



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

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**Date:** April 4, 2016  
**To:** Interested Person  
**From:** Leah Dawkins, Land Use Services  
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**NOTICE OF A TYPE II<sub>x</sub> 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 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 14-249739 LDS**

**GENERAL INFORMATION**

**Applicant:** Kim Drennen, OI Property Investments LLC  
10117 SE Sunnyside Rd #F1204/ Clackamas, OR 97015

**Site Address:** 6628 N Amherst Street

**Legal Description:** BLOCK 3 LOT 18, WILLAMETTE BLVD AC  
**Tax Account No.:** R912801630  
**State ID No.:** 1N1E07CA 08600  
**Quarter Section:** 2223  
**Neighborhood:** University Park, contact Tom Karwaki at [chair@universityparkneighbors.org](mailto:chair@universityparkneighbors.org)

**Business District:** None  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

**Zoning:** R5- Single Dwelling Residential  
**Case Type:** LDS- Land Division Subdivision  
**Procedure:** Type I<sub>x</sub>, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

The applicant is proposing a 5-lot subdivision for single family detached dwelling units on a 27,984 square foot site. The existing home on the site will be preserved. Lots 1 and 2 will front on N. Amherst Street and lots 3-5 will front on N. Yale Street. Lot 1, measuring 7,062 square feet, will contain the existing residence. Lot 2 will be 5,014 square feet. Lots 3-5 will be 5,013 square feet in size and 35.32 feet in width. Lots 3-5 are considered "narrow lots" because the lots are below 36 feet in width. There are several trees on the site, however most of the trees are black locust, which is a nuisance species. There is one 26-inch black walnut tree proposed for preservation.

This subdivision proposal is reviewed through a Type I<sub>x</sub> procedure because: (1) the site is in a residential zone; and (2) 10 or fewer lots are proposed.

For purposes of State Law, this land division is considered a subdivision. To subdivide land is

to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 5 units of land. Therefore this land division is considered a subdivision.

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 located in the University Park neighborhood, just north of N. Willamette Blvd. The site is relatively flat, with an existing house and several trees and shrubs. The vicinity consists primarily of single family homes of a modest size on moderately sized lots. The existing street grid provides consistent connectivity, although N. Yale Street, on the north frontage of the site, dead-ends just west of the subject property.

### Infrastructure:

- **Streets** –The site has approximately 106 feet of frontage on N. Amherst Street and 106 feet of frontage on N. Yale Street. There is one driveway entering the site that serves the existing house on the site entering the site from N. Amherst Street. At this location, both N. Amherst Street and N. Yale Street are classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 250 feet from the site at N. Willamette Blvd via Bus #44.

N. Amherst Street has a 28-foot curb-to-curb paved surface within a 50-foot right-of-way with parking on both sides. Along the 106-foot wide site frontage the pedestrian corridor includes a 9-foot wide planter area, curb, 6-foot sidewalk and a 1-foot wide buffer at the back of the sidewalk (9-6-1 configuration).

N. Yale Street is a 40-foot wide gravel roadway lacking curbs or sidewalks.

- **Water Service** – There is an existing 8-inch DI water main in N. Amherst Street. The existing house is served by a 5/8-inch metered service from this main. There are existing 4 and 6-inch water mains in N. Yale Street.

- **Sanitary Service** - There is an existing 12-inch concrete public combined gravity sewer line in N. Amherst Street. There is an existing 15-inch concrete public combined gravity sewer located in N. Yale Street.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

A public works permit (16-118863 WE, BES #EP225) is currently under review to extend a public storm sewer in N. Yale Street to provide right-of-way improvements along the N. Yale frontage, including stormwater improvements, and has been approved to move beyond the 30% concept review phase by the BES project manager.

