



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

FROM CONCEPT TO CONSTRUCTION

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Date: June 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 16-131330 LDP

GENERAL INFORMATION

Applicant: Kevin Partain/Urban Visions
223 NE 56th Ave
Portland, OR 97015

Owner: Whitney Petersen
5726 N Oberlin St
Portland, OR 97203

Site Address: 3511 N WILLIS BLVD
Legal Description: BLOCK 3 LOT 40 TL 100, PENINSULAR ADD 2
Tax Account No.: R655211130
State ID No.: 1N1E08DA 00100
Quarter Section: 2227
Neighborhood: Kenton, contact Weby Bowles at webybowles@gmail.com.
Business District: Kenton Business Association, contact Mo Bachmann at info@kentonbusiness.com.

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Zoning: Residential 5,000 (R5) with the "a" Alternative Design Density overlay zone.

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

Proposal: The applicant proposes a two parcel land division of the 4,500 square foot, vacant site to create two parcels for development of attached houses. The proposal employs provisions of Subsection 33.110.240.E *Alternative Development Options*, which allows one extra unit of density when attached houses are proposed on a corner lot. Water service will be provided by existing utilities within N Hamlin Avenue. Sanitary sewer service will be

provided by existing utilities located within N Willis Blvd, including a proposed, private 10-foot sewer easement across Parcel 2 for the benefit of Parcel 1. Driveway access is proposed from N Hamlin Ave.

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 site is vacant, a single family residence was recently removed from the site (15-173393 RS). The topography of the site is level. The surrounding neighborhood is characterized by single dwelling development, with Peninsula Elementary School, Trenton Park and University Park located within the vicinity of the site. The street grid in the neighborhood is well developed and includes paved streets and sidewalks.

Infrastructure:

- **Streets** – The site has approximately 60 feet of frontage on N Willis Boulevard and 75 feet of frontage on N Hamlin Avenue. There is an existing driveway entering the site from N Willis Street that served the previously existing house on the site. At this location, The City’s Transportation System Plan (TSP) classifies N Willis Boulevard as a Neighborhood Collector, a Transit Access Street, a City Bikeway, a City Walkway, and a Local Service Street for all other modes. According to City GIS data, N Willis is improved with a 40-ft wide paved roadway and a 23-5-2 sidewalk corridor. The TSP classifies N Hamlin Avenue as a Local Service Street for all transportation modes. According to City GIS, N Hamlin Avenue is improved with a 32-ft wide paved roadway (narrows to 24-ft at intersection) and a 3-5-1 sidewalk corridor. Tri-Met provides transit service on N Willis Boulevard via Busses 35 and 4.
- **Water Service** – There are existing 12-inch water mains located in N Willis Boulevard and N Hamlin Avenue.
- **Sanitary Service** - There is an existing 42-inch public combination sewer line located in N Willis Boulevard. There are no sanitary sewer services located in N Hamlin Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The R5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It fosters owner-occupancy, focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the

surrounding residential neighborhood. This land division is not using any provisions of the “a” overlay.

Land Use History: City records indicate there are no prior land use reviews for this site. However, the site is subject to a recently completed Lot Confirmation and Property Line Adjustment, which are not categorized as land use reviews.

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 **April 27, 2016**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal. **Note:** A Notice of Proposal in Your Neighborhood was originally mailed on April 18, 2016, however an error occurred resulting in the Notice being mailed to the incorrect recipients. Therefore, the City corrected the error by mailing the Notice on April 27, 2016 to the correct recipients.

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:
B	33.630 – Tree Preservation	No trees in excess of 6 inches in diameter are located fully or partially on the site.
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.
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 maximum density is calculated at one unit per 5,000 square feet. Minimum density is calculated at one unit per 5,000 square feet based on 80 percent of the site area. Therefore, the 4,500 square foot site has a minimum required density and a maximum density of 1 unit. The proposal for two parcels exceeds the maximum density allowed at the site.

However, Parcels 1 and 2 are proposed to be developed with attached houses under the provisions of Subsection 33.110.240.E, which allows one extra unit of density in when attached houses on corner lots are proposed. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses in compliance with Subsection 33.110.240.E.

With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards can be met.

