



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

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Date: October 5, 2018
To: Interested Person
From: Lois Jennings, 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 17-235704 LDP

GENERAL INFORMATION

Applicant: Colleen Spurgeon | Township Surveys LLC
1415 Washington St. | Oregon City, OR 97045
503-656-4915 | colleen@townshipsurveys.com

Owner: Dereje D. Tessema
7414 SE Clackamas Road | Milwaukie, OR 97267

Site Address: 13242 SE BUSH ST

Legal Description: LOT 2, WILSONS SUB
Tax Account No.: R919800070
State ID No.: 1S2E11DB 11300
Quarter Section: 3444

Neighborhood: Powellhurst-Gilbert, contact at pgnaboard@gmail.com
Business District: Midway, contact info@midwaybusiness.org.
District Coalition: East Portland Neighborhood Office, contact Victor Salinas at 503-823-6694.

Plan District: Johnson Creek Basin
Zoning: R5- High Density Single Family Residential zone (one unit per 5,000 s.f.) with "a"-Alternative Design Density overlay

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 is proposing a two-lot land division. The existing single-family residence is being retained on Parcel 1, which will be 4,997 s.f. in area. Parcel 2 will be 4,850 s.f. and will be developed with a single-family residence with off-street parking. Two

trees on the site, a 11- caliper inch Dogwood (identified as #1) and a 36-caliper inch Douglas Fir tree (identified as #5), are being proposed to be preserved in order to meet the Zoning Code Tree Preservation requirement (33.630). Portland Bureau of Transportation (PBOT) is requiring a 3-foot street dedication along S.E. Bush Street. Southeast Bush Street is currently not improved to the City's right-of-way standards along this site's frontage. The owner has decided not proceed to construct the right-of-way improvements and instead pay the Local Transportation Infrastructure Charge (LTIC). The applicant will also be required to execute street and storm sewer waivers of remonstrance and provide the required dedication to allow for future improvements within this frontage to meet City standards.

The zoning map indicates the site is zoned R5 since the land division application is vested in the zoning and zoning code in effect at the time of the application. The application was submitted on September 6, 2017. The current zoning of the site, as of May 24, 2018, is R7.

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 two lots. 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 an interior lot on the south side of SE Bush Street, which contains a shed and two-story house. The site is relatively flat with existing vegetation. Evergreen shrubs screen the asphalt driveway along the west side, with a Dogwood tree along the east side directly in front of the house with evergreen trees on the back southeastern portion of the property.

The surrounding properties are developed with ranch style single dwelling residences with a few 1 ½ story mixed in to the neighborhood. North of the site, adjacent to SE Powell Boulevard the properties are developed with multi-family apartments and commercial uses due to the different zoning (R2/CG).

Infrastructure:

- **Streets:** The site has approximately 101 feet of frontage on SE Bush Street. There is one driveway entering the site that serves the existing house on the site. At this location, SE Bush Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 760-800 feet from the site at SE Powell Boulevard via Bus #9 or approximately 650-750 feet from the site at SE 136th Avenue via Bus #17.

At this location, based on City GIS resources, the site's frontage is improved with 32-ft. of center-strip paving within a 50-ft. public right-of-way (r-o-w) with no curb or sidewalk.

- **Water Service** – There are two water mains, a 4-inch and an existing 8-inch CI water main in SE Bush Street. The existing house is served by the existing 4-inch water main.

- **Fire Hydrant Service-** The nearest hydrant to this site is on the south side of SE Bush at the intersection of SE 132nd Avenue and SE Bush, approximately 175 feet from the site, and is estimated to have a flow of 2,500 gpm.
- **Sanitary Service** - There is an existing public 42-inch. 28-feet deep CSP sanitary sewer in SE Bush Street (BES as-built 4410).
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant is proposing to manage stormwater runoff through a drywell or planter, which discussed later in this report under 33.653.030.

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

The zoning map indicates the site is zoned R5 since this land division application is vested in the zoning and zoning code in effect at the time the application was submitted on September 6, 2017. The current zoning of the site, as of May 24, 2018, is R7.

The “a”-Alternative Design Density overlay is intended to allow increased density that meets design compatibility requirements. It fosters owner-occupancy, focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division is not using any provisions of the “a” overlay.

Land Use History: City records indicate there are prior land use reviews for this site.

- **LUR 13-127529 LDP:** A minor land division application was submitted but was withdrawn.

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 twice, the original notice of proposal was mailed on March 8, 2018 and a Revised Notice of Proposal was mailed on September 7, 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	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	No tracts or easements have been proposed or will

	Easements	be required.
I	33.639- Solar Access	All of the proposed parcels are interior lots (not a corner). In this context, solar access standards express no lot configuration.
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 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey, the site area prior to the street dedication 10,151 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.

