



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

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Date: January 29, 2019
To: Interested Person
From: Brandon Rogers, Land Use Services
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NOTICE OF A TYPE Ix REVISED DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

This notice of a revised decision is to modify the Tree Preservation findings of Section 33.630 based upon the applicant's revised tree mitigation proposal, with a revision to condition A.3 and the addition of condition B.1.

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 18-199682 LDP

GENERAL INFORMATION

Applicant: Manuel Ikejani/Flow Design Studios LLC
618 NW Glisan Street Suite 400
Portland, OR 97209

Owners: Brian R Nelson, Raymond Nelson, Gloria Nelson
14311 NE Rose Pkwy. | Portland, OR 97230
(503) 956-0461

Site Address: 1525 SE 52ND AVE

Legal Description: TL 19100 0.29 ACRES, SECTION 06 1S 2E
Tax Account No.: R992060840
State ID No.: 1S2E06DB 19100
Quarter Section: 3236
Neighborhood: Mt. Tabor, contact Stephanie Stewart at contact.mtna@gmail.com.
Business District: Hawthorne Blvd. Bus. Assoc., contact explore@hawthornepdx.com.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Zoning: Residential 5,000 (R5).
Case Type: Land Division Partition (LDP).
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant proposes a two-parcel partition of a 12,415 square-foot site to create two parcels for single-dwelling development. The site contains trees subject to the tree preservation standards of Chapter 33.630. The existing dwelling and detached garage have

been removed from the site. Access is proposed from SE 52nd Avenue. City water and sanitary sewer service are proposed to be provided from existing utilities located within SE 52nd Avenue. On-site stormwater will be managed by drywells.

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 units of land. Therefore, this land division is considered a partition.

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

FACTS

Site and Vicinity: Topography of the site is primarily level to gently sloped, with approximately 3-feet of elevation change across the site. The site was developed with a single-family residence and detached garage, which were recently removed from the site (RS18-152214, RS 18-152211). The surrounding neighborhood is developed primarily with single family dwellings, with duplex and multi-dwelling development along SE Hawthorne and SE 50th Ave. The site is located at the eastern end of the SE Hawthorne Blvd commercial corridor, as it transitions to single dwelling development to the east along the west flank of Mt Tabor Park. The neighborhood is comprised of a patchwork of historic subdivisions, lending a varied street and block configuration. The block which the site is located has a long and narrow configuration, approximately 1,400 feet long by 225-feet wide. Glencoe Elementary School is located approximately 1,900 feet north of the site. Mt Tabor Park is located approximately 1,900 feet to the east of the site.

Infrastructure:

- **Streets** – At this location, the City’s Transportation System Plan (TSP) classifies SE 52nd as a City Bikeway for bicycle transit, Local Service for remaining modes. The site has approximately 103 feet of frontage on SE 52nd Avenue. There is one driveway entering the site that served the recently removed house out the site. Tri-Met provides transit service approximately 450 feet from the site at SE 50th Avenue via Bus 14. At this location, SE 52nd is improved with a 35.8-ft wide paved roadway within a 70-ft wide ROW, with an improved existing pedestrian corridor in an 10-6-1 configuration.
- **Water Service** – There is an existing 8-inch water main in SE 52nd Avenue.
- **Sanitary Service** - There is an existing 8-inch VSP public combination sewer line in SE 52nd Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

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

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 26, 2018**. No written response has been received from the Mt Tabor Neighborhood Association. The written response received from a notified property owner in response to the proposal expresses concerns regarding a change in zoning, property values and future development. Addressing these concerns; no rezoning is proposed as part of the partition. There are no Land Division Approval Criteria regarding property values. The applicant proposes development of detached houses on each of the proposed lots, as illustrated on Exhibit C.4, Proposed Development Plan, which is consistent with the development anticipated by the R5 zone and similar to existing development on the adjacent properties along SE 52nd Avenue.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are **not** applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, 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	No dead-end street or pedestrian connections are

	extension of dead-end streets and pedestrian connections	proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant’s survey, the site area is 12,415 square feet. The maximum density in the R5 zone is calculated at one unit per 5,000 square feet. Minimum density is calculated at one unit per 5,000 square feet based on 80 percent of the site area. Therefore, the site has a maximum density of two units. The minimum required density of two units is reduced by one, since it is equal to the maximum density (Paragraph 33.610.100.E.1). The applicant is proposing two single dwelling parcels. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Parcel 1	6,207		51	116	51
Parcel 2	6,208		51	116	51

* 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.

