



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

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Date: November 27, 2017
To: Interested Person
From: JP McNeil, 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 17-214373 LDP

GENERAL INFORMATION

Applicant: Bruce Vincent | Bedsaul/Vincent Consulting, LLC
416 Laurel Ave #3 | Tillamook OR 97141
503-842-5391 | Brucevincent@embarqmail.com

Owner: Randall Palazzo | Columbia Pacific Homes & Metro Homes NW LLC
919 NE 19th Ave., #160n | Portland OR 97232
503-384-2153 | Pdxinvest@aol.com

Site Address: 7005 N CONCORD AVE

Legal Description: BLOCK 3 LOT 12, MASTERS ADD
Tax Account No.: R544500640
State ID No.: 1N1E16AA 15700
Quarter Section: 2328
Neighborhood: Arbor Lodge, contact landuse@arborlodgeneighborhood.com.
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
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant requests a partition to divide a 5,000-square foot lot to create two 2,500 square foot parcels for development with attached houses by utilizing the provisions of 33.110.240.E Alternative Development Options. Water services are proposed from existing utilities located within N Bryant St. Sanitary sewer services are proposed from utilities in N Concord Ave. Stormwater will be managed by on-site drywells. The existing house and garage will be removed. The subject property is located on the northwest corner of N Concord Avenue and N Bryant Street, both of which are improved with a sidewalk and curb. In order to meet Title 33 tree preservation standards, the applicant proposes to keep two of the three large native non-nuisance trees on the site. The proposed development will include off-street parking on private parking pads for both proposed parcels. The west parcel will take access from N Bryant St. The east parcel will take access from N Concord Ave.

This partition proposal is reviewed through a Type 1x procedure 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 33.660110).

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 3 or fewer lots within a calendar year according to ORS 92.010 Partitioning Land. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create two 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 approval criteria are found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential zones.

FACTS

Site and Vicinity: This corner site is relatively flat and is currently occupied by a single dwelling residence and detached garage, to be removed. There are three Douglas Fir trees subject to Tree Preservation standards as well as several nonregulated nuisance trees. The immediate surrounding area is characterized by one to two-story single dwelling development dating from the early and mid-20th Century. N Interstate Avenue is two blocks to the east and is characterized by a mixture of commercial and multidwelling residential development.

Infrastructure:

Streets – The site has approximately 100 feet of frontage on N Bryant Street and 50 feet of frontage on N Concord Avenue. There is one driveway entering the site from N Bryant that serves the existing house. At this location, both N Bryant Street and N Concord Avenue are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 1,200 feet from the site at N Lombard Street via Bus 75 and Bus 4. MAX Light Rail service is available approximately 0.25 miles from the site at the Lombard Transit Center.

N Bryant Street and N Concord Avenue both have a 28-foot curb-to-curb paved surface within a 60-foot right-of-way with parking on both sides. Along the 100-foot by 50-foot site frontage the pedestrian corridor includes an 8-foot wide planter area, curb, 5-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (8-5-2 configuration).

Water Service – There is an existing 8-inch CI water main in both N Concord Avenue and N Bryant Street. The existing house is served by a 5/8-inch metered service from the main in N Concord Avenue.

Sanitary Service - There is an existing 15-inch concrete public combination sewer line in N Concord Avenue. There is no sewer service in N Bryant adjacent to the site.

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.

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 12, 2017**. 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.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
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 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 5,000 square feet. The maximum density in the R5 zone 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 maximum density of one (1) unit and a minimum required density of one (1) unit. 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 zero (0).

The applicant is proposing two (2) parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision of 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses.

With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards are 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)
Original lot before division in R5 zone	4,500	NA	NA	NA	NA
Original lot before division	5,000		50	100	50
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Parcel 1	2,500		50	50	50
Parcel 2	2,500		50	50	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.

Parcels 1 and 2 are smaller than 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.

As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Proposed Parcels 1 and 2 each exceed the minimum lot dimension standards. Therefore, the corner lot may be divided to create Parcels 1 and 2 as proposed.

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 healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites.