- Maximum Density calculation: $10,151/5000 = 2$
- Minimum Density calculation: $10,151 \times .80/5000 = 1.624$ rounds up to 2

If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore, in this case the minimum density is reduced to 1.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Parcel 1	4,997 s.f.		51.6 ft.	94.9 ft.	51.67 ft.
Parcel 2	4,850 s.f.		50 ft.	94.9 ft.	50 ft.

*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 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 A.6 & C.1) that shows the location and size of trees on the site. The applicant also provided an arborist report (Exhibit A.12 & A.22) 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, all of the five trees identified, which provides a total of 76 inches, are subject to the preservation requirements of this chapter. The trees proposed for preservation are not on the nuisance list and one is a native tree, which is greater than 20-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, or proposed services.

Of the five trees subject to the Tree Preservation standard, the applicant is proposing two of the healthiest trees on the site to meet the tree preservation standard. The applicant is proposing to preserve the 11-inch Dogwood and a 36-inch Douglas Fir, which is a total of 47 inches, 61.8 percent of the total 76 caliper inches. Specifically, the applicant's narrative (Exhibit A.1 & A.19) and arborist report (Exhibit A.12 & A.22) proposes to retain the 36-inch Douglas Fir Tree on Parcel 2 and retain the 11-inch Dogwood on Parcel 1 with the existing house. This proposal complies with Option #1 noted below, which is 100 percent of the trees that are 20 or more inches and of the total tree diameter, so the proposal complies with Option #1 note below:

Option 1: Preserve all of the trees that are 20 or more inches in diameter and at least 20 percent of the total tree diameter on the site.

The arborist tree preservation plan submitted (Exhibit C.4) is not to scale and does not specify a distance for the root protection zone, but appears to show the root protection zone

at the drip line of the Douglas Fir tree, but original arborist report and report submitted in August (A.12 & A.22) does not specific a specific distance for root protection zone or discuss removal of the two trees or shed within the root protection area of the Douglas Fir. Therefore, either when these two trees are requested to be removed through a zoning permit or at the time of development on Parcel 2 the arborist must provide more detailed information on how the trees may be removed while preserving the health of the 36-inch Douglas Fir. Exhibit C.1 is modified by City staff to represent a Tree Protection Plan that meets the prescriptive path of Title 11.60.030 tree protection specifications. Any encroachment beyond the allowance of prescriptive path will require a Arborist Report that provides an alternative root protection zone which meets the requirements of Performance Path stated in Section 11.60.030.C.2.

The Dogwood Tree on Parcel 1 being preserved and retained on Parcel 1 will also count towards Tree Density for the existing house, discussed later under Development Standards Section of this report. The arborist report and tree preservation plan (Exhibit A.12 & A.22 & C.4) addresses how to protect the tree at the time of development on Parcel 2, but does not discuss how to protect the tree at the time of removal of asphalt of the vehicle area on Parcel 1. Prior to approval of the zoning permit to remove the asphalt as shown on Exhibit C.1, the arborist must provide a more detailed arborist report and tree preservation plan on how to preserve the health of the Dogwood during this activity.

In order to ensure that future owners of parcels 1 and 2 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 2 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.4) and the existing Arborist Report (Exhibit A.12) which follows the prescriptive path of Title 11 requirements.

At the time of development, Parcel 2 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.

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 or flood plain area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, the arborist tree preservation plan dated August 18, 2018 (Exhibit A.22 & C.4) shows a tree preservation plan, when shows how the 36-inch Douglas Fir will be preserved at the time of development on future Parcel 2 and the Dogwood being preserved on Parcel 1. 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/cesspool 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 lot 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-E.2.a.):

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. There appears to be little demand for on-street parking, and homes along SE Bush include driveways/garages which can accommodate multiple vehicles. The proposed partition will not have any effect to transit service or any other mode of travel. The area in general is not well served by a consistent or complete network of sidewalks- as a Local Service street for all modes, traffic volumes and speeds are low enough to allow the shared use of the street for pedestrian passage. There are existing bicycle facilities in the area to facilitate this mode of travel, including “shared roadways” along SE Bush, SE 132nd Avenue and SE Center street.

While limited, PBOT has indicated that there will be additional traffic as a result of this project. In addition, as discussed in more detail in the findings for Criterion L, Services and Utilities, the applicant will provide a three (3)-foot right-of-way dedication along the frontage of the site. This will allow standard street improvements to be made in the future to address cumulative transportation impacts of additional development on this street and in the surrounding area. Further, waivers of remonstrance for future street improvements are required, which will obligate future owners of the land division site to participate in the event a local improvement district (LID) is organized to fund a larger collective improvement project along SE Bush Street. The future residents of the land division site will benefit from future improvements by having improved facilities for walking, cycling, and driving.

With conditions for street dedication and waivers, the transportation system is capable of 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 & E.4 for detailed bureau comments.

