



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: September 25, 2014
To: Interested Person
From: Brandon Rogers, Land Use Services
503-823-7597 / Brandon.Rogers@portlandoregon.gov

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 14-163874 LDP

GENERAL INFORMATION

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

Owner: Vic Remmers / Everett Custom Homes Inc
735 SW 158th Ave Ste 180 / Beaverton OR 97008

Site Address: 3003 NE DEKUM ST

Legal Description: BLOCK B LOT 22&23, SUNDERLAND AC & PLAT 3
Tax Account No.: R279934
State ID No.: 1N1E13BD 02700
Quarter Section: 2333
Neighborhood: Concordia, contact Garlynn Woodsong at 503-936-9873.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.
Zoning: Residential 5,000 (R5) with the "a" Alternative Design Density and the "h" Aircraft Landing Zone Overlay Zones.
Case Type: Land Division Partition
Procedure: Type IX, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant has proposed to divide the 18,000 square foot site into three 6,000 square foot parcels for detached houses. Two trees will be preserved as part of the project; a 19 inch Plum tree and a 17 inch Magnolia tree. The existing house and detached garage are proposed to be removed. Access to the new parcels is proposed by three new driveways connecting to NE Dekum Street. Stormwater is proposed through individual drywells. Each parcel will include off street parking.

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 3 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 has an average slope of five percent, sloping downhill to the north. The site is developed with a single family residence and a detached garage and accessory structure, all of which will be removed. The vicinity of the site is characterized by primarily single family, detached homes, Faubion Elementary School and Concordia College are located across the street from the site.

Infrastructure:

- **Streets** – The site has 120-feet of frontage along NE Dekum Street. Tri-Met provides transit service on NE Dekum Street, with a bus stop within 175 feet of the site.

At this location the City’s Transportation System Plan (TSP) classifies NE Dekum as a Neighborhood Collector, a Transit Access street, a City Bikeway, a City Walkway, and a Local Service street for all other modes. According to City GIS, NE Dekum is improved with 36-ft of pavement width and a 5-5-2 sidewalk corridor within a 60-ft right-of-way (ROW).

- **Water Service** – There is an existing 8-inch CI water main in NE Dekum Street. The existing house is served by a 1-inch metered service from this main.

- **Sanitary Service** - There is an existing 8-inch public sewer line in NE Dekum Street.

Zoning: 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 Alternative Design Density “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

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. On this site, however, the base zone (R5) height limit of 30 feet applies and is more restrictive than the 'h' overlay allows.

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 **August 7, 2014**. Two written responses were received. A written response was received from the Concordia Neighborhood Association (Exhibit F.1 and a response was received from a neighbor, Ken Forcier, (Exhibit F.2). A staff response to the comments is provided below.

- Albina Community Plan:

Staff Response: Although the site is located within the boundaries of the Albina Community Plan, the site is not located within the boundaries of the Albina Community Plan District as illustrated by map 505-1 of the Zoning Ordinance. The Albina Community Plan is a long range, comprehensive plan with goals and policies that are implemented by zoning Chapter 33.505. The provisions of The Albina Community Plan District apply only within the boundaries of the plan district. Because the site is not located within the boundaries of the plan district, the provisions of the plan district are not applicable to the site. The “a” Alternative Design Density overlay is discussed above in the Zoning section.

- Base zone design standards; width and height regulations, setbacks, demolition:

Staff Response: The design of future residences will be subject to the base zone development and design standards at the time of development, including setbacks, main entrances, street facing facades and garage standards. These standards are not included as part of the land division approval criteria, but are instead implemented at the time of development and enforced through the building permit process. While there are no Land Division Approval Criteria regarding demolition, records show that a 35-day demolition delay was applicable to the demolition permit for the existing residence and that the demolition delay period was completed on August 26, 2014.

- Replacing one residence with three:

Staff Response: The approval criteria for lots is further discussed below in Criterion A, which includes calculations for residential density, lot size and dimensions.

