



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 18, 2014
To: Interested Person
From: Diane Hale, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 14-197375 LDP

GENERAL INFORMATION

Applicant: Bruce Vincent / Bedsaul-Vincent Consulting, LLC
416 Laurel Ave #3 / Tillamook, OR 97141 / (503) 842-5391

Owner: Randy Palazzo / Metro Homes Northwest LLC
211 NE Weidler St / Portland, OR 97232

Site Address: 9555 N TIOGA AVE

Legal Description: TL 7600 0.26 ACRES, SECTION 06 1N 1E
Tax Account No.: R314604
State ID No.: 1N1E06CB 07600
Quarter Section: 2023
Neighborhood: St. Johns, contact David Green at davidgreen7373@gmail.com
Business District: North Portland
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Zoning: R5 - Single Family Residential 5,000
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 11,287 square foot site, resulting in 2 standard parcels for detached single-family homes. The existing house on the site will remain. There are 3 trees on the site. The applicant is proposing to save one of these trees, a Flowering Dogwood in the front yard of the existing house. Off-street parking is proposed for both parcels.

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 criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The 11, 287 square foot site is an interior lot developed with a single family home built in 1905. There are 2 Flowering Dogwood trees on the site that are subject to the Tree Preservation regulations. One other tree is exempt because of its deteriorated health. The site is generally surrounded by single family development. Fessenden Street is located approximately 200 feet to the south, and contains a mix of higher density commercial and residential development.

Infrastructure:

- **Streets** – The site has approximately 107 feet of frontage on N Tioga Avenue. There are two driveways entering the site; one serves the existing house and one leads to an undeveloped side yard. At this location, the City’s TSP classifies N Tioga as a Local Service street for all transportation modes. According to City GIS, at this location N Tioga is improved with 30-ft of paving and an 8-5-2 sidewalk corridor within a 60-ft right-of-way (ROW). Tri-Met provides transit service approximately 200 feet south of the site at N Fessenden Street and N Tioga Avenue via Buses #4 and #11.
- **Water Service** – There is an existing 8-inch CI water main in N Tioga Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch CSP public combination sewer line in N Tioga Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant has proposed onsite infiltration through an individual drywell to manage stormwater for the new house on Parcel 2. The existing house on Parcel 1 is served by downspouts that drain into pipes.

Zoning: The site is zone R5 (Residential 5,000), with a Comprehensive Plan designation of R5. 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.

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 **October 21, 2014**. No written responses have been received from 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.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.B - Non-local street standard	N Tioga is a Local Streets.
	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 is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. The site has a minimum required density of 2 units and a maximum density of 2 units. The applicant is proposing 2 single dwelling parcels. The density standards are therefore met.

If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore in this case the minimum density is reduced to 1.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Parcel 1	5,423		51.69	104.93	51.69
Parcel 2	5,489		55.74	104.93	55.74

* 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.5). One tree has been exempted because it is unhealthy. Two trees are subject to the preservation requirements of this chapter. The narrative originally submitted with the land use review application incorrectly stated that additional trees are subject to the preservation requirements. Refer to the arborist report (Exhibit A.5) for the accurate inventory.

The total non-exempt tree diameter on the site is 17 inches. The applicant proposes to preserve tree #1, a 6 inch Flowering Dogwood on Parcel 1, which comprises 35 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 tree to be preserved and the required root protection zone is shown on the applicant's Preliminary Land Division Plan (Exhibit C.1).

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

This criterion is met, subject to the condition that development on Parcel 1 be carried out in conformance with the Preliminary Land Division Plan (Exhibit C.1) and the applicant's

arborist report (Exhibit A.5) and an Acknowledgement of Tree Preservation Land Use Conditions is recorded with the final plat.

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

Findings:

Clearing and Grading

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

In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, no clearing and grading is proposed within the root protection zones of the tree on the site that is required to be preserved.

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 swimming pool and shed on Parcel 1. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition and backfill of the swimming pool. Since the shed is less than 200 square feet, a permit will not be required for removal, but the applicant must submit before and after photos of the removal (with the same perspective). With these conditions, the new parcels 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 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.

