



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

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Date: September 30, 2019
To: Interested Person
From: Diane Hale, 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 19-150456 LDP

GENERAL INFORMATION

Applicant: Kevin Partain, Urban Visions (503) 421-2967
223 NE 56th Ave, Portland OR 97213

**Owner/
Representative:** Andre Koshuba, Exceptional Homes By Andre
14237 Bridge Ct, Lake Oswego OR 97034

Site Address: 6304 SE WINDSOR CT

Legal Description: BLOCK 2 LOT 6&7, MANDY LANE
Tax Account No.: R530200220, R530200230
State ID No.: 1S2E08BB 02900
Quarter Section: 3337
Neighborhood: South Tabor, contact John Carr at jcarrpdx@gmail.com.
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Zoning: R2.5a – Single Family Residential 2,500 with an “a” Alternative Design Density Overlay

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

Proposal:

The applicant is proposing a 2-parcel partition for this 5,400 square foot interior site, with one standard lot and one flag lot. The existing house will remain on the standard lot. Off-street parking is proposed for the new home on the flag lot; the existing home is not proposed to have off-street parking, which is allowed per 33.266.110.B.1 because the site is close to frequent-service transit (bus line on SE Division Street). There are no regulated trees on the site.

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 2 units of land (2 parcels). 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 a 5400 square foot interior lot developed with a house and detached garage constructed in 1947. The area surrounding the site is generally zoned and developed with single family homes. SE Division Street is approximately 250 feet to the north, and contains pockets of commercial and higher density residential development. Mt. Tabor Park is located ~ 1/3 mile to the north.

Infrastructure:

- **Streets –**
The site has approximately 54 feet of frontage on SE Windsor Court. There is one driveway entering the site that serves the existing house on the site. According to City GIS, at this location SE Windsor Ct. is improved with a 28-ft paved roadway within a 50-ft right-of-way, in which the existing pedestrian corridor is improved to a 4-5-2 configuration. Tri-Met provides transit service approximately 250 feet from the site at SE Division Avenue via Bus #2.
- **Water Service –** There is an existing 6-inch water main in SE Windsor Court. The existing house is served by a metered service from this main.
- **Sanitary Service -** There is an existing 8-inch VSP public combination sewer line in SE Windsor Court.
- **Stormwater Disposal –** There is no public storm-only sewer currently available to this property.

Zoning: R2.5a – Single Family Residential 2,500 with an “a” Alternative Design Density Overlay

The R2.5 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 “a” 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 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 **June 27, 2019**. 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:
B	33.630 – Tree Preservation	No trees in excess of 6 inches in diameter are located fully or partially on the site, or the trees are nuisance species or exempt due to poor condition.
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 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.
	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. 611 contains the density and lot dimension requirements applicable in the R2.5 zone. Based on the applicant's survey, the site area is 5400 square feet. The maximum density in the R2.5 zone is one unit per 2500 square feet. Minimum density is one unit per 5000 square feet based on 80 percent of the site area. The site has a maximum density of 2 units and a minimum required density of 1 unit. The applicant is proposing 2 single dwelling parcels. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)	Min. Flag Lot Width (feet)	Min. Flag Lot Depth (feet)
R2.5 Zone	1,600	NA	36	40	30	40	40
Parcel 1	2370		42	56.43	42	NA	NA
Parcel 2	3030 with pole 2353 w/out pole		NA	NA	NA	54	43.57

* 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.

** For flag lots: (1) width and depth are measured at the midpoint of the opposite lot lines in the "flag" portion of the lot; and (2) lot area calculations do not include the pole portion of the lot.

Flag Lots

When allowed

In this case the applicant is proposing 2 parcels, only one of which is a flag lot. The existing dwelling unit has been on the property for at least 5-years and is located so that it precludes a land division that meets minimum lot width standards. The minimum density standards are met. Therefore the thresholds for when a flag lot is allowed to be created have been met.

Dimensions

The proposed flag lot meets applicable Zoning Code standards found in 33.611.400 because it has a "pole" at least 12 feet wide that connects to a street, and as shown above, meets the minimum lot area, width and depth standards.

Vehicle Access

Where it is practical, vehicle access must be shared between the flag lot and the lot between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

Off-street parking will not be provided for the existing home to remain on Parcel 1, the lot in front of the flag lot. This is allowed per 33.266.110.B.1 because the site is close to frequent-service transit (bus line on SE Division Street). Therefore, there is no need to consider shared vehicle access. Parcel 2 will use the flag pole to access on-site parking. Since a separate curb cut for Parcel 1 was not evaluated through this review, a condition of approval will ensure that Parcel 1 does not have a curb cut in the future.