- Existing structure historically significant:

Staff Response: The existing building is not listed as a historic or landmark building, is not located within a conservation or historic district and is not listed on the historic resource inventory.

- Flag lot development:

Staff Response: Section 33.610.400 of the Portland Zoning Code allows flag lot development in limited circumstances. The applicant has proposed to demolish the existing residence and has proposed three lots that exceed the minimum lot width of the R5 zone. Therefore, flag lot development would not be allowed at the site.

- Property Owners/Applicants:

Staff Response: The application was submitted to the City on June 2, 2014. Records show that Everett Custom Homes purchased the property on May 30, 2014. Everett Custom Homes is the current owner of the property and has signed the application. By signing the Land Use Review Application (Exhibit G.1), the applicant has stated that he has gained permission of the owners of the property in order to apply for the land use review.

- Magnolia Tree / Preservation

Staff Response: The 26-inch magnolia tree in the front yard is proposed to be removed. Tree preservation is discussed in detail below in Criterion B.

- Lot Width and Neighborhood Compatibility

Staff Response: The proposal includes 40-foot lot widths that exceed the 36-foot minimum, as discussed in Criterion A.

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 RF through R5 zones. The applicant is proposing three single family parcels. The minimum density at the site is two and the maximum density at the site is three. Minimum and maximum density at the site is calculated as follows:

Minimum = (18,000 square feet X .80) / 5,000 = 2.88 (which rounds up to a minimum of three lots, per 33.930.020.A.2).

Maximum = (18,000 square feet / 5,000 = 3.60 (which rounds down to a maximum of three lots, per 33.930.020.B.2)

Because the minimum density is equal to the maximum density, the minimum density is automatically reduced by one (33.610.100.E.1). Therefore the minimum density is reduced to two. The applicant is proposing three single family parcels. 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	6,000		40	150	40
Parcel 2	6,000		40	150	40
Parcel 3	6,000		40	150	40

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

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

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

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

The arborist report inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.3). The report identifies 11 trees. However, five of these trees are located totally or partially off site and are exempt and two of these trees are exempt because they are a nuisance species. Therefore, four of the trees are subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 75.5 inches. The applicant proposes to preserve trees 8 and 11 which comprise of 36 inches of diameter, or 47.7 percent of the total non-exempt tree diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total non-exempt tree diameter on the site to be preserved. The trees to be preserved and the required root protection zones are shown on the applicant's Preliminary Grading Plan (Exhibit C.4).

In order to ensure that future owners of the parcels are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Requirements at the time of final plat.

The applicant has proposed an Alternative Tree Preservation Plan per subsection 33.248.065.C of the zoning ordinance to reduce the root protection zone of Tree #8 from 19 feet to 16-feet and of Tree #11 from 17-feet to 16-feet. The arborist report states that the alternative plan provides the same level of protection as the requirements of 33.248.068. The zoning code standard for root protection zone is one foot for every one inch of diameter at breast height.

This criterion is met, subject to the condition that development on Parcels 1, 2 and 3 be carried out in conformance with the Tree Preservation Plan as shown on the Preliminary Grading Plan (Exhibit C.4) and the applicant's arborist report (Exhibit A.3) and an Acknowledgement of Tree Preservation Requirements is recorded with the final plat.

Therefore, the criteria can be 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 is primarily flat, with an average slope of five percent, and is not located within the Potential Landslide Hazard Area. The proposed clearing and grading shown on Exhibit C.4 represents a minimal amount of change to the existing contours of the site. The clearing and grading plan indicates no are topsoil storage or general soil stockpiling. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, the preliminary grading plan shows no grading or new development within the root protection zones of protected trees. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. 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, permits must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. With these conditions, the new lots can be considered suitable for development, and this criterion is 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.