The required and proposed lot dimensions 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)
Original lot before division in R5 zone	4,500	NA	NA	NA	NA
Original lot before division					
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Parcel 1	2,250		37.5	60	37.5
Parcel 2	2,250		37.5	60	37.5

* 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.

Attached Houses on Corner Lots

Parcels 1 and 2 are smaller than the 3,000 square foot lot size minimum that would normally be allowed in the R5 zone. As described above, these lots are being created through a provision that allows attached houses on corner lots. To use this code provision the original lot before the division must be at least 4,500 square feet in area. Additionally, the resulting lots must meet the standards of the R2.5 zone, which are illustrated in the table above.

The total site area is 4,500 square feet. At 2,250 square feet in area each, proposed Parcels 1 and 2 exceed the minimum lot area standards of 1,600 square feet for the R2.5 zone. Additionally, at 37.5 feet wide and 60-feet deep, the proposed lots meet the minimum

required lot dimensions. Therefore, the corner lot may be divided to create two parcels as proposed.

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

Land Suitability

The site was recently in residential use, and there is no record of any other use in the past. A demolition permit for the old house at the site was issued and received an approved final inspection. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

Findings: No tracts are proposed or required for this land division, so criterion A does not apply. The following easements are required for this land division:

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

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

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

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

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties. In this case, the widest lot should be the interior lot on the west side of the street (Parcel 1). As shown in exhibit C.2, both lots are proposed to be the same width, 37.50 feet wide. In order to meet this criterion, a condition of approval will require Parcel 1 to be wider than Parcel 2 prior to approval of the final plat, in accordance with section 33.663.310. With a condition of approval, this criterion can be met.

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

Findings: 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 attached housing. The subject lot is currently vacant. The single-family dwelling that previously occupied this site was demolished approximately six months ago. The old driveway approach connecting to N Willis Boulevard must be closed prior to approval of the final plat. Accordingly, the proposed project will result in a net increase of one new single-family home. Based upon trip generation estimates obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, the project 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.

As proposed, each lot will be developed with sufficient on-site parking area to accommodate two off-street parking spaces per lot. The surrounding area has an established residential development pattern that includes single-family homes on lots that accommodate one or, in many cases, multiple on-site parking spaces 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 the proposed new dwelling unit.

There are existing transit facilities in the vicinity and the nearest bus stop is located at N Willis & N Wabash approximately 105-ft from the site. Access to transit facilities is accommodated via fully improved sidewalk corridors that meet City standards. 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.

The original site plan submitted with this partition (Exhibit A.1) proposed separate driveways to serve each parcel with a new curb-cut on N Hamlin to serve Parcel 1 and a new curb-cut on N Willis to serve Parcel 2. PBOT does not support this driveway configuration. For Neighborhood Collectors, such as N Willis, PBOT requires that vehicles be able to exit the site in a forward motion to ensure safe vehicle movements. The size and configuration of Parcel 2 does not appear that it will permit the lot to be designed to allow forward motion egress. Additionally, the proposed driveway location on N Willis is closer to the intersection and the existing marked crosswalk than the curb-cut that served the prior home on this site. This proposed location creates numerous potential vehicle/pedestrian conflict points.

Accordingly, as a condition of Building Permit approval, PBOT will require that the proposed attached dwellings be developed with a shared driveway on N Hamlin. The

applicant may seek formal approval of a Driveway Design Exception to allow separate driveways on N Hamlin. Vehicle access to Parcel 2 will not be permitted via N Willis.

PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
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.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods for Parcels 1 and 2: 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, and has requested a supplemental survey prior to final plat approval showing the final location of stormwater facilities. With a condition of approval, this criterion is 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 dimensions of the block on which the subject property is located are approximately 500 feet by 200 feet, which meets the noted spacing requirements. 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
In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided. 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

Among the various development standards that will be applicable to this lot, the applicant should take note of:

- **Attached Houses on Corner Lots**-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Parcel 1 must be oriented toward N Hamlin Avenue and development on Parcel 2 must be oriented toward N Willis Boulevard.
 3. The height of the two units must be within 4 feet of each other
 4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.
 7. Trim must be the same in type, size and location.
 8. Windows must match in proportion and orientation.
- **Accessory Dwelling Units** - Accessory Dwelling Units (ADUs) are not allowed to be added to attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.

