



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: August 12, 2016
To: Interested Person
From: Diane Hale, Land Use Services
503-823-7705 / Diane.Hale@portlandoregon.gov

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 16-131436 LDP

GENERAL INFORMATION

Applicant: Kevin Partain, Urban Visions / (503) 421-2967
223 NE 56th Ave. / Portland, OR 97015

Representative: Diane Stout / 5610 SE Morrison St / Portland, OR 97215

Site Address: 5610 SE MORRISON ST

Legal Description: BLOCK 2 N 1/2 OF LOT 1, MT TABOR CENTRAL PK
Tax Account No.: R221891
State ID No.: 1S2E06AB 4100
Quarter Section: 3136
Neighborhood: Mt. Tabor, contact Stephanie Stewart at 503-230-9364
Business District: Belmont Business Association, contact Constance Ihrke at 503-267-3721

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010
Zoning: R5 (Single Family Residential 5,000 square feet)
Case Type: LDP (Land Division Partition)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing a 2-parcel partition for detached housing for this ~10,000 square foot lot. The existing house and garage are proposed to be removed. Parcels 1 and 2 will be 4,999 square feet each. Off-street parking is proposed for each house. The applicant indicates that there are four regulated trees on the site and proposes to preserve one of these trees, the 40" Beech tree in the back yard.

This partition is reviewed through a Type 1x land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or

services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land (2 parcels). Therefore this land division is considered a partition.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

FACTS

Site and Vicinity: The site is approximately 10,000 square foot interior lot developed with a house and garage built in 1950. The site is generally surrounded with single family housing and zoning to the north, east and west. Abutting the site to the south, along SE Belmont Street, is multi-dwelling zoning with a mix of multi-dwelling and single-dwelling development. Glencoe Elementary is ~1/4 mile to the west. Mt Tabor Park is ~1/3 mile to the southeast.

Infrastructure:

- **Streets** – The site has approximately 100 feet of frontage on SE Morrison Avenue. There is one driveway entering the site that serves the existing house on the site. At this location the City’s Transportation System Plan (TSP) classifies SE Morrison as a Local Service Street for all transportation modes. According to City GIS data, SE Morrison is improved with a 32-ft wide paved roadway and a 3-6-1 sidewalk corridor within a 52-ft wide ROW. Tri-Met provides transit service approximately 225 feet from the site at SE Belmont Street and SE 55th Avenue via Bus #15.
- **Water Service** – There is an existing 8-inch CI water main in SE Morrison Street. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch VSP public combination sewer line in SE Morrison Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The R5 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Newly created lots must have a maximum density of 1 lot per 5,000 square feet of site area.

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 May 3, 2016. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.B – Non-local street standard	SE Morrison is a Local Street.
	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. Based on the applicant's survey, the site area is 9,998 square feet. The maximum density is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. The site has a minimum required density of 2 units and a maximum density of 2 units.

If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore in this case the minimum density is reduced to 1. The applicant is proposing 2 single dwelling parcels. 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)
R5 Zone	3,000	8,500	36	50	30
Parcel 1	4,999		50	99.97	50
Parcel 2	4,999		50	99.97	50

* 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 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.

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 an arborist report and tree map (Exhibit A.5) that shows the location and size of trees on and adjacent to the site, and 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, there are five trees on or partially on the site. Tree #4, a 14" Mountain Ash, is exempt because it is a nuisance species. Four trees, which provide a total of 127 inches of tree diameter, are subject to the preservation requirements of this chapter:

- Tree #1 – 43" European Beach
- Tree #2 – 35" European Beach
- Tree #3 – 9" Crabapple
- Tree #5 – 40" European Beach

In this case, 3 of these trees must be removed to accommodate new development on the site. The two beech trees in the front yard would require a root protection zone (RPZ) that extends the full width of the site and close to half the depth of the site to provide the best level of protection. The applicant considered whether one of the two trees in the front yard could be preserved with a reduced RPZ and modification of new development on one of the proposed parcels. The applicant's arborist provided the following evaluation of this scenario (see Ex. A.5):

Their trunks are located approximately 25 feet apart and their canopies meet in the middle. Their root systems are likely intertwined and support each other as 'sister trees.' Mature European beech trees have a construction tolerance rating of POOR according to Trees and Development: A Technical Guide to Preservation of Trees During Land Development (Mathene & Clark, 1998). In order to successfully preserve tree #2, a RPZ of at least 26 feet in radius in each direction would be required in addition to Arborist Supervised Excavation within 10 feet of the RPZ.

