



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

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Date: March 16, 2020
To: Interested Person
From: Timothy Novak, 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 19-239537 LDP

GENERAL INFORMATION

Applicant: Kevin Partain
Urban Visions
223 NE 56th Ave
Portland, OR 97213
(503) 421-2967 | kevinp@gorge.net

Owner's Agent: Francis Gaudette *for Fx Homes*
22060 SE 442nd Ave
Sandy OR 97213

Site Address: 7411 N PORTSMOUTH AVE

Legal Description: BLOCK 4 SWLY 20' OF LOT 12 LOT 13&14, PORTSMOUTH
Tax Account No.: R669900690
State ID No.: 1N1E07DA 11900
Quarter Section: 2224

Neighborhood: University Park, contact Tom Karwaki at tkarwaki@gmail.com.
Business District: University Park Business District, contact at <https://www.facebook.com/UPBizDist/>

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

Zoning: Single-Dwelling 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:

To divide the existing 9,532 square foot lot into three parcels. Parcel 1 will be for one detached single-family dwelling. Parcels 2 & 3 will be developed with attached single-dwelling houses, utilizing zoning code section 33.110.240.E Duplexes and Attached Houses on Corners to gain one extra unit of density. All existing improvements on the lot are proposed for removal. All trees on that site 12" or greater in diameter were approved for removal under the demolition permit for the existing house, originally submitted prior to this Land Division application; the site plan doesn't show any other trees on the site.

Parcel 1 is proposed at 3,960 square feet and with vehicle access from the alley at the west end of the parcel. Parcels 2 and 3 are proposed at 2,786 square feet each. Parcel 2 is proposed with vehicle access from the alley, vehicle access for Parcel 3 is proposed from N Oberlin Street, approximately 30 feet East of the existing curb cut, which will be removed.

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 three 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.**

ANALYSIS

Site and Vicinity: The project site is a 9,532 square foot lot on the corner of N Portsmouth Avenue and N Oberlin Street in the University Park neighborhood. Development in the vicinity is primarily single-dwelling residences, which changes to primarily commercial development along N Lombard Street, about 450 feet to the N/NE of the site. Astor Public Elementary School is about a 1,200-foot walk (four blocks) from the project site. There are two churches (conditional uses) within a two-block radius. Portsmouth Park is two blocks (750 feet) away to the S/SE and McKenna Park is 6 blocks (2,000 feet) to the west of the site. The topography of the site and vicinity is flat. City maps indicate no hydrological or other natural features in the vicinity. The street grid in the area is made up of rectilinear blocks separated by developed rights-of-way. Most blocks in the vicinity have alleys at the rear of lots.

Infrastructure:**• Streets**

- **TSP Classifications:** At this location, the City's Transportation System Plan (TSP) classifies N Portsmouth Avenue as a Neighborhood Collector, Transit Access Street, City Walkway, City Bikeway, and Local Service Freight Street. N Oberlin Street is classified as a Local Service Street for all modes, as is N Van Houten Ave Portsmouth Ave Alley at the rear of the site.

- **Existing Conditions:** At this location, N Portsmouth Avenue is improved with an approximate 50-ft wide paved roadway within an 80-ft wide ROW, in which the pedestrian corridor is improved with a 0.5-ft curb, 6.5-ft furnishing zone, 6-foot sidewalk, and 2-foot frontage zone. N Oberlin Street is improved with an approximate 36-ft wide paved roadway

within an 60-ft wide ROW, in which the pedestrian corridor is improved with a 0.5-ft curb, 4.5-ft furnishing zone, 6-foot sidewalk, and 1-foot frontage zone. The abutting alley appears to have a paved approach at N. Oberlin St. between the sidewalk and the curb. The remaining alley surface appears to be compacted gravel strips with grass in between.

- **Water Service** – Based on City GIS resources, both N Portsmouth Avenue and N Oberlin Street contain 8” cast-iron water mains that can serve the proposed parcels.
- **Sanitary Service** - There is an existing Public 18-inch CSP combined sewer in the N Van Houten Ave Portsmouth Ave Alley (BES as-built #1209).
- **Stormwater Disposal** – There are no public storm-only sewers 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 **January 16, 2020**. No written responses have been received from either 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.