**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.

**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 **June 22, 2015**. Three written responses have been received from the Neighborhood Association or

notified property owners in response to the proposal. The following issues were brought up in the letters, with the City of Portland response in *italics*:

- A request that each new home have space for two cars to park on site.  
*The City of Portland requires that all new single family homes which are not transit exempt have at least one legal parking space, either within a garage or on a parking pad outside of required setbacks. There is enough room on each proposed lot to meet this standard*
- A request that the applicant be cognizant of the wildlife inhabiting the trees on the subject site and provide replacement trees to encourage continued wildlife inhabitation.  
*The applicant is required to meet criteria for tree preservation on this site. All of the trees on this site are either nuisance species, too close to existing structures, or have been deemed too unhealthy for safe preservation. However, the applicant will be required to meet Title 11 tree planting standards for each new proposed lot. This will require the planting of new trees on each lot. See additional comments below under the Tree Preservation findings.*
- Concerns about the unimproved street along the N. Yale frontage.  
*The applicant has obtained a public works permit for improvements along the N. Yale frontage which will include paving and stormwater management. This will improve accessibility for the 3 new lots along N. Yale Street.*

## 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.C.3.c -	No turnarounds are proposed or required.

	Turnarounds	
	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 5000 square feet. Minimum density is one unit per 5000 square feet based on 80 percent of the site area. The site has a minimum required density of 4 units and a maximum density of 5 units. The applicant is proposing 5 single dwelling lots. 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
Lot 1	7,7062		62	114	62
Lot 2	5,014		44	114	44
Lot 3	4,943		35.32	150	35.32
Lot 4	4,943		35.32	150	35.32
Lot 5	4,973		35.32	150	35.32

\* 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.

Narrow Lots

Lots 3-5 are 35.32 feet wide — narrower than the minimum width for the R5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of Section 33.610.200.D.

***On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations.***

The purpose of Lot dimension regulations are as follows:

The lot dimension regulations ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot

has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

The applicant has demonstrated that the proposed Lots 3-5 are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that the proposed lots can accommodate a reasonably sized house and garage while meeting the development standards of the zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services.
- The proposed lots are compatible with existing lots because lots 3-5 are being reduced by 2% below the minimum lot width of 36 feet. This is a marginal reduction in width and will not visually impact the neighborhood or look out of place with surrounding lots.
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street.

***The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet***

- The lots will be developed with detached houses; however, the proposed lots are at least 25 feet wide.

***If the lot abuts an alley, then vehicle access is allowed only from the alley***

- The site does not have access from an alley, so this standard does not apply.

***Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development***

- The applicant has demonstrated with Exhibit C-1 that each lot will be built with a house that is greater than 22 feet in width and will be able to accommodate a garage that will occupy no more than 50% of the length of the street facing façade. The garage limitation standards of Subsection 33.110.253.E can be met.

***60 percent landscaping requirement for attached houses***

- The applicant has indicated that the lots will be developed with detached houses; therefore, this requirement does not apply.

***If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.***

- Parking is required. Therefore, alley access cannot be provided because the site does not abut an alley, and the garage limitation requirement described above must be 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 applicant has provided an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.2). 26 trees have been exempted because they are unhealthy, a nuisance species, or located within 10 feet of an existing structure to remain on the property. Two trees, an 18-inch white spruce (#55) and a 26-inch black walnut (#58), are subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 44 inches. The applicant proposes to preserve the black walnut tree, which comprise of 26 inches of diameter, or 59 percent of the total non-exempt tree diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total non-exempt tree diameter on the site to be preserved. The trees to be preserved and the required root protection zones are shown on the applicant's Preliminary 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.

T11 Tree Standard – Residential development has a tree density 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 7,062 square feet. Therefore the required tree area is 40 percent of the site, or 2,825 square feet, per 11.50.050.C. Prior to final plat approval, the applicant must meet the required tree density or make the equivalent payment into the City Tree Fund.

This criterion is met, subject to the condition that development on Lots 1 and 2 be carried out in conformance with the Preliminary Land Division Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.2) 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, there are no trees required to be preserved in the areas where new development on the site is anticipated. 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. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With a condition requiring final inspection for a decommissioning permit, the new lots can be considered suitable for new 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.

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

*The applicant is proposing a 5-lot subdivision in order to develop the site with single-family detached residences. The existing single-family home will remain. Therefore, the project will result in a net addition of four new single-family homes. Based upon trip generation estimates obtained from the Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> Edition, the new homes are projected to generate 4*

*additional trips during both the morning and evening peak hours (40 additional trips in total each day). The minimal number of trips that will be added into the transportation system during the peak hours as a result of the proposed development will not adversely impact the operations of area intersections.*

