



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** April 22, 2016  
**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 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 15-191686 LDP**

#### **GENERAL INFORMATION**

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

**Owner:** Eden Enterprises LLC  
5505 SW Delker RD.  
Tualatin, OR 97062

**Site Address:** 5901 SW FLORIDA ST  
**Legal Description:** BLOCK A LOT 3&4&29&30 TL 2300, LEES ADD  
**Tax Account No.:** R485300750  
**State ID No.:** 1S1E19BA 02300  
**Quarter Section:** 3723  
**Neighborhood:** Maplewood, contact Virginia Blowers at 503-823-4592.  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Zoning:** Residential 7,000 (R7)  
**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 has requested approval of a land division to divide the 15,897 square foot site into two parcels; Parcel 1 will be 10,850 square feet and will contain the existing house which will remain at the site, and; Parcel 2 which will be a vacant, 4,305 square-foot parcel. Water and sanitary sewer services will be provided by existing utilities located in SW Florida Street. The existing water line must be upsized to serve the proposed parcels. Stormwater management for Parcel 1 is existing, and stormwater for Parcel 2 is proposed to be managed

by an on-site drywell. The site contains trees that are subject to the tree preservation standards of Title 33.

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 2 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 15,897 square foot site is developed with a single family residence and swimming pool and is characterized by an average slope of 8 percent. The neighborhood is characterized by single dwelling development located on long blocks where paved streets are without gutters, curbs and sidewalks.

### Infrastructure:

**Streets** – The site has approximately 106 feet of frontage on SW Florida Street. An existing driveway connects to SW Florida Street serving the existing house on the site. At this location, SW Florida Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). According to City GIS data, SW Florida Street is a 40-ft wide ROW improved with 20-ft of center paving lacking curbs or sidewalks. Tri-Met provides transit service approximately 422 feet from the site at SW Vermont Street via Bus 1.

- **Water Service** – There is an existing 2-inch water main in SW Florida Street. The existing house is served by a 3/4-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch public combination sewer line in SW Florida Street. The existing house is served by this main.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

**Zoning:** The R7 designation is one of the City’s single-dwelling zones 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 September 28, 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	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 - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

#### Applicable Approval Criteria are:

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

**Findings:** Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. The gross site area is 15,897 square feet. The maximum density is calculated at one unit per 7,000 square feet. Minimum density is calculated at one unit per 7,000 square feet based on 80 percent of the site area. The site has a maximum density of 2 units and a minimum required density of 2 units. However, 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 1. The applicant is proposing 2 single dwelling parcels. The density standards are therefore met. The required and proposed lot dimensions are shown in the following table:

	<b>Min. Lot Area (square feet)</b>	<b>Max. Lot Area (square feet)</b>	<b>Min. Lot Width* (feet)</b>	<b>Min. Depth (feet)</b>	<b>Min. Front Lot Line (feet)</b>
<b>R7 Zone</b>	4,200	12,000	40	55	30
Parcel 1		10,850	59.61	150	59.61
Parcel 2		4,305	46.39	99	46.39

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

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

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

**Findings:** The regulations of Chapter 33.630 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. If the site is in an overlay zone that has additional environmental resource protection requirements, the tree plan must demonstrate that the benefits from trees are maximized for the site as a whole.

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 (Exhibits C.3 & C.4) showing the surveyed location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.5) that identifies each tree, its 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.

Based on this information, 6 trees, which provide a total of 55 inches of tree diameter, are subject to the preservation requirements of this chapter. The trees proposed for preservation are in good condition, include non-nuisance species and none of the trees are 20 or more inches in diameter. The proposed root protection zones for the trees to be retained will allow for the type of development anticipated in the R7 zone and will not conflict with any existing utility easements, proposed services or site grading.

The applicant proposes to retain 26 inches of tree diameter (Trees #13 and #14), which is equivalent to 47 percent of the total tree diameter, so the proposal complies with Option 4, which requires a minimum of 35 percent of tree diameter to be preserved. Based on these factors, no mitigation is warranted to satisfy the approval criteria.

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 Parcel 1 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.3) and the Arborist Report (Exhibit A.5). With the implementation of the noted conditions, the approval criteria will be met.