As shown in the table above, the required lot dimension and area requirements are met. Proposed Parcels 1 and 2 each exceed the minimum lot dimension and area standards. 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.

As part of the land division application, the applicant provided information to identify which trees are subject to these requirements, including a tree survey (Exhibit C.3) and arborist reports (Exhibits A.3.a and A.3.b) that identify each tree, evaluate its condition and determine suitability for preservation or states its exempt status, and specifies a root protection zone and tree protection measures for each tree to be preserved.

The land division application was received on July 9, 2018. The arborist report dated July 3, 2018 (Exhibit A.3.a) states that the site contains 6 trees measuring at least 6-inches DBH; a 12-inch plum, 11-inch honey locust, 8-inch weeping cedar, 9-inch apple, 7-inch pine, a 15-inch Cypress.

However, prior to submittal of the land use application, the applicant obtained demolition permits to remove the house and garage (RS 18-152211, RS 18-152214). The tree regulations for land division and demolitions differ, and once the land use review was submitted, all the trees on the site are subject to the tree protection provisions for land divisions. BDS staff informed the applicant that the demolition permits would need to be revised to protect all trees on the site during the land use review (Exhibits G.3, G.4). However, the applicant proceeded with the demolitions and subsequently, BDS staff determined that trees subject to the land division regulations were removed or damaged.

Staff requested a revised arborist report to address the condition of the remaining trees and their suitability for preservation. The applicant provided a revised arborist report (Exhibit A.3.b), noting the remaining trees at the land division site and describing their condition and evaluating damage occurring as part of the demolition work (Table 1):

Tree Number/Species	Size (DBH-inches)	Condition
1 - Pine	6.3	OK (damaged)
2 - Flowering Plum/Cherry	13.7	Poor/Dying (exempt)
3 - Honey Locust	11.05	Poor/OK (damaged)
4 - Apple	8.15	OK/Good (damaged)

Table 1: Existing Trees at the Site.

The total DBH inches of trees on the site has been adjusted to reflect information presented in the revised arborist report. The Flowering plum/cherry tree has been determined to be exempt because the revised report determines that the condition of the tree is dying. Based upon this information, total tree diameter at the site at the time of submittal of the land use application is 48.5-inches.

Two trees that were most suitable for preservation (8-inch Weeping Cedar, 15-inch Cypress, Exhibit A.3.a) have been removed, with a combined total DBH of 23-inches. Therefore, 25.5-inches of tree diameter physically remain at the site. Based upon the arborist report (Exhibit A.3.a), these two trees were the healthiest and largest trees at the site. Based upon their location, each of these trees could have been preserved and protected (Exhibit C.4, proposed development plan) as part of the land use review.

The three non-exempt trees subject to tree preservation standards (Table 1) were damaged by demolition activities. One has been significantly damaged by demolition activities (6.3-inch Pine), and the other two trees (11.05-inch Honey locust, 8.15-inch Apple) demonstrate problems including extensive lean evidencing past rooting problems and topping. Further, the arborist does not recommend preservation of these two trees. The revised arborist report (Exhibit A.3.b) identifies measures that could be implemented to improve the likelihood of survival of the pine tree.

The Tree Preservation Approval Criteria support preservation based upon several factors including the specific characteristics of trees and require trees proposed for preservation to be suitable based on their health, overall condition and potential for long-term viability.

BDS staff finds that based upon the characteristics and overall condition of the existing three trees at the site, none are currently suitable for preservation. The applicant could elect to retain these trees and implement the arborists recommendations to improve their health and viability, which may make the trees suitable for satisfying the tree density provisions of Title 11 applicable at the time of development, but due to their current condition, the remaining three trees are not suitable for preservation as part of this land use review.