Some trees are exempt from the requirements of this chapter: if they are unhealthy, a nuisance species, within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.1) that shows 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, 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, three (3) trees, which provide a total of 68.5 inches of tree diameter, are subject to the preservation requirements of this chapter. These trees are identified as Tree 2, 5, and 6 in the arborist report and are a 24.5-inch, an 18-inch, and a 26-inch Douglas Fir, respectively.

The trees proposed for preservation are in good condition, include native species, and one (1) of the trees are 20 or more inches in diameter. Specifically, the applicant proposes to retain 50 percent of the trees that are 20 or more inches and 44 inches of the total tree diameter, (Tree 5 and 6, an 18-inch and a 26-inch Douglas Fir), so the proposal complies with:

Option 3: Preserve 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.

Based on these factors, no additional mitigation is warranted to satisfy the approval criteria.

The applicant must demonstrate the trees to be preserved will be adequately protected by meeting the tree protection standards of Title 11, the City Tree Code. In this case, the proposed root protection zones (RPZ's) for the trees to be retained, as shown on the applicant's Site Plan (Exhibit C.3), do not meet the minimum standards for tree protection. The standards require that the tree protection plan follow one of two approaches: the Prescriptive Path, under which the RPZ (defined as a 1-foot radius from the tree trunk for each inch of tree diameter) must be protected from disturbance with some specified encroachments allowed; or the Performance Path, under which the RPZ may be encroached upon to a greater degree, as specified by a certified Arborist with construction activities taking place under the supervision of the Arborist (Section 11.60.030). The arborist report submitted indicates that the Prescriptive Path will be used; however, the Site Plan shows the RPZ for Tree 6, a 26-inch Douglas Fir, with greater encroachment than what is allowed under the Prescriptive Path. Specifically, under Section 11.30.060.C, no encroachment is allowed closer than one-half of the required RPZ radius, which for a 26-inch tree would be 13 feet. The Site Plan shows the proposed building footprint falling within 11 feet of Tree 6. In order to allow for this level of encroachment, the Performance Path must be used. Alternatively, the building footprint could be moved outside of the minimum RPZ. Prior to final plat approval, the applicant must submit a revised Tree Plan and Arborist Report showing that the tree protection requirements of Section 11.60.030 are met.

In order to ensure that future owners of the parcels are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Parcel 2 must be carried out in conformance with the approved Tree Preservation Plan and arborist report.

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.

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. The applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. With this condition, the new lots can be considered suitable for development, and 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 proposed and/or required for this land division:

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

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

“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

With the conditions of approval discussed above, 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 summarized below (see Exhibit E.2):

The minimal expected added vehicle trips (1 AM peak hour trip/1 PM peak hour trip/10 total new daily trips) will not adversely impact the operations of area intersections or have a noticeable effect on street capacity or level-of-service. On-street parking demand appears to be minimal along N Bryant Street and N Concord Avenue given the make-up of the existing right-of-way, which accommodates parking along the both sides of the street, and because the lots along the street are served by driveways sufficient to accommodate multiple vehicles. The proposed development on each lot will also be served by driveways and garages. In order to preserve on-street parking, PBOT requires a condition of approval that the driveways be no larger than 10 feet in width and that the driveway along N Concord Avenue be located as shown on the Site Plan (Exhibit C.3). The proposed partition will not have any effect to transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

PBOT has reviewed and concurs with the information supplied. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. With the condition of approval noted above, these criteria are met.

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

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

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p>
<p>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.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p>
<p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 3 of this report. There is no public sanitary sewer available in N Bryant Street. The applicant proposes to serve Parcel 2 via an easement over Parcel 1. BES has indicated this route of service is acceptable. The easement must be shown on the final plat. With this condition, the sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1</p>
<p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed the following stormwater management methods:</p> <p>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.</p>
<p>33.654.110.B.1 Through streets and pedestrian connections</p>
<p>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.</p> <p>The block on which the subject property is located does not meet the noted spacing requirements; however, the site is situated on a corner and a connection would not be practical at this location.</p> <p>In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.</p> <p>For the reasons described above, this criterion is met.</p>
<p>33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment</p>
<p>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 the 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 one additional dwelling can be safely served by this existing street</p>

without having any significant impact on the level of service provided. PBOT notes that, as a condition of building permit approval, any sections of sidewalk or curb that are in disrepair must be replaced.

