



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Inspection Services - Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** September 17, 2015  
**To:** Interested Person  
**From:** Brandon Rogers, 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 15-169908 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Caffall Construction Inc  
8555 SW Sagert St  
Tualatin, OR 97062-9115

**Owner:** DBS Group LLC  
12365 W Herman Rd  
Tualatin, OR 97062

**Site Address:** 5201 SE 132ND AVE

**Legal Description:** TL 600 0.42 ACRES, SECTION 14 1S 2E  
**Tax Account No.:** R992143040  
**State ID No.:** 1S2E14BD 00600  
**Quarter Section:** 3543  
**Neighborhood:** Powellhurst-Gilbert, contact Powellhurst-Gilbert at [pgnaboard@gmail.com](mailto:pgnaboard@gmail.com)

**Business District:** Midway, contact Bill Dayton at 503-252-2017.  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Plan District:** Johnson Creek Basin  
**Zoning:** Residential 5,000 (R5) with the "a" Alternative Design Density overlay zone.

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

**Proposal:** The applicant proposes to divide the 18,180 square foot site into three parcels for development of single family dwellings. Parcel 1 has frontage on SE 132<sup>nd</sup> Avenue and will

contain the existing house, which will remain at the site. Parcels 2 and 3 will have street frontage, water and sanitary sewer services from SE 130<sup>th</sup> Place. The site contains trees that are subject to tree preservation requirements.

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 is developed with a single family residence which will remain. The topography of the site is primarily level, with a three foot change in elevation across the site. The surrounding neighborhood is developed with a mix of single family and multiple family residences. The surrounding street grid is a patchwork of non-through streets, and cul-de-sacs with long blocks, non-continuous sidewalks and a variety of parcel shapes and sizes.

### Infrastructure:

- **Streets** – The site is a through lot and has 90-feet of frontage on SE 130<sup>th</sup> Place and 90 feet of frontage on SE 132<sup>nd</sup> Avenue. There is one driveway connecting to SE 132<sup>nd</sup> Avenue serving the existing house. At this location, the City's Transportation System Plan classifies SE 130<sup>th</sup> Place and SE 132<sup>nd</sup> Avenue as Local Service streets for all modes. Tri Met provides transit service approximately 500-feet south of the site at SE Harold Street via Bus 10. At this location, SE 130<sup>th</sup> Place is improved with approx 27-feet of paving and a curb only, no sidewalk within an approx 42-ft wide right of way. There is approx 3.5 to 4 ft of right of way behind the curb. SE 132<sup>nd</sup> Avenue is improved with approx 28-feet of center strip paving within an approx 52-ft wide right of way with no curb or sidewalk.
- **Water Service** – There is an existing 8-inch water main in SE 132<sup>nd</sup> Avenue and a 6-inch water main in SE 130<sup>th</sup> Place. The existing house is served by a 5/8-inch metered service from the main located in SE 132<sup>nd</sup> Avenue.
- **Sanitary Service** - There are existing 8-inch public sanitary sewer lines in SE 132<sup>nd</sup> Avenue and SE 130<sup>th</sup> Place.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

**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 “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.

**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 16, 2015**. 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	Maintaining existing development on the site limits new parcel configuration (33.610.200 supersedes 33.639).
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	No dead-end street or pedestrian connections are proposed or required.

	connections	
	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 3 units and a maximum density of 3 units. The applicant is proposing 3 single dwelling parcels. Because the minimum required density is equal to the maximum allowed density, the minimum density is automatically reduced to one less than the maximum. Therefore in this case, the minimum density is reduced to 2. 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)
<b>R5 Zone</b>	3,000	8,500	36	50	30
Parcel 1	6,935		90	77	90
Parcel 2	5,103		45	113	45
Parcel 3	5,103		45	113	45

\* 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.

Therefore, the density and lot dimension standards are met.