The proposed project will divide the site into two parcels. The existing home on the lot will remain (Parcel 1) and a new single-family home is proposed to be constructed on Parcel 2 resulting in a net increase of one single-family dwelling as the result of this land division. In response to the transportation-related approval criteria, the applicant submitted a written narrative.

PBOT has provided the following findings (see Exhibit E.2):

Street Capacity and Level-of-Service

The proposed land division will create two (2) new parcels from the current lot in order to accommodate one new single-family home. The existing single-family home on the site will remain. Referring to the ITE Trip Generation Manual, 9th Edition, the net new trips for the proposed land division will be one (1) new AM peak hour trip and one (1) additional PM peak hour trip (10 additional total new daily trips).

PBOT finds that the minimal number of vehicle trips associated with this project will have negligible impacts on the capacity of nearby intersections and none of the surrounding transportation facilities are expected to be negatively impacted as the result of the construction of one additional dwelling unit.

Vehicle access and loading

Vehicles will access this site via N Tioga which is a Local Service street for all transportation modes. There are no turn restrictions or one-way facilities in the immediate vicinity and

vehicles can easily access the greater transportation system via N Fessenden St, a Neighborhood Collector located approximately 200-ft from the site.

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, vehicle access and loading space at this location is sufficient to accommodate the existing uses in the vicinity in addition to the proposed development.

On-street parking impacts

The existing lot currently has two curb-cuts/driveways, one servicing the existing dwelling and one providing access to the side yard. Based upon the site plan, on-site parking for Parcel 2 will be accommodated within a proposed garage and enough space will be available within the driveway to park at least one additional vehicle for a minimum of 2 on-site parking spaces. Additionally, at least one on-site parking space can be accommodated within the existing driveway on Parcel 1. Accordingly, there will be no net increase in the number of curb-cuts/driveways along N Tioga as a result of this land division.

The existing development pattern in the area includes single-family homes with on-site parking for at least 1 vehicle and it is anticipated that further redevelopment along this block will include on-site parking. Accordingly, there is sufficient on-street parking in the vicinity to accommodate existing uses and the proposed land division is anticipated to have minimal impacts upon on-street parking in the area.

Availability of transit service and facilities and connections to transit

Transit service is available within 200-ft of the subject property. Specifically, TriMet has a stop (Route #4, and #11) at N Fessenden & N Tioga south of the site. While there are some gaps in the existing pedestrian corridor along the west side of N Tioga, the applicant will be required to reconstruct the site's frontage to City standards which will contribute to improving connection to transit service.

Impacts on the immediate/adjacent neighborhoods

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 additional development. Accordingly, the proposed development is not anticipated to have negative transportation-related impacts upon the immediate or adjacent neighborhoods.

Safety for all modes

Vehicle speeds are relatively low on area roadways and the applicant will be required to reconstruct the site's frontage to achieve a 6-ft pedestrian corridor which will contribute to pedestrian safety. There are also identified bike facilities in the area (Portland Bike/Walk Map) including painted bike lanes on N Fessenden to the south of the site. Additionally, N Burr, to the east of the site, is identified as a Neighborhood Greenway. No existing traffic safety issues were identified in the vicinity and area roadways will continue to operate safely with the additional traffic generated by the proposed development.

PBOT has reviewed and concurs with the information supplied and available evidence. 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:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.

The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.

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

As a result of the proposed land division, the existing sewer connection that serves the house on Parcel 1 may cross over Parcel 2 to reach the sewer main in N Tioga Avenue. The applicant must either demonstrate that the service lateral for the existing house is within the frontage for Parcel 1, or obtain a plumbing permit to cap the existing sewer connection and establish a new service for the house located entirely on Parcel 1.

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.

