



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 26, 2014
To: Interested Person
From: Diane Hale, Land Use Services
503-823-7705 / Diane.Hale@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 14-168653 LDP

GENERAL INFORMATION

Applicant/Owner: Garner Moody / Lloyd Development LLC
PO Box 11560 / Portland, OR / 503-329-5369

Site Address: 5804 NE 11TH AVE

Legal Description: BLOCK 13 LOT 23, HIGHLAND PK
Tax Account No.: R384603280
State ID No.: 1N1E14CD 06000
Quarter Section: 2431
Neighborhood: Vernon, contact Mitch Snyder at 503-319-4183.
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: R2.5ah - Single Family Residential 2,500 square feet with "a" alternative design density overlay and "h" Aircraft Land Zone (height) 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 is proposing a 2-parcel land division for this 4,973 sq foot site resulting in two parcels for detached housing. Each parcel will be approximately 50 x 50 feet wide and 2,500 sq ft in area. The existing house and garage on the site will be demolished, and all trees are proposed to be removed. On-site parking is proposed for each parcel.

This partition is reviewed through a Type 1x land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no

other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land (2 parcels). 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 approval criteria found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

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. This application was submitted on June 12, 2014 and determined to be complete on July 24, 2014.

FACTS

Site and Vicinity: The 4,973 square foot site is a relatively flat corner lot, developed with a single family home built in 1928. On-site parking is provided via the detached garage. The site is generally surrounded by single family homes. Urban-scale commercial and residential development is located along Martin Luther King Jr. Blvd approximately ¼ mile to the west. There is one 24.5 “ diameter Western Red Cedar tree in the front yard, and 3 small (less than 6” diameter) fruit trees in the back yard of the existing house.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on NE 11th Avenue and approximately 100 feet of frontage along NE Jarrett Street. There is one driveway entering the site from NE 11th that serves the existing house on the site. At this location, both NE Jarrett and NE 11th are classified as Local Service Streets for all modes in the Transportation System Plan (TSP).

NE Jarrett Street has a 28-foot curb to curb paved surface within a 60-foot right-of-way with parking on both sides. NE Jarrett has a 16-ft sidewalk corridor with a 9-7-0 configuration that exceeds minimum standards. NE 11th Avenue has a 36-foot curb to curb paved surface within a 60-foot right-of-way with parking on both sides. NE 11th has a 12-ft sidewalk corridor with a 5-6-1 configuration that slightly exceeds minimum standards. Tri-Met provides transit service approximately 0.4 miles from the site at NE MLK Jr Blvd and NE Jarrett Street via Bus #6.

- **Water Service** – There is an existing 8-inch CI water main in NE 11th Avenue. The existing house is served by a 5/8-inch metered service from this main. There is no water service available in NE Jarrett Street at this location.

- **Sanitary Service** - There is an existing 12-inch VSP public combination sewer line in NE 11th Avenue. There is no sanitary service available in NE Jarrett Street.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant has proposed onsite infiltration through individual drywells to manage stormwater.

Zoning: The site is zoned R2.5ah (Residential 2,500), with a Comprehensive Plan designation of R2.5, an “a” alternative design density overlay zone and an “h” aircraft landing zone (height) overlay. The R2.5 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 encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the a-overlay provisions.

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. In the R and C zones, structures are regulated by the base zone height limits rather than the height limits of the Aircraft Landing Zone chapter.

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 29, 2014**. One written response has been received from the Vernon Neighborhood Association in response to the proposal. The Neighborhood Association expressed a preference that the existing house remain on the lot, as opposed to the applicant’s proposal to demolish the home, and they would prefer that the applicant save the Western Red Cedar in the front yard instead of removing this tree.

The applicant discussed these issues with the neighborhood association and has chosen not to change his proposal, which is allowed by the zoning code. As part of the mitigation plan to address removing the Western Red Cedar, the applicant has proposed to plant 1 large native tree on each parcel, and two additional trees on each parcel chosen from the Portland Plan List. More detailed information about the proposal’s conformance with the Tree Preservation code regulations can be found in B., Trees, below.

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	The proposed lot configuration is not a regulated configuration. In this situation, there is no preference for the width of the corner lot in relation to the new lot to the east.

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.B – Non-local street standard	The site is located on a local street.
	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.

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Minimum density for this site is 1 unit and the maximum density is 2 units. The applicant is proposing 2 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)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2496	49.92	50.00	49.92	
Parcel 2	2478	49.64	49.92	49.64	

* 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 arborist report inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.5). Three fruit trees in the back yard are exempt because they are less than 6" in diameter. One 24.5 inch Western Red Cedar is subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 24.5 inches. The applicant proposes to remove this tree. The proposal doesn't meet any of the preservation options. The applicant proposes to use the mitigation options of 33.630.300 to fulfill the Tree Preservation requirements.

