



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

FROM CONCEPT TO CONSTRUCTION

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Date: July 9, 2014
To: Interested Person
From: Stephanie Beckman, 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 14-114495 LDP

GENERAL INFORMATION

Applicant: Joshua Patrick / Metro Homes NW, LLC
211 NE Weidler Street / Portland, OR 97232 / 503-384-2153

Site Address: 4454 NE SKIDMORE ST

Legal Description: LOT 13, FOREST GLEN
Tax Account No.: R291700390
State ID No.: 1N2E19CB 10200
Quarter Section: 2635
Neighborhood: Beaumont-Wilshire, contact Michael Rounds at 503-936-0740.
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.
Zoning: R5h – Single Dwelling Residential 5,000, with Aircraft Landing ‘h’ overlay

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

Proposal:

The applicant proposes to divide this 10,418 square foot site to create two lots for single-dwelling development. The existing house would be removed. The proposed lots would be 5,210 and 5,208 square feet in size and would front on NE Skidmore Street. Two trees are proposed to be preserved in the rear yards, a 24” diameter apple (Tree #7) and a 41” diameter Douglas fir (Tree #8).

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: 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 flat and is developed with a modest single-dwelling home surrounded by a landscaped yard. There are two large Douglas fir trees on the site – one in the front yard and one in the rear yard. The surrounding area is predominantly developed with single-dwelling homes, many of which are on oversized lots similar to the subject site. The street is developed with sidewalks, and although the blocks are quite long in the east-west direction, there is a regular street grid in the area.

Infrastructure:

- **Streets** – The site has approximately 75 feet of frontage on NE Skidmore Street. There is one driveway entering the site that serves the existing house on the site. At this location, NE Skidmore is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). It is improved with 28 feet of pavement and a 4-5-2 pedestrian corridor (planting strip-sidewalk-buffer) within a 50 foot wide right-of-way. Tri-Met provides transit service approximately 750 feet from the site on 42nd Avenue via Bus 75, a frequent transit bus line.
- **Water Service** – There is an existing 5/8” metered service which provides water to this location from the existing 8” CI water main in NE Skidmore St.
- **Sanitary Service** - There is an 8-inch PVC public sanitary-only sewer located in NE Skidmore that can serve the sanitary disposal needs of this project.
- **Stormwater Disposal** – There is no public storm-only sewer available to this property. There is a public underground injection control (UIC) system located in the vicinity of this site that receives stormwater runoff from the public right-of-way, however private stormwater is not allowed to be directed to public sumps.

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

The Aircraft Landing (“h”) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. Because this site is within a residential zone, structures on the site are subject to the base zone height limits, in this case 30 feet.

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 27, 2014**. A total of two written responses have been received from notified property owners in response to the proposal (see Exhibit F.1 and F.2).

Both letters raise concerns about the proposed land division diminishing neighborhood charm of the street and bringing in additional traffic and noise. The letters also request that all trees on the property be preserved.

Staff Response: The proposed land division meets standards related to allowed density and lot dimensions in the R5 zone. There are no approval criteria that relate to neighborhood charm or noise.

The applicant provided a transportation impact study which was reviewed by the Portland Bureau of Transportation (PBOT). That study, which PBOT concurred with, found that the existing transportation system has ample capacity and that the proposed addition of one additional dwelling unit will have very limit impact on the system. See findings under “Transportation Impacts” for a more detailed discussion.

The applicant has proposed to preserve two trees which comply with the tree preservation standards for land divisions. A number of the trees on the site are exempt from the regulations because they are under the minimum 6 inch diameter, are nuisance species, or due to their condition. See findings under “Tree Preservation” for a more detailed discussion.

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	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	There are no pedestrian connections proposed or

	Connections	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 site is 10,418 square feet in area. Maximum density in the R5 zone is one unit per 5,000 square feet of site area, or 2 lots in this case. The applicant is proposing two parcels for single dwelling homes. The density standards are therefore met.

The lot dimensions required and proposed are shown in the following table:

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Parcel 1	5,210		37.5	138	37.5
Parcel 2	5,208		37.5	138	37.5

* 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.

As shown in the table above, the proposed lots meet the lot dimension requirements of the R5 zone.

The findings above show that the applicable density and lot dimension standards are met. Therefore, this criterion is met.

