



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

FROM CONCEPT TO CONSTRUCTION

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Date: November 17, 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 16-216486 LDP

GENERAL INFORMATION

Applicant: Kevin Partain/Urban Visions
223 NE 56th Ave
Portland OR 97213

Owner: Frank Gaudette/Kimco Properties/DBA FX Homes
PO Box 1540
Sandy OR 97055

Site Address: 9164 N PIER PARK PL
Legal Description: BLOCK 7 SLY 1/2 OF LOT 1, OAK PARK ADD
Tax Account No.: R621102430
State ID No.: 1N1W01DB 10600
Quarter Section: 2022
Neighborhood: St. Johns, contact Josh Leslie at 503-505-8495.
Business District: None
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Zoning: Residential 5,000 (R5)
Case Type: Land Division Partition (LDP)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant proposes to divide the 19,926 square foot site into three parcels for single dwelling development. The proposed lot sizes are: Parcel 1, 6,551 square feet; Parcel 2, 6,824 square feet; Parcel 3, 6,551 square feet. The existing house is proposed to remain on Parcel 2, while the existing, detached garage is proposed to be removed. Water service and sanitary sewer service are proposed from existing utilities located within N Pier Park Place. Driveway access for Parcels 1 and 3 is proposed from N Pier Park Place. Off street parking is not required at this site per subsection 33.266.110.D, because the site is located

within 500 feet from a transit street (N Fessenden/N St Louis Ave) with 20-minute peak hour service (Tri Met Bus #4). No replacement parking is proposed for the existing house. The site contains trees subject to tree preservation requirements. Portland Bureau of Transportation has indicated that no property dedication or street improvements are required to N Pier Park Place.

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 three 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 characterized by level topography and is developed with an existing residence that will remain at the site. The surrounding neighborhood is developed primarily with single dwellings, with multiple dwelling and commercial development to the south along N Fessenden / N St Louis Streets. Pier Park and St John’s Park are located within the vicinity. Sitton Elementary and George Middle Schools are located within approximately ½ mile of the site.

Infrastructure:

Streets – The site has approximately 109 feet of frontage on N Pier Park Place. There is one driveway entering the site that serves the existing garage and house at the site. At this location, the City’s Transportation System Plan (TSP) classifies N. Pier Park as a Local Service Street for all modes. Tri-Met provides transit service approximately 240 feet south of the site at N Fessenden Street via Buses 4 and 11. Bus 4 provides frequent transit peak hour service. N. Pier Park has a 60-foot right of way improved with a 34-feet of paved roadway and a 12-foot sidewalk corridor in a 4-6-2 configuration.

- **Water Service** – There is an existing 6-inch water main located in N Pier Park Place. 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 located in N Pier Park Place.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: Residential 5,000 (R5). The R5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits “E” contain the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 23, 2016**. One written response was received from a notified property owner (Exhibit F.1) in response to the proposal. No response was received from the St Johns Neighborhood Association.

Staff Response: The neighbor's response expresses concerns regarding skinny (narrow) lots, tree preservation and future development of the vacant lots. The proposed lots are standard lots, meeting the width, depth and area requirements of the R5 zone and are not classified as narrow lots. The tree located in the south west corner of the property is identified in the applicant's arborist report (Exhibit A.2) as a 38-inch DBH Port Orford Cedar tree (Tree #38), which is proposed to be preserved at the site.

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.
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	No public dead-end streets or pedestrian connections exist that must be extended onto the

	and pedestrian connections	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 19,926 square feet. The maximum density in the R5 zone 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 site has a maximum density of 4 units and a minimum required density of 3 units. The applicant is proposing 3 single dwelling parcels. The density standards are therefore 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)
R5 Zone	3,000	8,500	36	50	30
Parcel 1	6,551		36	182	36
Parcel 2	6,824		37.5	182	37.5
Parcel 3	6,551		36	182	36

* 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.

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

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.1) illustrating the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.2) that identifies each tree, evaluates the condition of the trees, states suitability for preservation, identifies exempt trees, and specifies a root protection zone and tree protection measures for each tree to be preserved.