Parcel 2 has met the thresholds for when a flag lot is allowed. Therefore, Parcel 2 is allowed.

The findings above show that the applicable density and lot dimension standards are met. Therefore, 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: 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.

Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading: In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved on the site. This criterion is met.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. 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 supporting the proposed development in addition to the existing uses in the area.

Evaluation factors include: safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced and measures to mitigate impacts may be necessary.

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 application proposes a flag-lot partition resulting in two lots, retaining the existing home abutting SE Windsor Ct. In accordance with 33.266.110.B, sites within 500-ft or less from a transit street with 20-minute peak hour service are not required to provide on-site parking. The site is approximately 300-ft from SE Division, which according to TriMet's service schedule, Line #2-Division meets the requirement of providing 20-minute peak service. Therefore, the front, northern Parcel [Parcel 1] will not provide on-site parking. However, the applicant does propose utilizing the existing driveway as vehicular access for the new lot, which maximizes on-street parking with approximately 42-ft of available curb adjacent to the site while minimizing potential conflicts.

Based upon trip generation estimates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, the proposed parcel is projected to generate one additional morning and evening trip, for approximately ten daily trips. The small number of trips added

into the transportation system resulting from the development will not adversely impact the operations of area intersections and is consistent with the zoning of the property.

The applicant's narrative indicates the surrounding area's street capacity satisfies City standards and will pose a minimal impact to immediate and surrounding neighborhoods. The site is served by sufficient transportation facilities to reduce impacts to the neighborhood and provide safety for all modes, including Tri-Met bus service #2-Division within a quarter mile from the site. SE 64th is an identified City Bikeway approximately 200-ft to the east, which provides access to numerous bicycling routes on surrounding low volume traffic streets. And the sidewalk corridor in the immediate vicinity is complete and provides safe access to the surrounding neighborhoods. 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 supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant has proposed the following stormwater management methods: <ul style="list-style-type: none"> • Parcel 1 (the lot with the existing house): The existing house has downspouts that drain into underground pipes that are directed to the combined sewer in SE Windsor Court. The lateral does not cross property lines, therefore it is allowed to remain. • Parcel 2: Stormwater from this lot will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. This lot has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywell.
For the reasons above, these criteria and standards are met.
33.654.110.B.1 Through streets and pedestrian connections
Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

The site is located within a well-connected neighborhood with many redundant connections surrounding the property. The subject site is located in an area in which established rights-of-way are within 300-ft, therefore additional connections are not practical at this location.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

For the reasons described above, this criterion is met.

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

In reviewing this land division, PBOT 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.

According to City GIS, at this location SE Windsor is improved with a 28-ft paved roadway within a 50-ft right-of-way, in which the existing pedestrian corridor is improved to a 4-5-2 configuration. For Local Service streets abutting R-2.5 zones, the City's Pedestrian Design Guide requires a 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, and a 0.5-ft wide frontage zone. The existing conditions along the site frontage does not meet City standards as the furnishing zone and sidewalk are narrower than the standard. However, the existing pedestrian corridor qualifies for an exemption under Administrative Rule 1.22 "Infill Development on Streets with an Existing Sidewalk Corridor". Therefore, the existing sidewalk corridor configuration will be accepted as the standard sidewalk configuration for the block length.

PBOT has indicated that the existing street is currently improved in a manner that is sufficient to serve the expected users. PBOT has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

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 in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

Future Development

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

- Flag Lots-- special setback standards apply to flag lots in the RF-R2.5 zone, and special landscape standards apply to flag lots that are 10,000 square feet or less in area in the R7-R2.5 zones (33.110.240.F). These standards apply to Parcel 2.