Therefore, the mitigation option of 33.630.200.D is most appropriate for the land division site. Based upon the total tree diameter at the site of 48.5 inches, 35-percent (17-inches) of tree mitigation is required. The applicant has proposed to plant one large canopy tree species on each parcel at the time of development. The minimum caliper size for planting of new trees is 1.5 inches. Therefore, planting two large canopy trees at the site will provide three inches of tree diameter at the time of development, which may count towards the Title 11 Tree Density standards of 11.50.050 and which will count towards mitigation at the site. In addition, payment of 14-inches to the City Tree Planting and Preservation Fund will total 17-inches of tree mitigation.

This is consistent with Option 4, which requires preservation of at least 35-percent of the total tree diameter on the site when all trees are less than 20-inches. Mitigation will replace the functions of trees removed from the site by payment to the City Tree Planting and Preservation Fund, which supports planting trees on public or private property, including streets, in the same watershed as the site from which the funds were collected. On-site planting of large canopy trees will provide values of trees directly to the site and to the surrounding neighborhood.

This mitigation will be consistent with the purpose of the tree preservation regulations, since it will provide for the planting 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;
- Provide visual screening from the adjacent properties;
- Reduce energy demand and urban heat island impacts;
- Filter stormwater runoff and the reduce the possibility for erosion;
- Help with slope stabilization;
- The native trees will provide habitat to support wildlife;
- The edible species will provide food for people and wildlife.

With conditions of approval requiring payment of 14-inches of trees to the City Tree Planting and Preservation Fund as mitigation, and requiring planting of one large canopy tree on each parcel at the time of development, this criterion is 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, topography of the site is primarily level to gently sloping and the site is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability: The site was recently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Former development, including an old cesspool was decommissioned as part of the residential demolition permit RS 18-152211. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes. Mitigation may be necessary to reduce impacts.

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

The applicant provided a written narrative addressing the transportation approval criteria above. The proposed partition is projected to generate approximately 10 trips for the new parcel. The small number of trips added into the transportation system as a result of the proposed development will not adversely impact the operations of area intersections. The applicant’s narrative indicates the surrounding area’s street capacity satisfies City standards and will pose a minimal impact to immediate and adjacent neighborhoods. Vehicle access for the two proposed homes will be via existing driveway on the south side of the parent parcel, and a new driveway approx. 50-ft to the north, which preserves on-street parking and loading consistent with surrounding uses. The existing sidewalk corridor and street provide sufficient transportation facilities to reduce impacts to the neighborhood and provide safety for all modes, including transit service for Tri-Met bus lines #14-Hawthorne/50th, #2-Division, #15-Belmont, and #71-60th, within 0.5 mile from the subject property; and numerous bicycling routes as the site is adjacent to a City Bikeway on SE 52nd. Therefore, the transportation system is capable of safely supporting the proposed development in addition to existing uses in the area. The proposed development will not negatively impact transit service or safety for any mode.

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. The sanitary sewer service standards of 33.652 have been verified.</p>

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

No stormwater tract is proposed or required. Therefore, criterion A is not applicable. Based on the submitted infiltration test results, the current stormwater management plan does not meet the minimum tested infiltration rate for using the Simplified Approach to design infiltration facilities under Category 1 or 2 of the SWMM. Although the submitted information is not approvable as shown, a stormwater system can be designed on this site to meet SWMM requirements. Prior to final plat approval, the applicant will need to revise the stormwater report and utility plan to show how SWMM requirements have been met. BES has identified the following two options for the applicant to consider to meet the SWMM requirements. With a condition of approval requiring a revised stormwater report and utility plan prior to final plat approval, these criteria and standards can be met.

33.654.110.B.1 Through streets and pedestrian connections

The site is not within an area that has an adopted Master Street Plan. Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

The site is located in a neighborhood with a well-connected street pattern, with many accessible rights-of-way in close proximity. With the subject property close to the Hawthorne intersection, additional pedestrian or vehicle connections are not warranted at this location. SE 52nd is an improved street with existing pedestrian corridors, within an established neighborhood of single-family homes.