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

**Findings:**

***Clearing and Grading***

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. In this case, the site has an average slope of 8 percent and is not located within the Potential Landslide Hazard Area. The applicant has stated that no significant clearing or grading will be required on the site to make the new lots developable (Exhibit A.2). In addition, the trees required to be preserved are located away from the areas where new development on the site is anticipated. The applicant has submitted a Preliminary Clearing and Grading Plan (Exhibit C.2) that depicts the proposed work, including existing and proposed elevation contours, undisturbed areas consistent with the root protection zones of trees to be preserved per the applicant's Tree Preservation Plan, and the overall limits of disturbed area. 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 is relatively flat and contains no known geological hazards. Although the site is currently connected to the public sanitary sewer, the Site Development section of BDS has responded (Exhibit E.6) that 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 regulations of this Chapter allow the traffic impacts caused by dividing and developing land to be identified, evaluated, and mitigated if necessary. The following approval criterion applies to all land divisions in all zones: 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. To address the approval criteria, the applicant submitted a written narrative.

The applicant is proposing this partition in order to develop the subject site with one new detached single-family home. The existing single-family home on the property will be retained. Therefore, the project will result in a net addition of one new single-family home. Based upon trip generation estimates, ITE Trip Generation Manual, 9th Edition, the new home is projected to generate one additional trip during both the morning and evening peak hours (10 additional trips in total each day). The small number of trips that will be added into the transportation system as a result of the proposed development will not adversely impact the operations of area intersections.

The project will include on-site parking for at least one vehicle per lot and the existing driveway will be removed. A new driveway connection to SW Florida Street is proposed for each lot. Construction of said driveways will be subject to the requirements of Title 17. 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 thereby reducing the demand for on-street parking in this area. 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 one new dwelling unit.

There are existing transit facilities in the vicinity and the nearest bus stop is located at SW Vermont & SW 60th (TriMet Bus Route # 1) approximately 422-ft from the site. The proposed partition will not have any effect on 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. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

<p><b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.</p> <p>The existing water service on SW Florida Street is a two-inch water main. The Water Bureau has responded that the water main is at capacity and no new water service is available. In order for public water to be available for proposed Parcel 2, a water main upside is required. The applicant must make arrangements for a water main upside to ensure service is available to Parcel 2. In order to meet the standards of 33.651 and the technical requirements of Title 21, cost share for the water main upside must be provided to the Water Bureau prior to final plat approval. With a condition of approval, the water service standards can be met.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibit E.1</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:</p> <p><b>Stormwater from street improvements:</b> The Bureau of Transportation does not require street frontage improvements (discussed below in this report). Therefore, no there are public stormwater improvements required.</p>

**Stormwater from Parcel 2**, the vacant parcel, will be directed to an on-site stormwater facility that will treat the water and slowly infiltrate it into the ground. Parcel 2 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 on-site stormwater facility.

**Stormwater from Parcel 1**, the parcel with the existing house. BES has noted that there are no City records indicating where the stormwater from the existing house is directed. Prior to final plat approval, the applicant must document the location of the stormwater disposal for the existing house, to the satisfaction of BES. The applicant must modify the stormwater system for the existing house as necessary to comply with Stormwater Management Manual prior to final plat approval. Any required plumbing permits must have final inspection approval.

With a condition of approval addressing stormwater management for the existing house, the stormwater management criteria and standards can be met.

### **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 does not meet the noted spacing requirements. Therefore, there should be a north-south through street provided in the vicinity of the site. The site contains sufficient width to allow the creation of a public north-south through street. However, the existing development on the site and the properties adjacent to the portion of the site where the street would terminate are already developed, and not configured in a manner that would easily allow the further extension of a street from the site. So, although the optimum spacing criteria would indicate the need for an east-west/north-south through street or pedestrian connection at this site, there is no practicable opportunity to provide a connection in this land division. In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply. For the reasons described above, this criterion is met.

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

At this location, SW Florida Street is a 40-ft wide ROW improved with 20-ft of center paving lacking curbs or sidewalks. 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.

While the site does not specifically qualify for an exemption under Temporary Administrative Rule 1.24 as the site is subject of a land division and is within a 0.25 mile radius of April Hill Park, the existing characteristics of the site and vicinity meet the overall intent of the Rule. Accordingly, standard frontage improvements will not be required to be constructed at this time consistent with the Public Works Alternative that has been approved for this site (15-202523-PW, Exhibit E.2.a). The applicant will be required to execute street and stormwater waivers of remonstrance, dedicate the 7-ft of property necessary to accommodate the standard improvements referenced herein, and comply with all other applicable City Code provisions, administrative rules, and policies, prior to final plat approval.