All of the proposed lots are on the north side of an east-west oriented street, and are considered interior lots (not on a corner). In this context there is no preference that any one lot be wider or narrower than the other lots. This criterion is therefore 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 (PBOT) 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 applicant has submitted a Traffic Impact Study (TIS) which has been reviewed by PBOT (Exhibit A.5).

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.

1. Street capacity and level-of-service

The TIS was based upon three additional single-family homes because the existing home on the property, proposed to be demolished, was vacant during the time that the analysis was conducted and therefore did not contribute any trips to the transportation system.

Utilizing trips rates from the ITE Trip Generation Manual, 9th Edition, the proposed partition is projected to result in a total of two additional am peak hour trips, three additional pm peak hour trips and a total of 28 additional trips during the weekday.

The TIS included capacity/level-of-service (LOS) analysis at two intersections including NE Dekum at NE 27th and NE Dekum at NE 33rd. To determine existing traffic operations at these intersections, the applicant conducted traffic observations during the weekday morning and evening peak-hour. Said observations indicated that the intersection of NE Dekum and NE 27th was operating at a LOS A and the intersection of NE Dekum and NE 33 was estimated to be operating at LOS B. However, Faubion Elementary is located to the

south of the subject property and this analysis was done during the summer months when school was not in session.

In order to document LOS while school was in session, the applicant submitted a prior traffic analysis (Exhibit A.6) that they performed related to a separate project at Faubion School in 2013 (13-127637-LU). The observational analysis conducted for this project during the school's am/pm peak-hour indicated that area intersections were operating at LOS D or better.

Given the scale of the proposed partition, area intersections are expected to continue to operate at LOS D or better with the addition of project traffic.

2. Vehicle access and loading

Vehicle access to/from the site is via well-connected neighborhood streets south and west of the subject property. Vehicle access to the east and the northwest of the site is prioritized through the presence of NE Lombard Street/US Highway 30-Bypass and its relative on/off ramps. NE Lombard provides connection west to I-5 and east to the Portland International Airport and I-205. NE 33rd provides connection to points north. Private driveways will serve as vehicle access from NE Dekum to each lot.

Loading is expected to take place using the private driveways for individual homes. Loading activities associated with residential land uses are typically light and infrequent and there is ample space for these activities to occur. Accordingly, PBOT finds that the site and vicinity enjoys adequate vehicle access and loading opportunities.

3. On-street parking impacts

As proposed, each lot will be developed with on-site parking within a detached garage. The applicant conducted a site visit during the late evening hours (approximately 11:00pm on a weeknight) to observe existing parking demand and availability during the time of peak residential demand. At this time, there were seven vehicles parked along NE Dekum between NE 27th and NE 32nd with 56 on-street spaces remaining available along this segment during this time.

Based upon data from the manual Parking Generation, Fourth Edition, published by the Institute of Transportation Engineers, the proposed 3-lot land division is projected to generate demand for 6 additional spaces during the late-evening peak period.

The existing driveway on the subject property will be closed and three new driveways/curb-cuts will be constructed to serve the proposed homes. These driveways will eliminate up to 2 on-street parking spaces. Given the 56 on-street parking spaces available during the peak period, there will continue to be ample on-street parking opportunities in the vicinity with the addition of project traffic and the two additional driveways/curb-cuts.

4. Availability of transit service and facilities and connections to transit

Tri-Met bus line #75, Cesar Chavez/Lombard, is the closest to the subject site with a stop along NE Dekum within 200-ft from the site. This route is classified as "Frequent Service" during the morning and afternoon rush hours with headways of 15 minutes or less and provides service to commercial and employment centers along NE Columbia Boulevard, the Hollywood Transit Center, and Reed College. Additionally, Tri-Met bus line #17, Holgate/Broadway, has a stop along NE Dekum within 1,000 feet of the subject property and bus line #70, 12th/NE 33rd, has a stop along NE 33rd within 1,100 feet of the site. Accordingly, the site is well-served by transit service and connection to said transit opportunities is accommodated via developed pedestrian corridors.