The applicant has proposed the following stormwater management methods:

- **Public Street Improvements:** As a condition of this land use approval, the Bureau of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated through staff discussions that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.
- **Parcel 2:** Stormwater from Parcel 2 will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. This parcel 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 drywell.
- **Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain into underground pipes. BES has noted that the downspouts on the south side of the house would be within the required setbacks. Prior to final plat approval, the applicant must modify the existing stormwater system for the existing house to meet the City of Portland Stormwater Management Manual (SWMM) requirements. Permits will need to be finalized if necessary.

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. Pedestrian connections should be provided no more than 330 feet apart and at least 200 feet apart. The site is located on a block that does not currently meet the City's specified connectivity goals. However, given that the subject property is located approximately 200-ft from the corner of N Tioga and N Fessenden, future pedestrian connectivity would be more appropriate and practical at a point closer to mid-block. 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. In this case Portland Transportation has determined that sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development.

For a Local Service street abutting an R5 zoned site, the City's Pedestrian Design Guide recommends an 11-ft sidewalk corridor (0.5-ft curb/4-ft furnishing zone/6-ft sidewalk/0.5-ft frontage zone). At this location N Tioga is improved with 30-ft of paving and an 8-5-2 sidewalk corridor within a 60-ft right-of-way. While the existing sidewalk corridor is consistent the Pedestrian Design Guide in terms of width, it does not meet the recommended configuration. Specifically, a 6-ft wide sidewalk is required. Additionally, the subject site does not meet the required characteristics to be considered under Administrative Rule 1.22 "Infill Development on Streets with an Existing Sidewalk Corridor" as the existing sidewalk corridor is not the same configuration for the entire block. The applicant will be required to reconstruct the sidewalk corridor in front of Parcels 1 and 2. With these improvements, one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided. With the conditions of approval described above, 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 existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are three Zoning Code standards that relate to existing development on the site:

- **Minimum Setbacks** – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5.5 feet from the new property line with 1.5 foot eaves. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.
- **Accessory Structure** – Structures are not allowed to remain on a proposed lot line. Therefore, in order for the proposed new lots to be approved, the accessory structure that straddles the line between proposed Parcels 1 and 2 must be removed prior to final plat. The applicant must submit before and after photos to

document removal of the structure. To ensure that this standard is met, a condition of approval is necessary.

- T1 Tree Standard – Residential development has a tree requirement that is currently met on the site. Due to the land division, and associated tree removal, Parcel 1 with the existing house will no longer meet this standard. Parcel 1 is 5423 square feet, therefore 10 inches of trees are required. The applicant has proposed to preserve a 6 inch tree on Parcel 1, which can be applied to the T1 requirements. Prior to final plat approval, the applicant must fully meet the requirement by either planting 4 caliper inches of trees on Parcel 1 or making the equivalent payment into the City Tree Fund.

With the conditions noted above, 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 and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- The location of any existing or required stormwater systems serving the existing home;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. A recording block for the acknowledgement of special land use conditions, as required by Condition C.6 below. The recording block shall, at a minimum, include language substantially similar to the following example: "An Acknowledgment 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:

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor. The improvements along the frontage of Parcel 1, where the existing house will be retained, must be constructed prior to final plat approval. The improvements along the frontage of the undeveloped parcel may be constructed with development as per the City Engineer's discretion.

Existing Development

2. The applicant must obtain a finalized demolition permit to remove the concrete swimming pool and backfill the excavation on Parcel 1.
3. The applicant must remove the shed that crosses the location of the new property line between Parcels 1 and 2. The applicant must submit before and after photos of the removal (with the same perspective).
4. Prior to final plat approval, the applicant must modify the existing stormwater system for the existing house to meet the City of Portland Stormwater Management Manual (SWMM) requirements. Permits will need to be finalized if necessary.
5. The applicant must either demonstrate that the sanitary sewer service lateral for the existing house is within the frontage of Parcel 1, or obtain finalized plumbing permits to cap the existing lateral to provide future service to Parcel 2 and establish a new lateral for the existing house on Parcel 1.
6. The applicant shall execute an Acknowledgment of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 1. A copy of the arborist report (Exhibit A.5) and the Preliminary Land Division Plan (Exhibit C.1) must be included as Exhibits to the Acknowledgment. The acknowledgment shall be referenced on and recorded with the final plat.
7. The applicant must meet the tree requirement on Parcel 1 with the existing house by either planting 4 caliper inches of trees on the lot or making the equivalent payment into the City Tree Fund. A finalized Zoning Permit must be obtained to document tree planting prior to final plat approval.