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The applicant has provided an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.6). Of the 14 trees on the site, 10 trees have been exempted because they are too small, unhealthy or a nuisance species. 4 trees are subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 121 inches. The applicant proposes to preserve tree # 7 and 8, a 24-inch apple tree and a 41-inch Douglas fir, which comprise 65 inches of diameter, or 53 percent of the total non-exempt tree diameter. This proposal

complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total non-exempt tree diameter on the site to be preserved.

The trees to be preserved and the required root protection zones are shown on the applicant's Tree Preservation Plan (Exhibit C.1). The arborist has indicated that a reduced root protection zone for tree #8, the Douglas fir, is acceptable for construction of the detached garages proposed in the rear yard of the parcels, as shown on Exhibit C.1. If roots larger than 4 inches are encountered, an arborist must be consulted.

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 Land Use Conditions at the time of final plat.

This criterion is met, subject to the condition that development on Parcels 1 and 2 be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.6) and an Acknowledgement of Tree Preservation Land Use Conditions 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. The trees to be preserved are located at the rear of the lots and can be protected during construction with fencing. 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. The applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. In addition, although the site is currently connected to the public sanitary sewer, there is an old 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 facility. With a condition requiring final inspection for a demolition permit for the existing house and decommissioning of the cesspool, the new lots can be considered suitable for new development, and this criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application, which includes a Transportation Impact Study (Exhibit A.4) 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 and has provided the following information (see Exhibit E.2).

Street capacity/level of service

Findings: 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.

To estimate the trips generated by the addition of a single-family dwelling to the subject property, trip rates from the manual Trip Generation¹ were used. The data for land use #210, Single-Family Detached Housing are used to calculate trip rates for the added home. In relation to the proposed land division partition request, the existing home on the site will be raised and 2 new detached single-family residential homes will be constructed on the newly created parcels. Accordingly, in relation to the impacts from the one new home on the site, there will be 1 new vehicle trip generated during each of the AM and PM peak hours of travel and an additional (approx) 10 total daily trips.

On-site observations were made by the applicant's traffic consultant along roadways in the vicinity of the project site and at the intersections of NE Skidmore/NE 42nd Ave and NE Skidmore/NE 47th Ave during the evening peak hour on a weekday. The applicant's traffic consultant also referred to available traffic volumes for NE Skidmore which revealed that the street carries a very low volume of average daily traffic (346 vehicles/day). Along with this finding, each of the stop-controlled intersections were observed to be operating with little-to-no delays (estimated LOS A/B), and suggesting that there is sufficient capacity remaining at said intersections.

The two studied intersections that will be most impacted by the proposed project currently meet City of Portland performance measures, and the small amount of traffic added by the proposed land division will not significantly affect the performance of either intersection. The capacities of these intersections are sufficient to support the existing uses in the site vicinity as well as the proposed land division.

Vehicle access and loading

Findings: The subject site is located in a neighborhood where multiple redundant routes to roads of higher classifications exist. Loading is expected to take place using both private driveways for individual homes and on-street parking.

On-street parking impacts

Findings: The parking demand that will be generated as a result of the proposed project was estimated using rates from Parking Generation. The data utilized to determine the parking demand for the additional single-family dwellings were for land use #210, Single-Family Detached Housing. Based upon this data, the 85th percentile peak parking demand for the additional home is 2 parking spaces.

To determine the demand and availability of on-street parking in the vicinity of the site, observations were made by the applicant's traffic consultant during the overnight period corresponding to the expected peak period for residential parking demand on a weekday evening. Parking was observed along NE Skidmore between NE 42nd Ave and NE 47th Ave. A total of 23 vehicles were observed to be utilizing on-street parking. A significant number of additional parking spaces were available throughout the segment; the observed segment can easily accommodate at least 35 additional parked vehicles.

There is ample on-street parking available in the site vicinity to accommodate the additional parking generated by the proposed home, even if all (new) vehicles associated with the new house utilize on-street parking.

Availability of transit service and facilities and connections to transit

Findings: Tri-Met offers bus service in vicinity of the site via route number 75 (Cesar Chavez/Lombard) which travels along NE 42nd Ave, west of the site. People can safely walk to the stops by utilizing continuous sidewalks along NE Skidmore and others in vicinity of the subject site.

