



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

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Date: July 13, 2018
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 18-117843 LDP

GENERAL INFORMATION

Applicant: John DeJong | Tech Engineering
PO Box 80483 | Portland, OR 97280
(503) 819-6494 | technicalengineeringinc@yahoo.com

Owners: Charles G. & Emily R. Lamunyan,
8955 N Leonard St | Portland, OR 97203

Site Address: 8955 N LEONARD ST

Legal Description: BLOCK 1 LOT 6, COURT PL
Tax Account No.: R182300170
State ID No.: 1N1W01CD 16500
Quarter Section: 2021

Neighborhood: St. Johns, contact sjnal@gmail.com.
Business District: St. Johns Business Boosters, contact Mike Johnson at 503-206-8633.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: St. Johns
Zoning: R2d – Residential 2,000 with a ‘d’ Design Overlay
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 to divide this 5,272 square foot property into two parcels. Parcel 1 would be 3,118 square feet and would contain the existing house to remain. Parcel 2 would be 2,154 square feet and would be available for future development of one primary dwelling unit. There is one regulated tree on the site, a 15-inch English Walnut on Parcel 2 that the applicant has proposed for removal due to its location in the footprint of the

proposed future dwelling on that parcel. Removal of that tree would be mitigated for through payment into the City Tree Fund. The remaining trees on the site are unregulated due to their designation as nuisance species, however, the applicant indicates they will retain the two existing trees located on Parcel 1 voluntarily. The existing parking space on the site will be removed. Due to the site's location less than 500 feet from a frequent transit bus line on N. St. Louis Avenue, replacement parking is not required.

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: The subject property is situated with street frontages on three sides. The Land Division will result in two corner lots. The nearby street grid is well connected, though somewhat irregularly configured, with a robust sidewalk network. The surrounding area is a mix of housing types and land uses. The area to the north and west of the site is primarily developed with one and two story single and multi-dwelling units. To the south and east is the St. Johns commercial district, a pedestrian-friendly neighborhood center.

Infrastructure:

- **Streets** – The site has approximately 51 feet of frontage on N Leonard Street, 100 feet of frontage on N New York Avenue, and 51 feet of frontage on N Central Street. There is one driveway entering the site from N New York Avenue that serves the existing house. The site is located within a pedestrian district. At this location, N Central Street is classified as a Transit Access Street and a Local Service Street for all other modes in the Transportation System Plan (TSP). N New York Avenue and N Leonard Street are classified as Local Service Streets for all modes in the TSP. Tri-Met provides transit service approximately 260 feet from the site at N St. Louis Avenue via Bus Line 4. The Number 4 bus line meets the Title 33 standard for frequent transit.

N Leonard Street and N New York Avenue have a 36-foot curb to curb paved surface within a 60-foot right-of-way with parking on both sides and a pedestrian corridor that includes a 4-foot wide planter area, curb, 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (4-6-2 configuration). N Central Street is improved with a 28-foot paved roadway, curbs, and a 13.5 foot pedestrian corridor within a 55-foot right-of-way. The pedestrian corridor is not improved with a sidewalk along the site's N Central frontage.

- **Water Service** – There is an existing 6-inch CI water main in N New York Avenue and 6-inch DI water mains in N Leonard and N Central Streets. The existing house is served by a 3/4-inch metered service from the main in N Leonard Street.
- **Sanitary Service** - There is an existing 15-inch CSP public combination sewer line in N New York Avenue and 8-inch CSP combination sewers in N Leonard and N Central Streets. The existing house on the site takes service from the sewer in N Central Street.
- **Stormwater Disposal** – There is 21-inch RCP storm-only sewer in N New York Avenue. Stormwater from the existing house discharges to two rock infiltration areas located on Parcel 1.

Zoning: The R2 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to

existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

The St. Johns plan district provides for an urban level of mixed-use development including commercial, employment, office, housing, institutional, and recreation uses. Specific objectives of the plan district include strengthening St. Johns' role as the commercial and civic center of the North Portland peninsula.

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 **April 12, 2018**. 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	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. 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	Both of the proposed parcels are corner lots. In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands 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 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing two (2) single family parcels for detached housing in the R2 zone.