The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. Future development on Parcel 2 may receive water service from the 8-inch main in SE Bush Street.

The Fire Bureau reviewed and verified the Fire Flow information provided (A.11) from the nearest fire hydrant has adequate capacity to be able to serve the proposed development.

The water service standards of 33.651 have been verified.

33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1-E.1.b. 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.

Service Availability: Sanitary connections from private property that are to be permitted according to PCC 17.32.090 must be separately conveyed to the property line and connected through individual laterals to a City sanitary or combined sewer. All discharge must be connected via a route of service approved by the BES Chief Engineer. Prior to final plat approval the applicant must demonstrate to the satisfaction of BES that the sewer lateral serving the existing structure will be in conformance after the land division by completing one of the following:

- a. If the existing house to remain is served by a lateral that is located within the frontage of Parcel 1 (as depicted on the submitted survey), confirm that this location has been field located or provide other confirmation (such as a sewer scope) that this is the case.
- b. If the existing house to remain is served by a lateral that is located within the frontage of Parcel 2 and there are two stubs within the frontage of Parcel 2, a private easement will be acceptable. Typically, BES requires that the lateral is located within the frontage of the lot served but in this case the depth of the sanitary sewer makes connections difficult, therefore if there are already two stubs, BES will not require a new one to be constructed as long as the proper easement is in place.
 - 1) To ensure the availability of sewer service to the benefit of Parcel 1, a private sanitary sewer easement shall be shown and labeled over the relevant portions of Parcel 2. Per the [BDS Private Sewer Easements Code Guide](#), private sewer easements should be a minimum of 10 feet in width unless specific criteria are met allowing a reduction to 5 feet, as determined by BDS. The applicant is encouraged to contact BDS Plumbing directly with questions related to private easements and [plumbing code appeals](#): (503)-823-7388 for residential projects, and (503) 823-7302 for commercial projects. Please be aware that BES will require proof of legal access prior to issuance of sewer connection permits.
 - 2) The second stub will be available for use on Parcel 2.
- c. If the existing house to remain is served by a lateral that is located within the frontage of Parcel 2 and there are no other stubs, cap the existing lateral for the future use of development on Parcel 2 and establish a new service connection from the existing structure to a public sewer within the frontage of Parcel 1. If modifications to the lateral are necessary, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.

With the recommended conditions of approval, BES staff finds the applicant's proposed sanitary sewer service acceptable for the purpose of reviewing the preliminary land division application against the sanitary sewer disposal approval criterion.

With this condition, the sanitary sewer service standards of 33.652 have been verified.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1-E.1.b.

No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The applicant has proposed the following stormwater management methods:

- Parcel 1 with the existing house has downspouts that drain onto the ground.
- Parcel 2 -future development of a detached house will manage on-site stormwater with individual drywell or infiltration planter.

Bureau of Environmental Services (BES) has reviewed this proposal and provides the following:

Onsite Stormwater Management: Stormwater runoff from this project must comply with all applicable standards of the SWMM and SCM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee. Staff reviewed the project's stormwater report from Kaid E. McKay (6/27/2018) that describes Simplified Approach infiltration test results of 11 inches per hour on this site. The applicant proposes to infiltrate runoff from the development on Parcel 2 onsite via a combination of tree credits and either a drywell or infiltration planter that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM (Exhibit A.16 and C.1 & C.3). The existing house to remain on Parcel 1 has downspouts that discharge to splashblocks. All but one of the existing splashblocks meet SWMM standards. The northwest corner of the existing house to remain on Parcel 1 has a downspout to splashblock that doesn't meet SWMM setbacks per the submitted plan. Possible solutions might include redirecting it towards the north.

Prior to final plat approval the applicant must modify the stormwater disposal system serving the existing structure on Parcel 1 according to BES and SWMM requirements as discussed in *above* and obtain finalized permits as necessary prior to final plat approval.

Public Right-of-Way Stormwater Management: BES understands that the applicant has elected to pay the Local Transportation Infrastructure Charge (LTIC). Public ROW improvements will not be constructed. Refer to PBOT comments for information on right-of-way dedication that may be required to accommodate future improvements, including stormwater management facilities.

With the conditions of approval, BES staff finds the applicant's proposed stormwater management plan acceptable for the purpose of reviewing the preliminary land division application against the stormwater management standards and approval criterion.

This criterion is met.

33.654.110.B.1 Through streets and pedestrian connections – See Exhibit E.2

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.

PBOT notes the following: No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject site is within an area that does not generally satisfy the above referenced connectivity goals. However, the subject site is not an ideal location to enhance the noted connectivity goals- this would be more appropriately accomplished north and south of the subject site. PBOT has no concerns relative to this approval criterion. So although the optimum spacing criteria would indicate the need for connectivity, there is no practicable opportunity to provide them at this site.