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

1. Development on Parcel 1 shall be in conformance with the Preliminary Land Division Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.5). Specifically, tree #1 is required to be preserved, with the root protection zones indicated on Exhibit C.1 (6-ft rpz). Tree protection fencing is required along the root protection zone of the 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 shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor along the frontage of Parcel 2.
3. 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 from the fire access as measured 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: Kimberly Tallant **on December 16, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed December 18, 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 August 12, 2014, and was determined to be complete on **October 9, 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 August 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 February 6, 2015.**

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.

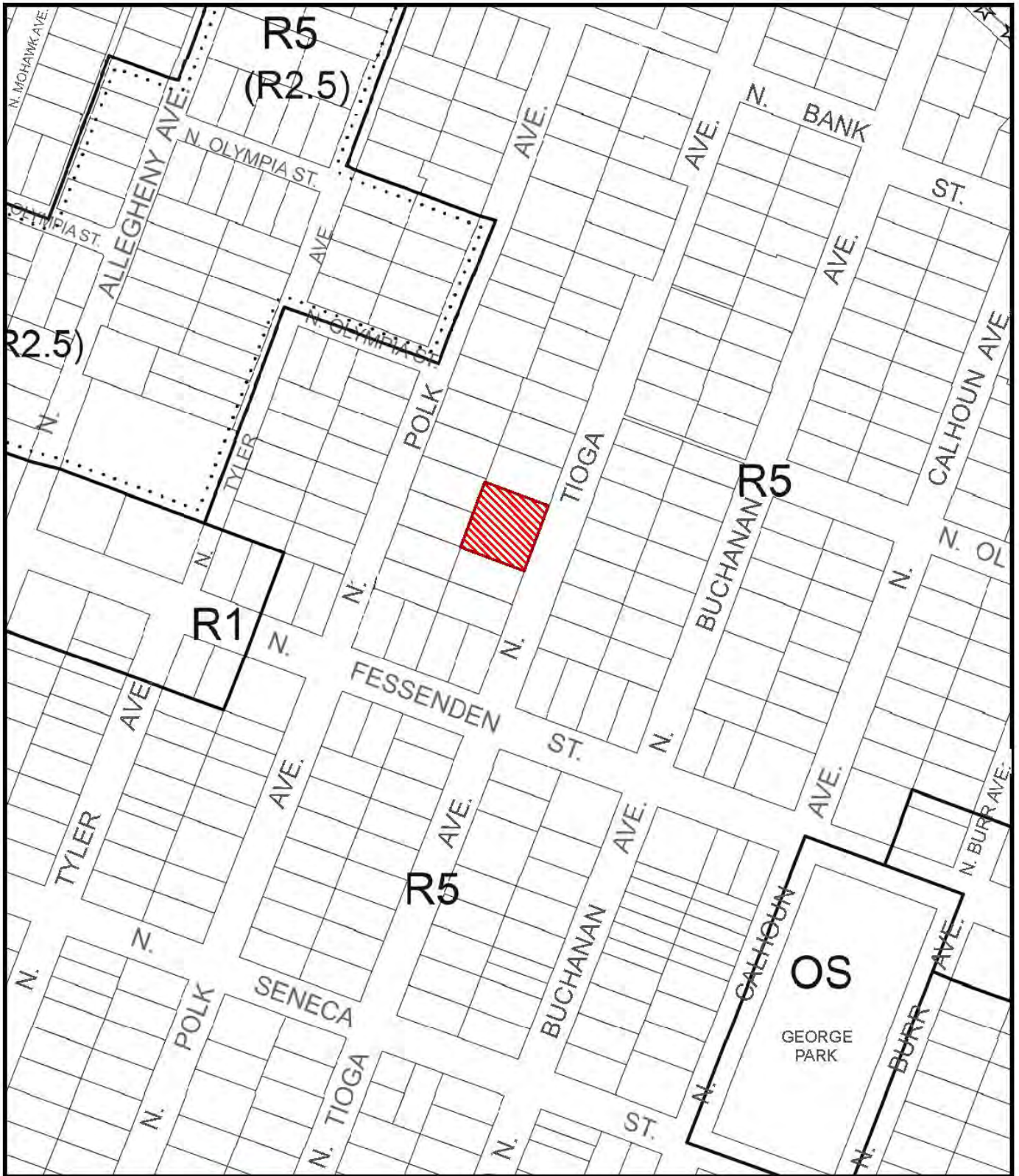
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Applicant's original submittal and plans
 - 2. Applicant's response, October 9, 2014
 - 3. Applicant's response, December 5, 2014
 - 4. Stormwater Simplified Approach Form
 - 5. Arborist Report, October 9, 2014
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary 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 (none submitted)
- 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