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.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
I	33.639 – Solar Access	The only proposed parcel able to be developed with a detached single-family house is an interior lot (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 new 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 new pedestrian connections proposed or required.
	33.654.120.F - Alleys	No new 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 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey, the site area is 9,532 square feet. The maximum density in the R5 zone is one unit per 5,000 square feet. Minimum density for this site is one unit per 6,250 square feet, based on 80 percent of the site area outside hazard areas and environmental overlays.

The applicant is proposing 3 parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 2 and 3 are proposed for attached houses under the provision in 33.110.240.E that allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided Parcels 2 and 3 are developed with attached houses.

With a condition of approval limiting the development on Parcels 2 and 3 to attached houses, the density standards are met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Parcel 1 (detached, interior)	3,960		36	110	36
Corner lot before division in R5 zone	4,500	N/A	N/A	N/A	N/A
Corner lot before division	5,572				
New attached housing lots meet R2.5 Zone dimensions	1,600	N/A	36	40	30
Parcel 2 (attached, corner)	2,786		55	50.66	55
Parcel 3 (attached, corner)	2,786		50.66	55	50.66

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

Parcels 2 and 3 are smaller than would normally be allowed in the R5 zone. As described above, these lots are being created through a provision that allows attached houses on corner lots. To use this code provision the original lot before the division must be at least 4,500 square feet. The new lots created for the attached houses must meet the minimum lot dimension standards stated in Chapter 33.611, Lots in the R2.5 Zone.

As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Proposed Parcels 2 and 3 each exceed the minimum lot dimension standards for lots utilizing the provisions of 33.110.240.E. Therefore, the corner lot may be divided to create Parcels 2 and 3 as proposed.

The findings above show that the applicable density and lot dimension standards are met with the noted condition. 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, and tree preservation requirements. They 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.

There are no trees required to be preserved on the site.

However, the applicant's arborist report (Exhibit A.3) has identified two off-site trees within 15 feet of potential disturbance area on the proposed Parcel 1 that must be protected during demolition and development on Parcel 1. Tree #1 is Cherry tree with a diameter at breast height (dbh) of 10", Tree #2 is a Japanese maple with a dbh of approximately 18". The report recommends measures

for protecting those trees. With a condition requiring that trees #1 and #2 are protected in accordance with the arborist report, this criterion is met.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility.

Additionally, the applicant has proposed to remove the existing house and garage and redevelop the site. The demolition permit for the house is under inspection and the demolition permit for the detached garage is approved to issue. In order to ensure that the new lots are suitable for development, the aforementioned permits must be finalized and the existing sewer lateral must be capped prior to final plat approval.

With conditions requiring final inspection for a septic decommissioning permit and for final inspection of the demolition permits for the house and the detached garage, the new lots can be considered suitable for new development.

This criterion is met.

H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

The following easement is proposed for this land division:

- A Private Sanitary Sewer Easement is required across the relevant portions of Parcel 2, for a sanitary sewer lateral connection that will serve Parcel 3.

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

“A Declaration of Maintenance agreement for a private sanitary sewer easement has been recorded as document no. _____, Multnomah County Deed Records.”

With the condition of approval discussed above, this criterion is met.

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

Findings: The transportation system must be capable of 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 narrative addressing these approval criteria. Staff generally concurs with the applicant's assessment that these criteria are met. The existing roadway and sidewalk networks are complete in this area. Connectivity meets City standards. The site is served by TriMet service route 35 which provides service 7 days a week with the closest stop being contained within the site's frontage. The area is served by multiple bicycle routes including striped bicycle lanes on N Portsmouth Ave. and N. Lombard St. A lower stress alternative to N. Lombard St. is N. Oberlin St, which is a lower speed local service street designated as a City Bikeway.