Single-dwelling or duplex development is proposed for all of the site, therefore the applicant must demonstrate how the proposed lots meet the minimum density and do not exceed the maximum density stated in Table 120-3 at the time of the preliminary plan review.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 5,272 square feet. The site has a minimum required density of two (2) units and a maximum density of two (2) units.

The lot dimensions required and proposed are shown in the following table:

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Detached Houses	1,600	25	none	25
Parcel 1	3,118	51	61	51
Parcel 2	2,154	43	51	39

* Width is measured from the midpoints of opposite lot lines.

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.6) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.4) 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, one (1) tree, which provides a total of 15 inches of tree diameter, is subject to the preservation requirements of this chapter.

In this case, the one non-exempt tree that is suitable for preservation is located on Parcel 2 in the vicinity of the building footprint for the proposed new home on that site. The location of the tree and the configuration of the property limits options to retain trees in accordance with these regulations, so it is reasonable to consider mitigation options that will replace the functions of the tree to be removed.

The applicant has proposed to mitigate for the removal of one (1) tree by providing a payment into the City's Tree Planting and Preservation Fund for that tree. The applicant is also retaining the 20-inch cutleaf birch and the 16-inch Norway maple located on the site; however, both of these trees are nuisance species and are therefore exempt from the Tree Preservation standards and cannot count towards tree preservation or mitigation requirements.

The tree preservation standards require up to 35 percent of the total non-exempt tree diameter on the site be preserved. As mitigation, the applicant proposes to preserve 35% of the total nonexempt tree inches on the site, which amounts to six (6) inches. However, staff finds that, since it is not possible to preserve a portion of a tree, when there is only one tree on a site to be preserved, the entire tree should be mitigated if proposed for removal. This is in line with general practice of the Land Use Review section of BDS in similar situations. Staff further finds that, since the applicant is retaining some of the exempt trees voluntarily, the amount required for mitigation can be reduced to take that into account. As a guide, staff used Table 853-1 from the Zoning Code for Tree Violation Replacement, which requires replacement of five (5) trees at 1.5 inches, for a total of 7.5 inches to be paid into the Tree Fund.

With the condition that a payment equivalent to 7.5 inches be paid to the City Tree Planting and Preservation Fund prior to final plat approval, tree removal will be adequately mitigated.

This mitigation will be consistent with the purpose of the tree preservation regulations, since it will provide for the installation of other trees that will contribute to the general beauty and natural heritage of the City, if not directly on the site, and

- Help to absorb air pollutants and contamination;
- Provide buffering from noise and wind;
- Reduce energy demand and urban heat island impacts;
- Filter stormwater runoff and the reduce the possibility for erosion;

In order to ensure the mitigation is provided, the applicant must make a payment to Tree Planting and Preservation Fund for 6 trees

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. 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 this condition, 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 proposal of a land division can result in the addition of a single-family home to the proposed development site. 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. The proposed land division will create two parcels from one existing parcel. One single-family dwelling is located on the existing lot, and is proposed to remain. Therefore, the proposed land division will support one additional dwelling, which will generate up to an additional 10 trips per day, including one additional trip in the morning peak hour and one trip in the evening peak hour. Based on that information, the proposed development is not expected to significantly impact street capacity or level-of-service. The application states that the new home will have a new on-site driveway and parking pad, and that at least one off-street parking space will be provided on each parcel. The on-site parking spaces will mitigate the demand for on-street parking and will provide area sufficient for loading. The development site is within close proximity of bus stops for several buses, including 0.3-miles from the #16 bus, 0.1 mile from the #44 bus, and 500 ft of the #4 bus. Sidewalks are provided between the subject site and the bus stops. Transit service and facilities and connections to transit are available to serve the proposed development. Sidewalks are provided on each of the subject frontages, and throughout the nearby neighborhood, which provide pedestrian access to nearby destinations. Bicycle lanes and bikeways on nearby streets provide access to the bicycle transportation system. The proposed development will not negatively impact transit service or safety for any mode. The transportation system is capable of 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:

