



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

FROM CONCEPT TO CONSTRUCTION

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Date: September 5, 2014
To: Interested Person
From: Brandon Rogers, Land Use Services
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NOTICE OF A TYPE II_x 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 14-133719 LDP

GENERAL INFORMATION

Applicant: Rob Humphrey / Faster Permits
14334 NW Eagleridge Lane / Portland, OR 97229

Owner: Everett Custom Homes
735 SW 158th Ave Suite 180/ Beaverton, OR 97006

Site Address: 4419 SW Flower St

Legal Description: BLOCK 1 LOT 2, ELIZABETH
Tax Account No.: R156003
State ID No.: 1S1E17CB 01500
Quarter Section: 3625
Neighborhood: Hayhurst, contact Janet Hawkins at 503-988-3707.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Zoning: Residential 7,000 (R7)
Case Type: Land Division Partition
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:
The applicant proposes to divide the 14,000 square foot site to create two parcels for single dwelling development. Both through-lot parcels are proposed to be 6,999 square feet in size. The existing dwelling is proposed to be removed. Two trees are proposed to be preserved as part of the project. Street improvements along SW Flower Street include construction of a 7 foot wide gravel shoulder.

This partition proposal is reviewed through a Type II_x procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (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.

ANALYSIS

Site and Vicinity: The site is currently developed with a single family residence which will be removed. The site has an average slope of 10 percent, declining to the north. The vicinity is characterized by single dwelling development on lots generally ranging from 5,000 to 20,000 square feet in size serviced by streets without curb, gutter or sidewalk. The City's GIS system shows that SW Flower Street is a privately maintained public street.

Infrastructure:

- **Streets** – The site has 100 feet of frontage on SW Flower Street and 100 feet of frontage on SW Cameron Road. Access is provided from SW Flower Street and no access is proposed from SW Cameron Road, which is an undeveloped right of way. At this location both SW Flower Street and SW Cameron Road are classified as Local Service Streets for all modes. SW Flower is a 50-ft wide right of way improved with center strip paving lacking curbs and sidewalks. SW Cameron Rd is a 9-ft wide right of way improved with a gravel/dirt roadway. Tri-Met provides transit service approximately 100 feet from the site at SW 45th Avenue via Bus #1.
- **Water Service** – There is an existing 4-inch water main located in SW Flower Street. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There are existing 8-inch public sewer lines located in SW Flower Street and SW Cameron Road.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The R7 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.

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 **July 23, 2014**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
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.1 Through streets and pedestrian connections	No through streets or pedestrian connections are proposed or required.
	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 RF through R5 zones. The maximum density in the R7 zone is one unit per 7,000 square feet. The site has a maximum density of 2 units (14,000 square feet/ 7,000 = 2). The site has no minimum density because the site is located within the potential landslide hazard. The applicant is proposing two single family parcels. Additionally, Section 33.610.300 sets standards for through lots, which are allowed only when both front lot lines are on local service streets. PBOT has indicated that SW Flower Street and SW Cameron Road are both classified as Local Service Streets. The density and lot dimension and through-lot 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)
R7 Zone	4,200	12,000	40	55	30
Parcel 1	6,999		50	140	50
Parcel 2	6,999		50	140	50

* 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.

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 as part of the application (Exhibit A.2) The report inventories the trees within the land division site, evaluates their condition and specifies root protection zones. The report indicates that the site contains 17 trees; 11 of which are exempt because they are unhealthy, a nuisance species or located partially off the property. Therefore, the remaining six trees are non-exempt and are subject to the tree preservation requirements.

The total non-exempt tree diameter on the site is 92 inches. The applicant proposes to preserve trees no. 13 and 14 (both are 19-inch Port Orford Cedar trees) which comprise of 38 inches of diameter, or 41 percent of the total non-exempt tree diameter. This proposal complies with and exceeds 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 arborist proposes an Alternative Tree Preservation plan pursuant to subsection 33.248.065.C of the Zoning Ordinance. The Alternative Tree Preservation Plan proposes to reduce the standard Root Protection Zone required by Section 33.930.140 of the Zoning Code, which requires a RPZ equal to one foot for each one inch in tree diameter measured at breast height. The arborist report recommends reduced RPZ's of 12 feet instead of the required 19 feet. The report states that the proposed RPZ's will provide an adequate root zone for the protected trees, based on root habit and site factors.