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

Southeast Bush Street at this location, based on City GIS resources, is improved with 32-ft of center-strip paving within a 50-ft right-of-way (r-o-w) with no curb and no sidewalks.

In reviewing this land division, Portland Transportation relies on accepted civil and traffic

engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development.

At this location, SE Bush street is improved with a 32- foot paved roadway and no sidewalk corridor, within a 50 foot right of way.

The City's Transportation System Plan (TSP) shows at this location, SE Bush Street, is classified as a Local Service Street for all modes. For Local Service classified streets abutting R5-zoned sites, the Portland's public right-of-way standards document, "Creating Public Streets," recommends a 56 foot right-of-way width to accommodate a 26-ft. roadway pavement width(that would allow parking along both sides) and a 15 foot sidewalk corridor, to consist of a 0.5-ft. curb, 8-ft. wide stormwater management facility, 6-ft. wide sidewalk and 0.5-ft wide frontage zone. In order to construct these improvements, a three (3)-foot right-of-way dedication is required. In this case, the subject site qualifies under Code Section 17.88.090, as implemented by Administrative Rule TRN-1-26, for the Local Transportation Infrastructure Charge (LTIC). The applicant has elected to pay LTIC in lieu of constructing the improvements described above that would otherwise be required to meet PBOT technical standards for elements in the right-of-way. To ensure this requirement is met prior to final plat approval, a condition of approval is necessary. As described under Criterion K above, a dedication to increase the width of the right-of-way is required as a condition of the land division to ensure that improvements can be made in the future to address increased demand for transportation facilities over time. With that dedication the street width will be sufficient to accommodate expected users over the long-term. With conditions for dedication and LTIC payment, this criterion is met.

The applicant originally proposed to construct the right-of-way frontage improvements in front of this site to City Standards. However, during the Public Works Permitting process it was discovered at the proposed design has potential conflicts with the existing water main infrastructure within this street. Therefore, the owner decided not to proceed with the right-of-way improvements and instead pay the Local Transportation Infrastructure Charge (LTIC). The applicant has elected to pay LTIC (Exhibit A.18). This LTIC charge will be required to be collected prior to final plat approval. In addition to paying the LTIC, the applicant will be required to submit and execute street and storm sewer waivers of remonstrance prior to final plat approval. Also, to ensure that there is sufficient property to accommodate the City standard frontage improvements (including stormwater facility) in the future, a street dedication of three (3) feet, is still required along the site's SE Bush street frontage. Dedicating sufficient property to accommodate the standard frontage improvements to future LTIC fee application along this street or the potential formation of a Local Improvement District (LID). This dedication is required to be shown on the final plat survey. If the street is to be improved, it would be more appropriate to complete the improvements as one LID project.

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

33.654.120.H- Standards for Street Trees . (Exhibit E.7)

The City Forester reviews this land division proposal for its impacts on existing street trees, heritage trees, street tree requirements and related mitigation, in accordance with Title 11, Tree Code.

Existing Right-of-Way Improvements:

There is approximately 101 feet of street frontage along SE Bush Street. The right-of-way is improved with pavement. There are no sidewalks. There are overhead power lines. There are no street trees.

Street Tree Planting (11.50.060.C):

One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum of 1.5 caliper inches and be a species chosen from an approved street tree list. Street tree planting may be exempt under 11.50.060.B when existing above or below utilities prevent planting street trees or when the

existing planting strip is less than 3-feet wide. Street trees are required to be planted through building permit or public works permit process.

The applicant did not provide a conceptual street tree planting plan. Parcel 1 has a street light within its frontage and therefore would only require 1 tree to be planted or preserved. Parcel 2's site frontage would require 2 trees to be planted or preserved at the time development on the site. Street trees may not be required due to the existing condition of right-of-way, unless PBOT requires frontage improvements.

Urban Forestry reviewed this land division proposal and has no objections. Street trees will be reviewed for compliance with Title 11 through the building permit process. This standard 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 rights-of-way 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 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: The zoning on this site has change to be R7 versus R5 therefore please refer to the current zoning regulations for the appropriate development standards (setbacks etc..) for the future development on this lot.

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 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 that relate to existing development on the site:

- Minimum Setbacks (33.110.220) – 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 approximately 18 feet from the new front property line after the street dedication and 5-feet to the new proposed lot 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 (33.110.250) – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, for the proposed new lot to meet this standard, all accessory structures on Parcel 2 must be removed

prior to final plat. Because the structure is less than 200 square feet in size, a demolition permit is not required. The applicant must submit before and after photos to document removal of the structure. Alternatively, the applicant may choose to execute a covenant with the City to retain the accessory structure for up to two years without a primary structure. The covenant must meet the requirements of 33.700.600 and be executed prior to or with the Final Plat.