This criterion is met, with the condition that the required waivers are signed and dedication is shown on the Final Plat, prior to final plat approval.

### **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 R7 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 5 feet from the new property lines. 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.
- **Required Off-Street Parking** – In this zone, one parking space per dwelling unit is required. A paved driveway to a carport provides this required parking for the existing house on Parcel 1. As a result of this land division, the required parking space for the existing house will no longer be accessible. In order to ensure that parking requirements continue to be met, a new parking space for the existing house must be constructed on Parcel 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.

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 <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; 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.
- The applicant must meet the requirements of the Bureau of Environmental Service in regards to stormwater management for the existing house. Prior to final plat approval the applicant must document the location of the stormwater disposal system serving the existing structure to confirm whether it will be located entirely within Parcel 1. If the system will extend beyond the boundaries of Parcel 1, then the applicant must either obtain finalized permits for modifications to the stormwater system for the existing house so that it results in a system which meets the City's Stormwater management Manual and other BES requirements; or, obtain approval of a plumbing code appeal from BDS and provide private stormwater easements on the final plat or other legally acceptable instrument as approved through the appeal review, as necessary.

## CONCLUSIONS

The applicant has proposed a two 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, maintaining development standards and off street parking for the existing residence, street improvements. With conditions of approval that address these requirements this proposal can be approved.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-parcel partition, that will result in two standard 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 Review and BES review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The location of stormwater facilities for Parcel 1.
- 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 SW Florida Street. 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 maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.7 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 complete street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms and instructions will be provided to the applicant during the final plat review process.

**Utilities**

2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the cesspool on the site.
3. 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.
4. Payment for the cost share for the SW Florida Street water main upsize must be provided to the Water Bureau prior to final plat approval.

**Existing Development**

5. A parking space and driveway shall be installed on Parcel 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 and driveway. The permit plans must include the note: ***This permit fulfills requirements of Condition C.4 of LU 15-191686 LDP.*** The new parking space must also be shown on the supplemental plan.
6. Documentation of the location of the stormwater disposal system for the existing house shall be submitted to the Bureau of Environmental Services. The location of any existing or required stormwater systems serving the existing home must be shown on the Supplemental Plan. If, as a result of final plat approval, the stormwater system for the existing home will extend beyond the boundaries of Parcel 1 (the lot with the existing home), then the applicant must meet one of the following:
  - Provide private stormwater easements on the final plat as necessary to ensure operation and maintenance of those systems, and record a maintenance agreement for the easement area; or
  - Provide finalized plumbing permits for modifications to the stormwater system that result in a system that meets City requirements.

**Required Legal Documents**

7. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 1. 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 Parcel 1 shall be in conformance with the Tree Preservation Plan (Exhibit C.3) and the applicant's arborist report (Exhibit A.5). Specifically, trees numbered 13 (11-inch Big Leaf Maple) and 14 (15-inch Oregon Ash) are required to be preserved, with the root protection zones indicated on Exhibit C.3. 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 meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

**Staff Planner: Brandon Rogers**

**Decision rendered by:**  **on April 20, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed April 22, 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 June 24, 2015, and was determined to be complete on September 23, 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 June 24, 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 requested a full extension of the 120-day review period. No further extensions are available and **the 120 days will expire on: May 25, 2016.**

