extended by the applicant, **the 120 days will expire on: October 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](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

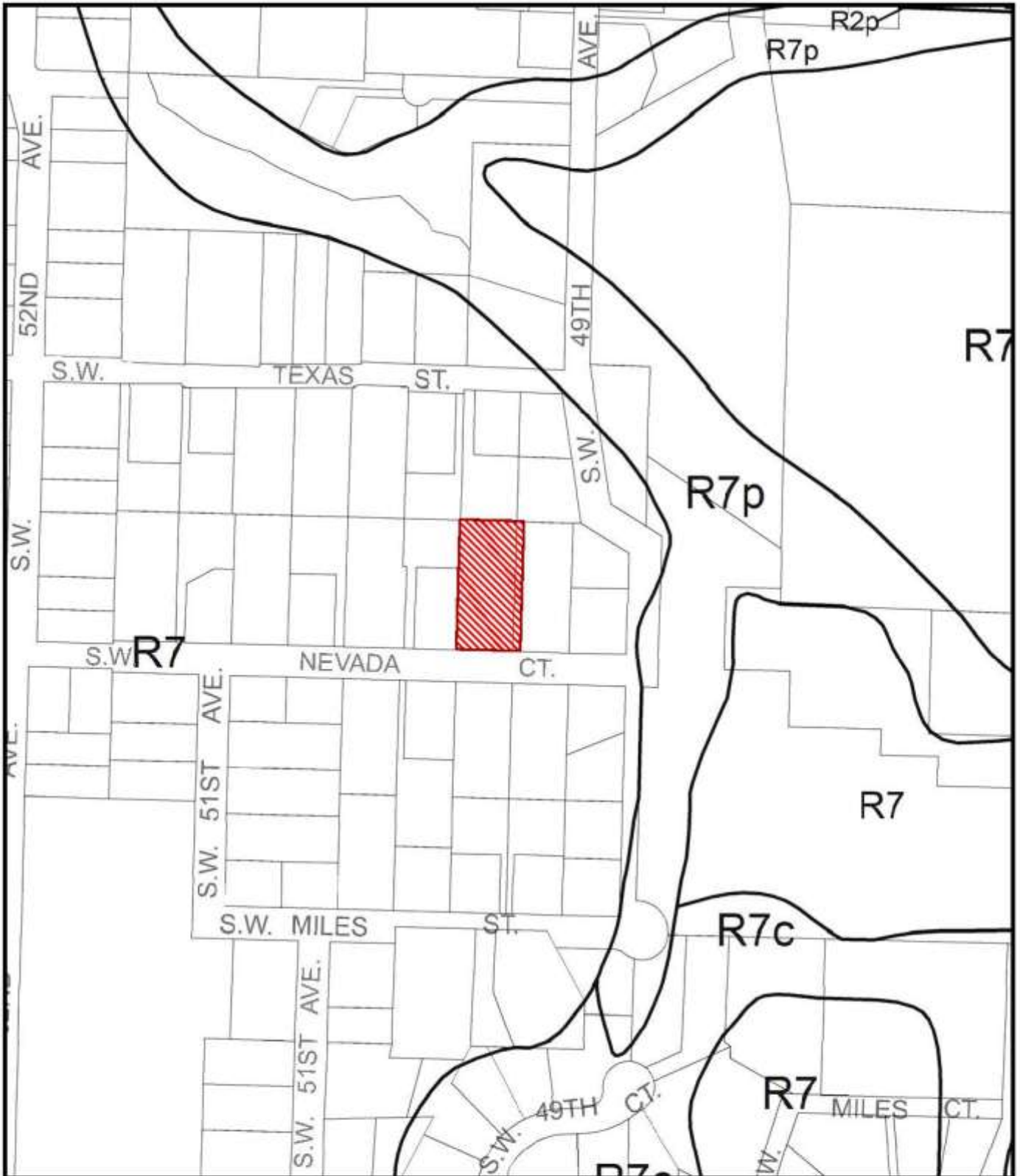
Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Arborist Report
  - 2. Revised Narrative (response to completeness review)
  - 3. 30-day review timeline extension
  - 4. Supplemental Materials (Fire Code Appeal 14-38)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plan (attached)
  - 2. Preliminary Site/Utility/Tree Preservation Plan, amended by BDS (attached)
  - 3. Existing Conditions/Site Survey
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
    - a. Initial response
    - b. Revised response
  - 5. Site Development-BDS
  - 6. Urban Forestry
  - 7. Life Safety-BDS
- F. Correspondence: (none received)
- G. Other:
  - 1. Original LU Application
  - 2. Letter to applicant re: incomplete application