Recreational Trail



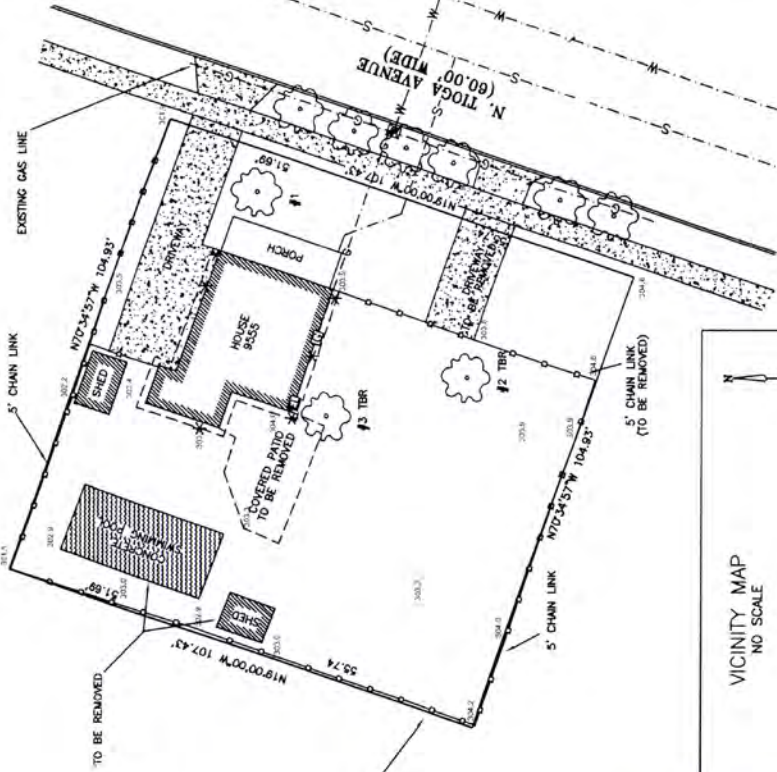
File No. LU 14-197375 LDP
 1/4 Section 2023
 Scale 1 inch = 200 feet
 State_Id 1N1E06CB 7600
 Exhibit B (Aug 14, 2014)