The City's Urban Forester visited the site and generally concurred with the applicant's arborist that removing one of the trees in the front yard could damage the remaining tree (see Ex. E.7). The Urban Forester recommended that the best option for tree preservation is the 40" Beech tree on the south property line, which would allow reasonable development on the site and allow for a larger RPZ for the tree to ensure the best long term health of an on-site tree.

The applicant proposes to preserve tree #5, the 40" European Beech tree on the south property line, with an RPZ that extends 32-feet to the north, east and west of the tree. Minor encroachment up to 3 feet, is allowed for construction of the porch for the house on Parcel 2, as shown on Ex A.5. Preservation of this tree represents 31% of all trees on the site, and 33% of the trees over 20 inches. This proposal does not meet one of the tree preservation standards in 33.630.

In this case, given the location of the trees, the scale of the development anticipated in the R5 zone and the requirement to provide services (water, sewer, street, storm) to new development, it is reasonable to consider mitigation options that will replace the functions of the trees to be removed. In addition to preserving Tree #5, the applicant has proposed to mitigate for the removal of the other 3 trees by planting trees and paying into the Tree Fund.

The Title 11 tree density standards will require that trees be planted on the lots at the time of building permit. Based on the size of the proposed lots, 2,000 square feet of tree area will be required to be planted on each parcel. The applicant proposes to plant 2 large trees on Parcel 1 to meet T11 requirements. The T11 requirements for Parcel 2 will be met with the preservation of tree #5. Given the required tree planting, there is sufficient room on Parcels 1 and 2 for one additional large tree on each parcel to serve as mitigation for tree removal.

Additional tree planting cannot be accommodated on the site without jeopardizing the overall health of the trees as they mature. Therefore, additional offsite mitigation in the form of payment into the City Tree Preservation and Planting Fund is appropriate. One of the tree preservation standards requires up to 35 percent of the total non-exempt tree diameter on the site be preserved. This amounts to 45 inches on this site. Tree #5 is 40 inches; with a payment equivalent to 5 inches to the City Tree Planting and Preservation Fund prior to final plat approval, tree removal will be adequately mitigated. The additional tree planting at the

time of development (noted above) will further mitigate for the loss of large mature trees on the site.

This mitigation will be consistent with the purpose of the tree preservation regulations, since it will provide for the preservation of one mature tree and the installation of other trees that will contribute to the general beauty and natural heritage of the City, if not directly on the site, help to absorb air pollutants and contamination; provide buffering from noise and wind; provide visual screening from the adjacent properties; filter stormwater runoff and the reduce the possibility for erosion; and provide habitat to support wildlife.

In order to ensure that mitigation is provided and future owners of Parcel 2 are aware of the tree preservation requirements, the applicant must meet the following conditions:

- An Acknowledgement of Tree Preservation Land Use Conditions must be recorded at the time of final plat. The acknowledgement must identify that development on Parcel 2 must be carried out in conformance with the Preliminary Plan Map (Exhibit C.1) and the Arborist Report (Exhibit A.5).
- The applicant must make a payment to the Tree Planting and Preservation Fund for 5 inches prior to final plat approval.
- One large tree on Parcel 1 and 1 large tree on Parcel 2 must be planted at the time of development. These mitigation trees are required to be planted in addition to the trees required to meet the Title 11 tree density requirements.

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 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. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. 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 requesting a two-lot partition to develop the subject property with two single-family detached dwellings. The existing single-family dwelling and garage on the site will be demolished. 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. The surrounding area has an established residential development pattern that includes single-family homes on lots that accommodate one, and in some 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 SE Belmont & SE 55th approximately 225-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.

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:
<ul style="list-style-type: none"> • Parcels 1 and 2: Stormwater from these parcels will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these parcels 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.

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 pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

The site is located in an area that generally meets the City's spacing goals. Given the area's general development pattern, PBOT has no concerns relative to connectivity in relation to the proposed development. 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.

At this location the City's Transportation System Plan (TSP) classifies SE Morrison as a Local Service Street for all transportation modes. According to City GIS data, SE Morrison is improved with a 32-ft wide paved roadway and a 3-6-1 sidewalk corridor within a 52-ft wide ROW. For a Local Service Street abutting an R5 zoned site, the Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and 0.5-ft frontage zone.