Based on information in the City's database on Portland Traffic Deaths and Injuries since 2008, there have been no fatal accidents on N. Oberlin St. between N. Newman Ave. and N. Westanna Ave. There has been a single injury accident on N. Portsmouth Ave. between N. Lombard St. and N. Willamette Ave. This crash was in the block adjacent to N. Lombard St. and was a serious injury to a person in a vehicle. This crash rate does not rise to the level of safety concern which should limit development in conformance with the base zone. The site is well served by transit and is mapped as being exempt from vehicle parking per 33.266.110.B.1. No on-site parking is required, though on-site parking is proposed. Access to Proposed Parcels 1 and 2 will be from the alley. Only Proposed Parcel 3 will have a curb cut onto N. Oberlin St. The configuration will retain the maximum amount of curb length for on-street parking while also providing on-site parking. To staff's knowledge, PBOT has not identified any level of service concerns with either of these segments in the TSP or other planning documents. It is believed these segments function well for travel via all modes and have capacity to absorb the anticipated vehicle trips from two additional residential lots.

No off-site mitigation is required for the proposed development. Any sidewalk panels which are damaged or destroyed during construction will be required to be replaced. All existing curb cuts which no longer lead to on-site legal parking will be required to be closed at the time of building permit. Since alley access is needed, alley improvement will be required at the time of building permit. The alley entrance closest to the site access will be required to be improved with concrete paving to a point 25-ft from the back of the existing sidewalk. A compacted grade/gravel section will be required to be extended to the site access if the new concrete alley paving does not reach the access point. Property dedication will not be required.

PBOT has reviewed and concurs with the information supplied and the 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 3 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 3 of this report, via the public 18-inch CSP combined sewer in the N Van Houten Ave Portsmouth Ave Alley. Parcel 3 does not abut the alley and neither of the adjacent streets have public sanitary sewer available. The applicant proposes to serve Parcel 3 via an easement over Parcel 2. BES has indicated this route of service is acceptable. The easement must be shown on the final plat. With this condition, the sanitary sewer service standards of 33.652 have been verified.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5

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

The applicant has proposed the following stormwater management methods to meet criterion B:

- All Parcels: Stormwater from the proposed parcels will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.

Based on the foregoing the relevant approval criterion and standards of 33.653 have been 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.

The block on which the subject property is located meets the noted spacing requirements and the site is at the intersection of two established rights-of-way. Per PBOT, additional connections are not required or warranted at this location.

For the reason described above, this criterion is met.

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

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. PBOT has indicated that the existing street is currently improved in a manner that exceeds City standards.

Based on the foregoing, the width of the right-of-way will be sufficient to accommodate the expected users and PBOT and these criteria are 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:

- Attached Houses on Corner Lots - Special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Parcel 2 must be oriented toward N Oberlin Street and development on Parcel 3 must be oriented toward N Portsmouth Avenue.
 3. The height of the two units must be within 4 feet of each other
 4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.
 7. Trim must be the same in type, size and location.
 8. Windows must match in proportion and orientation.
- Accessory Dwelling Units - Accessory Dwelling Units (ADUs) are not allowed to be added to attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.
- Tree Protection – Development on Parcel 1 shall be in accordance with the arborist report. Specifically, trees #1 & #2 on the lot to the north (7425 N Portsmouth Avenue) shall be protected as specified in the arborist report (Exhibit A.3).

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
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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.

- **Fire** - Prior to Final Plat approval, the applicant must meet the requirements of the Fire Bureau verifying sufficient fire flow for the proposed parcels.

CONCLUSIONS

The applicant has proposed a 3-parcel partition utilizing 33.110.240.E, 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 the private sewer easement, septic decommissioning, demolition of the existing structures, protection of off-site trees, and attached housing development on Parcels 2 and 3.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition, that will result in one (1) standard parcel for detached single dwelling development and two parcels for attached single-dwelling structures, as allowed under 33.110.240.E, and as illustrated with Exhibit C.1, subject to the following conditions:

A. The final plat must show the following:

1. A private sanitary sewer easement, for the benefit of Parcel 3, shall be shown and labeled over the relevant portions of Parcel 2.
2. A recording block for the maintenance agreement, as required by Condition B.4 below. The recording block shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for a private sanitary sewer easement has been recorded as document no. _____, Multnomah County Deed Records."