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

**Findings:** The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees. To satisfy these requirements, the applicant must provide a tree plan that demonstrates, to the greatest extent practicable, the trees to be preserved provide the greatest environmental and aesthetic benefits for the site and the surrounding area. The tree plan must also show that trees are suitable for preservation, considering the health and condition of the tree and development impacts anticipated. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites. Some trees are exempt from the requirements of this chapter, if they are unhealthy, a nuisance species, within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.1) that shows the location and size of trees on the site. The applicant also provided an arborist report (Exhibit A.4) that identifies each tree, evaluates their condition and suitability for preservation (or its exempt status), and specifies a root protection zone and tree protection measures for each tree to be preserved.

The arborist report identifies five trees at the site (Exhibit A.4), which provide a total of 142 inches of tree diameter. The arborist report identifies one tree that is not suitable for preservation and is therefore exempt, a 32-inch DBH Silver Maple, because it is considered dangerous (33.630.030.C). Three trees totaling 110 inches DBH are therefore subject to the preservation requirements of this chapter.

The trees proposed for preservation are healthy, non-nuisance species, and two of the trees are 20 or more inches in diameter, a 50-inch DBH Silver Maple and a 40-inch DBH Douglas Fir. The proposed root protection zones (RPZ) for the trees to be retained will allow for the type of development anticipated in the R5 zone. The arborist proposed the performance path for tree protection under 11.60.030.C.2 as described below.

The applicant proposes to retain all of the trees that are 20 or more inches and 102 inches of the total tree diameter, so the proposal complies with Option 1 of the tree preservation standards of Section 33.630, which requires preservation of all of the trees that are 20 or more inches in diameter and at least 20 percent of the total tree diameter on the site.

The arborist proposes the performance path of tree protection for all of the protected trees, proposing alternative RPZ's for trees 3, 4 and 5. Tree 3 is a 50-inch Silver Maple, which would require a 50-foot RPZ under the prescriptive path. The arborist proposes a 25-foot RPZ. Tree 4 is a 40 inch Douglas Fir, which would require a 40-foot RPZ under the prescriptive path. Tree 5 is a 12 inch Japanese maple which would require a 12-foot RPZ under the prescriptive path. For trees 4 and 5, the arborist proposes an alternative RPZ bounded by the north property line, the front property line, the edge of the existing driveway and the façade of the existing residence. This area measures approximately 27 feet in width by 59 feet in length and essentially encompasses the unpaved front yard area in front of the existing house.

Property dedication of 4-feet and public street and stormwater improvements are required along the street frontage of SE 132<sup>nd</sup> Avenue. These improvements will occur adjacent to preserved trees 4 and 5. The applicant's arborist report includes the results of sub-surface inspections to a depth of 20-inches within the area where improvements will occur. The arborist concludes that the street improvements will be able to take place and the impact to trees #4 and #5 will be minimal. Further, the report states that the arborist will be present during excavation work for the public improvements.

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 Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Parcels 1, 2 and 3 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the Arborist Report (Exhibit A.4).

At the time of development, the individual parcels must also meet the Title 11-Tree Code provisions, which require a specific amount of site area for tree planting based on the size of the property and the scale of the development. The trees to be retained as part of this review may be applied toward meeting those Title 11 requirements. Prior to recording the final plat, Parcel 1 (with the existing house) must meet the Title 11 requirements as discussed below in the Development Standards and Condition C.3. These criteria are met with conditions of approval as described above.

**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 level and is not located within the Potential

Landslide Hazard Area. The applicant has stated there will be no changes to the existing contours, except as necessary to drain water away from the proposed new homes (Exhibit A.1). 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 Site Development section of BDS has responded (Exhibit E.5) that the old septic system located at the site has been decommissioned per permit 15-195681 SE. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. 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. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes. PBOT has provided the following findings (see Exhibit E.2):

The minimal expected added vehicle trips (2 AM peak hour trip/2 PM peak hour trip/20 total new daily trips) will not adversely impact the operations of area intersections. On-street parking will not be impacted along SE 130th Ave, as an abundance of on-street parking spaces are currently available (this is also not an issue along SE 132nd Ave as the proposed land division will not physically change the current conditions along this street). The proposed partition will not have any effect to transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

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:

<b>33.651 Water Service standard</b> – 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.
<b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
<b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibit E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:
<ul style="list-style-type: none"> <li>• <b>Public Street Improvements:</b> Stormwater from these new impervious areas will be directed into a 8-foot wide infiltration swale located between the curb and the new sidewalk. BES has indicated that surface infiltration is the preferred method of public stormwater disposal at this site. To accommodate this stormwater facility within the public right-of-way, a dedication along the frontage of the site must be provided on the final plat. BES requires a</li> </ul>

Public Works Permit for the construction of such a swale. The applicant must provide engineered designs and financial guarantees of performance for construction of public improvements along the frontage of Parcel 1 (the parcel with the existing house) prior to final plat approval. Frontage improvements for Parcels 2 and 3 will occur prior to building permit approval for new single family residences on each Parcel.