5. Impacts on the immediate/adjacent neighborhoods

As identified herein, the added trips as a result of the proposed development will not have a significant impact on the efficiency or safety of the nearby street system and there is a sufficient supply of on-street parking to accommodate the project. Accordingly, the transportation systems in the immediate and adjacent neighborhoods will not be adversely impacted as a result of the proposed land division.

6. Safety for all modes

Posted vehicle speeds along NE Dekum are 20mph within the school zone and 30mph all other times and traffic volumes in the area are low. There are existing sidewalks along both sides of NE Dekum as well as a marked crosswalk at NE Dekum and NE 29th to the west of the site. There are also bike facilities in the area (Portland Bike/Walk Map) including NE Dekum, NE Rosa Parks Way, and NE 30th which are identified as Shared Roadways (lower traffic street). These Shared Roadways provide direct connection to NE Holman to the south which is identified as a Neighborhood Greenway.

The applicant also submitted data obtained from ODOT's Crash Analysis and Reporting Unit which included a review of the most recent available five year crash history (2009-2013) at the study intersections. No significant crash patterns were evident and the crash data does not appear to be indicative of any safety hazards in the area. Accordingly, the vicinity of the proposed land division is currently safe for all modes and will not be adversely impacted by the proposed additional dwelling unit.

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.

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

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 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. 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</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods</p> <ul style="list-style-type: none"> • Parcels 1, 2 and 3: Stormwater from these lots will be directed to individual drywells 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. The Bureau of Environmental Services (BES) has indicated conceptual approval of the drywells.

33.654.110.B.1 Through streets and pedestrian connections

This section requires street and pedestrian connections where appropriate and practical, taking a number of factors into consideration. The following discussion is based on PBOT's assessment of the connectivity potential in the area. The City's spacing goals for public through streets and public pedestrian connections is a maximum of 530-ft and 330-ft, respectively. Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart.

The site is located within 186-ft of the intersection of NE 29th Avenue. The block on which the subject property is located does not meet the noted spacing requirements. While the site contains sufficient width to allow the creation of a public north-south through street, the properties adjacent to the portion of the site where the street would terminate are already developed, and not configured in a manner that would easily allow the further extension of a street from the site. So, although the optimum spacing criteria would indicate the need for a north-south through street or pedestrian connection at this site, there is no practicable opportunity to provide them in this land division. Furthermore, PBOT has no concerns relative to connectivity or locations of rights-of-way associated with the proposed land division.

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

For the reasons described above, this criterion is met.

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

This section requires approval by PBOT for the elements within the right-of-way. At this location the City's Transportation System Plan (TSP) classifies NE Dekum as a Neighborhood Collector, a Transit Access street, a City Bikeway, a City Walkway, and a Local Service street for all other modes. According to City GIS, NE Dekum is improved with 36-ft of pavement width and a 5-5-2 sidewalk corridor within a 60-ft right-of-way (ROW).

The City's Pedestrian Design Guide recommends a 12-ft sidewalk corridor (0.5-ft curb/4-ft furnishing zone/6-ft sidewalk/1.6-ft furnishing zone) for R5-zoned sites along a City Walkway. While the frontage does not meet the standard corridor requirements in terms of configuration, the site meets the criteria to qualify for an exemption under Administrative Rule 1.22 "Infill Development on Streets with an Existing Sidewalk Corridor". The existing sidewalk can be accepted as the standard sidewalk configuration for the block and the applicant will only be required to make repairs as needed.

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

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. 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 fire hydrant spacing; ensuring adequate hydrant flow from the nearest fire hydrant; and fire apparatus access, including aerial access. The applicant will need to demonstrate compliance with Fire Bureau requirements for addressing and aerial access at the time of development on the lots. These requirements are based on the technical standards of Title 31 and Oregon Fire Code (see Exhibit E.4).