*The project will include multiple on-site parking opportunities and the applicant's narrative indicates that a minimum of four off-street parking spaces will be provided with each new lot. The surrounding area has an established residential development pattern that includes single-family homes on lots that accommodate on-site parking for at least one vehicle. Given the on-site parking opportunities that will be provided with the new development, on-street parking in the area will not be adversely impacted by the proposed development. Additionally, the applicant will be required to construct improvement on N Yale, discussed in more detail below that will also improve on-street parking opportunities along this frontage.*

*There are existing transit facilities in the vicinity with the closest bus stop located at the corner of N Macrum & N Willamette approximately 250-ft south of the site. 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 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: <b>Public Street Improvements:</b> Stormwater runoff from public right-of-way improvements as required by the City of Portland Bureau of Transportation (PBOT) must be managed according to the standards of the SWMM and the Sewer and Drainage Facilities Design Manual. Under Public Works Permit (PWP) #EP225, BES Development Engineering approved the Concept Development plans (i.e. 30% design) for the right-of-way stormwater improvements on March 1, 2016. Prior to final plat approval BES will require approved plans, a financial guarantee, receipt of all outstanding fees, and a signed permit document.
<ul style="list-style-type: none"> <li>• <b>Lots 1-5:</b> Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.</li> </ul>
<b>33.654.120.B &amp; C Width &amp; elements of the right-of-way</b> – 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

fronting N. Amherst Street can be safely served by this existing street without having any significant impact on the level of service provided.

N. Yale Street is a 40-foot wide gravel roadway no curbs, planter strips, or sidewalks. In this case, Portland Transportation, consistent with the Public Works Alternative (15-133482-PW) approved for this site, required frontage improvements will include a 16-foot wide pavement section with 7-foot wide gravel shoulders on both sides of the roadway. The applicant has initiated the Public Works Permit process required to construct these improvements through the submittal of 16-113022-WT/16-118863-WE. As necessary to complete the preliminary plan review phase of the land use process, the applicant has completed the concept review (30% design) phase of the PWP review. With those improvements, three 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.

### **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.

### **Future Development**

- Narrow Lots-- development on Lots 3-5 will be subject to the following standards at the time of development permitting:
  - Height of the structures will be limited to 1.2 times the width of the structure, per 33.110.215.B.2; and
  - Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.E.3.a

**Existing development that will remain after the land division.** The existing development on the site will remain and be located on Lot 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 several 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 at least 10 feet from the new 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.
- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this



standard, all accessory structures on Lot 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.

- **Required Off-Street Parking** – In this zone, one parking space per dwelling unit is required. A paved parking pad/garage provides this required parking for the existing house on Lot 1. As a result of this land division, the required parking space for the existing house will be located on a different lot. In order to ensure that parking requirements continue to be met, a new parking space for the existing house must be constructed on Lot 1 prior to final plat approval. Permits must be obtained to construct a new parking space. Documentation of final inspection of this new parking space will be required prior to final plat approval.
- **T11 Tree Standard** – Residential development has a tree requirement that is currently met on the site. Due to the land division, and associated tree removal, Lot 1 with existing house will no longer meet this standard. Lot 1 is 7,062 square feet, therefore 2,825 square feet of Tree Density is required. Prior to final plat approval, the applicant must meet this requirement by either planting the appropriate number of small, medium or large canopy trees to meet tree density requirements.

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.

<b>Bureau</b>	<b>Code Authority and Topic</b>
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 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 –Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	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; installing a new hydrant; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Lots 3-5; 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 in the existing planter strip adjacent to Lot 1 prior to final plat approval. This requirement is based on the standards of Title 20.

## CONCLUSIONS

The applicant has proposed a 5-lot subdivision, 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: narrow lot compatibility and frontage improvements.

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

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 5- lot subdivision, that will result in 2 standard lots and 3 narrow lots, 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, BES, and Fire 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;
- Any other information specifically noted in the conditions listed below.

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

1. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.10 and C.11 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "An Acknowledgement of Tree Preservation 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 shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements. Street trees must be planted on N. Yale per the requirements of Urban Forestry.