Exhibit C.1, the site plan, shows the location of the tree that is subject to the preservation requirements. This tree is located in an area of the site that would preclude building a house without damaging the tree to the point of failure. The root protection zone of the tree extends ~25 feet out from the trunk in all directions. Therefore, the applicant has met Criterion A, because as many trees as possible will be preserved (none).

The applicant has submitted a tree mitigation plan that proposes approximately the same caliper inches as Option 1 of the Tree Preservation Chapter. Option 1 would require that 35%, or 9 inches, of the existing non-exempt tree diameter on site be preserved. The addition of 4 trees at 2" each, plus a payment into the Tree Fund for 1" of mitigation, is roughly equivalent to the 9 inches that would be required to be preserved. Additionally, one large native tree will be required to be planted on each parcel as part of the T1 requirements.

Criterion B is met with a condition of approval requiring the following:

- Two 2" trees chosen from the Portland Plant List must be planted on each parcel as mitigation,
- One native tree, either a Doug Fir or Western Red Cedar, equivalent to 3" caliper, must be planted on each parcel to satisfy the T1 requirements, and
- The applicant must make a payment into the Tree Fund for 1" of mitigation.

The applicant has included specific locations of trees on the tree mitigation plan (see exhibit A.5), but has the flexibility to move them around as long as the planting locations meet the requirements of this condition.

Requiring some of the replacement trees to be native species, chosen from the Portland Plant List, will help to foster and maintain the City's natural heritage. The new trees that will be planted as part of the mitigation plan will help absorb air pollutants and contamination, and provide buffering from noise and wind.

The new lots are of such a size to allow additional trees to be planted on the lots without jeopardizing the overall health of the mitigation trees or the trees planted to meet the T1 requirement. The T1 requirements for Parcel 1 and 2 will be met with the planting of one 3" large native tree on each parcel. Therefore, the mitigation trees must be provided in addition to the trees planted on each lot to meet the T1 requirement.

The site is less than 15,000 square feet in area. The applicant wishes to divide the site for detached housing, which is an allowed housing type in the R2.5 zone. The location of the existing trees on the site would prevent a land division that would result in a practicable arrangement of lots that could each contain a reasonable building area and still be able to meet the development standards of the R2.5 zone. Criterion C.4 is met.

Therefore, with the conditions noted above for mitigation, 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 and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved. 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 parcels 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 parcels can be considered suitable for development, and this criterion is met.

H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

Findings: The following easements are proposed and/or required for this land division:

- A Private Sanitary Sewer Easement is required across the relevant portions of Parcel 1, for a sanitary sewer lateral connection that will serve Parcel 2.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easement described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

“A Declaration of Maintenance agreement for private sanitary sewer easement has been recorded as document no. _____, Multnomah County Deed Records.”

With the conditions of approval discussed above, this criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services.

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 a significant impact on intersection levels of service or street capacity. No mitigation is needed.

Vehicle Access/Loading

Vehicle access for Parcel 1 is proposed via a driveway on NE 11th and for Parcel 2 via a driveway on NE Jarrett Street. The location of these curb-cuts/driveways will be subject to Title 17 driveway requirements. NE 11th and NE Jarrett are both Local Service Streets. The sites can be easily accessed by motor vehicles.

Loading is expected to take place using the private driveways for the individual homes and on-street parking. Loading activities associated with residential land uses are typically light and infrequent, and there is ample space for these activities to occur. Accordingly, vehicle access and loading space at this location are able to sufficiently accommodate the existing uses as well as the proposed land division.

On-Street Parking Impacts

The new parcels will have at least one on-site parking space each in a garage with an additional space between the garage and the front property line for a second parking spot. Staff finds with the provision of adequate on-site parking, the development of one additional dwelling unit at this location will not have an appreciable impact to on-street parking in the area.

Availability of Transit

The site and area are served by transit via Tri-Met Route #6 with a stop approximately 0.4 miles to the west at NE MLK Jr. Blvd. and NE Jarrett St., and via Tri-Met Route #8 with a stop at NE Jarrett and NE 15th Avenue approximately 900 ft to the east.

Neighborhood Impacts

The site is being developed with a new single-family residence in compliance with the existing R2.5 zoning. In addition, the existing standard frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles.

Safety for All Modes

Sidewalks along both sides of the area streets provide adequate pedestrian facilities. Given the low vehicle speeds and volumes on NE Jarrett and NE 11th Ave, cyclists can safely share the roadway.