- **Parcels 2 and 3:** 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 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. BES has indicated conceptual approval of the drywells.
- **Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain onto the ground and meet setback requirements. The stormwater service standards of 33.653 have been verified.

### **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 block on which the subject property is located is irregularly shaped and does not meet the noted spacing requirements. Therefore, there should be an east-west through street provided in the vicinity of the site. The Portland Bureau of Transportation has commented that there are no partial rights-of-way nor are there any configurations that allow for future extensions of street or pedestrian connections at the site. This is also partially due to the location and position existing residence on the site, which will remain after the land division. Properties to the north of the site have the potential to further divide under current zoning, and they are not currently developed in a manner that would preclude an east-west through street or pedestrian connection. 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**

SE 132<sup>nd</sup> Avenue is improved with a paved roadway, with no curb or sidewalk on the project side and a curb, furnishing strip and sidewalk on the opposite side. SE 130<sup>th</sup> Place is developed with a curb on the project side and with a curb, furnishing zone and sidewalk on the opposite side. 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 curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, as well as an associated stormwater facility discussed later in this report, additional right-of-way must be dedicated along both of the both frontages of the site.

SE 132<sup>nd</sup> Avenue requires a dedication of 4 feet and improvements will be required including curb, an 8-foot wide stormwater swale, 6-foot wide sidewalk and a .5 foot frontage zone. Improvements along SE 130<sup>th</sup> Place will be required prior building permit approval for new residences on each parcel and will include dedication of 7.5 feet and construction of a 4-foot wide furnishing zone and a 6-foot wide sidewalk with a .5 foot wide frontage zone. With those improvements, two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the condition that curb and sidewalk improvements are made, and the required right-of-way dedications are shown on the Final Plat. With conditions of approval requiring the improvements as 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 Requirements for Building Code standards, below.) In this case, there are two 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 9 feet from the new rear property line. 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.
- Title 11 Tree Density Standard – Residential development has a tree requirement that is currently met on the site. Due to the land division, Parcel 1 with existing house will no longer meet this standard. Parcel 1 is 6,935 square feet, therefore 2,774 square feet of tree area is required. The parcel contains one large tree (Douglas Fir) and one small tree (Japanese Maple) which count towards this requirement, fulfilling 1,300 square feet of tree area. Therefore, 1,474 square feet of tree area remains unfulfilled. Prior to final plat approval, the applicant must meet this requirement by either planting any combination of large, medium and small trees from the Portland Tree and Landscaping Manual, to satisfy this requirement, 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 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740	Title 17 – Sewer Improvements



<a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a> Fire Bureau/503-823-3700	2008 Stormwater Management Manual Title 31 Policy B-1 – Emergency Access
<a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a> Transportation/503-823-5185	Title 17 – Public Right-of-Way Improvements Transportation System Plan
<a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a> Urban Forestry (Parks)/503-823-4489	Title 20 – Street Trees and other Public Trees
<a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a> Water Bureau/503-823-7404	Title 21 – Water availability
<a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	

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; 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 3 parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: tree preservation, Title 11 tree planting, and street frontage improvements along SE 132<sup>nd</sup> Avenue along the frontage of Parcel 1. 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 one parcel with the existing residence and two parcels for development of detached residences 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 review and approval by the Land Use Review section of BDS. 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;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Any other information specifically noted in the conditions listed below.