### Utilities

2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the septic system on the site.
3. The applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant. The applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.
4. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

**Existing Development**

5. The applicant must remove the accessory structure on Lot 2. The applicant must submit before and after photos of the removal (with the same perspective). Prior to removal of these structures, tree protection must be installed in accordance with the approved Tree Preservation Plan, per Condition D.1.
6. A parking space shall be installed on Lot 1, in conformance with the applicable requirements of the Portland Zoning Code. The applicant must obtain a finalized Zoning Permit for installation of the parking space. The permit plans must include the note: *This permit fulfills requirements of Condition X.X of LU XX-XXXXXX*. The new parking space must also be shown on the supplemental plan.
7. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Lot 1. Specifically, a new drywell must be installed that meets setback requirements from the new lot lines. The applicant must obtain finalized plumbing permits for this work prior to final plat approval.
8. The applicant must plant street tree(s) in the planter strip on N Amherst Street adjacent to Lot 1. Street trees will be chosen from the City's approved street tree list for the 9-foot planting strip. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.
9. The applicant must meet the on-site tree density requirement of Title 11 on Parcel 1 with the existing house by either planting trees on this parcel 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.

**Required Legal Documents**

10. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Lots 3-5 to contain internal fire suppression sprinklers, per Fire Bureau Appeal no 13242. The acknowledgement shall be referenced on and recorded with the final plat.
11. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Lots 1 and 2. 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.

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

1. Development on Lots 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.2). Specifically, tree numbered 58 is required to be preserved, with the root protection zones indicated on Exhibit C.1. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his/her supervision.