Impacts on the immediate and adjacent neighborhoods

Findings: The impacts associated with the additional lot that the proposed land division will create are expected to be minor, and primarily consist of the small increase in vehicular traffic associated with the new home that will be constructed on Proposed Parcel 2. As described previously, these added trips will not have a significant effect on efficiency or safety of the nearby street system, and the parking supply in the neighborhood is more than adequate to serve this increased demand. The development will therefore have minimal impacts felt by the neighborhood.

Safety for all modes

Findings: Crash records obtained from ODOT's Crash Analysis and Reporting Unit were examined for the studied intersections described previously for the most recent available five years (2008-2013). Neither the detailed crash histories nor the observed operations of the intersections suggest any potential safety deficiencies with any intersection.

There are identified bike facilities (Portland Bike/Walk Map) in the area including Shared Roadways along NE Skidmore, NE Prescott and NE 47th Ave, north and west of the site, respectively.

Pedestrian travel is facilitated in the vicinity of the project site by continuous sidewalks. These routes provide pedestrian access to the nearest transit stops as well as other nearby destinations. The subject site and general area currently have no safety concerns for any mode of transportation. No mode of travel will be adversely affected by the proposed land division and subsequent construction of one additional home.

PBOT staff has reviewed the submitted TIS that was prepared to address this specific approval criterion and its associated evaluation factors. The analyses, findings and conclusions, reached by utilizing industry standards, are supported by PBOT. The applicant has clearly demonstrated that the transportation system will be able to support the existing development in the area as well as the proposed development.

Based on the findings above 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 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 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.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1 for detailed comments
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant proposes to use on-site infiltration by means of a drywell for the proposed structures on the lots. BES has reviewed the Simplified Approach stormwater report (Exhibit A.3) that includes infiltration test results of 9 inches per hour. BES has no objections to the

proposed stormwater management approach for the purposes of land use review.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject block and others in the vicinity satisfy the above referenced public through street and pedestrian connectivity goal in the east-west direction. However, the subject block, whose orientation and length are replicated for several blocks north and south of the subject block, is too long to satisfy the above referenced goals. Though the subject site is located close to midway along the subject block, making it a desirable location to provide a public street or a pedestrian connection through the block, it is not feasible without eliminating existing development on abutting lots. Further, considering the existing size of the subject site, providing a public street or pedestrian connection through the subject site (or block) would likely compromise the ability to create one or both of the proposed parcels. These impacts do not make further connectivity through the subject site or block feasible. PBOT has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition (see Exhibit E.2)

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

As described on page 2 of this report, the street frontage of the site is developed with a paved roadway, curb planting street and sidewalk. PBOT has indicated that the existing sidewalk corridor satisfies all of the qualifying conditions of PBOT's recently amended Administrative Rule (TRN-1.22). Accordingly, the 4-5-2 sidewalk corridor will be accepted as the standard sidewalk configuration for the block length and no frontage improvements or property dedication will be triggered in relation to the proposed land division request. The existing street right-of-way is sufficient to accommodate expected users and the existing improvements have been approved by PBOT. These standards and approval criteria are 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

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 R5 zone. There is also a shed on the property that is not shown on the plans. With the condition that the shed is removed as documented with photographs, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

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

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1. The existing conditions plan (Exhibit C.2) indicates there is a hydrant located at the western edge of the site frontage and the applicant has provided documentation of adequate fire flow (Exhibit A.5). Therefore, conditions are needed only for the addressing and access requirements.

CONCLUSIONS

The applicant has proposed a 2 parcel partition for detached single dwelling homes, 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. 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.1, subject to the following conditions:

A. The final plat must show the following:

1. A recording block for the Acknowledgement of Tree Preservation Land Use Conditions as required by Condition B.3 below. The recording block shall, at a minimum, include language substantially similar to the following example: “An Acknowledgement of Tree Preservation Land Use Conditions has been recorded as document no. _____, Multnomah County Deed Records.”

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

Existing Development

1. A finalized permit must be obtained for demolition of the existing residence on the site, capping the existing sanitary sewer connection and decommissioning the cesspool on the site. Note that Title 24 requires a 35-day 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.1.

2. The existing shed on the site must be removed and documentation provided with photographs provided with the final plat submittal.