With the condition of approval described above, 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 Concord Avenue and development on Parcel 2 must be oriented toward N Bryant Street.
 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 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. Please note that the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources.

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 regard 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.
- The applicant must meet the requirements of Urban Forestry for payment into the Street Tree Fund for lost street tree planting space prior to final plat approval. This requirement is based on the standards of Title 11.

CONCLUSIONS

The applicant has proposed a two (2) parcel partition, as shown on the attached preliminary plan (Exhibit C.3). 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:

- Attached housing on corner lots
- Tree preservation & protection
- Demolition of the existing structures on the site
- Sanitary sewer easement
- Driveway location
- Sidewalk and curb repair
- Fire Bureau requirements
- Street tree mitigation

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two (2) parcel partition, that will result in two (2) lots for attached housing, as illustrated with Exhibit C.3, subject to the following conditions:

A. The final plat must show the following:

1. A private sanitary sewer easement, for the benefit of Parcel 2, shall be shown and labeled over the relevant portions of Parcel 1.
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 B.3 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: “A Declaration of Maintenance Agreement for a Private Sanitary Sewer Easement has been recorded as document no. _____, Multnomah County Deed Records.”

B. 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.

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. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on the approved Tree Plan. All demolition work must be in conformance with the recommendations in the approved arborist report.

Required Legal Documents

3. A Maintenance Agreement shall be executed for the Private Sanitary Sewer Easement described in Condition A.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.
4. 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 Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

Other requirements

5. The applicant must submit a Tree Plan and arborist report showing how the tree protection standards of Title 11, the City Tree Code, are met for Tree 5 and 6 to be preserved on Parcel 2.
6. The applicant must pay into the City Tree Preservation and Planting Fund [Street Trees – Fee in Lieu of Planting and Establishment (per inch)] the amount equivalent to 1.5 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

D. 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 approved Tree Preservation Plan and the applicant's arborist report that must be approved and recorded with the final plat. Specifically, Tree 5 (18-inch Douglas Fir) and Tree 6 (26-inch Douglas Fir) are required to be preserved, with the root protection zones indicated in the approved Tree Plan. 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.
2. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
3. The applicant shall meet the requirements of the City Engineer to reconstruct the pedestrian corridor along the site frontage to City standards and to repair or replace any segments of the sidewalk that are in disrepair along the frontage of both parcels.
4. The applicant shall meet the requirements of the City Engineer to provide driveways no greater than 10 feet in width and, for the driveway serving Parcel 1, in the location shown on the applicant's Site Plan (Exhibit C.3)
5. 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: Jason P. McNeil**Decision rendered by:** _____ **on November 21, 2017**

By authority of the Director of the Bureau of Development Services

Decision mailed November 27, 2017

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 1, 2017, and was determined to be complete on September 7, 2017.

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 1, 2017.