**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).

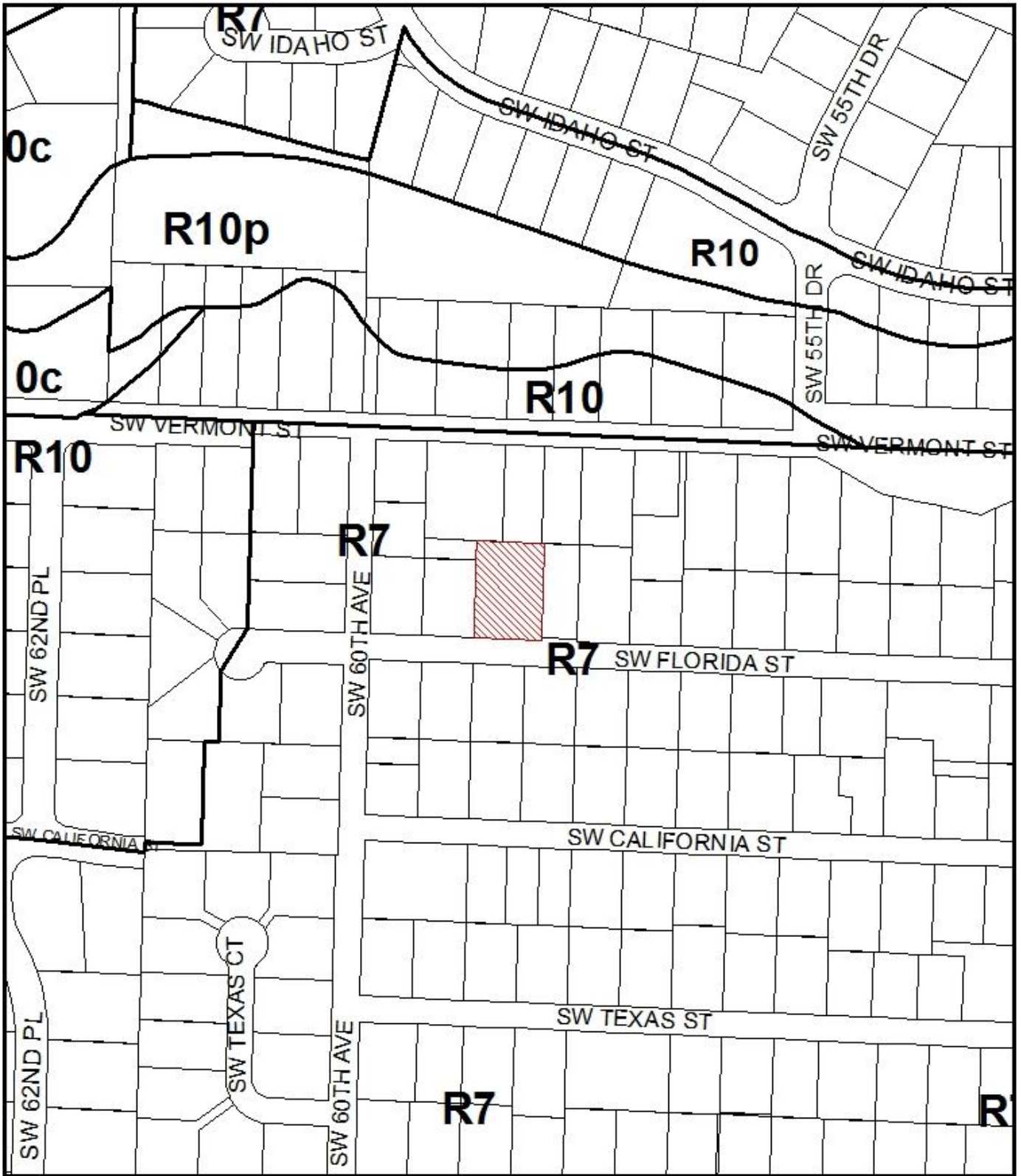
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessor's Office after it is signed by the Planning Director 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. Original Submittal
  - 2. Applicant's Narrative
  - 3. Stormwater Management Report
  - 4. Infiltration Testing Results
  - 5. Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Land Division Plan (attached)
  - 2. Preliminary Grading Plan
  - 3. Preliminary Site/Utility Plan and Tree Preservation Plan (attached)
  - 4. Existing Conditions Plan and Tree Survey
- 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
    - a. Public Works Appeal 15-202523 PW
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development section of BDS
  - 6. Life Safety section of BDS
- F. Correspondence: none
- G. Other:
  - 1. Original Land Use Application
  - 2. Incomplete Letter
  - 3. 120-day extension request forms