Required Legal Documents

3. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcels 1 and 2. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be 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 Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.6). Specifically, trees numbered 7 and 8 are required to be preserved, with the root protection zones indicated on Exhibit C.1. 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. In addition, if roots greater than 4 inches are encountered during construction on the site, an arborist must be consulted prior to root cutting.

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/her supervision.

2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire 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: Stephanie Beckman

Decision rendered by: Stephanie Beckman **on July 7, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed July 9, 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 February 6, 2014, and was determined to be complete on May 21, 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 February 6, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: September 17, 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.

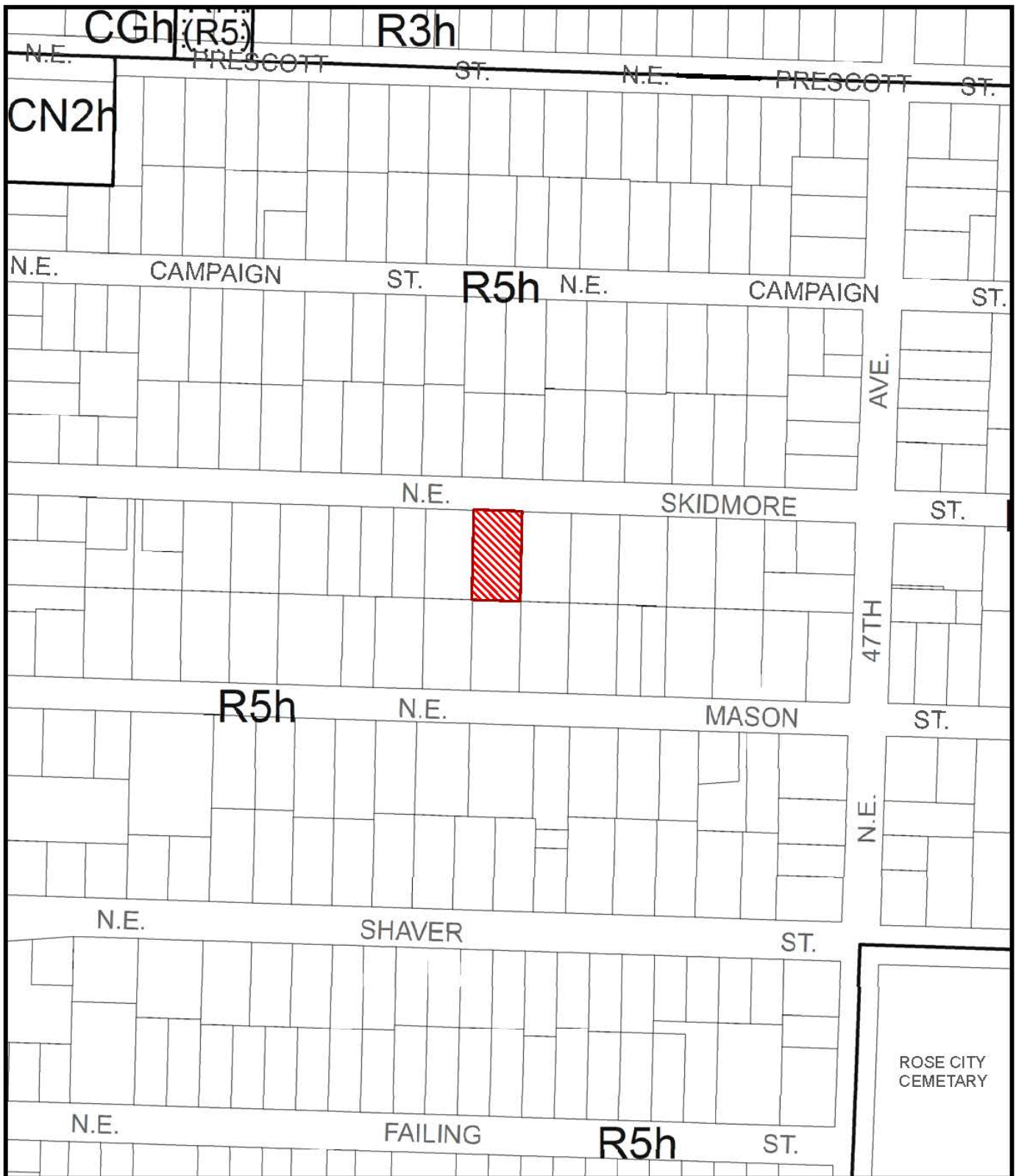
The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file 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. Original Submittal
 - 2. Revised Submittal (6/19/14)
 - 3. Stormwater Simplified Approach Form
 - 4. Transportation Impact Analysis
 - 5. Fire Hydrant and Flow Information
 - 6. Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Proposed Improvements and Tree Preservation Plan (attached)
 - 2. Existing Conditions and Proposed Plat Maps
- 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 Section of BDS
- F. Correspondence:
 - 1. Scott Albers, 4437 NE Skidmore, Portland, OR 97218
 - 2. Shelly Melton, 4437 NE Skidmore, Portland, OR 97218
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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