The trees to be preserved and the required root protection zones are shown on the applicant's 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.

This criterion is met, subject to the condition that development on Parcel 2 is in conformance with the Tree Preservation Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.2) and an Acknowledgement of Tree Preservation Requirements is recorded with the final plat.

Therefore, with the conditions noted above, the criteria can be met.

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.

Findings: The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site is reasonably limited.

In order to evaluate the proposal against this criteria, the applicant has submitted a geotechnical evaluation (Exhibit A.3) of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer. That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability.

The applicant's geotechnical evaluation indicates that the risk of potential landslide hazard at the site is relatively low, given the soil composition, topography, and other risk factors.

The proposed land division will result in lots, buildings, services, and utilities that will not significantly increase the risk of landslide potential on the site or other properties in the vicinity of the site. In addition, the geotechnical evaluation has concurred that the applicant's proposed method of stormwater disposal (Stormwater Management Report Exhibit A.4) at the site will not have a significant detrimental impact on the slope stability on or around the site. This conclusion was reached because the soils and slopes at the site indicate that on-site methods of stormwater disposal, such as the proposed Westside soakage trenches, are acceptable.

Site Development has concurred with the findings of the applicant's geotechnical report, but notes that further geotechnical evaluation may be required for specific building plans at the time of construction plan review. This criterion is met.

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case, the site has is located in the Potential Landslide Hazard area and has an average slope of 10%, sloping downhill to the north. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

A Preliminary Clearing and Grading Plan (Exhibit C.4) was submitted with the land division application and a Landslide Hazard Report (Exhibit A.3) does not state that any special design or construction provisions are needed to address slope issues on the site. The applicant also provided a Tree Protection Plan (Exhibit C.2) that designates areas on the site where grading should not occur in order to protect the roots of the trees on the site that will be preserved, and an arborist report (Exhibit A.2) that discusses protection of trees during site preparation and grading of the site.

It is anticipated that the grading will primarily involve excavating for the foundations of the new houses and trenching for the utilities, but will not include mass grading of the site to alter the existing contours. Stormwater runoff from the lots will be appropriately managed by Westside soakage trenches to assure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report). In addition, clearing and grading will not be permitted within the root protection zones of the trees on the site that are required to be preserved. Preserving these trees will help limit erosion by assuring that the tree roots will help to hold the soil in place.

As shown above the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the applicant's Landslide Hazard Study as well as any additional geotechnical information required at the time

of permit submittal to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan and arborist report. 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. With this condition, the new lots can be considered suitable for development, and this criterion is met.

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

Findings: 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: (1) street capacity and level-of-service; (2) vehicle access and loading; (3) on-street parking impacts; (4) the availability of transit service and facilities and connections to transit; (5) impacts on the immediate and adjacent neighborhoods; and (6) safety for all modes. The applicant submitted a written narrative to address these evaluation factors.

Street Capacity and Levels of Service

The proposal will result in a net increase of 1 single-family residence. This residence can be expected to generate 10 daily vehicle trips with 1 trip occurring in each of the AM and PM Peak Hours. This small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed.

Connectivity

The site is located adjacent to a corner lot. Connectivity requirements do not apply.

Vehicle Access/Loading

The new lots will have a driveway to provide access to parking and loading.

On-Street Parking Impacts

The new lots will have at least one on-site parking space with an additional space between the garage and the front property line. Impacts to the on-street parking supply should be minimal.

Availability of Transit

Tri Met Bus Line #54 is available to serve the site 0.3 miles to the northeast at SW Beaverton-Hillsdale and SW 42nd Avenue.

Neighborhood Impacts

The site is being developed with a new single-family residence in compliance with the existing R7 zoning. The net increase of one single-family home will have minimal neighborhood impacts.

Safety for All Modes

Given the low vehicle speeds and volumes on SW Flower Street, cyclists and pedestrians can safely share the roadway.

The proposed land division will not impact the safety of the transportation systems 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.