**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).**



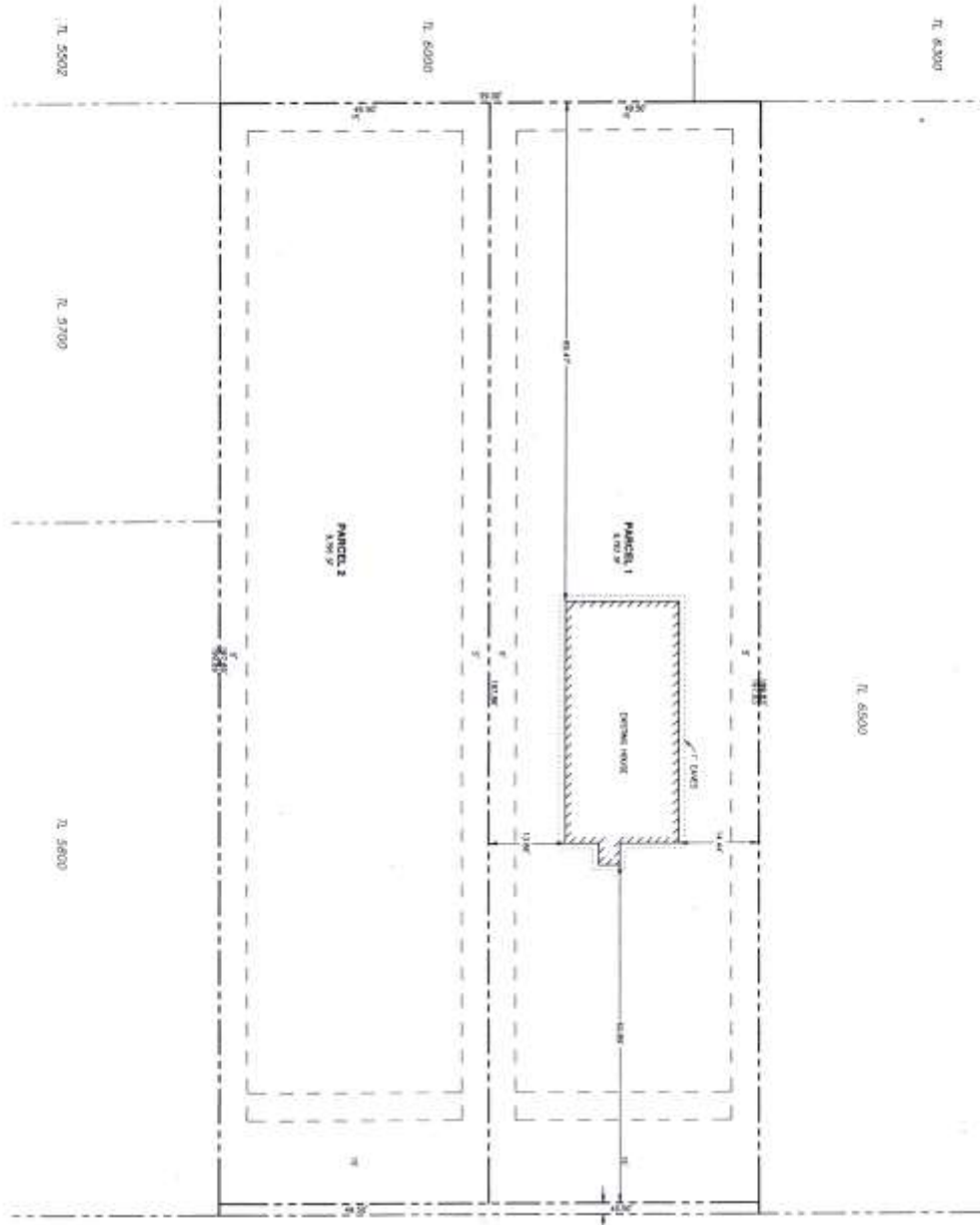
# ZONING



Site



File No. LU 13-241486 LDP  
 1/4 Section 3724  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E19AA 5900  
 Exhibit B (Dec 30, 2013)

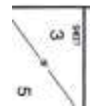


SW NEVADA CT.