2. The applicant must plant one street tree in the planter strip on N Amherst Street adjacent to Lot 2. Street trees will be chosen from the City's approved street tree list for the 9-foot planting strip. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss

the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

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.
4. The applicant will be required to install residential sprinklers in the new houses on Lots 3-5 to the satisfaction of the Fire Bureau.

**Staff Planner: Leah Dawkins**

**Decision rendered by:** Leah M. Dawkins **on March 30, 2016**  
By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec. date) April 4, 2016**

**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 December 15, 2014, and was determined to be complete on June 9, 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 December 15, 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 requested that the 120-day review period be extended by 240 days. Unless further extended by the applicant, **the 120 days will expire on: June 3, 2016.**

**Note: some of the information contained in this report was provided by the applicant.** As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 18, 2016** at 1900 SW

Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.ci.portland.or.us](http://www.ci.portland.or.us) .

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

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

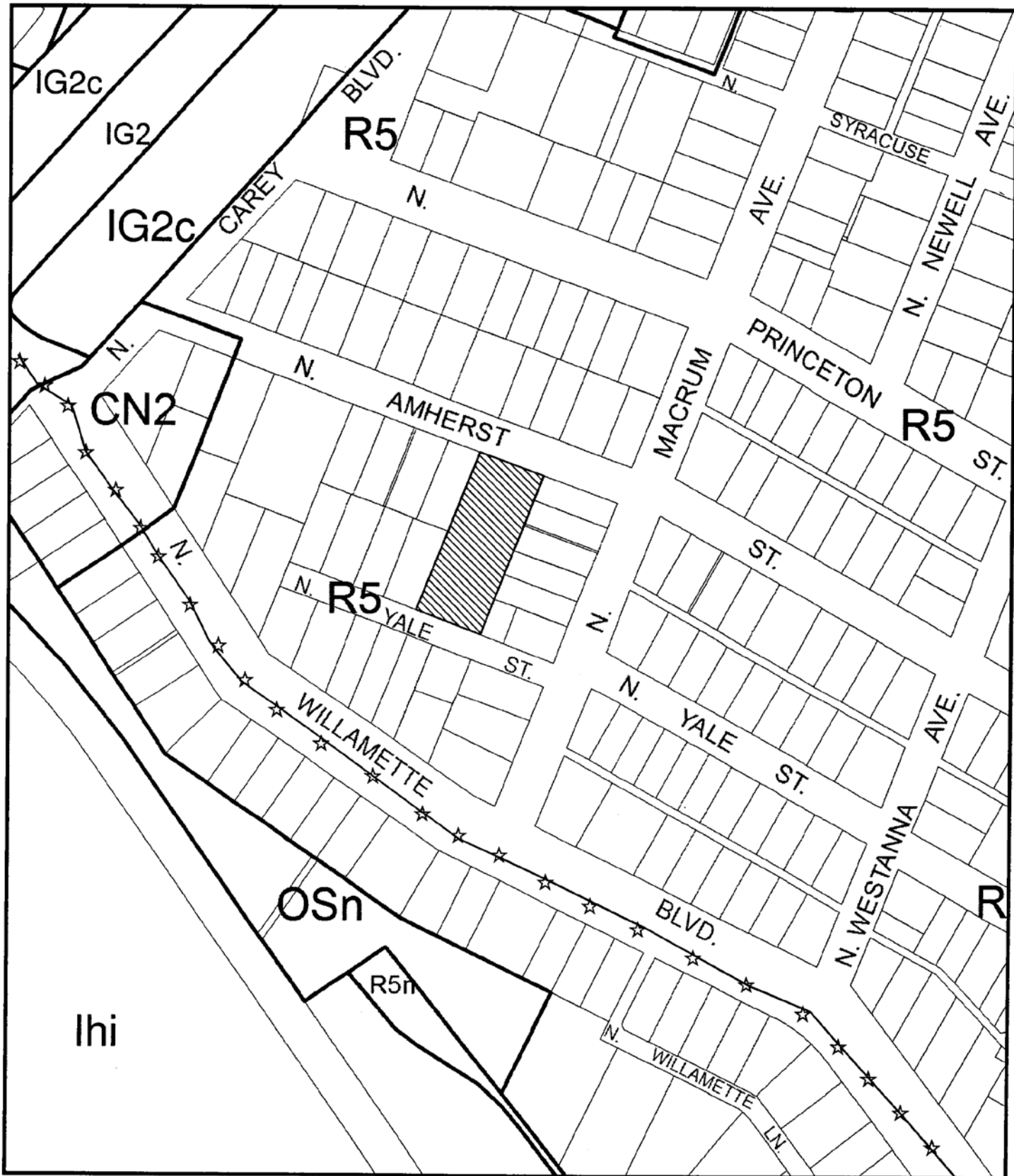
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessor's Office after it is signed by the Planning Director 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 Narrative
  - 2. Arborist Report
  - 3. Stormwater Simplified Approach Form
  - 4. Neighborhood Notification Letters
  - 5. 120-Day Review Extension
  - 6. Original Site Plan submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan and Tree Preservation (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
- F. Correspondence:
  - 1. Bryan Sandmeyer, 6/2/15, concerns about on-street parking
  - 2. Jericho and Lillian Knight, 7/3/15, comment about habitat preservation
  - 3. Margaret Mahlik, 7/19/15, concerns about on-street parking
- G. Other:
  - 1. Original LU Application
  - 2. Incompleteness 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).**