CONCLUSIONS

The applicant has proposed a three 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 Fire Bureau requirements for fire flow, access and addressing; demolition of the residence and garage and tree preservation. Neighborhood concerns have been addressed in this report and copies of the responses have been forwarded to the applicant. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition that will result in 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 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 C.6 below. The recording

block(s) 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."

C. 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.

Existing Development

2. 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.
3. The applicant must obtain a finalized demolition permit for removing the existing garage. Alternately, the applicant can execute a covenant with the City stating that the structure will be removed if a permit for a primary structure on Parcel 3 has not received final inspection within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.

Required Legal Documents

4. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Parcels 1, 2 and 3. 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.

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

1. Development on Parcels 1, 2 and 3 shall be in conformance with the Alternative Tree Preservation Plan as shown on the Preliminary Grading Plan (Exhibit C.4) and the applicant's arborist report (Exhibit A.3). Specifically, trees numbered 8 and 11 are required to be preserved, with the root protection zones indicated on Exhibit C.4. 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.

Staff Planner: Brandon Rogers

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

Decision mailed September 25, 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 parcels 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 June 2, 2014, and was determined to be complete on July 28, 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 June 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 25, 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.

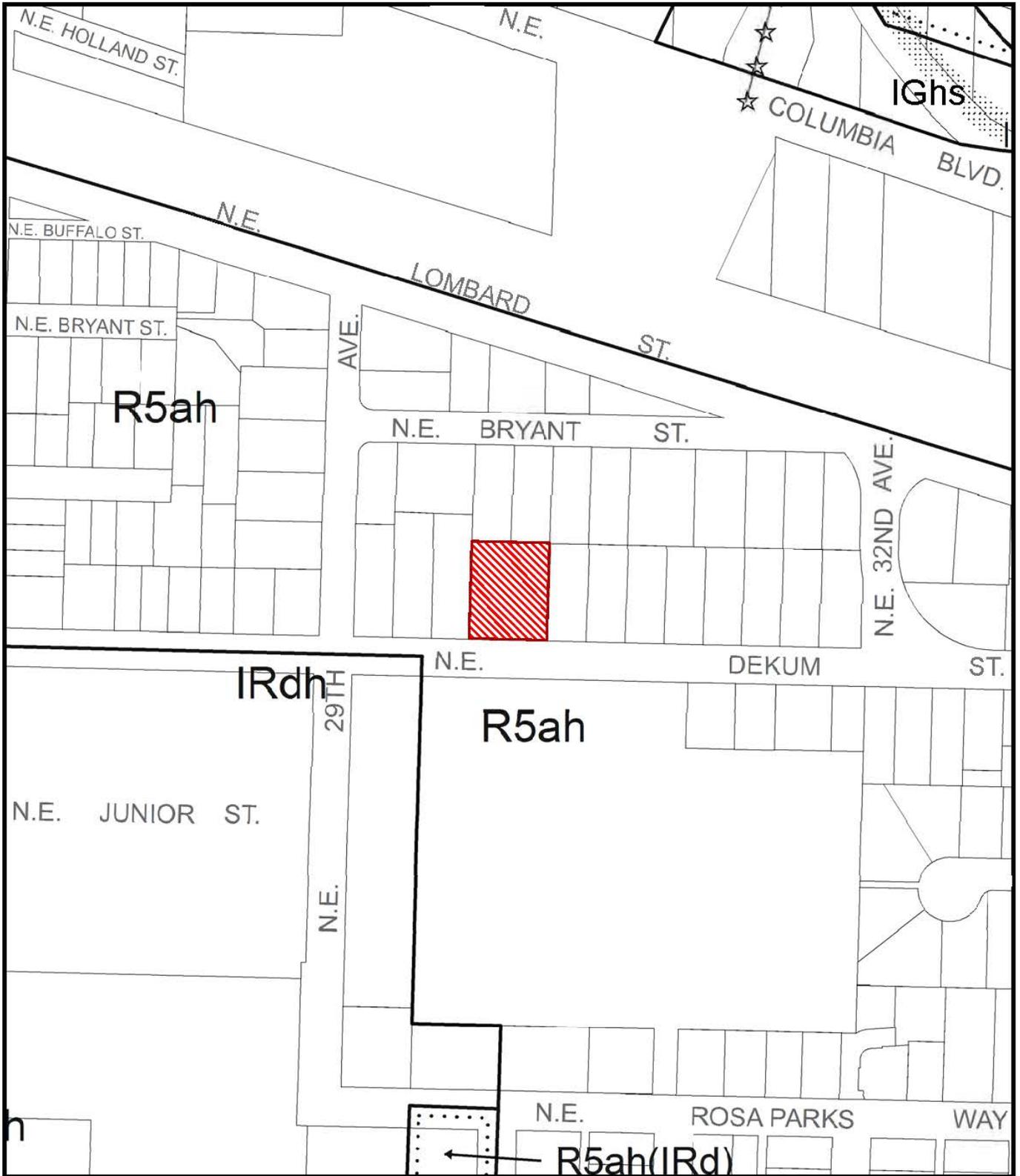
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Response to Incomplete Letter
 - 3. Arborist Report (Revised Submittal)
 - 4. Simplified Approach Stormwater Report (Revised Submittal)
 - 5. Traffic Impact Study 1 (Revised Submittal)
 - 6. Traffic Impact Study 2 (Revised Submittal)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plan (attached)
 - 2. Existing Conditions Plan
 - 3. Preliminary Utility Plan
 - 4. Preliminary Grading Plan (attached)
- 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
- F. Correspondence:
 - 1. Concordia Neighborhood Association, Garlynn G. Woodsong
 - 2. Ken Forcier, 6107 NE 32nd Place
- 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 14-163874 LDP
 1/4 Section 2333
 Scale 1 inch = 200 feet
 State_Id 1N1E13BD 2700
 Exhibit B (Jun 05,2014)