PBOT has reviewed the proposal (see Exhibit E.2). No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Findings: Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<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 Parcel 1, as noted on page 2 of this report. The water service standards of 33.651 have been verified for Parcel 1.</p> <p>There is no existing water service on NE Jarrett Street. The nearest water service is located in NE 11th Avenue. The applicant must make arrangements to extend a new water main in NE Jarrett Street to ensure service is available to Parcel 2. In order to meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the Water Bureau prior to final plat approval.</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 Parcel 1 via NE 11th Avenue, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified for Parcel 1.</p> <p>There is no public sanitary sewer available in NE Jarrett Street to serve Parcel 2. The nearest available sewer is located in NE 11th Avenue. The applicant must provide an easement across Parcel 1 to the benefit of Parcel 2 for the sewer line on the Final Plat. A Maintenance Agreement for the easement must be submitted for approval by BDS and the City Attorney</p>

and must be recorded with the Final Plat.

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

No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

Stormwater from these parcels will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these parcels has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.

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. The site is located on a corner. The specified spacing goals for public through streets and pedestrian connections are met in this area. PBOT has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition. Therefore, this criterion is met.

33.654.120.C.1 and C.2 Local Service Streets width & elements of the right-of-way – See Exhibit E.2 for bureau comment

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

NE Jarrett Street has a 28-foot curb to curb paved surface within a 60-foot right-of-way with parking on both sides. NE 11th Avenue has a 36-foot curb to curb paved surface within a 60-foot right-of-way with parking on both sides.

For a Local Service street abutting R2.5 zoned sites, the Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor (0.5-ft curb/4-ft furnishing zone/6-ft curb/0.5-ft frontage zone). NE Jarrett has a 16-ft sidewalk corridor with a 9-7-0 configuration that exceeds minimum standards. NE 11th has a 12-ft sidewalk corridor with a 5-6-1 configuration that slightly exceeds minimum standards.

PBOT notes that no improvements are required to the existing rights-of-way. Therefore, 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 R2.5 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 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 applicant must meet the requirements of Urban Forestry for street tree planting at the time of development. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

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

A. The final plat must show the following:

1. A private sanitary sewer easement, for the benefit of Parcel 2, shall be shown and labeled over the relevant portions of Parcel 1.
2. A recording block for the maintenance agreement as required by Condition B.5 below. The recording block shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for private sanitary sewer easement has been recorded as document no. _____, Multnomah County Deed Records."


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

1. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water main extension in NE Jarrett Street.
2. 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.
3. A finalized permit must be obtained for demolition of the existing residence on the site, including special inspection of compaction testing of structural fill in the basement excavation, and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.
4. The applicant must obtain a finalized demolition permit for removing the existing garage on the site.
5. A Maintenance Agreement shall be executed for the Private Sewer Easement described in Condition A.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
6. The applicant must pay into the City Tree Fund the amount equivalent to 1 inch of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

1. The applicant must plant the following prior to final building permit approval:
 - Two 2" trees chosen from the Portland Plant List must be planted on each parcel as mitigation, and
 - One native tree, either a Doug Fir or Western Red Cedar, equivalent to 3" caliper, must be planted on each parcel to satisfy the T1 requirements.
2. The applicant must meet the addressing requirements of the Fire Bureau for Parcels 1 and 2. The location of the sign must be shown on the building permit.
3. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Diane Hale

Decision rendered by:  **on September 23, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed September 26, 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 June 12, 2014, and was determined to be complete on **July 24, 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 12, 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 21, 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.