For the reasons described above, this criterion is met.

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has indicated that the existing street is currently improved in a manner that is sufficient to serve the expected users. As noted in the PBOT response; the width of and elements within the developed SE 52nd Avenue frontage meets or exceeds the required PBOT standards. This criterion is met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review. 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.

Existing Development The site is vacant and therefore this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not

considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal:

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a two-parcel partition as shown on the attached preliminary plan (Exhibit C.2). 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: on-site stormwater management and tree preservation. With conditions of approval addressing these requirements, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two-parcel partition that will result in two standard parcels for single dwelling development as illustrated with Exhibits C.1, C.2, C.3 and C.4 subject to the following conditions:

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

1. 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.
2. The applicant must submit a revised stormwater report and supplemental site plan depicting how stormwater management requirements will be addressed to the satisfaction of BES.
3. 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 14 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.

B. The following must occur at the time of development of Parcels 1 and 2:

1. The applicant shall plant one large canopy tree species on each parcel at the time of development, which may count towards the Title 11 Tree Density standards of 11.50.050.

Staff Planner: Brandon Rogers**Revised decision rendered by:**  **on January 25, 2019**

By authority of the Director of the Bureau of Development Services

Decision mailed December January 29, 2019

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 July 9, 2018, and was determined to be complete on September 10, 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 July 9, 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 extended the 120-day review period by 60-days (Exhibit G.5). Unless further extended by the applicant, **the 120 days will expire on: April 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.

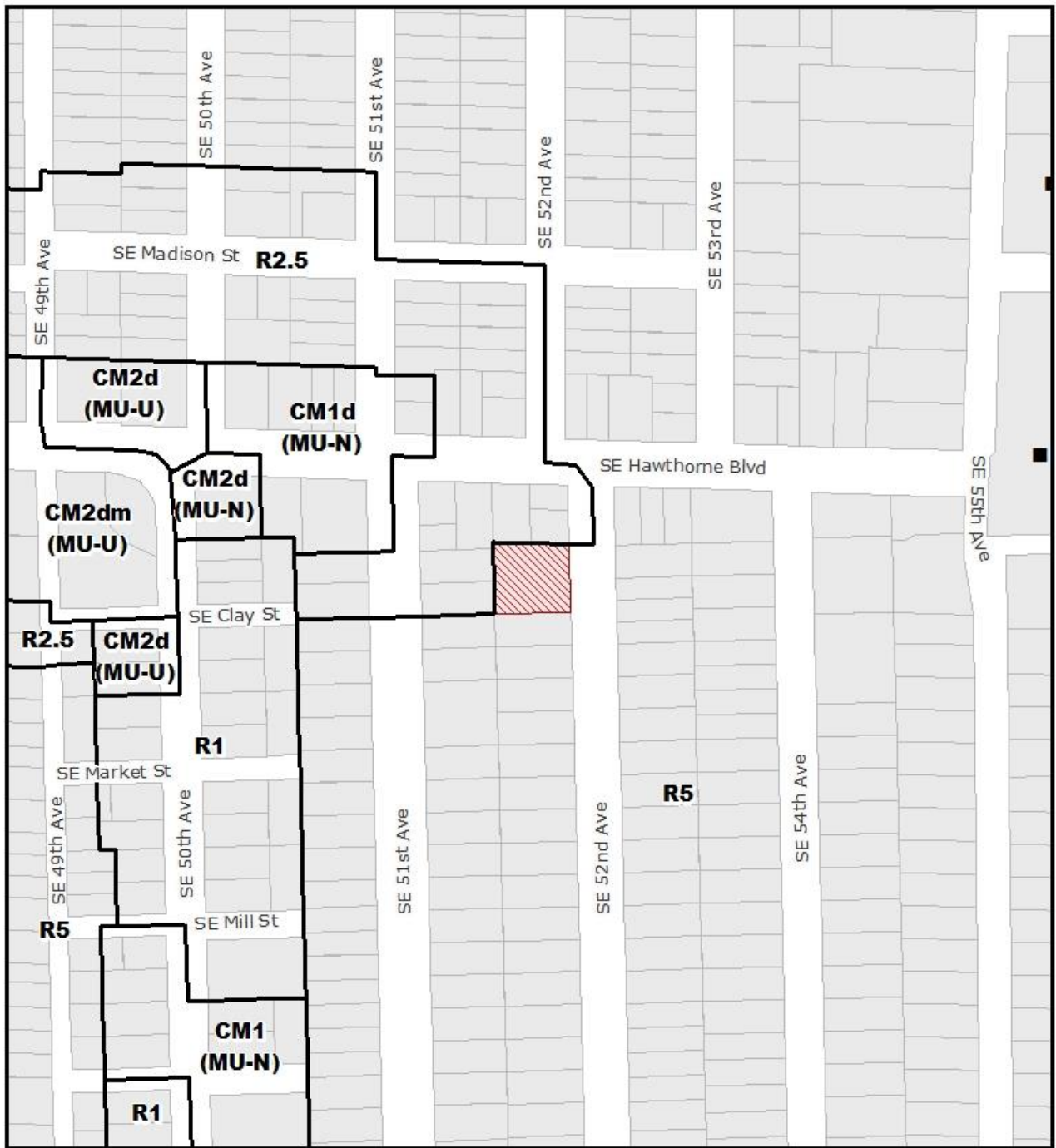
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Original Submittal
 - 2. Simplified Stormwater Approach Form
 - 3.a Applicant's Original Arborist Report
 - 3.b Applicant's Revised Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Plan
 - 2. Preliminary Land Division Plan (attached)
 - 3. Tree Survey
 - 4. Proposed Development Plan/Tree Preservation Plan (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. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Lisa JH, September 30, 2018
- G. Other:
 - 1. Original LU Application
 - 2. Expedited Land Division Acknowledgement Form
 - 3. Email Message to Applicant Dated July 16, 2018
 - 4. Completeness Letter
 - 5. 120-Day Extension Request