- Parking Area Locations (33.266.120.C.1 & C.2.) – No more than 40 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. Also required parking spaces are not allowed within the first 10 feet from a front lot line. Planning was unable to find a zoning permit which approved the expansion of the driveway on this site. As a result of this land division, these standards will not be met. The applicant is proposing to remove the existing asphalt to bring the site back into compliance with these development standards. In order to ensure that the excess paving is removed from the site, a Zoning permit will be required to be issued, inspected and receive a final prior to final plat approval. The zoning permit will document the removal of the excess pavement area to show that the site will be in compliance with both of the above listed standards for the new lot, Parcel 1, with the existing house. Documentation of final inspection of this zoning permit will be required prior to final plat approval.
- Title 11 Tree Density Standard (33.110.227)– This site has a minimum tree density requirement per 11.50.050 that is currently met on the site. Due to the land division, Parcel 1 with existing house will no longer meet this standard. Parcel 1 is 4997 square feet, therefore 1,999 square feet of tree area is required. The existing Dogwood (Tree #1) is being preserved and may be counted towards meeting some of Title 11 requirements. This 11-inch tree will count as one medium tree (500 s.f. of tree area). Prior to final plat approval, the applicant must meet this requirement by either planting trees on Parcel 1 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, and aerial and fire apparatus 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 PBOT for right-of-way dedication, the Local Transportation Infrastructure Charge (LTIC), and waivers of remonstrance, which are based on the technical standards of Title 17 and the Administrative Rule 1.26 for LTIC.

CONCLUSIONS

The applicant has proposed a two-parcel partition, as shown on the attached preliminary plan (Exhibit C.1) and Tree Protection Plan (Exhibit C.4). 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 include tree preservation for the complete site and that the existing house will remain in compliance with Title 33 development standards, BES (sanitary & stormwater management) and Site Developments (land suitability) requirements on it's new lot, Parcel 1. Portland Bureau of Transportation states SE Bush Street does not currently meet the City's street standard and therefore triggers frontage improvements and street dedication along this frontage. The owner of the property elected to pay LTIC versus constructing the frontage improvements at this time.

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 standard lots as illustrated with Exhibit C.1-C.4, 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 Bureau of Environmental Services (BES), 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;
- BES requires the supplemental site utility plan to show the specific location of the sanitary line that provides service to the existing house on future Parcel 1 from the street to the house.
- BES requires the supplemental site utility plan to also document the modification of the stormwater system for the existing house on future Parcel 1.
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE Bush Street. The required right-of-way dedication must be shown on the final plat.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.1 and C.7, below. The recording block(s) shall, at a minimum, include language 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.”

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

Utilities

1. Prior to final plat approval the applicant shall demonstrate to the satisfaction of BES that the sewer lateral serving the existing house on Parcel 1 will be in conformance after the land division by completing one of the following:

- a) If the existing house to remain is served by a lateral that is located within the frontage of Parcel 1 (as depicted on the submitted survey), confirm that this location has been field located or provide other confirmation (such as a sewer scope) that this is the case.
- b) If the existing house to remain is served by a lateral that is located within the frontage of Parcel 2 and there are two stubs within the frontage of Parcel 2, a private easement will be acceptable.

The private sanitary easement must be shown on the final plat survey and a private sanitary maintenance agreement will be required to be submitted prior to final plat approval.

- c) If the existing house to remain is served by a lateral that is located within the frontage of Parcel 2 and there are no other stubs, cap the existing lateral for the future use of development on Parcel 2 and establish a new service connection from the existing structure to a public sewer within the frontage of Parcel 1. If modifications to the lateral are necessary, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.

Streets

2. The applicant shall pay the Local Transportation Infrastructure Charge (LTIC) and complete street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms and instructions will be provided to the applicant during the final plat review process.

Existing Development

3. 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.
4. The applicant must obtain a finalized zoning permit for modifications to the existing vehicle area for the existing house on proposed Parcel 1 to demonstrate compliance with the standards listed below and compliance with the tree protection described in Condition D.1. The permit plans must include the note: *This permit fulfills requirements of Condition C.4 of LU 17-235704 LDP.*
 - 33.266.120.C.1 & C.2 (Parking area locations)
5. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by BES, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.
6. The applicant must meet the tree density standard of 11.50.050 on Parcel 1 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 must remove the shed/accessory structure on Parcel 2. The applicant must submit before and after photos of the removal (with the same perspective). Prior to removal of these structures, tree protection must be installed in accordance with the approved Tree Preservation Plan, per Condition D.1. Alternately, the applicant

can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.

Required Legal Documents

- 8. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 1 & 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.