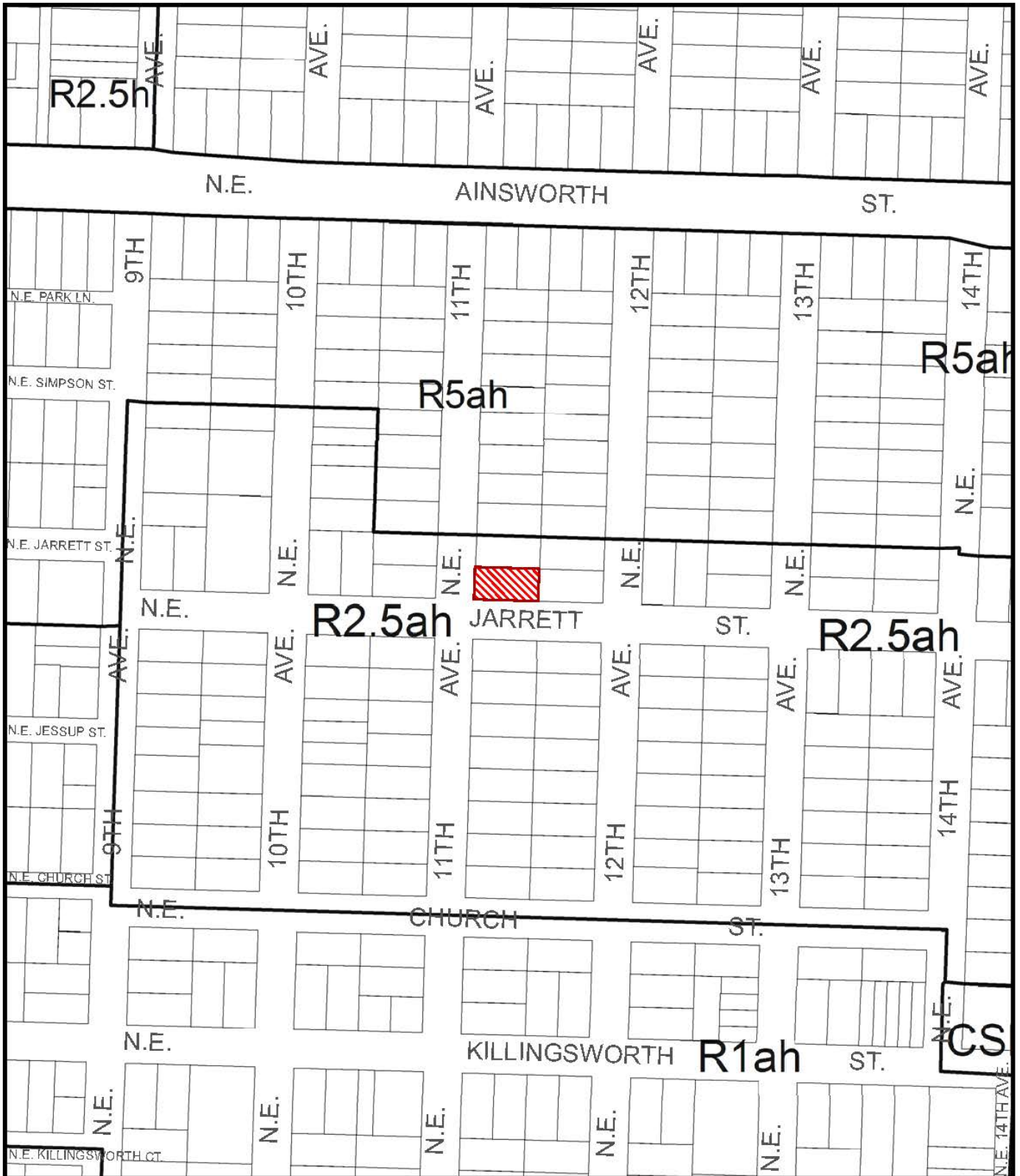
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Applicants original submittal and plans
 - 2. Applicants response, July 24, 2014
 - 3. Applicants response, September 16, 2014
 - 4. Stormwater management report
 - 5. Arborist report and tree mitigation plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site 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. Life Safety Section of BDS
 - 7. Parks Urban Forestry
- F. Correspondence:
 - 1. Vernon Neighborhood Association c/o Mitchell Snyder, August 28, 2014
- 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

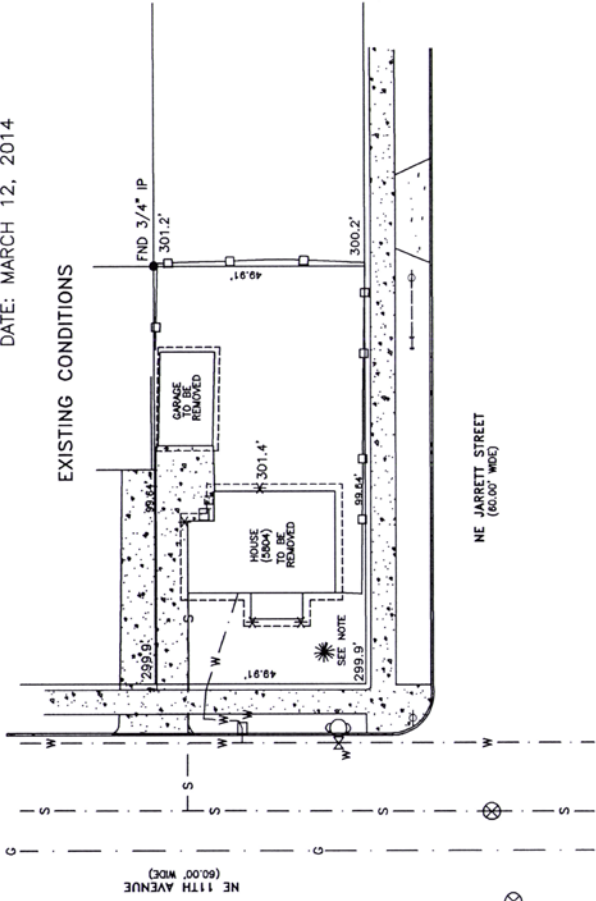
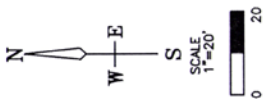