The existing sidewalk corridor does not meet the standards of the Pedestrian Design Guide. Specifically, the existing furnishing zone is 2.5-ft where 4-ft is required. However, the site does qualify for an exemption under Administrative Rule 1.22 "Infill Development on Streets with an Existing Sidewalk Corridor". Accordingly, the existing sidewalk corridor configuration will be accepted as the standard sidewalk configuration for the block lengths. No ROW improvements or property dedication will be required in relation to the proposed partition request.

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.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, 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.

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

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met or can be met with conditions. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in 2 single-dwelling parcels as illustrated with Exhibit C.1, subject to the following conditions:

A. The final plat must show the following:

1. A recording block for each of the legal documents such as maintenance agreements, acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B.3 below. The recording block 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.”

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

1. 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

2. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on Exhibit C.1. All demolition work must be in conformance with the recommendations in the applicant’s arborist report (Exhibit A.5).

Required Legal Documents

3. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 2. A copy of the approved Preliminary Plan Map ((Ex. C.1) and the Arborist Report (Ex. A.5) must be included as Exhibits to the Acknowledgement. The Acknowledgment shall be referenced on and recorded with the final plat.

Other requirements

4. The applicant must pay into the City Tree Preservation and Planting Fund the amount equivalent to 5 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

1. Development on Parcel 2 shall be in conformance with the Preliminary Plan Map (Exhibit C.1) and the applicant's arborist report (Exhibit A.5). Specifically, tree #5 is required to be preserved, with the root protection zone indicated on Exhibit C.1 (32 feet to the north, east and west). Minor encroachment is allowed for construction of the porch for the house on Parcel 2, as shown on Ex A.5. 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 large tree on Parcel 1 and one large tree on Parcel 2 as mitigation for tree removal. These trees are in addition to those required for Title 11 requirements.
3. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Diane Hale

Decision rendered by: Kimberly Tallant on August 10, 2016
By authority of the Director of the Bureau of Development Services

Decision mailed August 12, 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 26, 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 the applicant requested that the 120-day review period be extended by 245 days. **The 120 days will expire on April 26, 2017.**

Some of the information contained in this report was provided by the applicant.

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

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

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

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

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

Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

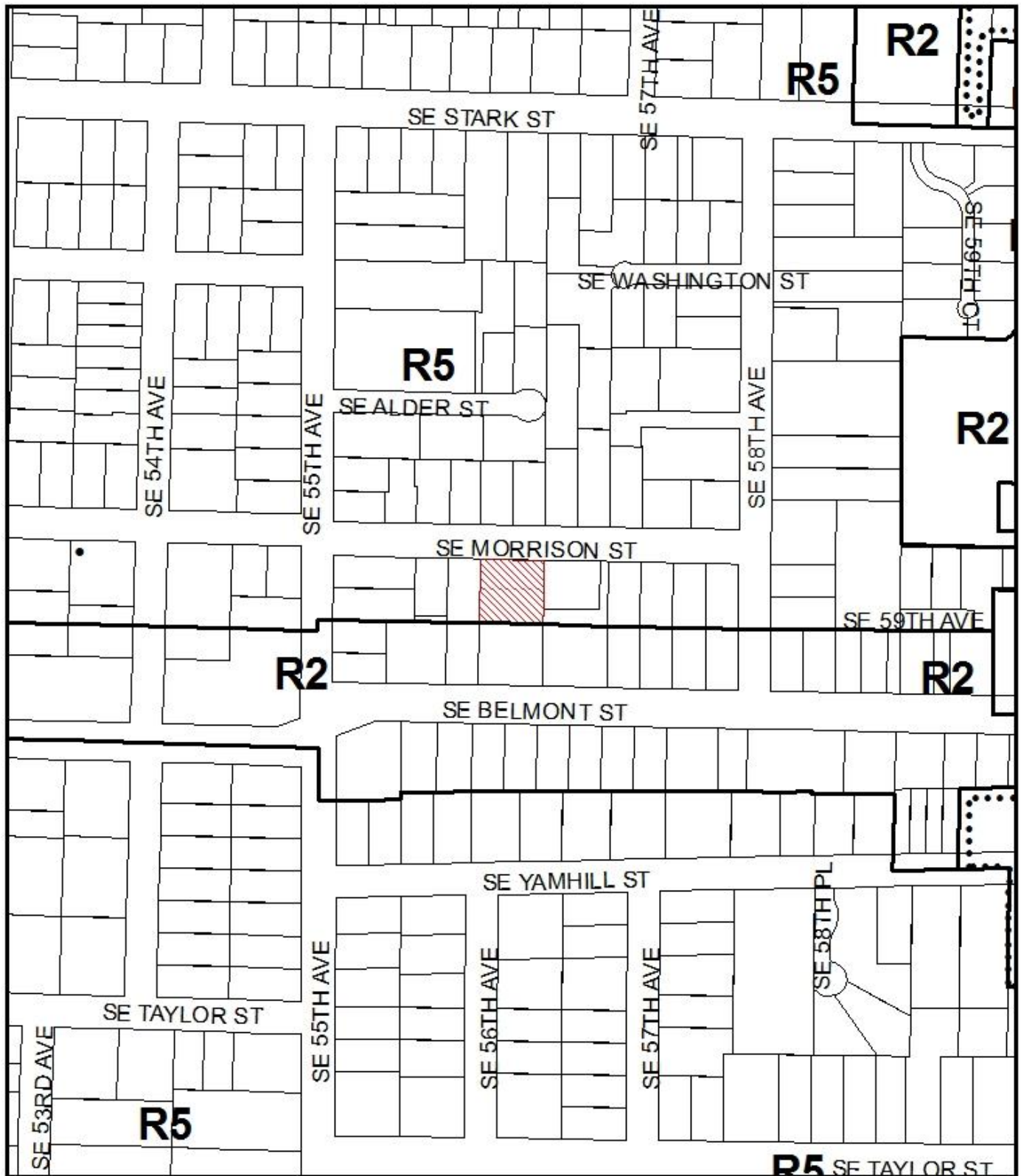
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant's original submittal and plans
 - 2. Applicant's response, April 26, 2016
 - 3. Applicant's response, July 8, 2016
 - 4. Applicant's response, July 27, 2016
 - 5. Arborist report, July 27, 2016
 - 6. Stormwater Management Manual Simplified Approach Form
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plan Map (attached)
 - 2. Existing Conditions Map
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Section of BDS
 - 7. Parks Urban Forestry
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Extension Request