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

- 1. Development on Parcels 1 and 2 shall be in conformance with the Title 11-11.60.030.C.Prescriptive Path (Exhibit C.1), unless new arborist report is provided. Specifically, trees numbered #1-Dogwood (11-caliper inches) and #5-Douglas Fir (36 caliper inches) are required to be preserved, with the root protection zones indicated on Exhibit C.4. 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. To ensure the health of these trees when it comes to preservation the following is also required:
 - a) Prior to removal of the two trees (identified as #3 & #4) either on their own or with the future development on Parcel 2 -the applicant or owner of the property shall provide a new arborist report. The arborist report must provide specific details on how the trees will be removed within the root protection zone of the Douglas Fir and maintain the health of the Douglas Fir tree.
 - b) Prior to approval of the Zoning Permit for the removal of the vehicle area on Parcel 1, the applicant will submit a more detailed arborist report addressing how the Dogwood Tree will be preserved during this activity.

Planning and Zoning approval of development or removal of trees within the root protection zones beyond the allowances of 11.60.030 is subject to receipt of a report from an arborist, meeting the performance path requirements (11.60.030.C.2) for tree protection.

- 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: Lois Jennings

Decision rendered by: SBeeckman **on October 3, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed October 5, 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 September 6, 2017, and was determined to be complete on March 5, 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 September 6, 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 requested that the 120-day review period be extended for the maximum allowance of an additional 245 days, as stated in Exhibit G.4. The extension will end on March 5, 2019.

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.**

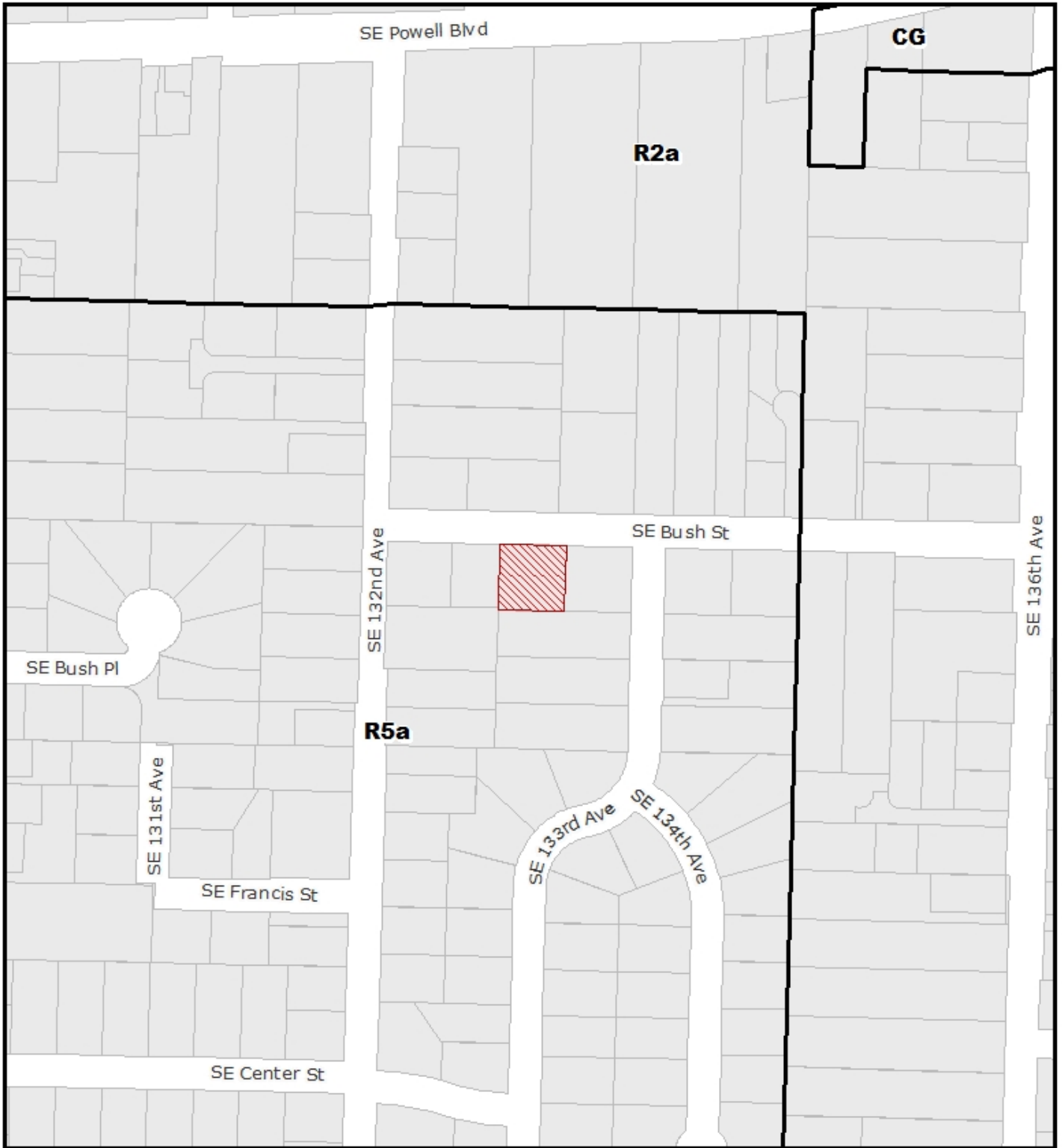
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
1. Land Division Narrative
 2. Title Report
 3. Pictures of street (labeled by applicant Exhibit A, B & C)
 4. Pictures of Downspout Extensions
 5. Preliminary Land Division Plan
 6. Existing Conditions with preliminary land division plan
 7. Tax Assessor Map of area