Based on the available evidence, PBOT estimates that the one new residence will generate approximately 10 new daily vehicle trips, with the majority of trips occurring during non-peak hours (according to Institute of Transportation Engineers – Trip Generation Manual, 9th ed.). PBOT staff has determined that there will have negligible impacts to the capacity of nearby intersections and no mitigation is required (see Exhibit E.2 for a detailed analysis).

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:

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p> <p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The existing water line that serves the house to be removed will serve the future house on proposed Parcel 1. A new water line will be constructed to serve proposed Parcel 2. The water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. As a result of the proposed land division, the existing sewer connection that serves the house to be removed will serve the future house on Parcel 2. A new sanitary sewer lateral will be constructed to serve proposed Parcel 1. The sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed the following stormwater management methods</p> <ul style="list-style-type: none"> • 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. 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. Site Development has indicated that the Landslide Hazard Study has been prepared in accordance with Section 33.632.100. The study supports the concept of on-site soakage trenches for stormwater disposal. A separate Stormwater Management Report (Exhibit A.4) proposes on site soakage trenches. BES has no objections to the proposed on-site stormwater disposal (Exhibit E.1) and has commented that there is adequate space at the site for soakage trenches. <p>This Criterion is met.</p>

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

SW Flower Street is improved with a paved roadway with gravel shoulders on both sides. There are no curbs, planter strips, or sidewalks. 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. Because none of the other frontages have been improved on this street, Portland Transportation has determined that an isolated improvement at this location would not be meaningful. Additionally, the applicant was granted approval of a Public Works Alternative Review to not be required to dedicate or improve both SW Flower Street and SW Cameron Road under 14-172977 PW.

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

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 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 or obtaining an approved Fire Bureau appeal to this requirement; recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcels 1 and 2; addressing, fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The proposed lots are through lots because they have frontage on two streets. There are no rear lot lines. Therefore, future development must meet the setback requirements for through lots, which have two front lot lines.

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 tree preservation and land suitability. With conditions that future development is subject to the tree preservation plan and arborist report and obtaining a finalized demolition permit for the existing residence, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in two standard lots for single dwelling development as illustrated with Exhibit C.1, subject to the following conditions:

A. The final plat must show the following:

1. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B.4 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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

Utilities

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

Existing Development

3. 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 35-day demolition delay period for most residential structures.

Required Legal Documents

4. 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.

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

1. Development on Parcel 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.2). Specifically, trees numbered 13 and 14 are required to be preserved, with the root protection zones indicated on Exhibit C.2. 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 must meet the Fire Bureau requirements for addressing and 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.
3. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way, including grade, for Parcels 1 and 2, as required in Appendix D of the Oregon Fire Code. Alternately, the applicant may be required to install residential sprinklers in the new houses on Parcels 1 and 2, if approved through a Fire Code Appeal. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

Staff Planner: Brandon Rogers

Decision rendered by: Kimberly Tallant on September 3, 2014

By authority of the Director of the Bureau of Development Services

Decision mailed: September 5, 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 April 2, 2014, and was determined to be complete on **July 14, 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 April 2, 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 further extended by the applicant, **the 120 days will expire on: November 12, 2014.**

Note: 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.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 19, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 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.ci.portland.or.us .

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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