Based on this information, three trees (Tree#36, a 40 inch DBH Douglas fir; Tree#37, an 18-inch DBH Port Orford Cedar; and Tree #38, a 38-inch DBH Port Orford Cedar), which provide a total of 93 inches of tree diameter are subject to the preservation requirements of this chapter.

The trees proposed for preservation are in good condition, include native, non-nuisance species, and two of the non-exempt trees measure 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 R5 zone and will not conflict with any existing utility easements, proposed services or site grading.

Specifically, the applicant proposes to retain 50 percent of the trees measuring 20 or more inches and 56 inches of the total tree diameter, so the proposal complies with Option 3 of the tree preservation standards, which requires preservation of at least 50 percent of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site.

In addition, the applicant's arborist report has also identified one tree on an adjacent site, however that tree is not within 15 feet of potential disturbance area on the proposed lots. Therefore, the arborist is not required to provide a preservation plan for this tree.

In order to ensure that future owners of the parcels are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Parcels 1 and 3 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the Arborist Report (Exhibit A.2).

At the time of development, the individual parcels must also meet the Title 11-Tree Code provisions, which require a specific amount of site area for tree planting based on the size of the property and the scale of the development. The trees to be retained as part of this review may be applied toward meeting those Title 11 requirements.

The existing house located on Parcel 2 is proposed to remain at the site. Due to the proposed land division, this parcel will be out of compliance with the Title 11 Tree Density requirements. Therefore, prior to approval of the Final Plat, the applicant must obtain a finalized zoning permit for on-site tree planting to meet the Title 11 density requirements.

Based upon this information, no additional mitigation is warranted to satisfy the approval criteria. These criteria are 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. 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. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With a condition requiring final inspection for a decommissioning permit, the new lots can be considered suitable for new development, and this criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. 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. Mitigation may be necessary to reduce impacts.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

The applicant proposes a partition to create three lots. An existing single-family home and garage are located on the subject property, and the existing garage is proposed to be removed. Proposed Parcel 1 and Parcel 3 are suitable for 2 new single-family dwellings. According the ITE Trip Generation Manual, 9th Edition, a new single-family detached dwelling is expected to generate approximately ten trips per day, including one additional trip during the morning peak hour and one additional trip during the evening peak hour. Based on that information, the proposed development will not significantly impact street capacity or level-of-service. Curbside vehicle access and loading areas, and proposed driveways for the new residential uses at this location are sufficient to accommodate two dwellings. The two curb cuts proposed on Parcel 1 and Parcel 3 will remove approximately 30 feet of on-street parking (approximately 1.5 spaces). Nearly four parking spaces will be retained. Additionally, as shown on the site plans, the proposed development will provide at least two off-street parking spaces. Staff finds that the proposed on-street parking to be provided is sufficient to provide for the parking demand generated by the proposed and existing residences. The proposed development will not negatively impact transit service or safety for any mode. The existing 6-ft sidewalk width and 12-ft sidewalk corridor width on N Pier Park exceed the city standard, and provide a sufficient pedestrian level-of-service. 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 Exhibit E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods for Parcels 1 and 3: Stormwater from these lots will be directed to individual soakage 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 soakage trenches/drywells. The applicant has proposed the following stormwater management methods for Parcel 2: The existing house has downspouts that drain onto the ground/into underground pipes. BES has noted that the downspouts meet City standards.
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 block on which the subject property is located measures approximately 540 feet by 439 feet and therefore does not meet the noted spacing requirements. Therefore, there should be an east-west or north-south through street or pedestrian connection provided within the block. The Bureau of Transportation has commented that providing such a connection is not practicable, since it would require developing a connection through twelve parcels. 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 indicated that the existing street is currently improved in a manner that is sufficient to serve expected users. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided. This criterion is met. this criterion is met.
33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)
Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 2. The division of the property may not

cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several Zoning Code standards relating to existing development on the site:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be at least 5 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental plan showing the surveyed location of the existing building relative to the adjacent new lot lines.
- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, the existing detached garage must be removed prior to final plat. The applicant must provide documentation prior to final plat approval that the required demolition permits have received final inspection approval.
- Required Off-Street Parking - A garage provides parking for the existing house on Parcel 2. As a result of this land division, the parking space for the existing house will be located on a different lot, and will no longer be available to Parcel 2. The Portland Zoning Code does not require off-street parking on sites that are less than 500 feet from a transit street with 20-minute peak-hour bus, streetcar, or light rail service. Tri-Met provides transit service approximately 240 feet south of the site on N Fessenden Street via bus number 4, which provides peak-hour service meeting this requirement. As a result, no replacement parking is required for Parcel 2.
- Title 11 Tree Density Standard – This site has a minimum tree density requirement per 11.50.050 that is currently met on the site. Due to the land division, and associated tree removal, Parcel 2 with existing house will no longer meet this standard. Parcel 2 is proposed to be 6,824 square feet, therefore 40% of the lot area is used to calculate the required tree area of 2,730 square feet. Prior to final plat approval, the applicant must meet this requirement by either planting trees on Parcel 2 or making the equivalent payment into the City Tree Preservation and Planting Fund. Tree planting must be documented with a finalized Zoning Permit.

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 Parcel 2 prior to final plat approval. This requirement is based on the standards of Title 11.
- The applicant must meet the requirements of Urban Forestry for the permanent loss of one available planting space for a 1.5 caliper inch tree due to the loss of a street tree planting space. This requirement is based on the standards of Title 11.

CONCLUSIONS

The applicant has proposed a three 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, demolishing the detached garage, planting street trees in front of Parcel 2 prior to final plat approval, planting Title 11 on-site trees prior to final plat approval. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a three-parcel partition that will result in three standard lots for development of single dwellings as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for review and approval by the Land Use Services section of BDS. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition D.1 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Tree Preservation Land Use Requirements has been recorded as document no. _____, Multnomah County Deed Records."

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

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.
2. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way as required in Chapter 5 of the Oregon Fire Code. Alternately, the applicant will be required to install residential sprinklers if applying the exception. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

Existing Development

3. The applicant must obtain a finalized demolition permit for removing the existing, detached garage. Prior to removal of the garage, tree protection must be installed in accordance with the approved Tree Preservation Plan, per Condition D.1.
4. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the septic system on the site.
5. The applicant must meet the requirements of Urban Forestry to plant street tree(s) in the planter strip on N Pier Park Place adjacent to Parcel 2. The applicant must contact Urban Forestry at 503-823-TREE (8733) prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit.
6. The applicant must meet the tree density standard of 11.50.050 on Parcel 2 with the existing house by either planting trees on the lot or making the equivalent payment into the City Tree Preservation and Planting Fund. A finalized Zoning Permit must be obtained to document tree planting prior to final plat approval.
7. The applicant shall make payment of \$450.00 to Urban Forestry as fee in lieu of planting for loss of available planting space.

Required Legal Documents

8. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcels 1 and 3. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.


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

1. Development on Parcels 1 and 3 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.2). Specifically, trees

numbered 37 and 38 are required to be preserved, with the root protection zones indicated on Exhibit C.1. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur if it meets the Prescriptive Path allowances of 11.60.030 or is under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones beyond the allowances of 11.60.030 is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his/her supervision.

2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
3. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling units. Please refer to the final plat approval report for details on whether or not this requirement applies.

Staff Planner: Brandon Rogers

Decision rendered by:  **on (November 15, 2016)**
By authority of the Director of the Bureau of Development Services

Decision mailed November 17, 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 August 3, 2016, and was determined to be complete on September 16, 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 August 3, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: January 14, 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.**