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

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.

Existing Development

2. Finalized permits must be obtained for demolition of the existing residence and detached garage on the site and capping the existing sanitary sewer connection.
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.

Required Legal Documents

4. A Maintenance Agreement shall be executed for the Private Sewer Easement described in Condition A.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

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

1. Development on Parcels 2 and 3 is limited to attached houses, developed in conformance with the provisions of Section 33.110.240.E.
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.
3. Demolition and Development on Parcel 1 shall be in accordance with the arborist report. Specifically, Tree #1, a 10-inch Cherry tree, & Tree #2, an 18-inch Japanese maple, both on the lot to the north (7425 N Portsmouth Avenue), shall be protected as specified by the arborist in the report.

Staff Planner: Timothy Novak

Decision rendered by: _____ **on March 12, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed on March 16, 2020

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 October 11, 2019, and was determined to be complete on January 6, 2020.

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 October 11, 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 further extended by the applicant, **the 120 days will expire on: May 5, 2020.**

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.**

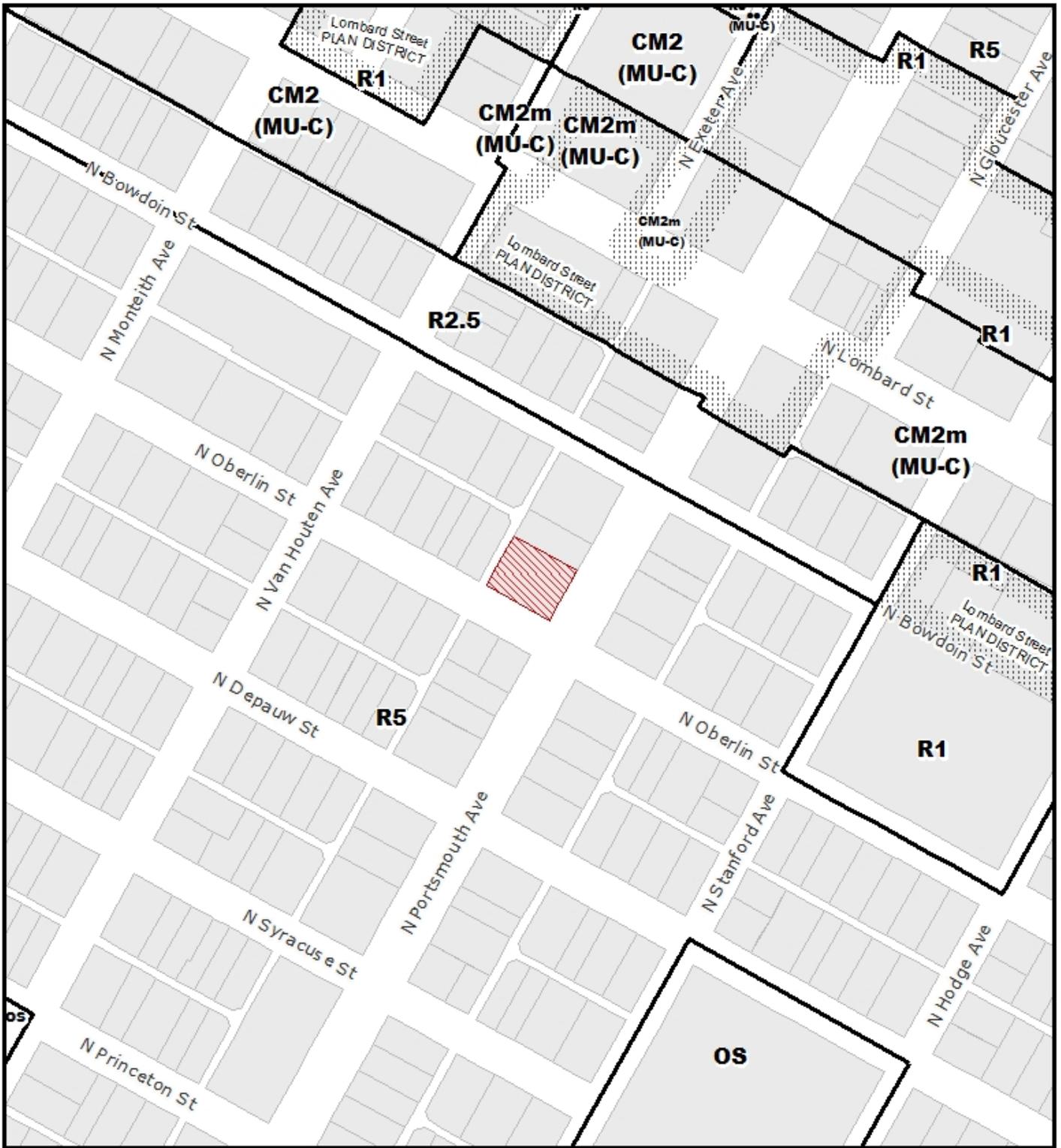
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Applicant’s Narrative
 - 2. Stormwater Report
 - 3. Arborist Report
 - 4. Cover Letter to Incomplete Letter Response
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat with Proposed Conditions (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
 7. Life Safety
- F. Correspondence: NONE
- G. Other:
1. Original LU Application
 2. Incomplete Letter
 3. Deed
 4. Expedited Land Division Acknowledgement