NORTH

File No. LU 14-168653 LDP
 1/4 Section 2431
 Scale 1 inch = 200 feet
 State_Id 1N1E14CD 6000
 Exhibit B (Jun 16, 2014)

SITE PLAN

LOT 23, BLOCK 13, "HIGHLAND PARK",
SITUATED IN THE SOUTHWEST 1/4 OF SECTION 14, T.1N., R.1E., W.M.,
IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
DATE: MARCH 12, 2014



NOTE: SEE TREE REPORT BY LLOYD ARBORICULTURAL CONSULTING.

RECEIVED

SEP 16 2014

SYMBOLS

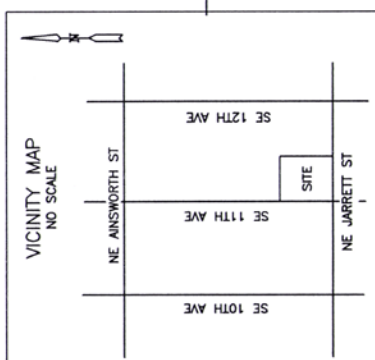
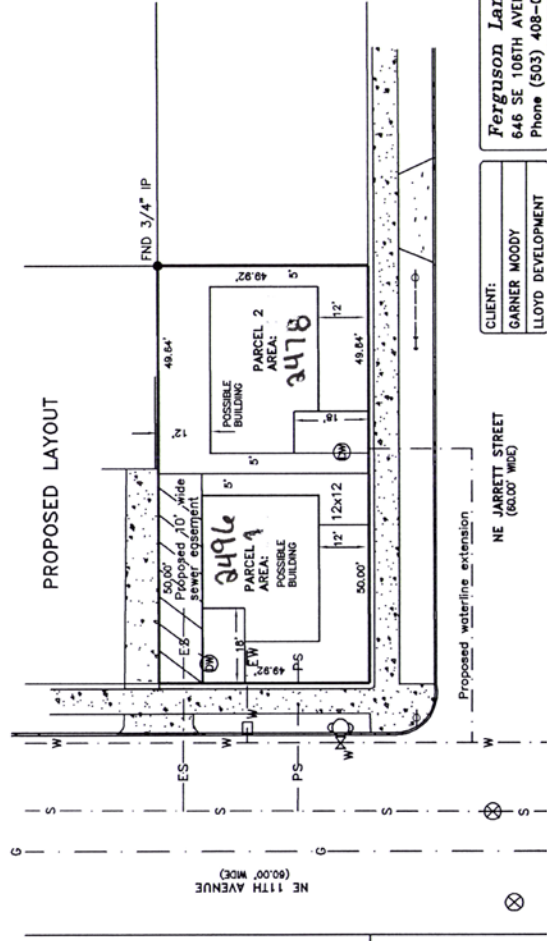
- ⊕ = POWER POLE
- ⊖ = GUY ANCHOR
- = WATER METER
- = GAS METER
- = ELECTRIC METER
- ⊗ = WATER VALVE
- ⊗ = GAS VALVE
- ⊗ = MANHOLE
- ⊗ = DRY WELL
- ⊗ = CATCH BASIN
- ⊗ = FIRE HYDRANT
- ⊗ = DOWN SPOUTS
- = WATER LINE
- = GAS LINE
- = ELECTRIC LINE
- = SANITARY SEWER
- = EXISTING SEWER
- = PROPOSED SEWER
- = EXISTING WATER
- = PROPOSED WATER

REGISTERED PROFESSIONAL LAND SURVEYOR
JOE H. FERGUSON
OREGON
JULY 29, 1990
RENEWAL DATE 12/31/15

SHEET NO. 1 OF 1
JOB NO. 14-028
DRAFTED 9/11/14

Ferguson Land Surveying, Inc.
646 SE 106TH AVENUE, PORTLAND, OR 97216
Phone (503) 408-0601 Fax (503) 408-0602

CLIENT:
GARNER MOODY
LLOYD DEVELOPMENT



14-168653 LDP/EX C.1