Existing development that will remain after the land division.

The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; 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 Parcels 1 and 2 at the time of development. This requirement is based on the standards of Title 20.

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: development standards for attached houses on corner lots, shared driveway access from N Hamlin Avenue, maintenance agreement for the required sanitary sewer easement across Parcel 2 for the benefit of Parcel 1, closing the driveway approach on N Willis Ave at the time of development of Parcel 2.

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

ADMINISTRATIVE DECISION

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

A. Supplemental Plan:

1. Three copies of an additional supplemental plan shall be submitted with the final plat survey for review and approval by BES. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the location of the following: The proposed general location of future building footprints, driveways and stormwater facilities for each of the vacant lots.

B. The final plat must show the following:

1. A private sanitary sewer easement, for the benefit of Parcel 1, shall be shown and labeled over the relevant portions of Parcel 2.
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.1 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for a sanitary sewer easement has been recorded as document no. _____, Multnomah County Deed Records."
3. To meet the Solar Access requirements of section 33.639, Parcel 1 must be wider than Parcel 2. The plat must be revised to meet these requirements in accordance with section 33.663.310.

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

Streets

1. Prior to Final Plat approval, the applicant shall close the existing curb-cut on N Willis under a Minor Improvement Permit from the Bureau of Transportation.

Utilities

2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Required Legal Documents

3. A Maintenance Agreement shall be executed for the private sewer easement described in Condition B.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

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

1. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
2. Vehicle access to Parcels 1 and 2 must be from N Hamlin Avenue. Separate driveways will only be permitted with an approved Driveway Design Exception.
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 must meet the requirements of Urban Forestry for street tree planting in the existing planter strips adjacent to Parcels 1 and 2

Staff Planner: Brandon Rogers

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

By authority of the Director of the Bureau of Development Services

Decision mailed June 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 March 7, 2016, and was determined to be complete on April 13, 2016.

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 March 7, 2016.

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, applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 11, 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.

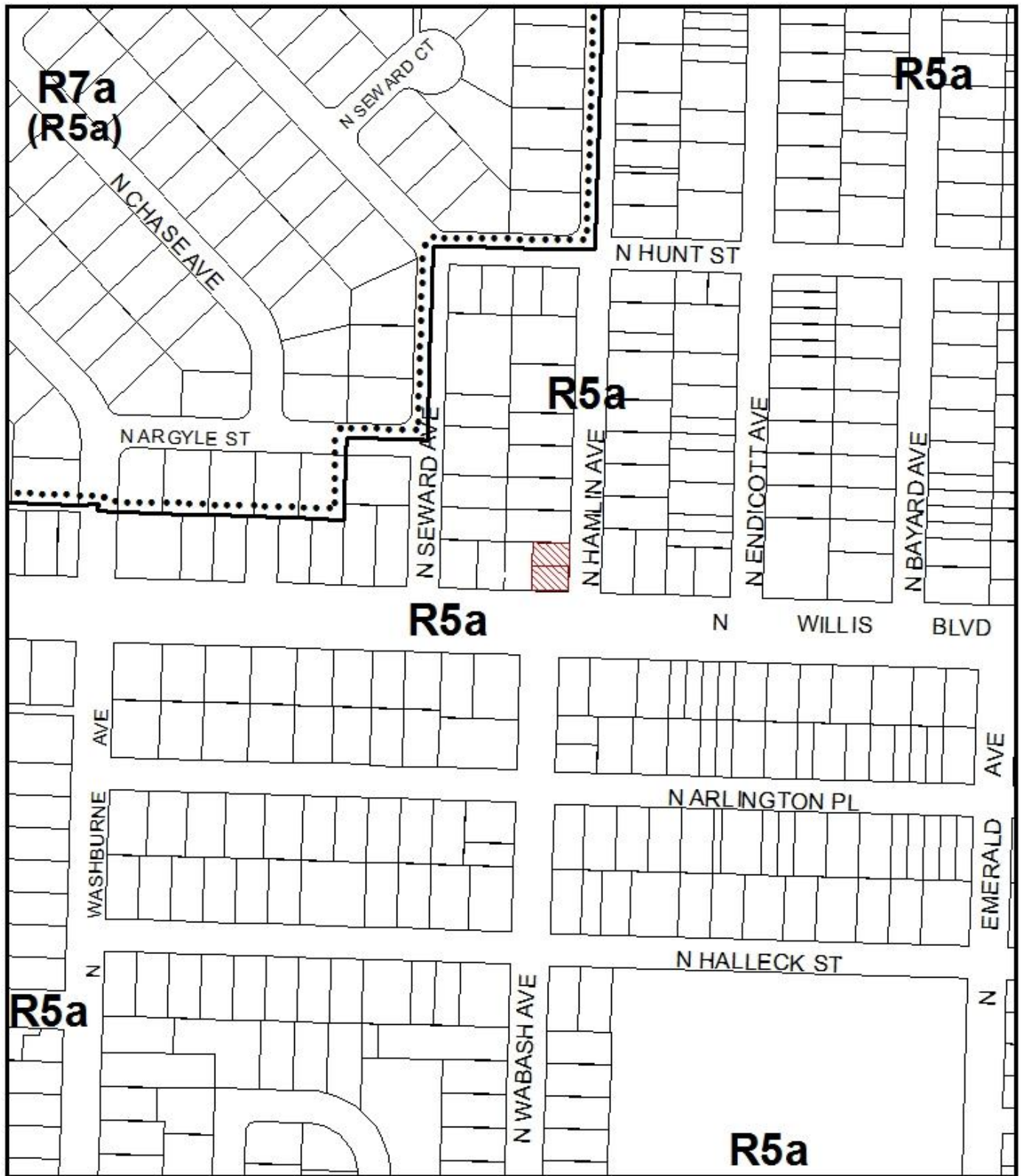
The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file 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.