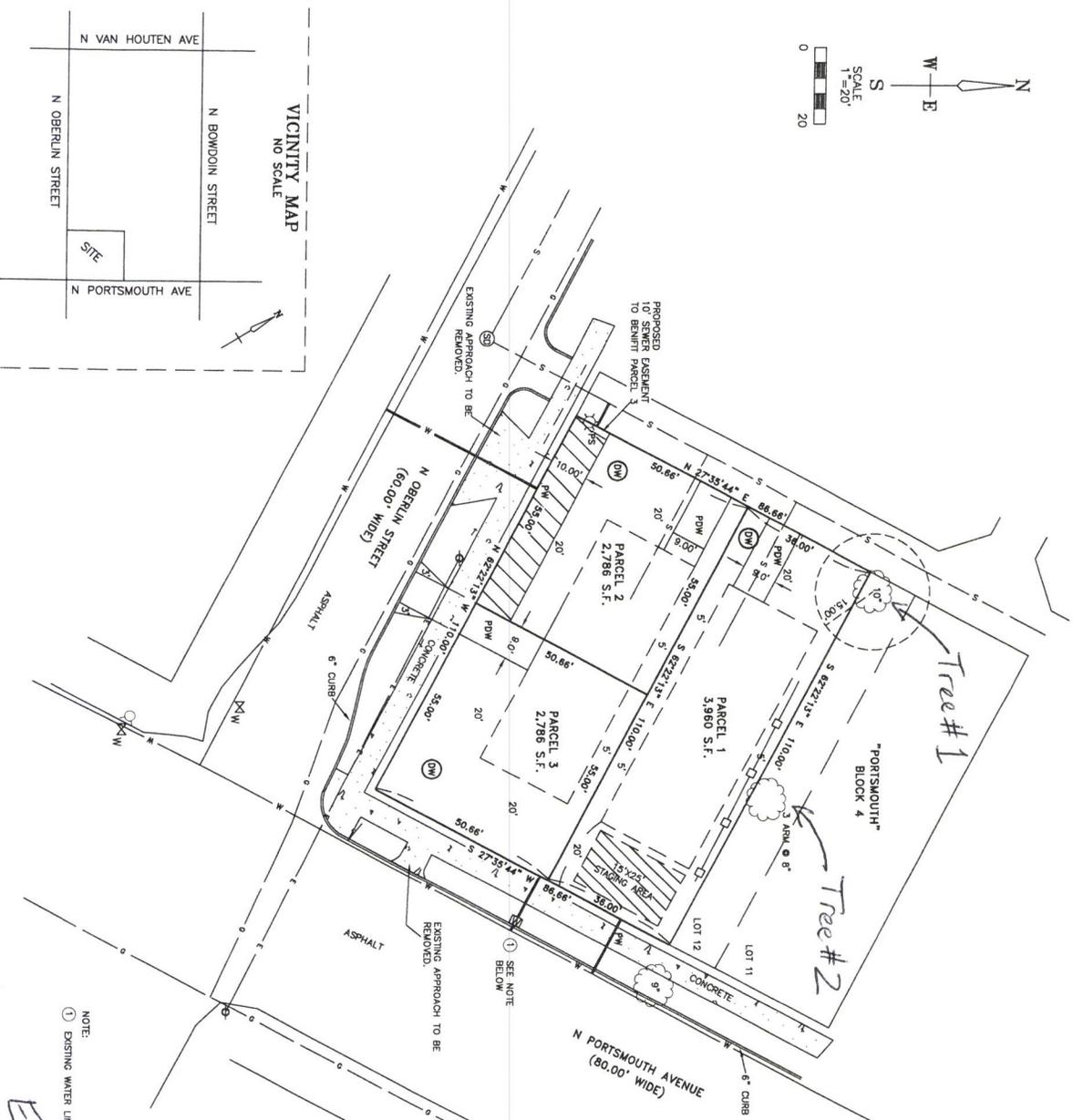
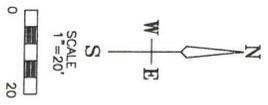
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING  NORTH