 8. November 30, 2017 E-mail from Colleen Spurgeon with letter from owner
 9. November 30, 2017 letter from Colleen Spurgeon
 10. March 5, 2018 cover letter from Colleen Spurgeon addressing incomplete items
 11. Fire Flow Request
 12. January 18, 2018 Tree Inventory & Preservation and Report by David Hunter
 13. Existing Conditions with preliminary plan
 14. July 9, 2018 applicant submitted additional information in response to March 5, 2018 e-mail includes:
 - Invoice by LDN Excavation, Inc
 - Preliminary Plan of partition by Township Surveys
 - Preliminary Plan and Proposed Improvement plan by McKay Consulting with public works information
 - David Hunter Arborist Report dated January 18, 2018
 15. WB Fire Flow Information submitted on July 9, 2018
 16. Simplified Approach Form for stormwater submitted July 9, 2018
 17. Preliminary plan with proposed improvement & utilities and showing frontage improvements submitted July 10, 2018 by McKay Consulting
 18. August 2, 2018 Letter from Dereje Tessama choosing LTIC
 19. Amended Land Use Narrative addressing approval criteria submitted on August 23, 2018
 20. Invoice by LDN Excavation Inc
 21. Pictures of downspouts for stormwater
 22. August 18, 2018 Arborist Report from David Hunter
 23. Preliminary Plan submitted August 23, 2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Preliminary Site Plan (attached)
 1. Preliminary Land Division Plan
 2. Proposed Improvement Plan
 3. Tree Protection Plan by Arborist
- D. Notification information:
1. Mailing list for March 8, 2018
 2. Mailed notice for March 8, 2018
 3. Mailing list for Revised Notice sent August 8, 2018
 4. Mailed notice for August 8, 2018
- E. Agency Responses:
1. Bureau of Environmental Services- April 9, 2018
 - 1.a. Bureau of Environmental Services- July 31, 2018
 - 1.b. Bureau of Environmental Services- September 6, 2018
 1. Bureau of Transportation Engineering and Development Review- April 3, 2018
 - 2.a. Bureau of Transportation Engineering and Development Review- September 6, 2018
 2. Water Bureau- April 16, 2018
 - 3.a. Water Bureau -September 12,2018
 3. Fire Bureau – March 15, 2018
 - 4.a. Fire Bureau- July 18, 2018
 - 4.b. Fire Bureau- September 10, 2018
 4. Site Development Review Section of BDS -March 13, 2018
 - 5.a. Site Development Review Section of BDS – August 30, 2018
 5. Bureau of Parks, Forestry Division- April 6, 2018
 - 6.a. Bureau of Park, Forestry Division – September 6, 2018