<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 2 of this report.</p> <p>As a result of the proposed land division, the existing sewer connection that serves the house on Parcel 1 will cross over Parcel 2 to reach the sewer main in North Central Street. The applicant must cap the existing sewer connection and establish a new service for the house located entirely on Parcel 1. All required plumbing permits must receive final inspection approval prior to Final Plat approval. 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> <ul style="list-style-type: none"> • Public Street Improvements: As a condition of this land use approval, the Bureau of Transportation requires the applicant to improve the site’s frontage along N Central Street to City standards (discussed later in this report). A new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual. • Parcel 2: Stormwater from this lot will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. This lot 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 drywell. • Parcel 1 (the lot with the existing house): The existing house has downspouts that drain to rock infiltration areas. BES notes that this appear to meet City standards.
<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 meets the noted spacing requirements. In addition, the site is situated on a corner and therefore would not be an appropriate location for a new connection. The site is also 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>

N Leonard Street and N New York Avenue are improved with a paved roadway, curbs, planter strips, and sidewalks on both sides. N Central Street is improved with a paved roadway, curbs, planter strips, and sidewalks on the north side (opposite the site) but lacks a sidewalk on the south side along the frontage of this site. 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. In this case Portland Transportation has determined that curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible to/from the proposed development. Though the sidewalk corridor is improved along N Leonard and N New York, it is not to City Standards. Due to this site's location in a pedestrian district, the sidewalk must be brought up to City standards, which requires a 0.5-inch curb, 4-foot furnishing zone, 6-foot sidewalk, and 1.5 foot frontage zone. For the N Central frontage, the applicant received approval of a Public Works Alternative (PWA 18-126394) that allowed for the construction of a 13.5 foot sidewalk corridor that would allow for a 6.5 furnishing zone, 5-foot sidewalk, and 2-foot frontage zone. PBOT notes that the improvements along the Parcel 1 frontage must be completed prior to final plat approval while the improvements along Parcel 2 can occur at the time of building permit. The applicant also has the option of applying for another Public Works Alternative to allow the existing ROW configuration to remain without additional improvements.

To accommodate any improvements, PBOT notes that it appears no additional right-of-way must be dedicated along the frontage of the site; however, if necessary, the applicant will be required to dedicate property as necessary for the required improvements at the time of final plat.

With those improvements, one additional dwelling can be safely served by the existing street network without having any significant impact on the level of service provided. This criterion is met, with the condition that curb and sidewalk improvements are made, and the required right-of-way dedication (if necessary) is shown on the Final Plat.

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. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

Future Development

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

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not

cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

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

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 8 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 survey showing the location of the existing building relative to the adjacent new lot lines.
- Accessory Structures – Structures are not allowed to remain on a proposed lot line. Therefore, in order for the proposed new lots to be approved, the accessory structure that straddles the line between proposed Parcels 1 and 2 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.
- Required Off-Street Parking – A garage provides parking for the existing house on Parcel 1. 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 1. 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 260 feet from the site on St. Louis Avenue via Bus Line Number 4. The Number 4 bus line provides peak-hour service meeting this requirement. As a result, no replacement parking is required for Lot Parcel 1.
- Title 11 Tree Density Standard – This site has a minimum tree density requirement per 11.50.050. Parcel 1 is 3,118 square feet, therefore 623 square feet of tree area is required. Due to the land division, and associated tree removal, the only trees left on the site will be nuisance species. Though nuisance species are not allowed to be counted towards the tree preservation requirements, BDS has determined that they can be counted towards tree density. The 15-inch Norway maple and the 20-inch European (cutleaf) birch are the equivalent of 5 medium trees, or 2,500 square feet of tree density. Therefore, the tree density standard for Parcel 1 is met with the existing nuisance species trees on site.

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; 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 street tree planting in the existing planter strip adjacent to Parcel 1 prior to final plat approval. This requirement is based on the standards of Title 11.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.6). 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:

- Title 33 tree mitigation
- Septic system decommissioning
- ROW improvements
- Sewer connection to Parcel 1
- Removal of existing garage
- Fire Bureau requirements
- Street tree planting

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in two (2) single dwelling lots as illustrated with Exhibit C.6, subject to the following conditions:

- A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:
- Any buildings or accessory structures on the site at the time of the final plat application;

- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The reduced side setbacks allowed under 33.120.270.D, if used;
- Any other information specifically noted in the conditions listed below.