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 5, 2018.**

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.**

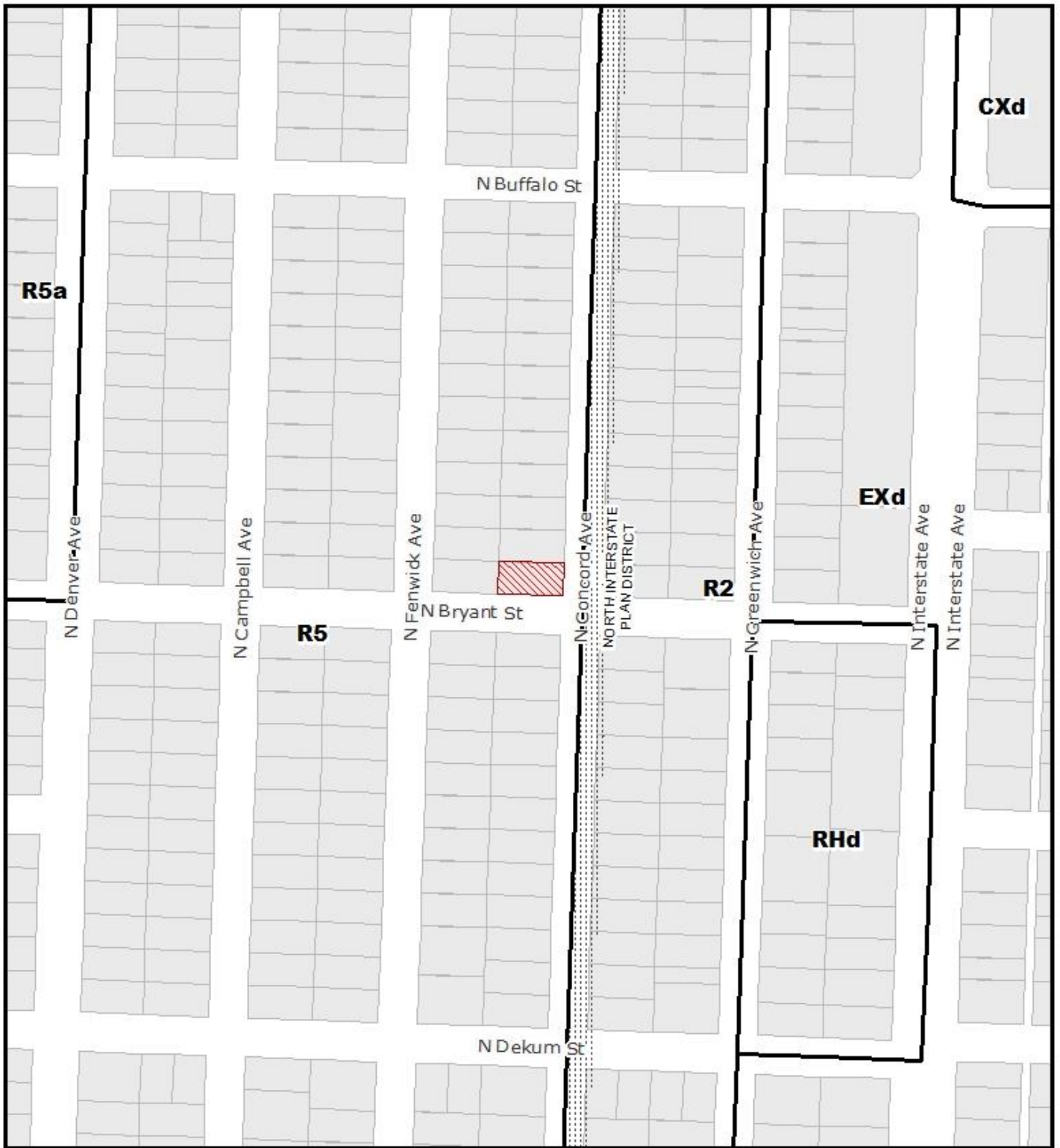
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Submittal
 - 1. Applicant’s Narrative

2. Arborist Report 8/1/17
 3. Stormwater SIM Form
 4. Revised Arborist Report 9/7/17
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Existing Conditions Plan
 2. Original Site Plan
 3. Revised Site Plan 9/7/17 (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Section of BDS
 7. Bureau of Parks, Forestry Division
- F. Correspondence: None received
- G. Other:
1. Original LU Application
 2. Expedited Land Division Acknowledgement Form
 3. 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).