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**

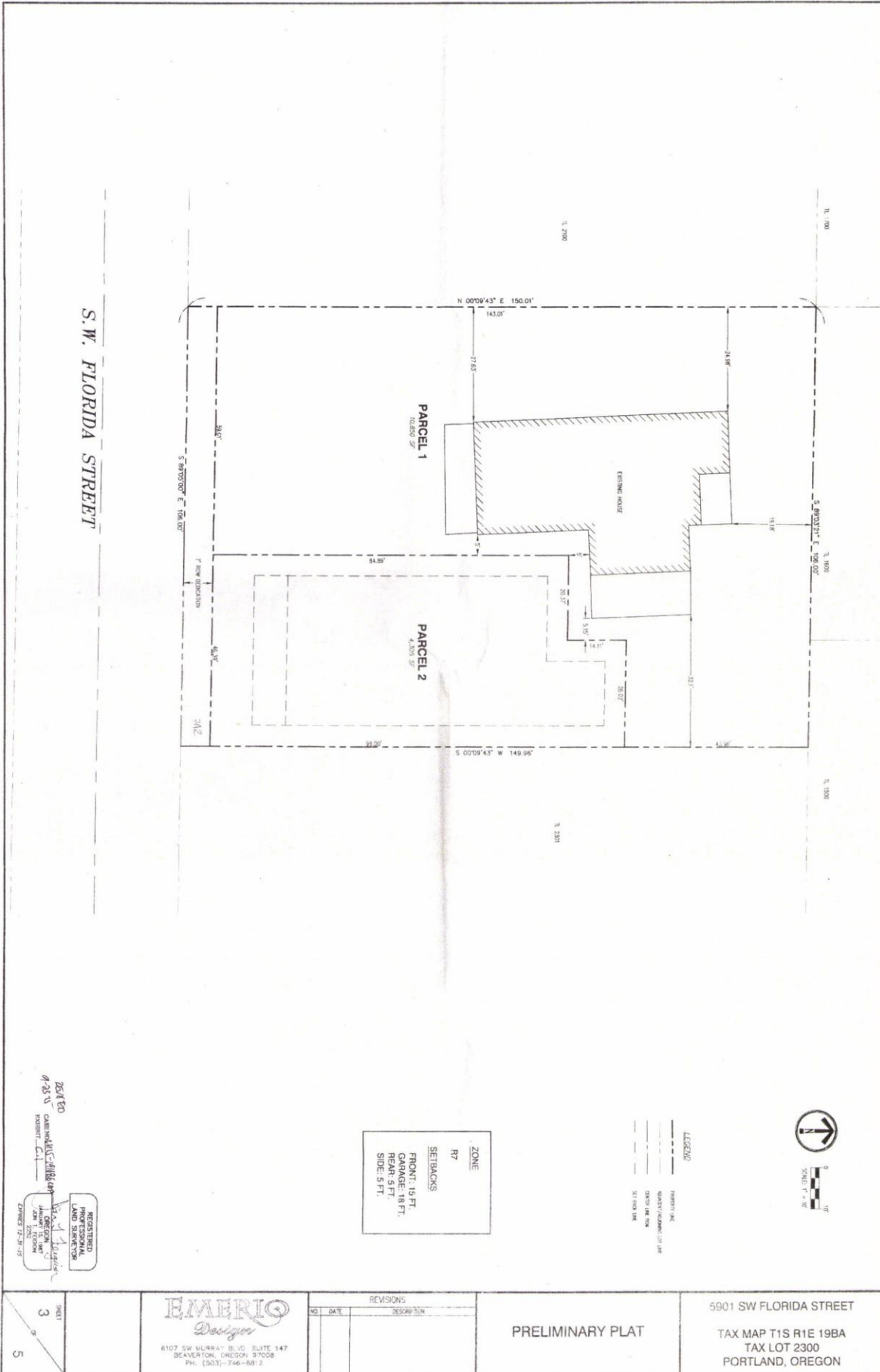


# ZONING

 Site



File No. LU 15-191686 LDP  
 1/4 Section 3723  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E19BA 2300  
 Exhibit B (Jun 29, 2015)



S.W. FLORIDA STREET

PARCEL 1  
14,200 SF

PARCEL 2  
4,200 SF

EXISTING HOUSE

ZONE  
R7  
SETBACKS  
FRONT: 15 FT.  
GARAGE: 18 FT.  
REAR: 5 FT.  
SIDE: 5 FT.