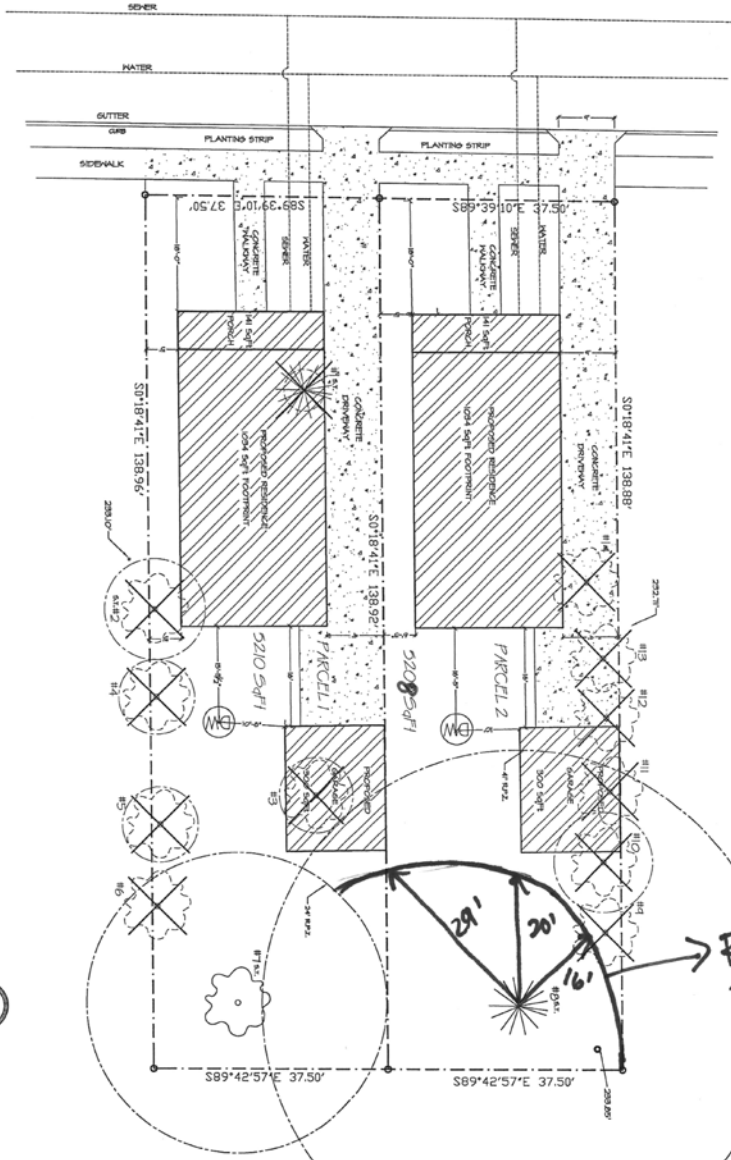


File No. LU 14-114495 LDP
 1/4 Section 2635
 Scale 1 inch = 200 feet
 State_Id 1N2E19CB 10200
 Exhibit B (Feb 12, 2014)

RECEIVED

MAY 19 2014


N.E. SKIDMORE STREET



RPZ for tree #8
per Arbovital
Report (Ex. A.6)



CONTRACTOR IN
CO. SHALL VERIFY

1	PROPOSED IMPROVEMENTS	 METRO HOMES NORTHWEST, LLC TEL: 505-384-2153 FAX: 505-384-2171 21 NE HEDLER STREET, PORTLAND, OREGON 97232	PROJECT LOCATION	4454 NE SKIDMORE PORTLAND, OREGON
	LU 14-114495		CASE NO. 14-114495	EXHIBIT C.1