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City’s approval of the preliminary plan.**

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant's Narrative/Original Submittal
 - 2. Applicant's Response to Incomplete Letter and Revised Submittal
 - 3. Stormwater Management and Infiltration Testing Results
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Utility Plan and Tree Survey, Preliminary Land Division Plan, Preliminary Site Plan (attached)
- D. Notification information:
 - 1. Mailing list (April 18th, incorrect mailing list for case)
 - 2. Mailed notice (April 18th, correct notice, but sent to incorrect recipients)
 - 3. Mailing List (April 28th, corrected mailing list)
 - 4. Mailed Notice (April 28th)
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development section of BDS
 - 6. Life Safety section of BDS
 - 7. Urban Forestry section of Portland Parks and Recreation
- F. Correspondence: none
- G. Other:
 - 1. Original Land Use Application
 - 2. Incomplete Letter

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

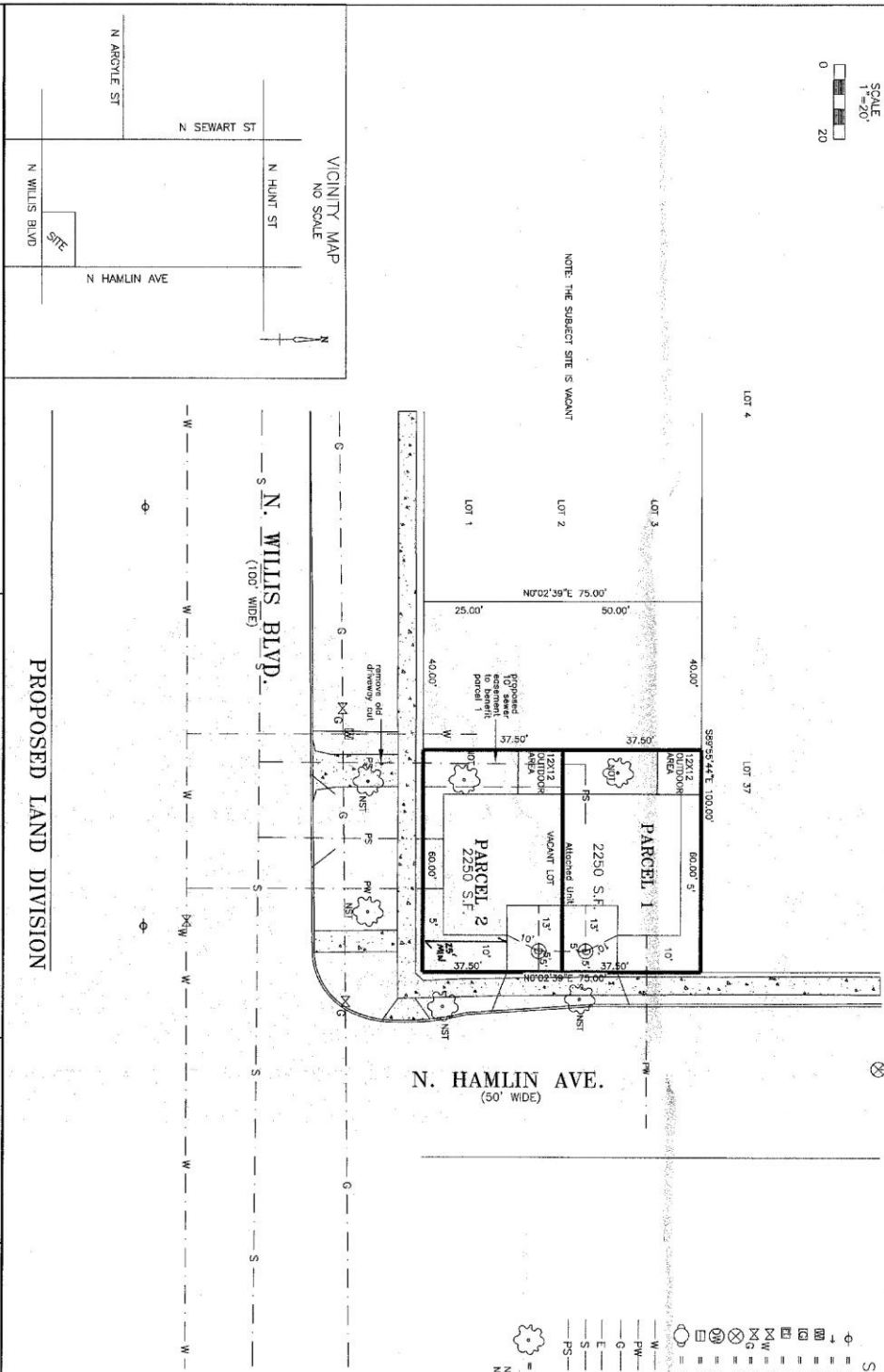