 Site

File No.	LU 19 - 239537 LDP
1/4 Section	2224
Scale	1 inch = 200 feet
State ID	1N1E07DA 11900
Exhibit	B Oct 16, 2019



PRELIMINARY PLAT

Ferguson Land Surveying, Inc.
 646 SE 106TH AVE. PORTLAND, OR 97216
 Phone (503) 408-0601 Fax (503) 408-0602
 www.fergusonlandsurveying.com

LOTS 13 AND 14 AND THE SOUTHWESTLY 20.00 FEET OF LOT 12, BLOCK 4, "PORTSMOUTH" SITUATED IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PROPOSED CONDITIONS

CLIENT: KIMCO PROPERTIES LTD
 PO BOX 1540
 SANDY, OR 97055

DATE: MAY 09, 2019
 REVISED 10/9/2019 REMOVED TREES
 REVISED 12/31/2019 REVISED D/M LOCATION PARCEL 1
 REVISED 12/31/2019 ADDED STAGING AREA

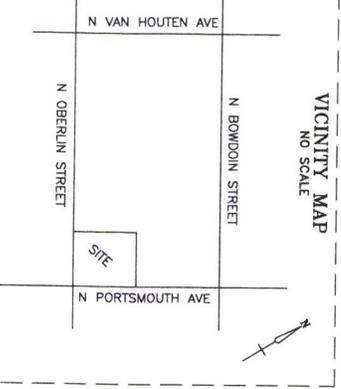
JOB NO. 19-045
 DRAFTED 05.09.19
 SHEET 1 OF 1

- SYMBOLS**
- ⊕ = POWER POLE
 - ⊙ = CUI ANCHOR
 - ⊗ = WATER METER
 - ⊕ = WATER VALVE
 - ⊗ = COMBINATION SEWER MANHOLE
 - ⊕ = FIRE HYDRANT
 - = WATER LINE
 - = GAS LINE
 - = ELECTRIC LINE
 - = COMBINATION SEWER
 - ☀ = YARD LITE
 - = SIGN
 - ⊗ = PROPOSED DRYWELL
 - PW = PROPOSED DRIVEWAY
 - PS = PROPOSED WATER SERVICE
 - PS = PROPOSED SEWER LINE
 - ☁ = DECIDUOUS TREE

REGISTERED PROFESSIONAL LAND SURVEYOR
Donald Scott Sornnesson
 OREGON JULY 17, 2017
 DONALD SCOTT SORNNESSON
 60310
 RENEWAL DATE 8/30/2020

NOTE:
 ① EXISTING WATER LINE TO BE USED BY PARCEL 3

Exhibit C, 1
 LV 19-239537 LDP



Trees #1 & #2 shall be protected in accordance w/ arborist report, dated 2/9/2020