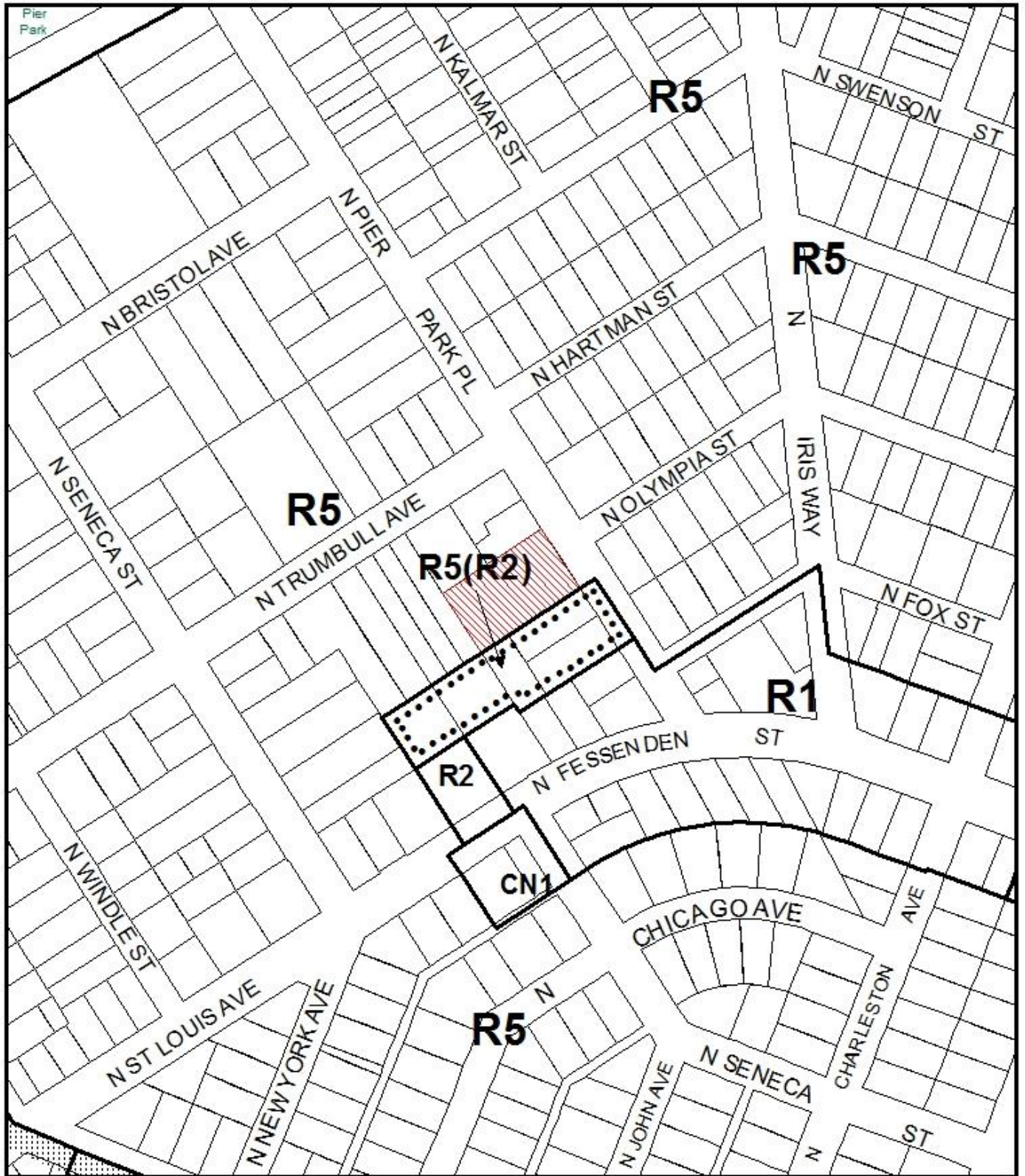
EXHIBITS

NOT ATTACHED UNLESS INDICATED


- A. Applicant’s Statement
 - 1. Applicant’s Narrative / Original Submittal
 - 2. Applicant’s Arborist Report
 - 3. Simplified Approach Stormwater Report
 - 4. Applicant’s Response to Incomplete Letter 09/16/16
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plan, Tree Preservation Plan (attached)
 - 2. Existing Conditions Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of BDS
- F. Correspondence:
 - 1. Patrick Leue and Hannah Shrigley, 10/24/2016
- G. Other:
 - 1. Original LU Application

2. Incomplete Letter
3. Expedited Land Division Acknowledgement

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).