3003 NE DEKUM STREET
 TAX MAP T1N R1E 13BD
 PORTLAND, OREGON

PRELIMINARY PLAT

NO.	DATE	DESCRIPTION

EMERIO
Surveyors
 6102 SW MURRAY BLVD., SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503)-746-8812

SHEET
 3
 5

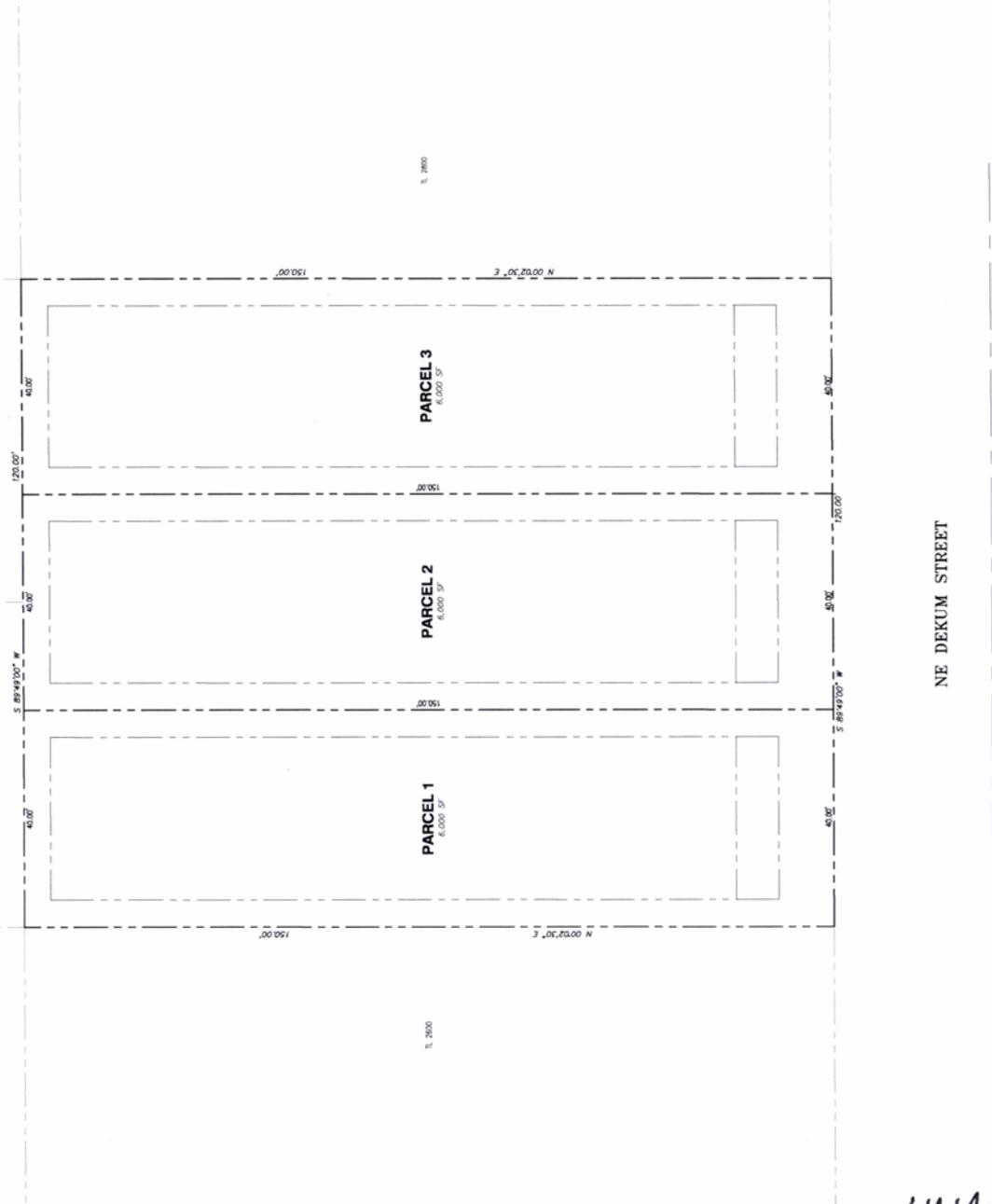
SCALE: 1" = 10'



LEGEND
 - - - - - PROPERTY LINE
 - - - - - PARCELS/BACKS OF LINES
 - - - - - CENTER LINE ROW
 - - - - - SET BACK LINE

ZONE
 R5sh
SETBACKS
 FRONT: 10 FT.
 GARAGE: 18 FT.
 REAR: 5 FT.
 SIDE: 5 FT.