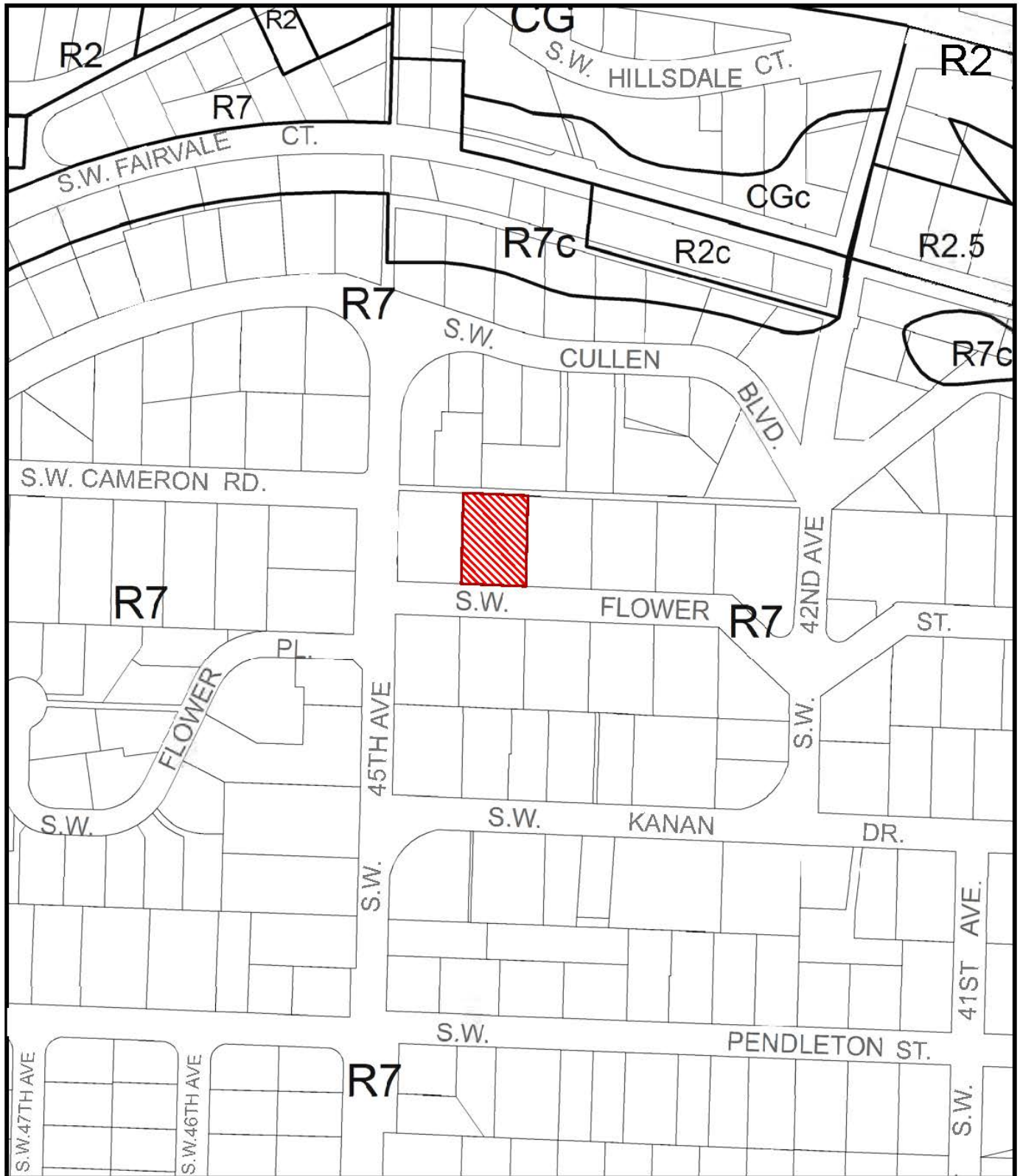
Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicants Submittal
 - 2. Arborist Report
 - 3. Infiltration Testing and Landslide Hazard Report
 - 4. Stormwater Report
 - 5. Applicant's July 11th Response
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plan (attached)
 - 2. Preliminary Site/Utility/Tree Preservation Plan (attached)
 - 3. Existing Conditions Plan
 - 4. Preliminary Grading and Erosion Control Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks and Recreation, Urban Forestry Division
 - 7. Life Safety Section of BDS
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Neighborhood Contact documentation
 - 3. 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



NORTH

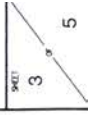
File No. LU 14-133719 LDP
 1/4 Section 3525
 Scale 1 inch = 200 feet
 State_Id 1S1E17CB 1500
 Exhibit B (Apr 03,2014)