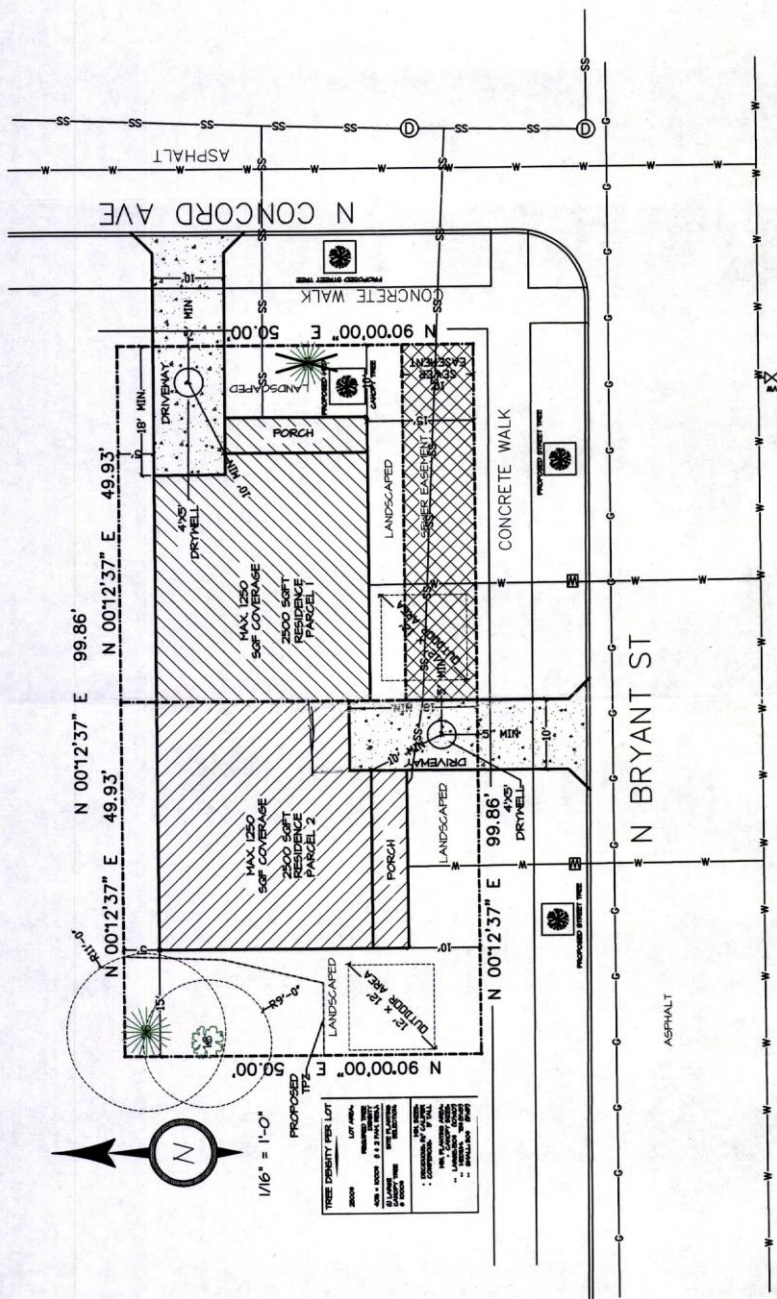
ZONING  NORTH

 Site

File No.	LU 17-214373 LDP
1/4 Section	2328
Scale	1 inch = 200 feet
State ID	1N1E16AA 15700
Exhibit	B Aug 02, 2017

read 7/7/17

PROJECT LOCATION ADDRESS: 7005 N CONCORD PORTLAND, OREGON	COLUMBIA PACIFIC HOMES, LLC. <small>1910 NE 15TH AVE., SUITE 100, PORTLAND, OR 97232 P: (503) 244-7123 F: (503) 244-1777 CDD # 200804</small>	PROPOSED IMPROVEMENTS
PROJECT #		<small>REVISION DATE: _____ DRAW DATE: 07/20/2017 DRAWING SCALE: AS NOTED</small>



1/16" = 1'-0"
 PROPOSED TREE

TREE DENSITY PER LOT	
2000+	LOT AREA
1000-2000	PERCENTAGE OF LOT AREA
500-1000	8.33% PERCENTAGE OF LOT AREA
250-500	PERCENTAGE OF LOT AREA
100-250	PERCENTAGE OF LOT AREA
50-100	PERCENTAGE OF LOT AREA
25-50	PERCENTAGE OF LOT AREA
10-25	PERCENTAGE OF LOT AREA
5-10	PERCENTAGE OF LOT AREA
2-5	PERCENTAGE OF LOT AREA
1-2	PERCENTAGE OF LOT AREA

CASE NO. _____
EXHIBIT _____

LU 17-214373 LDP C-3