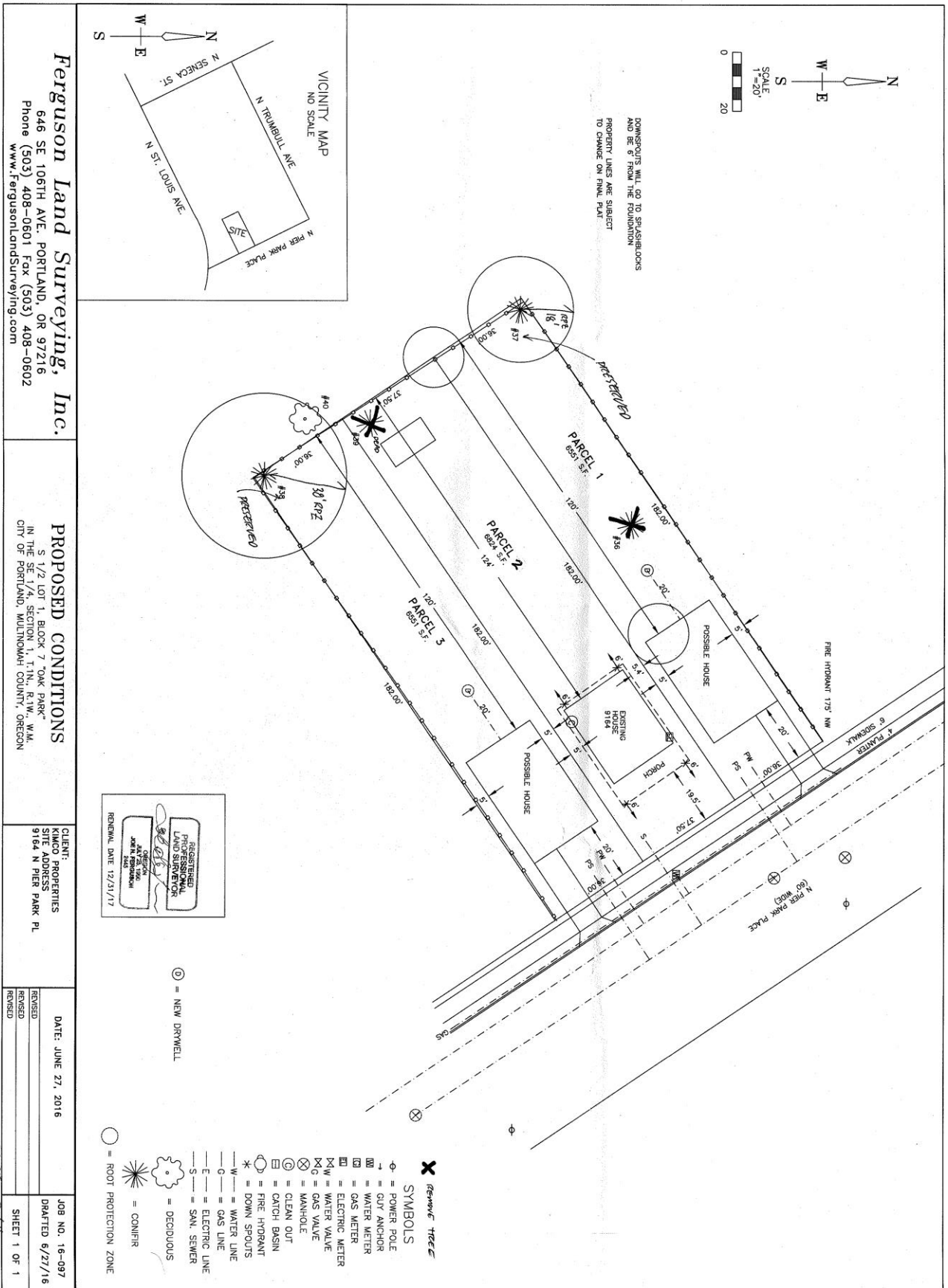


ZONING

 Site



File No.	LU 16-216486 LDP
1/4 Section	2022
Scale	1 inch = 200 feet
State_Id	1N1W01DB 10600
Exhibit	B (Aug 05, 2016)



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

PROPOSED CONDITIONS
 S 1/2 LOT 1, BLOCK 7 "OAK PARK"
 IN THE SE 1/4, SECTION 1, T1N, R1W, W.M.
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
 JAMES FERUGSON
 LICENSE NO. 12345
 EXPIRES 12/31/17

DATE: JUNE 27, 2016

JOB NO.: 16-097
DRAWN: 6/27/16
SHEET 1 OF 1

REVISIONS 9/16/16
 CASER NO. 16-097-0001
 EXHIBIT C-1
 TRACIMIN 16097 PLAN