6. Life Safety Section of BDS – April 6, 2018
- 7.a. Life Safety Section of BDS- September 4, 2018
- F. Correspondence: none
- G. Other:
 1. Original LU Application
 2. Expedited Land Division Acknowledgement
 3. Incomplete Letter
 4. Request for Extension of 120-Day Review Period
 5. April 10, 2018 Memo to applicant
 6. August 1, 2018 Memo to applicant & owner
 7. E-mail communication with applicant & owners from September 2017-August 2018

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

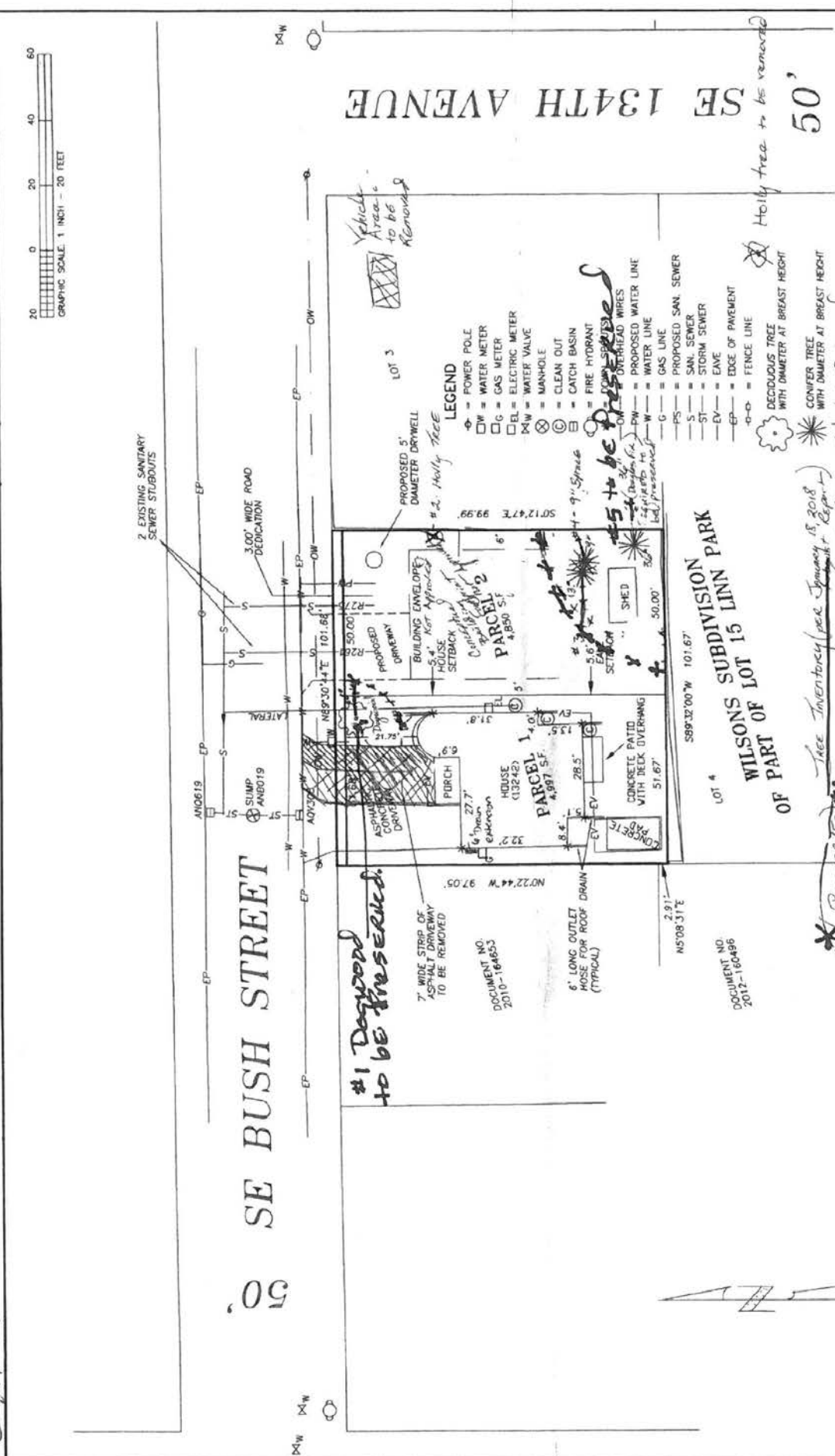
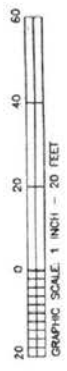
THIS SITE LIES WITHIN THE:
JOHNSON CREEK BASIN PLAN DISTRICT



File No.	LU 17-235704 LDP
1/4 Section	3444
Scale	1 inch = 200 feet
State ID	1S2E11DB 11300
Exhibit	B Sep 08, 2017

LU 17-235704 ADP
Exhibit C.1

Reduced Not to Scale



PROJECT: Medinah

PRELIMINARY PLAN OF A PARTITION PLAT

LOT 2
WILSONS SUBDIVISION OF PART OF LOT 15 LINN PARK
SE 1/4 OF SECTION 11, T.15, R.2E, W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

CLIENT: DEREJE TESSEMA
DATE: AUGUST 9, 2018

SITE: 13242 SE BUSH ST
PORTLAND, OR

SCALE: 1" = 20'

JOB NUMBER: 17-6860

1416 WASHINGTON STREET, OREGON CITY, OR 97045
(503)-558-8815

- Trace Inventory per January 15, 2018
1" Dogwood Canus florida Required to be Preserved
- #2 7" Holly Tree open
- #3 13" Engelman Spruce Picea engelmannii
- #4 9" Engelman Spruce Picea engelmannii
- #5 36" Douglas Fir (Required to be Preserved)
- + + Tree Location ~~REMOVED~~
reflects tree locations per (Preservation Plan)

SCALE: 1" = 20'

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 11, 2006
LEE A. SPURGEON
65603.S

EXPIRES 4/30/20

OR NEW Arborist report to be provided to meet performance Path of 11.60.030.C.2 of Title 11

CASE NO. 17-235704
EXHIBIT C.1
Exhibit C.1