**B. The final plat must show the following:**

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 130<sup>th</sup> Place and SE 132<sup>nd</sup> Avenue. The required right-of-way dedication must be shown on the final plat.
2. A recording block for each of the legal documents such as the acknowledgement of special land use conditions, as required by Condition C.4 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:**

**Streets**

1. The applicant shall meet the requirements of the City Engineer for property dedication and right of way improvements along the SE 132<sup>nd</sup> Avenue street frontage. The applicant shall have an approved Public Works Concept Development (30%) and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for the required street frontage improvements.

**Utilities**

2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant spacing and 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**

3. The applicant must meet the Title 11 tree planting requirement by either planting any combination of large, medium and/or small trees, as chosen from the Portland Tree and Landscaping Manual, equal to 1,474 square feet of tree area, or by 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.


**Required Legal Documents**

4. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions 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 referenced on and recorded with the final plat.
5. The applicant shall execute an Acknowledgement of Special Land Use Conditions for required automatic sprinklers on Parcels 2 and 3.

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

1. Development on Parcels 1, 2 and 3 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.4). Specifically, trees numbered 3, 4, and 5 are required to be preserved, with the root protection zones indicated on Exhibit C.1 (performance path). Tree protection fencing is required along the root protection zone of each tree to be preserved as prescribed in the arborist report. 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/her 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 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.
3. Frontage improvements to the satisfaction of the City Engineer will be required prior to building permit approval for each new home on Parcels 2 and 3.
4. Parcels 2 and 3 shall be constructed with automatic sprinklers. Sprinkler plans must be submitted for plumbing review prior to issuance of building permits.

**Staff Planner: Brandon Rogers**

**Decision rendered by:**  **on September 15, 2015**

By authority of the Director of the Bureau of Development Services

**Decision mailed: September 17, 2015**

**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 May 13, 2015, and was determined to be complete on **July 13, 2015**.

*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 May 13, 2015.

*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 10, 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](http://www.portlandonline.com).

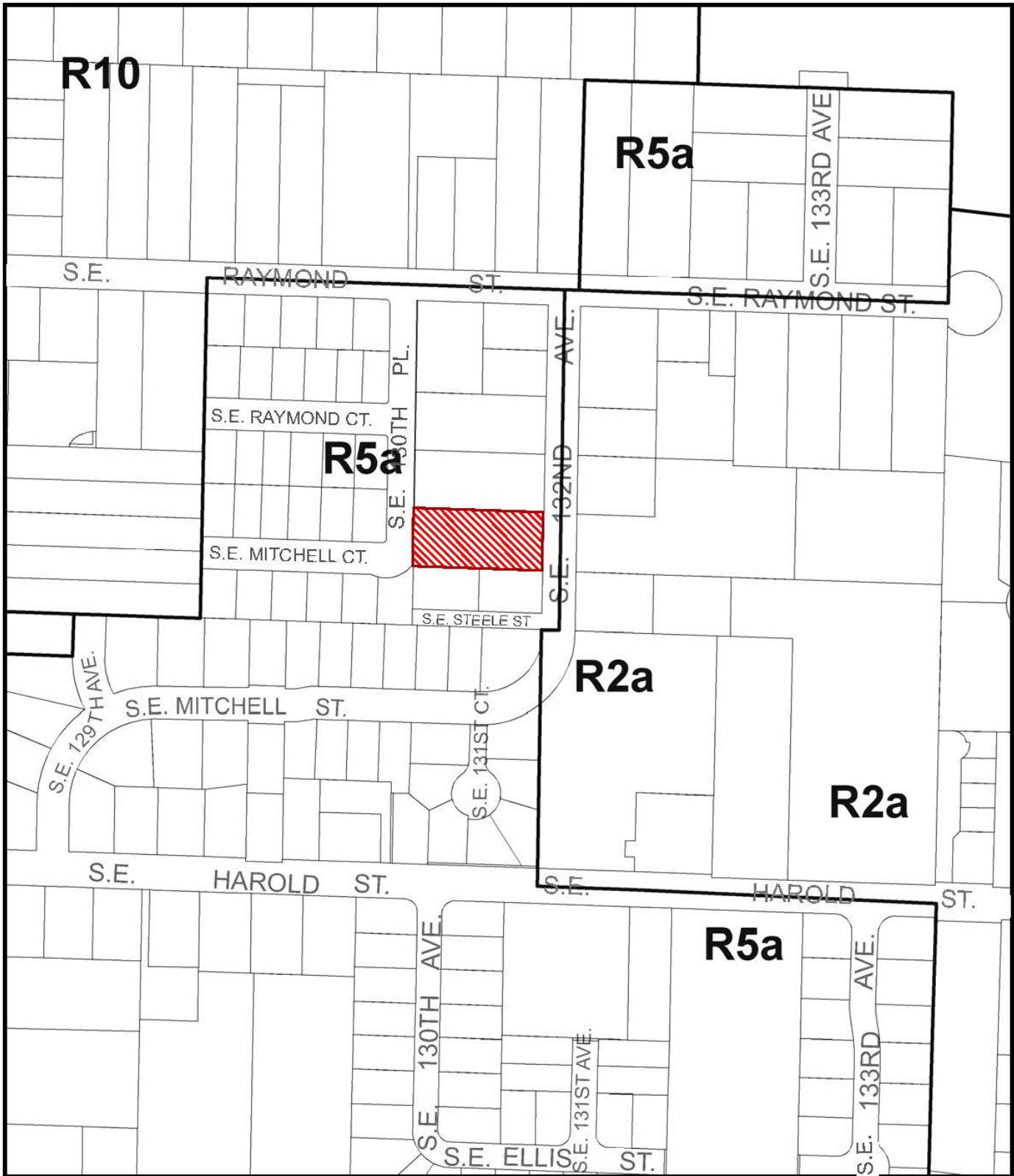
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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 / Applicant's Narrative
  - 2. Applicant's Response to Incomplete Letter
  - 3. Simplified Stormwater Report
  - 4. Applicant's Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Land Division Plan/ Existing Conditions and Tree Preservation 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 section of BDS
  - 6. Urban Forestry
- F. Correspondence: None
- G. Other:
  - 1. Original Land Use 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