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant must obtain an approved Right-of-Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor or receive approval of a Public Works Alternative to allow the existing improvements to remain as is. If the improvements along the frontage of Parcel 1 are required, they must be constructed prior to final plat approval. Improvements along the frontage of Parcel 2 may be constructed with development on that lot as per the City Engineer's discretion.

Utilities

2. Prior to final plat approval, the applicant shall obtain and have finalized plumbing permits for capping the existing sanitary lateral connection serving Parcel 1 from N Central Street and providing a new lateral connection serving Parcel 1 from the sewer in N Leonard Street or N New York Avenue.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior to final plat approval.

Existing Development

4. The applicant must obtain a finalized demolition permit for removing the garage on Parcels 1 and 2.
5. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for decommissioning the septic system on the site.
6. The applicant must meet the requirements of Urban Forestry to plant street trees in the planter strip on N Leonard Street and N New York Avenue adjacent to Parcel 1. 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.

Other requirements

7. The applicant must pay into the City Tree Preservation and Planting Fund [Private Property Trees – Planting and Establishment, fee in Lieu (per inch)] the amount equivalent to 7.5 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau. Payment must be completed prior to any tree removal, or prior to Final Plat approval, whichever would occur first.

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

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of Parcel 2. The applicant must construct improvements with development on the lot.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from

the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Jason P. McNeil

Decision rendered by:  **on July 10, 2018**

By authority of the Director of the Bureau of Development Services

Decision mailed July 13, 2018

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 February 5, 2018, and was determined to be complete on April 6, 2018.

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 February 5, 2018.

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: August 4, 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.

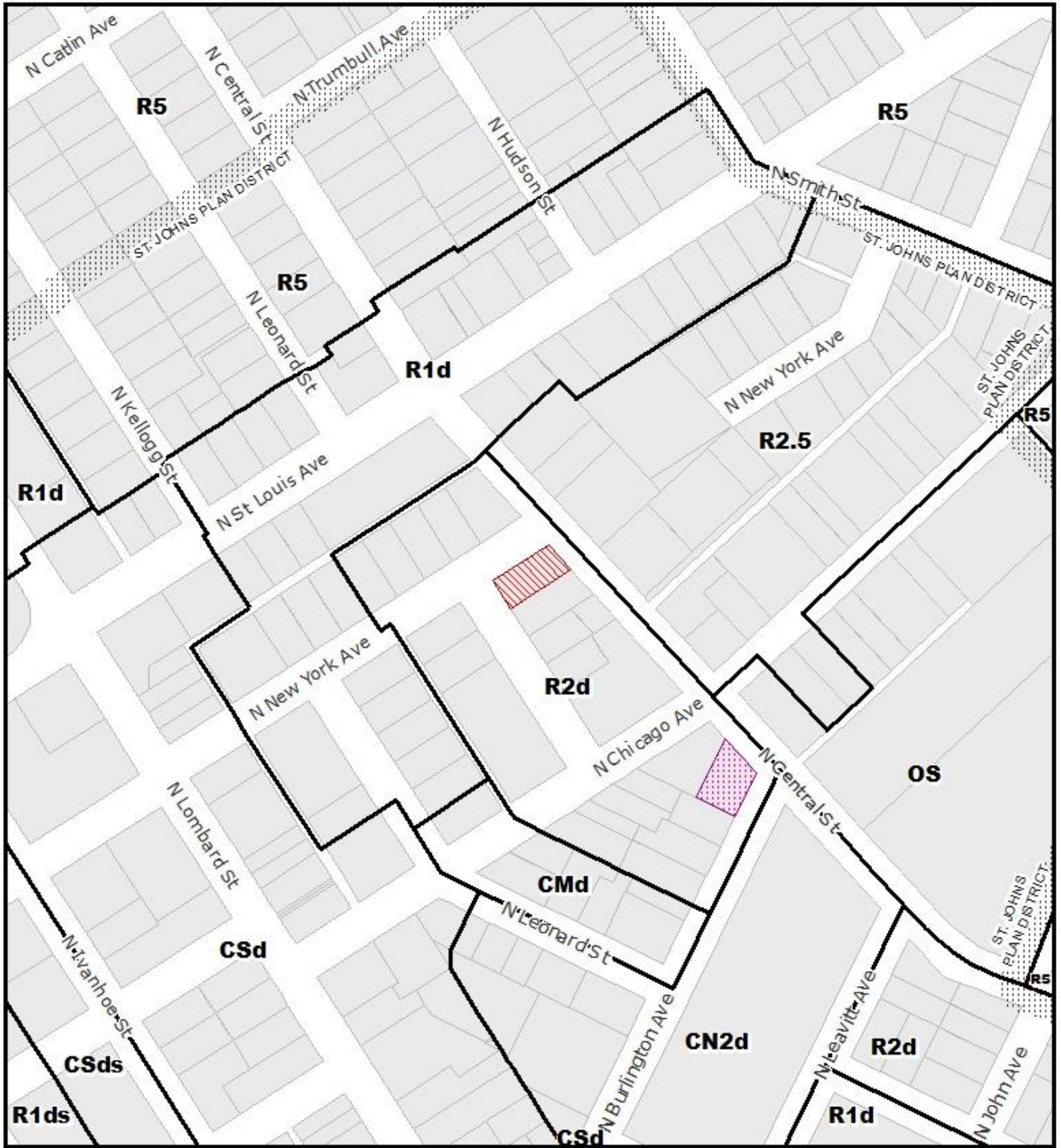
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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 Narrative 2/5/18
 - 2. Arborist Report 2/5/18
 - 3. Stormwater Calculations
 - 4. Revised Arborist Report 4/6/18
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Original Site Plan 2/5/18
 - 2. Existing Conditions
 - 3. Preliminary Plat 4/6/18
 - 4. Revised Site Plan 4/6/18
 - 5. Utility Plan 4/6/18
 - 6. Tree Plan 4/6/18 (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
- G. Other:
 - 1. Original LU Application
 - 2. Expedited Land Division 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