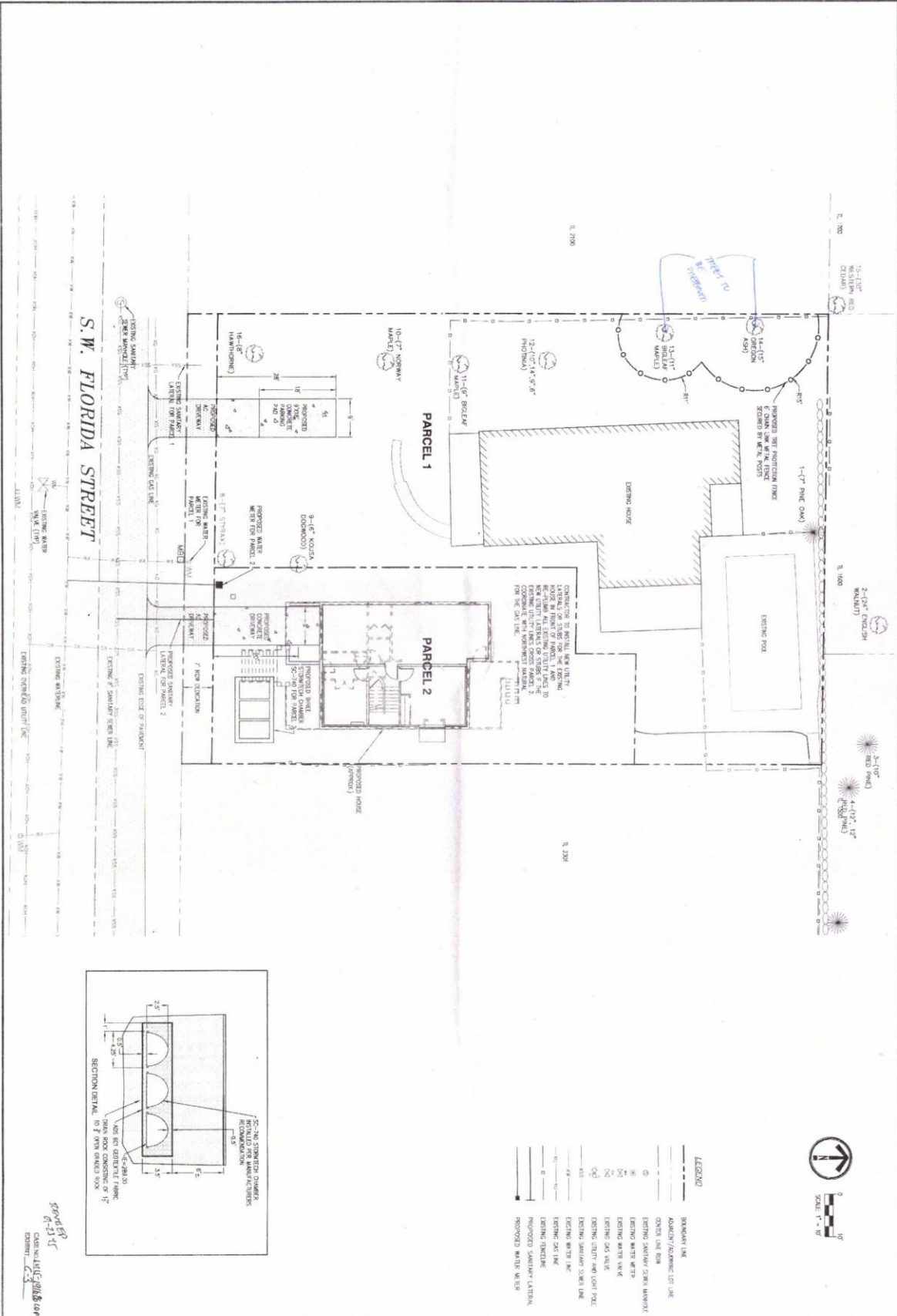
LEGEND  
PROPERTY LINE  
QUANTITY/REMARKS  
DASHED LINE PER  
SETBACK LINE



26110  
0-23-15  
REGISTERED  
LAND SURVEYOR  
JAMES R. LAM  
1998  
ZONING 72-24-23

SHEET 3 OF 5	<p>6107 SW MURRAY BLVD. SUITE 147 BEAVERTON, OREGON 97008 PH: (503) 746-8873</p>	REVISIONS NO. DATE DESCRIPTION	PRELIMINARY PLAT	5901 SW FLORIDA STREET TAX MAP T1S R1E 19BA TAX LOT 2300 PORTLAND, OREGON
		NO. DATE DESCRIPTION		





SHEET 4 OF 5	<b>EMERIO</b> <i>Design</i> 6107 SW MURRAY BLVD, SUITE 147 BEAVERTON, OREGON 97008 PH: (503)-746-8872	REVISIONS NO. DATE DESCRIPTION	<b>PRELIMINARY          SITE/UTILITY PLAN</b>	5901 SW FLORIDA STREET TAX MAP T1S R1E 19BA TAX LOT 2300 PORTLAND, OREGON
		DATE: _____ DESCRIPTION: _____		