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

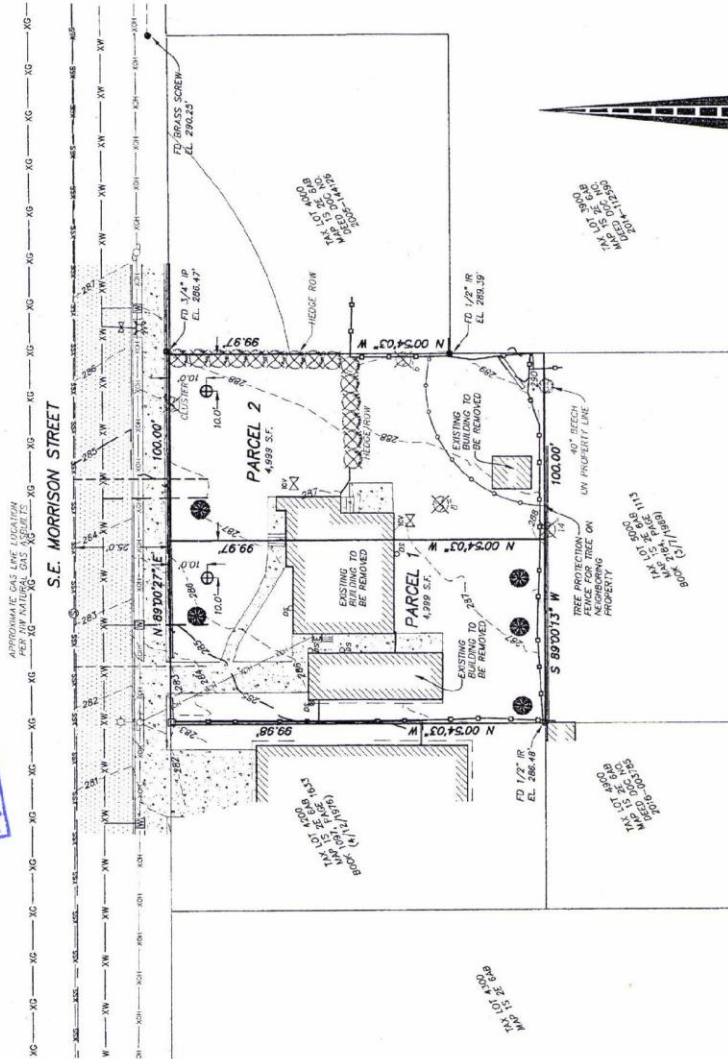
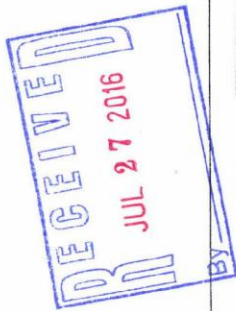
-  Site
-  Historic Landmark