4419 SW FLOWER STREET
 TAX MAP T1S R1E 17CB
 PORTLAND, OREGON

PRELIMINARY PLAT

NO.	DATE	DESCRIPTION

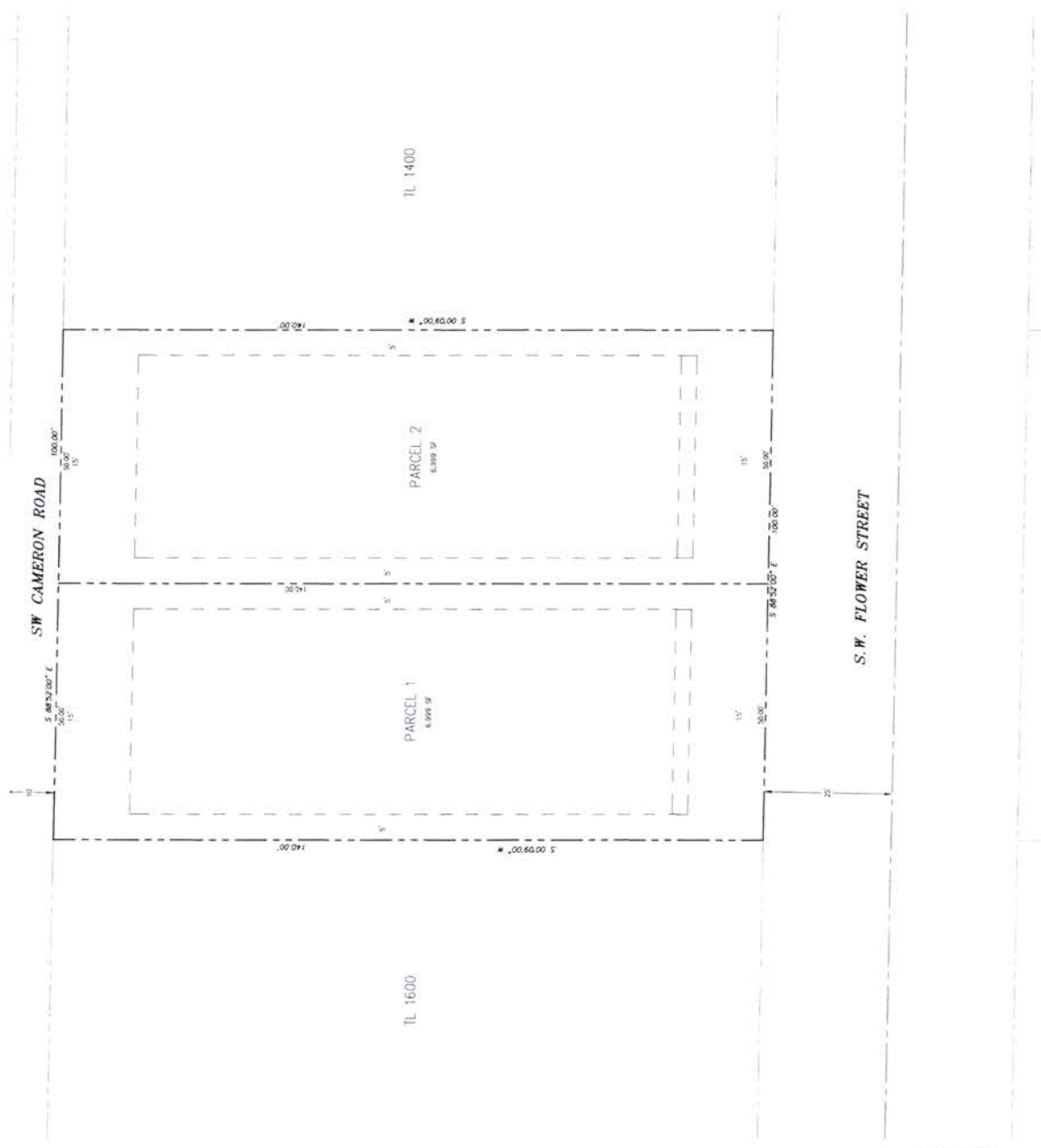
EMERIO
Geography
 8107 SW MURKIN RD. SUITE 143
 BEAVERTON, OREGON 97008
 PH: (503)-746-8812



LEGEND

- PROPERTY LINE
- UNAPPROVED/UNRECORDED LINE
- COVERED LINE
- SET BACK LINE

ZONE
 R7
SETBACKS
 FRONT: 15 FT.
 GARAGE: 18 FT.
 REAR: 15 FT.
 SIDE: 5 FT.



CASE NO. 14-133719
 EXHIBIT C-1