03/20/23  
 4337 SW NEVADA CT  
 MULTNOMAH COUNTY, OREGON



13.241486 LDP  
 Exhibit C.1

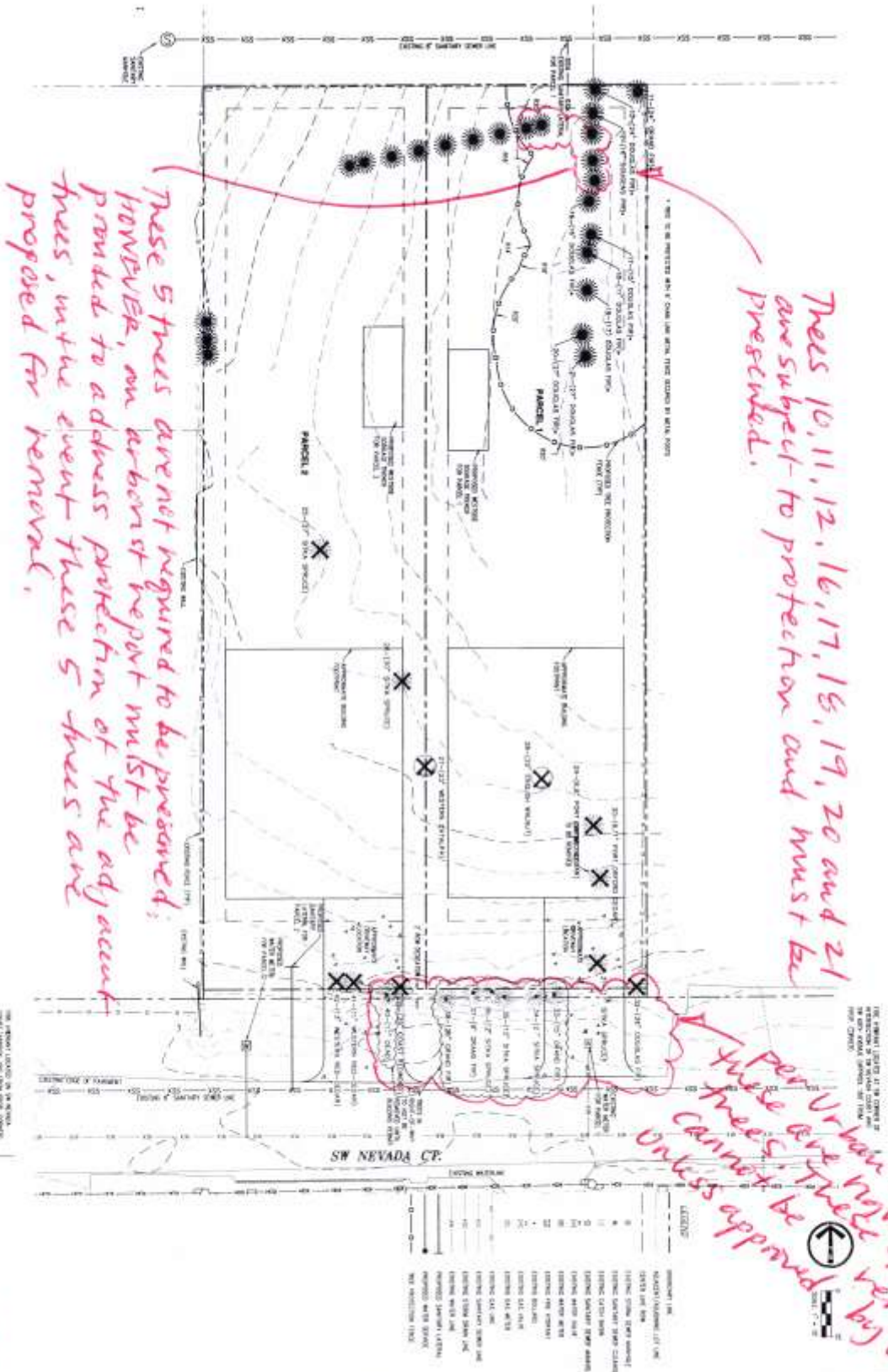


**EMERIO**  
*Design*  
 8107 SW MURRAY BLVD, SUITE 147  
 BEAVERTON, OREGON 97008  
 PH: (503) 918-9920

REVISIONS	
NO.	DESCRIPTION

PRELIMINARY PLAT

4337 SW NEVADA CT  
 TAX MAP T1S R1E 19AA  
 TAX LOTS 5900 & 6400  
 MULTNOMAH COUNTY, OREGON

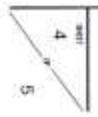


These 5 trees are not required to be preserved; HOWEVER, an arborist report must be provided to address protection of the adjacent trees, in the event these 5 trees are proposed for removal.

Trees 10, 11, 12, 16, 17, 18, 19, 20 and 21 are subject to protection and must be preserved.

Per Urban Forestry  
 these are right-of-way  
 trees. These trees  
 cannot be removed  
 unless approved by Urban Forestry.

amended by BDS staff  
 version 4 July 15, 2019



**EMERIO**  
 Design  
 8157 SW ALBERTA BLVD. SUITE 147  
 BEAVERTON, OREGON 97008  
 PH: (503) 645-3838

REVISIONS	
NO.	DESCRIPTION

PRELIMINARY SITE/  
 UTILITY PLAN  
**TREE PRESERVATION**

4937 SW NEVADA CT  
 TAX MAP T1S R1E 19AA  
 TAX LOTS 5900 & 6400  
 MULTNOMAH COUNTY, OREGON

13.241486 LDP

Exhibit C.2