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



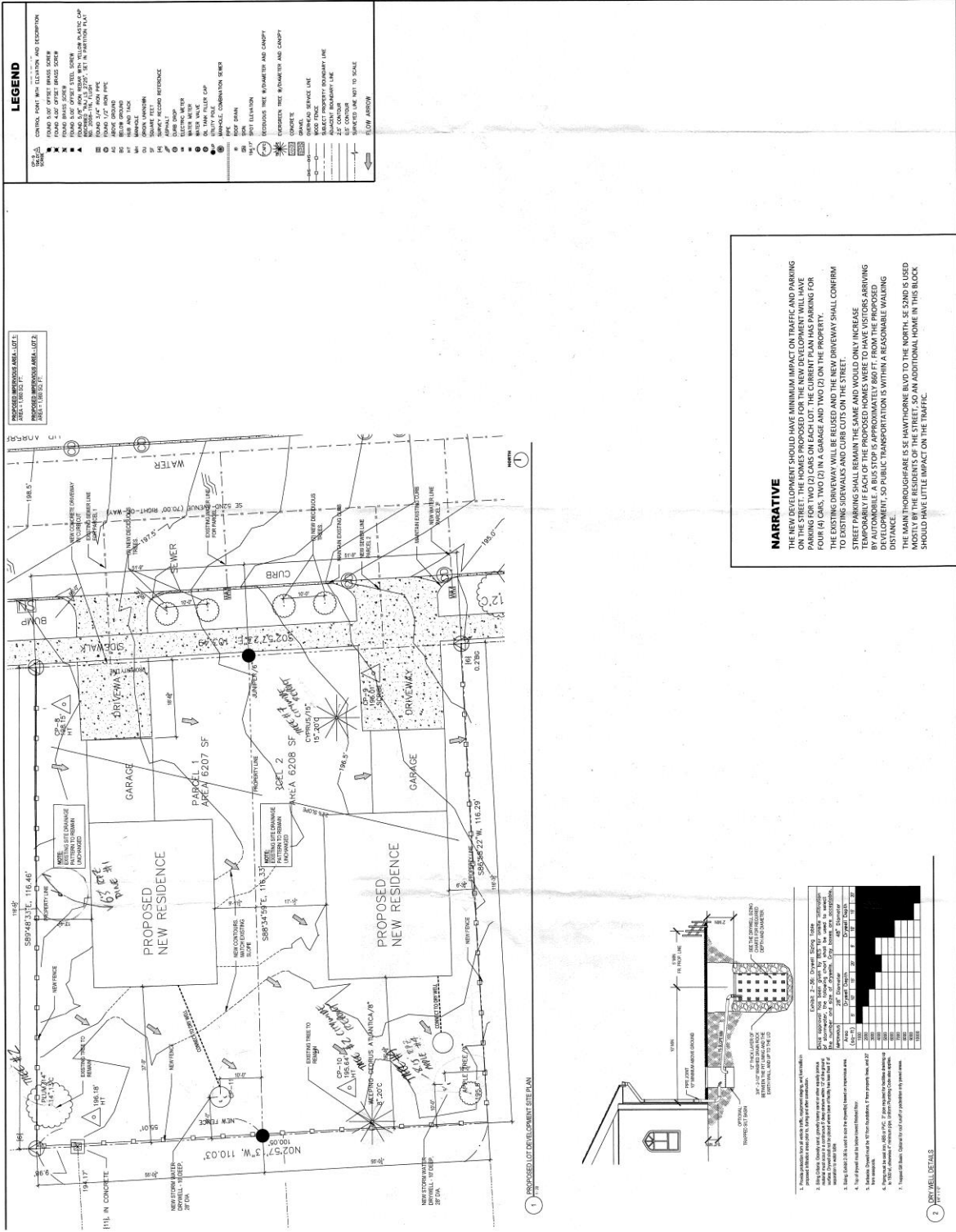
Historic Landmark

File No.	LU 18-199682 LDP
1/4 Section	3236
Scale	1 inch = 200 feet
State ID	1S2E06DB 19100
Exhibit	B Jul 12, 2018

ELON
 ARCHITECTS, PLLC
 1000 NE 10TH AVENUE, SUITE 400
 PORTLAND, OREGON 97232
 TEL: 503.281.1111 FAX: 503.281.1112
 WWW.ELONARCHITECTS.COM

BRIAN + LESSEE NELSON
 PORTLAND, OR 97215
 PROPOSED SITE DEVELOPMENT
 1525 SE 52ND AVE

PROJECT NO: 200515 BR
 DATE: 9/14/2018
 SHEET NO: 1
 PROJECT: PROPOSED SITE DEVELOPMENT PLAN
 DRAWN BY: CASIMIRO, L. J.



NARRATIVE

THE NEW DEVELOPMENT SHOULD HAVE MINIMUM IMPACT ON TRAFFIC AND PARKING FOR TWO (2) CARS ON EACH LOT. THE CURRENT PLAN HAS PARKING FOR FOUR (4) CARS, TWO (2) IN A GARAGE AND TWO (2) ON THE PROPERTY. THE EXISTING DRIVEWAYS WILL BE REUSED AND THE NEW DRIVEWAY SHALL CONFIRM TO EXISTING SUBWAYS AND CURB CUTS ON THE STREET. THE NEW DRIVEWAY SHALL BE TEMPORARILY A BUS STOP IS APPROXIMATELY 860 FT. FROM THE PROPOSED DEVELOPMENT. SO PUBLIC TRANSPORTATION IS WITHIN A REASONABLE WALKING DISTANCE. THE MAIN THROUGHWAY IS SE HANTHORNE BLVD TO THE NORTH. SE 52ND IS USED MOSTLY BY THE RESIDENTS OF THE STREET. SO AN ADDITIONAL HOME IN THIS BLOCK SHOULD HAVE LITTLE IMPACT ON THE TRAFFIC.