This site lies within the:  
**JOHNSON CREEK BASIN PLAN DISTRICT**

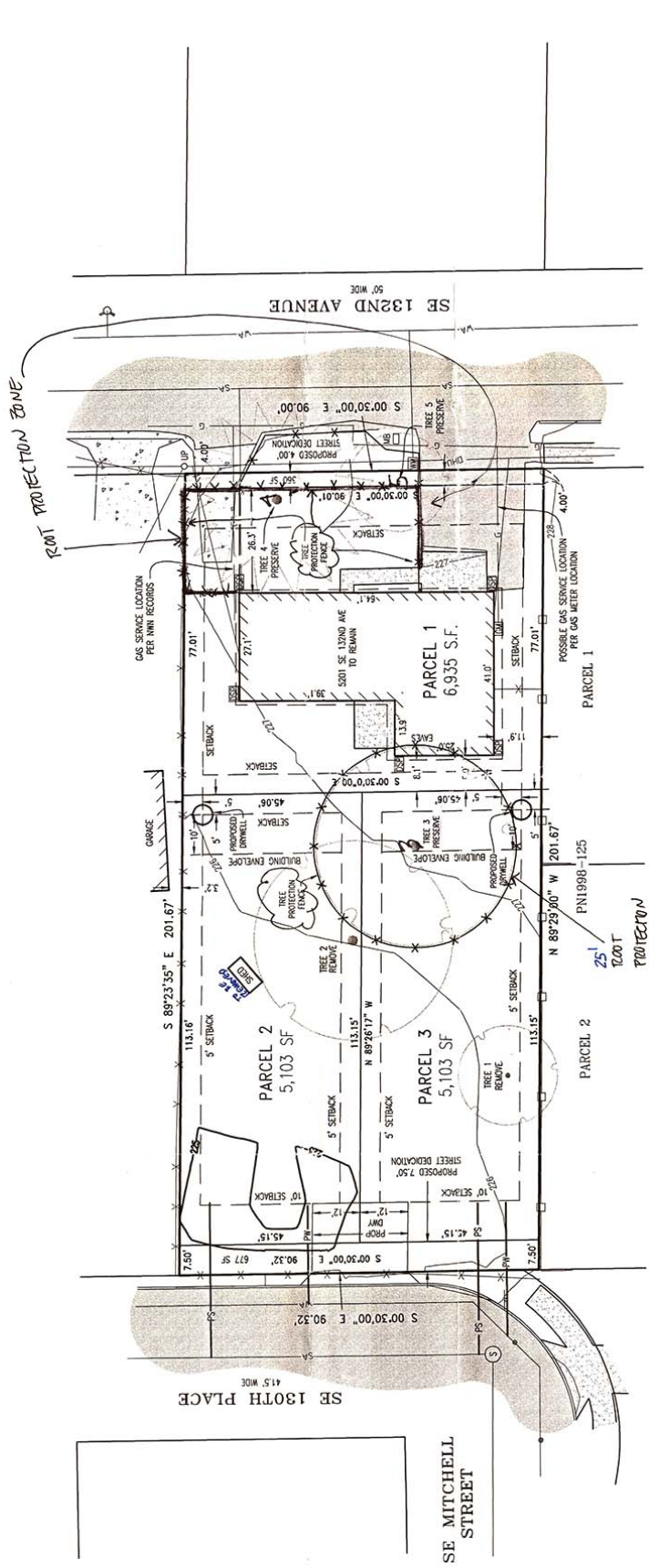
File No. LU 15-169908 LDP  
 1/4 Section 3543  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E14BD 600  
 Exhibit B (May 15, 2015)