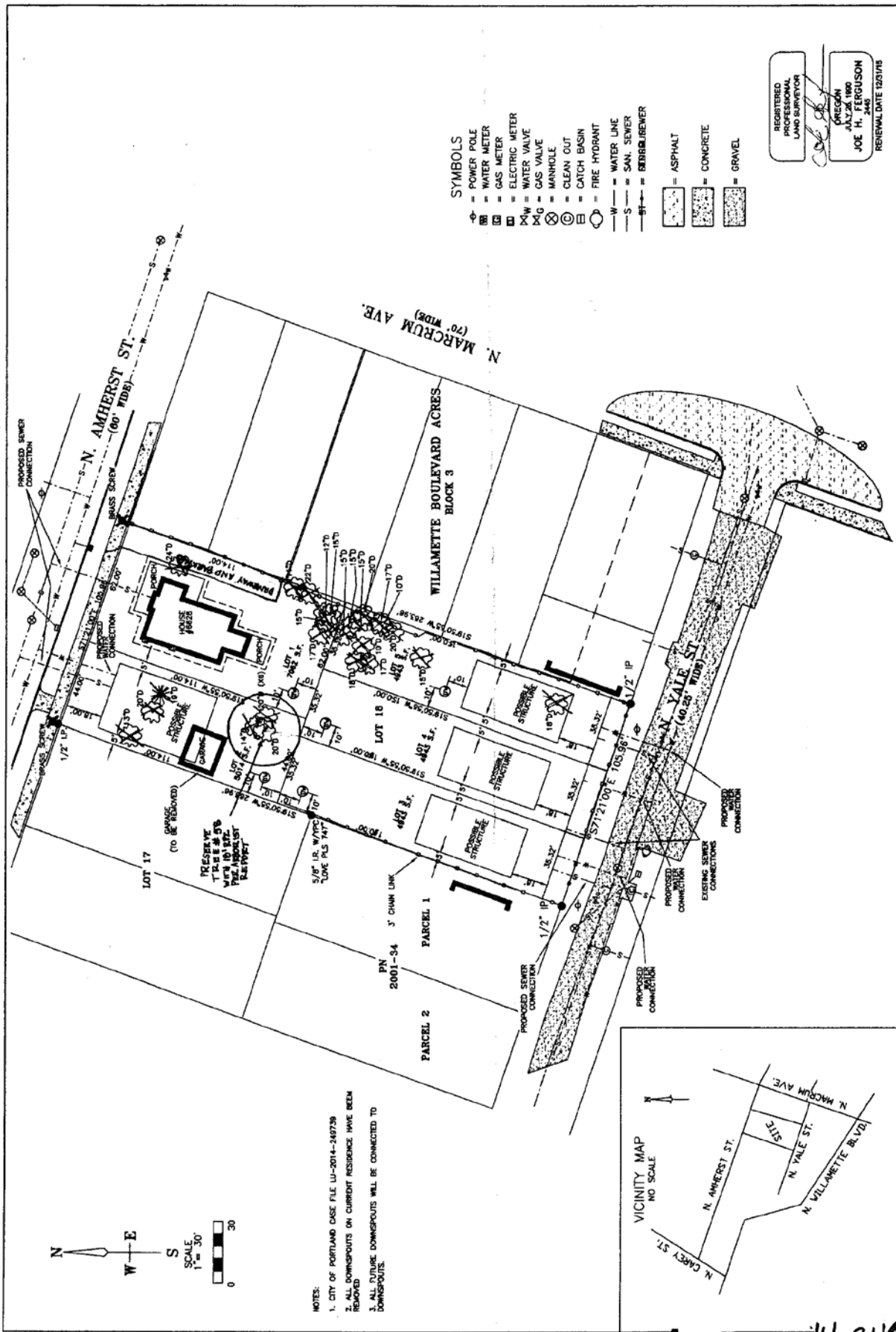
# ZONING

 Site

 Recreational Trail



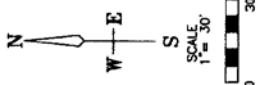
File No. LU 14-249739 LDS  
 1/4 Section 2223  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E07CA 8600  
 Exhibit B (Dec 17, 2014)



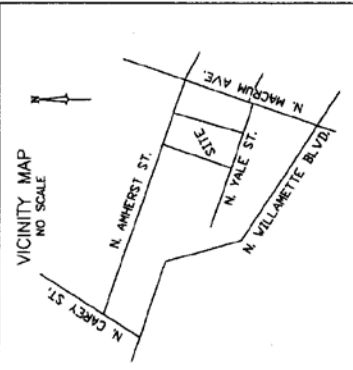
- SYMBOLS**
- ⊕ = POWER POLE
  - ⊙ = WATER METER
  - ⊙ = GAS METER
  - ⊙ = ELECTRIC METER
  - ⊙ = WATER VALVE
  - ⊙ = GAS VALVE
  - ⊙ = MANHOLE
  - ⊙ = CLEAN OUT
  - ⊙ = CATCH BASIN
  - ⊙ = FIRE HYDRANT
  - W — = WATER LINE
  - S — = SAN. SEWER
  - ST — = REPAIR/REWER
  - [Pattern] = ASPHALT
  - [Pattern] = CONCRETE
  - [Pattern] = GRAVEL

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 28, 1980  
JOE H. FERGUSON  
RENEWAL DATE 12/31/15



- NOTES:**
1. CITY OF PORTLAND CASE FILE LU-2014-240739
  2. ALL DOWNSPOUTS ON CURRENT RESIDENCE HAVE BEEN REPAIRED
  3. ALL FUTURE DOWNSPOUTS WILL BE CONNECTED TO DOWNSPOUTS



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

**SITE PLAN**  
LOTS 18, BLOCK 3, WILLAMETTE BOULEVARD ACRES<sup>®</sup>  
IN THE SW 1/4, SECTION 7, T.1N., R.1E., W.1E.  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

CLIENT:  
OREGON INNOVATION LLC  
10117 SE SUNNYSIDE RD.  
SUITE 1207  
CLACKAMAS, OREGON 97015

DATE: SEPTEMBER 29, 2014

JOB NO. 14-108  
DRAFTED 09.29.14

REVISIONS:  
REVISED  
REVISED

SHEET 1 OF 1

CASE NO. 14-249939  
EXHIBIT C.1

LD 14-249939-4DS  
Revised 6/19/15