ISSUED ON: 5-29-2014
 JAMES W. COOK
 PROFESSIONAL
 LAND SURVEYOR
 LICENSE NO. 16079
 VALID THROUGH: DECEMBER 31, 2015



CASE NO. LU 14-163874 LDP
 EXHIBIT C-1

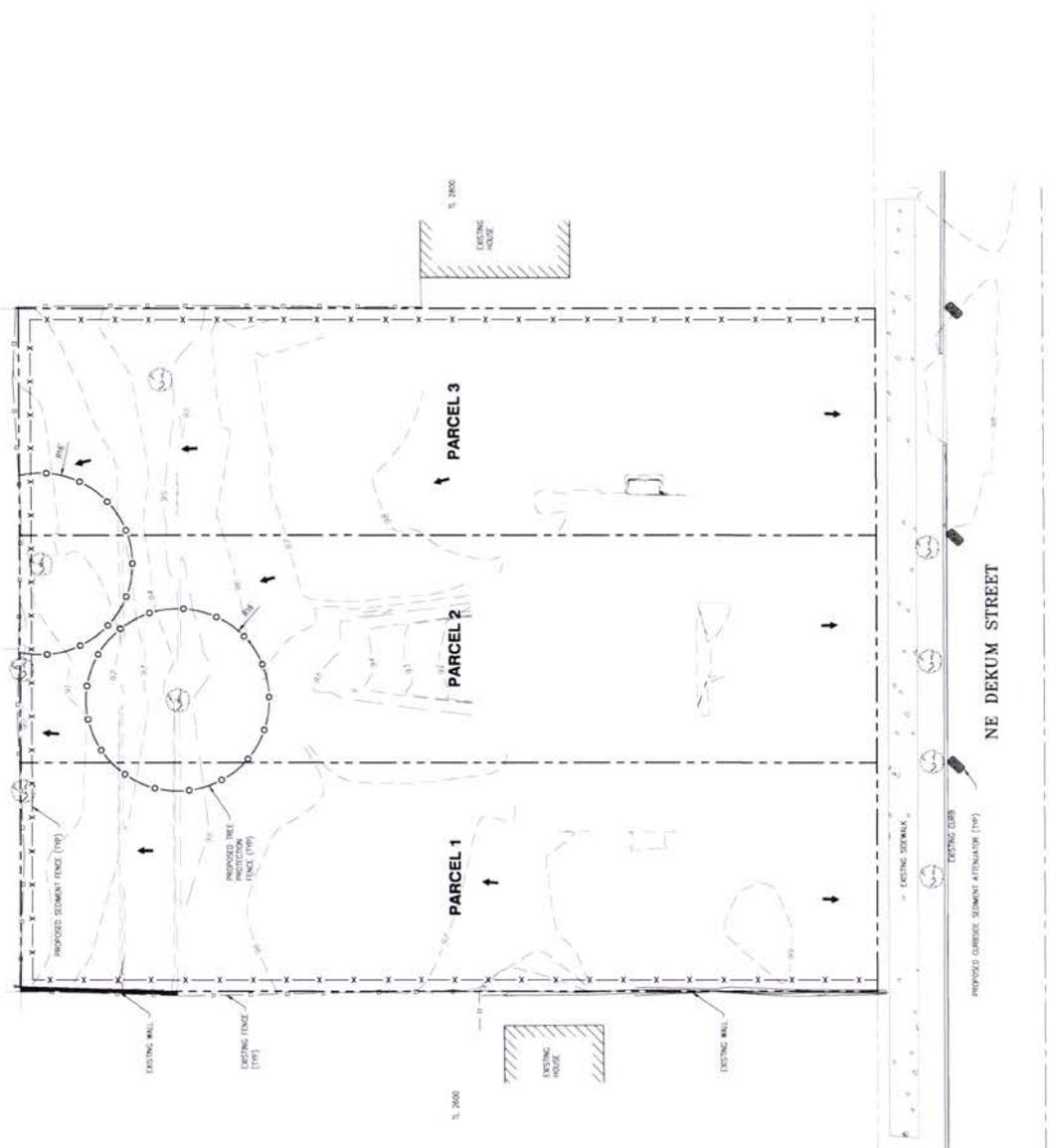
NO.	DATE	REVISION

PRELIMINARY GRADING PLAN

3003 NE DEKUM STREET
 TAX MAP T1N R1E 13BD
 PORTLAND, OREGON



- LEGEND**
- BOUNDARY LINE
 - - - ADJACENT/ADJOINING LOT LINE
 - CENTER LINE ROW
 - - - EXISTING 1' CONTOUR LINE
 - - - EXISTING 5' CONTOUR LINE
 - - - EXISTING FENCELINE
 - - - DIRECTION OF SURFACE DRAINAGE
 - - - PROPOSED SEWAGE TRENCH
 - - - PROPOSED SEWAGE ATTENUATOR



CASE NO. LU 14-163874 LDP
 EXHIBIT C.4