THIS SITE LIES WITHIN THE:
ST. JOHNS PLAN DISTRICT

- Site
- Also Owned Parcels

File No.	LU 18-117843 LDP
1/4 Section	2021
Scale	1 inch = 200 feet
State ID	1N1W01CD 16500
Exhibit	B Feb 08, 2018

N. NEW YORK PARTITION


At

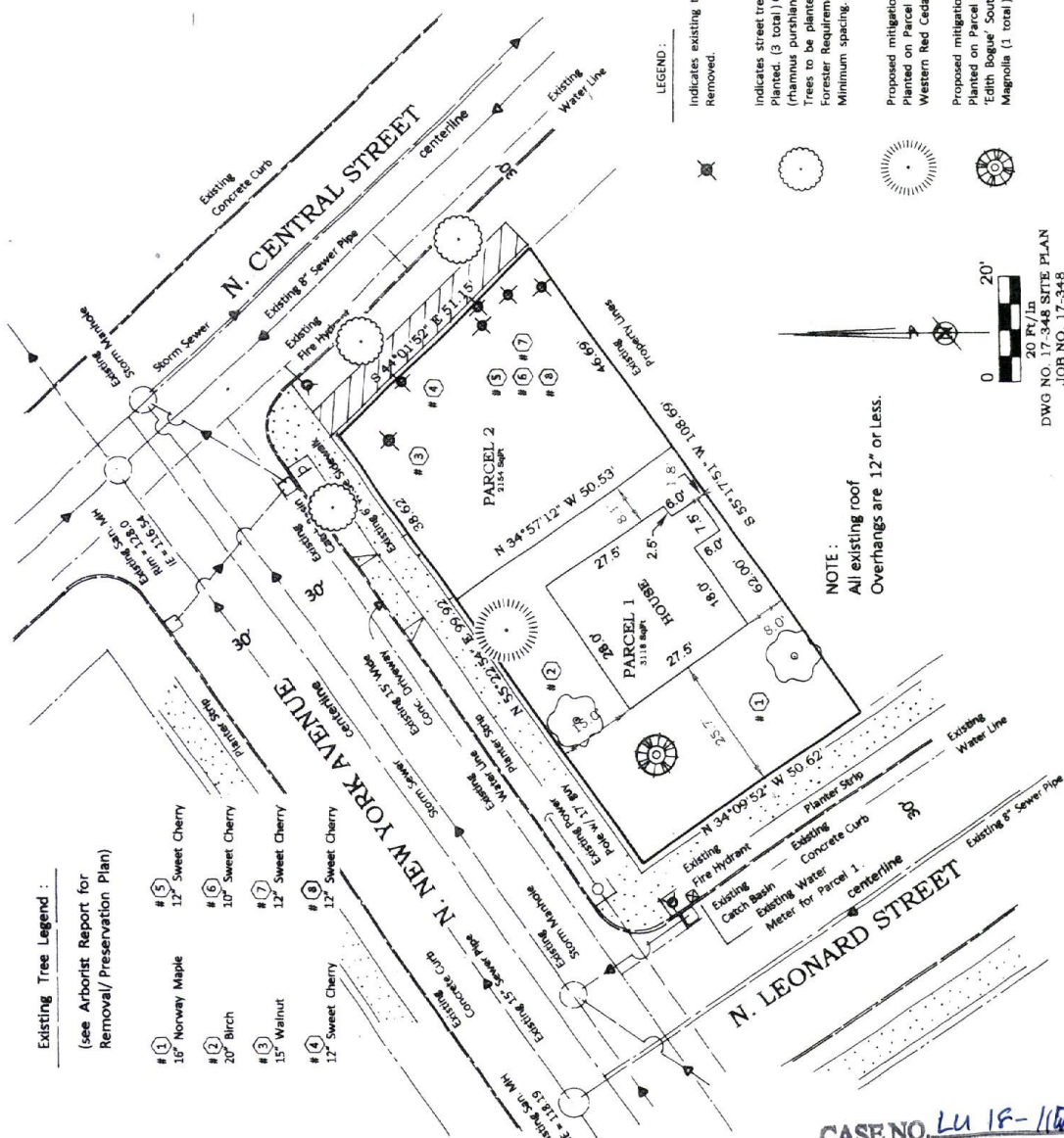
8955 N. LEONARD STREET, PORTLAND

Applicant
 Greg Lamunyan
 8955 N. Leonard Street
 Portland, Oregon 97203

LAND PLANNER/ENGINEER : Tech. Engineering
 PO Box 80483
 Portland, Oregon 97280
 Phone (503) 819-6494 (John)

LEGAL DESCRIPTION : A REPLAT OF LOT 6, BLOCK 1, COURT PLACE,
 IN THE SW 1/4 OF SECTION 1,
 T1N, R1W, W.M. CITY OF PORTLAND,
 MULTNOMAH COUNTY, OREGON

	TECH. ENGINEERING PO Box 80483 Portland, Oregon 97280 Phone (503) 819-6494
	Owner - Applicant: Greg Lamunyan 8955 N. Leonard Street Portland, Oregon 97203
Project: N. NEW YORK PARTITION 8955 N. Leonard St., Portland	Drawn By: JLU Checked By: TJA Date: April, 2018 Project No.: Sheet 5 of 5
Street Description: Tree Mitigation and Protection Plan	
EXPIRES DECEMBER 31, 2019	



Existing Tree Legend :
 (see Arborist Report for
 Removal/Preservation Plan)

- #1 18" Norway Maple
- #2 20" Birch
- #3 15" Walnut
- #4 17" Sweet Cherry
- #5 12" Sweet Cherry
- #6 10" Sweet Cherry
- #7 12" Sweet Cherry
- #8 12" Sweet Cherry
- #9 12" Sweet Cherry

LEGEND :

- Indicates existing tree to be Removed.
- Indicates street tree to be Planted. (3 total) Cascara (Rhamnus purshianus) Note : Street Trees to be planted per City Forester Requirements with 25' Minimum spacing.
- Proposed mitigation tree to be Planted on Parcel 1. Western Red Cedar (1 total)
- Proposed mitigation tree to be Planted on Parcel 1. 'Edith Bogues' Southern Magnolia (1 total)

NOTE :
 All existing roof
 Overhangs are 12" or Less.

DWG NO. 17-348 SITE PLAN
 JOB NO. 17-348

CASE NO. LU 18-110843 LOP
 EXHIBIT C.6