RECEIVED

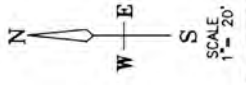
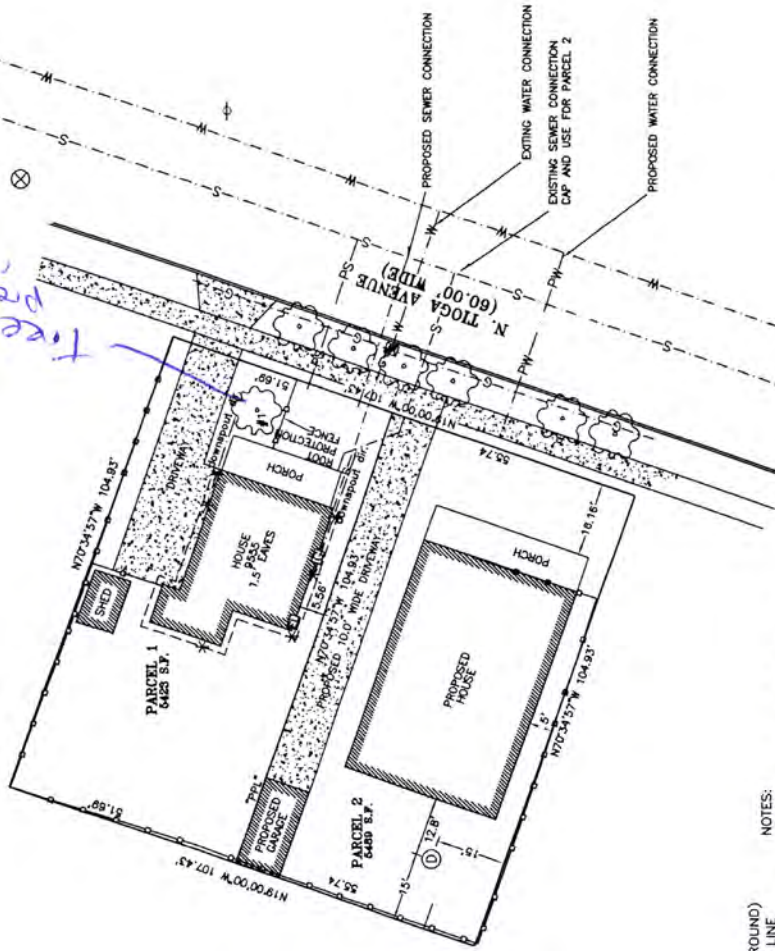
DEC 05 REC'D

Tree #1 to be preserved. 6 foot root protection zone.

EXISTING CONDITIONS



PROPOSED CONDITIONS



- SYMBOLS**
- ⊕ = POWER POLE
 - ⊙ = GUY ANCHOR
 - ⊖ = WATER METER
 - ⊕ = GAS METER
 - ⊖ = ELECTRIC METER
 - M/W = WATER VALVE
 - M/G = GAS VALVE
 - ⊗ = MANHOLE
 - * = DOWN SPOUTS (TO GROUND)
 - PPL = PROPOSED PROPERTY LINE
 - W = WATER LINE
 - PW = PROPOSED WATER LINE
 - G = GAS LINE
 - S = SAN. SEWER
 - PS = PROPOSED SAN. SEWER
 - TBR = TO BE REMOVED
 - ⊗ = DECIDUOUS TREE
 - ⊗ = CONIFER TREE

- NOTES:**
1. ELEVATION DATUM IS ASSUMED
 2. TREES ARE NUMBERED PER ARBORIST REPORT DATED JULY 28, 2014. TREES 2 AND 3 ARE TO BE REMOVED.
 3. EXISTING SEWER CONNECTION TO BE CAPPED AND USED FOR NEW LOT.
 4. ELECTRIC AND GAS METERS ATTACHED TO HOUSE.



REGISTERED PROFESSIONAL LAND SURVEYOR
 JOE H. FERGUSON
 OREGON
 JULY 25, 1990
 2445
 RENEWAL DATE 12/31/15

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

SITE PLAN
 A TRACT OF LAND AS DESCRIBED IN DOCUMENT 2014-053142, MULTNOMAH COUNTY DEED RECORDS IN THE SW 1/4 SECTION 6, T.1N., R.1.E., W.M. CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

CLIENT:
 METRO HOMES NW
 232 NE WEIDLER ST.
 PORTLAND, OREGON 97232

DATE: JULY 31, 2014
 REVISED: NOVEMBER 26, 2014
 REVISED: _____
 REVISED: _____

JOB NO. 14-088
 DRAFTED 7.31.14
 SHEET 1 OF 1

14-197375 LDP / EX. C.1