Existing development that will remain after the land division. The existing house 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 R 2.5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

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

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5 feet from the new property line (rear setback). 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, including eaves.
- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, the garage on Parcel 2 must be removed prior to final plat. The applicant must provide documentation prior to final plat approval that the required demolition permits have received final inspection approval. Alternatively, if the applicant can demonstrate that the garage meets setback requirements, 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. The 10x10 shed shown on the Existing Conditions Map (Exhibit C.2) has already been removed.
- Required Off-Street Parking - A garage provides parking for the existing house on Parcel 1. As a result of this land division, the parking space for the existing house will be located on a different lot, and will no longer be available to Parcel 1. The Portland Zoning Code does not require off-street parking on sites that are less than 500 feet from a transit street with 20-minute peak-hour bus, streetcar, or light rail service. Tri-Met provides transit service approximately 250 feet from the site on SE Division Street via bus number 2. Bus number 2 provides peak-hour service meeting this requirement. As a result, no replacement parking is required for Parcel 1.
- Title 11 Tree Density Standard – This site has a minimum tree density requirement per 11.50.050 that is partially met on the site with a tree that is less than 6" DBH located on Parcel 2. The tree is not shown on Exhibit C.2, but staff noted the location and size of the tree during a site visit. Due to the land division, Parcel 1 with the existing house will move further out of conformance with this standard. Parcel 1 is 2370 square feet, therefore 948 square feet of tree area is required. 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; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for loss of street tree planting area and street tree planting in the existing planter strip adjacent to Parcel 1 prior to final plat approval. These requirements are based on the standards of Title 11.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions related to fire standards, alterations to existing development and trees.

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

ADMINISTRATIVE DECISION

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

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