File No. LU 16-131436 LDP
 1/4 Section 3136
 Scale 1 inch = 200 feet
 State_Id 1S2E06AB 4100
 Exhibit B (Mar 08, 2016)

PRELIMINARY PLAN MAP

TAX LOT 4100, MAP 1, S. 2E 64B
 LOCATED IN THE N.E. 1/4 SECTION 6, T.15S, R.2E, W.M.,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 FEBRUARY 23, 2016 SCALE 1"=20'



SURVEY NOTES:

THIS SURVEY IS BASED UPON CITY OF PORTLAND BENCHMARK INTERSECTION OF S.E. BELMONT STREET AND S.E. 38TH AVENUE. THE ELEVATION IS 294.469; BEING A BRASS DISK ON TOP OF CONCRETE CURB. THE SURVEY WAS MADE BY THE SURVEYOR AND HIS ASSISTANTS. THE SURVEYOR HAS BEEN ADVISED AND RECEIVED PERMISSION TO PLACE THIS MAP. PLEASE REFER TO THIS DOCUMENT FOR DESCRIPTIONS OF EXCEPTIONS TO TITLE INSURANCE.

AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ADJACENT UTILITIES AS SHOWN ON THIS MAP. THE SURVEYOR HAS BEEN ADVISED AND RECEIVED PERMISSION TO PLACE THIS MAP. PLEASE REFER TO THIS DOCUMENT FOR DESCRIPTIONS OF EXCEPTIONS TO TITLE INSURANCE.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE EXACT BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERMITS BOUNDARY ISSUES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.

ADVERSE MATTERS MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, EASEMENTS, ENCUMBRANCES, ETC.

CHANGES TO THE SURVEY OR THIS MAP, PLEASE REFER TO THIS DOCUMENT FOR DESCRIPTIONS OF EXCEPTIONS TO TITLE INSURANCE.

THE SURVEYOR HAS BEEN ADVISED AND RECEIVED PERMISSION TO PLACE THIS MAP. PLEASE REFER TO THIS DOCUMENT FOR DESCRIPTIONS OF EXCEPTIONS TO TITLE INSURANCE.

LEGEND:

- Some Symbols shown may not be used on map
- DECIDUOUS TREE
 - EVERGREEN TREE
 - STORM SEWER MANHOLE
 - CATCH BASIN
 - SANITARY SEWER CLEANOUT
 - SANITARY SEWER MANHOLE
 - WATER VALVE
 - WATER METER
 - FIRE HYDRANT
 - GAS VALVE
 - GAS METER
 - ROLLBAR
 - SHO
 - MALEBOX
 - COMMUNICATIONS PEDESTAL
 - COMMUNICATIONS MANHOLE
 - COMMUNICATIONS BOX
 - STORM OUTFALL
 - FOUND MONUMENT
 - DOWN SPOUT TO STORM SYSTEM
 - UTILITY AND LIGHT PILE
 - UTILITY POLE
 - LIGHT POLE
 - OUT WIRE
 - ELECTRIC BOX
 - ELECTRIC METER
 - ELECTRICAL POWER REESTAL
 - ELECTRIC RISER
 - HEAT PUMP
 - OVERHEAD LINE
 - GAS LINE
 - ELECTRICAL LINE
 - COMMUNICATIONS LINE
 - SANITARY SEWER LINE
 - STORM DRAIN LINE
 - WATER LINE
 - FENCELINE
 - UTILITY RISER
 - DOWN SPOUT TO SPLASH GUARD/GROUND
 - IRRIGATION CONTROL VALVE
 - TREE TO BE REMOVED
 - PROPOSED DRYWELL
 - PROPOSED WATER CONNECTION
 - PROPOSED SANITARY CONNECTION
 - PROPOSED LARGE TREE TO BE PLANTED

SIGNED ON: JUL 27 2016

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JUL 27 2016 TOBY S. BOLDEN 60377LS

RENEWED DECEMBER 31, 2017

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 193726 MOLLA AVE. SUITE 100
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189
 PROJECT: 16-131436-001 PRELIM PLAN MAP

CASE NO. 16-131436-001
 EXHIBIT C-1