REVISIONS:  
 6.15.2015 PER BDS  
 DRAWN BY: BB  
 SCALE: 1"=20'  
 DATE: 4.28.2015  
 JOB NO: 15-066  
 FILE: P:\15-066\15-066 SP.DWG

RICK CAFFALL CONSTRUCTION  
 FOR  
 SITEPLAN  
 LOCATED IN THE NW 1/4 OF SECTION 14, T15S, R12E, W4E, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

W.B. WELLS  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 4330 NE FREMONT STREET  
 PORTLAND, OREGON 97213  
 PHONE: 503.248.9424 FAX: 503.248.4830  
 E-MAIL: address: rfc@wbwells.com

SHEET 1 OF 1



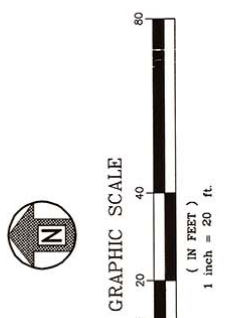
**TREE TABLE**

NO.	TRUNK SIZE	TYPE	DRIP COMMENT
1	8"	SWEET GUM	25' REMOVE
2	2"	SILVER MAPLE	50' PRESERVE
3	2"	SILVER MAPLE	50' PRESERVE
4	40"	DOUGLAS FIR	50' PRESERVE
5	12"	JAPANESE MAPLE	15' PRESERVE

# 4 & 5 SEE SHEET 15-066

THE UNDERGROUND UTILITY LINES SHOWN HEREON ARE FROM A COMBINATION OF FIELD VERIFICATIONS AND VARIOUS UTILITY, PRIVATE, AND GOVERNMENT SUPPLIED "AS-BUILT" MAPS AND ARE APPROXIMATE ONLY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

7-10-2015  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 BRETT D. BEDDORE  
 JANUARY 15, 2002  
 BRETT D. BEDDORE  
 66859  
 EXPIRES 12-31-15



- LEGEND**
- PROP PROPOSED
  - DWY DRIVEWAY
  - PS PROPOSED SEWER
  - PW PROPOSED WATER
  - MB MALEX
  - UP UTILITY POLE
  - DS DOWNSPOUT TO PIPE
  - CF CHAINLINK FENCE
  - WOOD FENCE
  - GAS METER
  - HOBART
  - SON
  - SEWER MANHOLE
  - WATER WAVE
  - GAS LINE PER NWN RECORDS
  - SEWER LINE PER CITY RECORDS
  - OVERHEAD UTILITIES
  - WATER LINE PER CITY RECORDS
  - CONCRETE
  - ASPHALT
  - GRAVEL

CASE NO. 15-16998-0P  
 EXHIBIT C.1

REVISION 7-13-15