- Any buildings or accessory structures on the site at the time of the final plat application, including eaves;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Any other information specifically noted in the conditions listed below.

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

Utilities

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Existing Development

2. The applicant must obtain a finalized demolition permit for removing the garage on Parcel 2. Alternately, if the applicant can demonstrate that the garage meets setback requirements to the new lot lines, 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 with the accessory structure within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.
3. The applicant must meet the requirements of Urban Forestry to plant 1 street tree in the planter strip on SE Windsor Court adjacent to parcel 1. The applicant must contact Urban Forestry at 503-823-TREE (8733) prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit.
4. 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.


Other requirements

5. The applicant must pay into the City Tree Preservation and Planting Fund [Street Trees – Fee in Lieu of Planting and Establishment (per inch)] the amount equivalent to 1.5 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

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. A curb cut is not allowed within the frontage of Parcel 1.

Staff Planner: Diane Hale

Decision rendered by:  **on September 25, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed September 30, 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 April 17, 2019, and was determined to be complete on June 3, 2019.

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 April 17, 2019.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on October 1, 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**

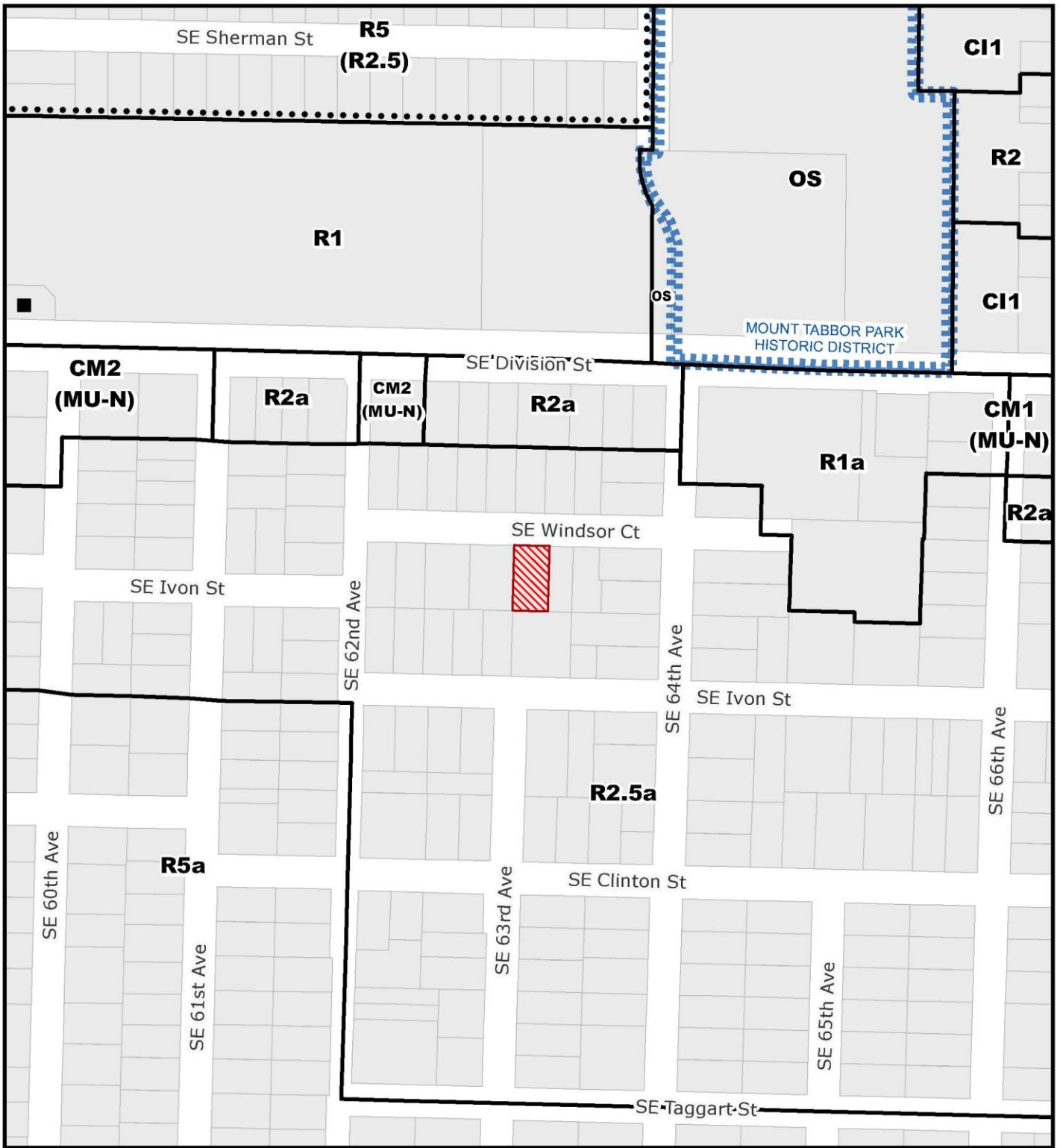
a final plat is submitted within three years of the date of the City's approval of the preliminary plan.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant's original submittal and plans
 - 2. Applicant's response, June 3, 2019
 - 9. Stormwater Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Site Plan (attached)
 - 1. Existing Conditions Map
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Portland Bureau of Environmental Services
 - 2. Portland Bureau of Transportation Engineering and Development Review
 - 3. Portland Water Bureau
 - 4. Fire Department
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Section of BDS
 - 7. Urban Forestry
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Expedited Land Division Form
 - 3. Incomplete Letter