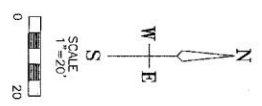


ZONING



File No. LU 16-131330 LDP
 1/4 Section 2227
 Scale 1 inch = 200 feet
 State_Id 1N1E08DA 100
 Exhibit B (Mar 09, 2016)

EXISTING AND PROPOSED CONDITIONS



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

SITE PLAN
 LOTS 38-40, BLOCK 3, "SQUIGLAR ADDITION"
 IN THE NE 1/4 SECTION 8, T1N 2 E, R1E, W4M,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

CLIENT:
 WHITNEY PETERSON
 4772 N LOWARD
 PORTLAND OR 97203

DATE: FEBRUARY 2016	JOB NO. 15-104
REVISION	DRAFTED 2.29.16
REVISION	SHEET 1 OF 1

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JAMES H. FERGUSON
 2443
 RENEWAL DATE 12/31/17

- SYMBOLS**
- ⊕ = POWER POLE
 - ⊙ = GUY ANCHOR
 - ⊞ = WATER METER
 - ⊞ = GAS METER
 - ⊞ = ELECTRIC METER
 - ⊞ = WATER VALVE
 - ⊞ = GAS VALVE
 - ⊞ = MANHOLE
 - ⊞ = CLEAN OUT
 - ⊞ = CATCH BASIN
 - ⊞ = FIRE HYDRANT
 - = WATER LINE
 - = PROPOSED WATER LINE
 - = GAS LINE
 - = ELECTRIC LINE
 - = SAN. SEWER
 - = PROPOSED SAN. SEWER
 - ⊙ = DECIDUOUS
 - ⊙ = NEW STREET TREE
 - ⊙ = NEW ONSITE TREE

REVISIONS
 6/2/16
 CASE NO. LW 16-10334 CUP
 EXHIBIT C-1