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

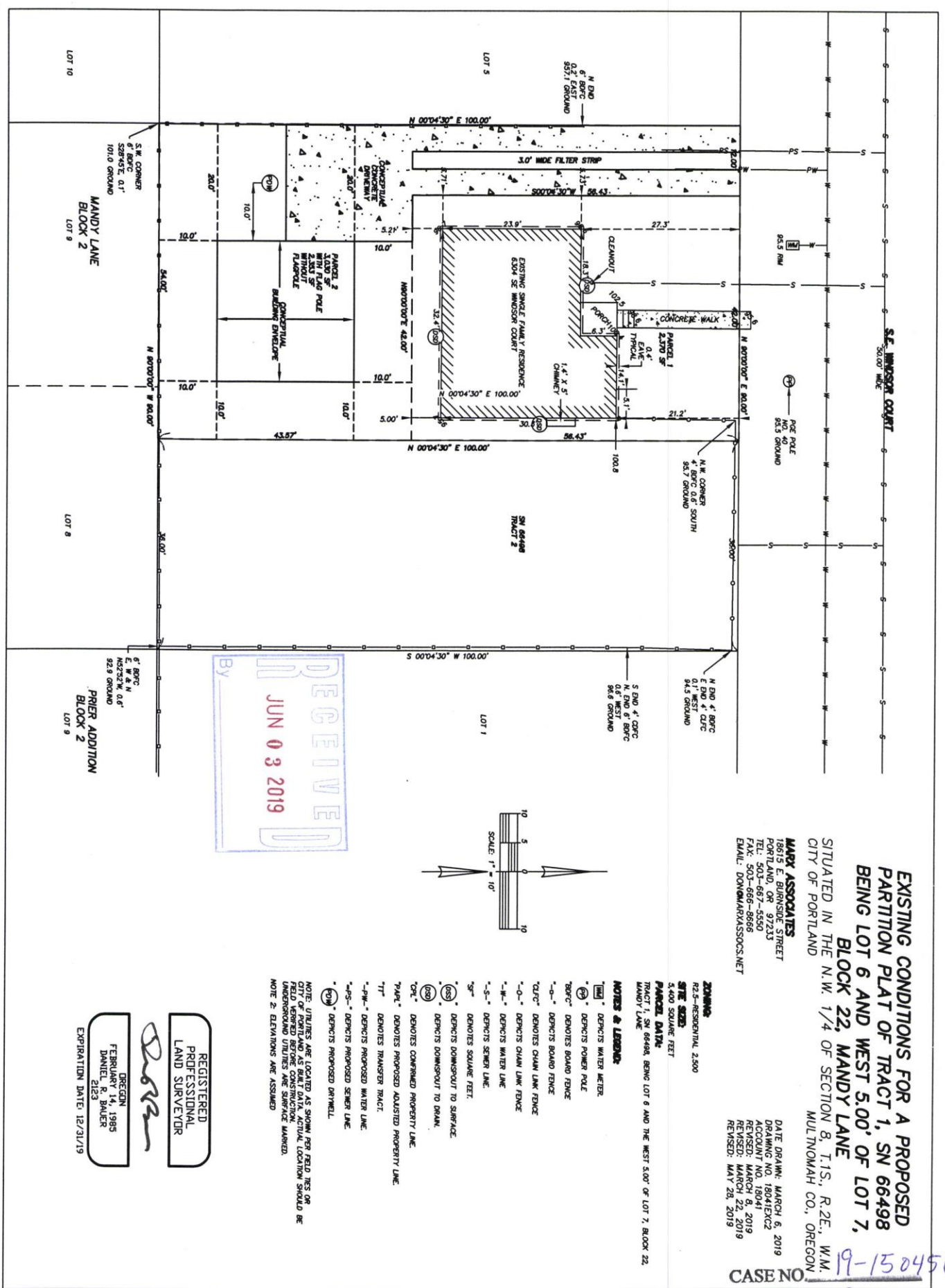


ZONING 
NORTH

 Site
 Historic Landmark

File No.	LU 19-150456 LDP
1/4 Section	3337
Scale	1 inch = 200 feet
State ID	1S2E08BB 2900
Exhibit	B Sep 24, 2019

LV 19-150456 LDP



RECEIVED
JUN 03 2019

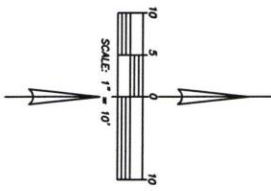
EXISTING CONDITIONS FOR A PROPOSED PARTITION PLAT OF TRACT 1, SN 66498 BEING LOT 6 AND WEST 5.00' OF LOT 7, BLOCK 22, MANDY LANE

SITUATED IN THE N.W. 1/4 OF SECTION 8, T.1S, R.2E., W.M. MULTNOMAH CO., OREGON

MARK ASSOCIATES
18615 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-687-5550
FAX: 503-686-8666
EMAIL: DON@MARKASSOCIATES.NET

DATE DRAWN: MARCH 6, 2019
DRAWING NO. 18041EXC2
ACCOUNT NO. 18041
REVISED: MARCH 6, 2019
REVISED: MARCH 22, 2019
REVISED: MAY 28, 2019

CASE NO. 19-150456
EXHIBIT C-1



- NOTES & LEGEND**
- WM DENOTES WATER METER
 - PP DENOTES POWER POLE
 - BF DENOTES BOARD FENCE
 - B- DENOTES BOARD FENCE
 - CLFC DENOTES CHAIN LINK FENCE
 - W- DENOTES WATER LINE
 - S- DENOTES SEWER LINE
 - S- DENOTES SQUARE FEET
 - DS DENOTES DOWNSPOUT TO SURFACE
 - DS DENOTES DOWNSPOUT TO DRAIN
 - CP DENOTES COMPRISED PROPERTY LINE
 - PAE DENOTES PROPOSED ADJUSTED PROPERTY LINE
 - TT DENOTES TRANSFER TRACT
 - PW- DENOTES PROPOSED WATER LINE
 - PS- DENOTES PROPOSED SEWER LINE
 - POW DENOTES PROPOSED DRYWELL
- NOTE: UTILITIES ARE LOCATED AS SHOWN FOR FIELD TEST OR CITY OF PORTLAND AS BUILT DATA. LOCATION SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION. UNDERGROUND UTILITIES ARE SURFACE MARKED. NOTE 2: ELEVATIONS ARE ASSUMED

REGISTERED PROFESSIONAL LAND SURVEYOR

[Signature]

OREGON
FEBRUARY 14, 1985
DANIEL R. BAUER
2123

EXPIRATION DATE: 12/31/19