



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

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Date: March 3, 2022
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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 21-065252 LDP

GENERAL INFORMATION

Applicant: Kevin Partain,
Urban Visions
223 NE 56th Ave
Portland OR 97213
Phone#: 503-421-2967 or e-mail kevinp@gorge.net

Owner: Aleksandr Pavlov,
11530 NE Siskiyou St
Portland, OR 97220
Phone# 503-515-9113

Site Address: 11530 NE SISKIYOU ST

Legal Description: BLOCK 16 LOT 10, PARKROSE HTS
Tax Account No.: R647905180
State ID No.: 1N2E27AC 00600
Quarter Section: 2742

Neighborhood: Parkrose Heights, contact Tom Badrick at badrickt@gmail.com.
Business District: Gateway Area Business Association, contact at gabapdxboard@gmail.com
District Coalition: East Portland Community Office, contact at info@eastportland.org

Plan District: None
Other Designations: None

Zoning: R7- Single Dwelling Residential, 7,000 with a "h" Aircraft Landing Overlay

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

Proposal: The applicant is proposing to divide the subject property into two (2) parcels. Parcel 1 will be 9,822 s.f. in area and Parcel 2, a flag lot, will be 9,056 s.f. in area. The existing house will be retained on Parcel 1. There are two driveways that access the current site, and the eastern driveway will be utilized for the access pole of Parcel 2. Parcel 2 will be available for new development. Based on the applicant's tree inventory, there are two Japanese Cherry trees on the site. The applicant is proposing to preserve both these trees on Parcel 1 with the existing house.

In order to show feasibility of providing services and meeting other criteria, the applicant has provided a conceptual development plan showing a single dwelling residence on the future Flag lot, Parcel 2, and existing development being retained on Parcel 1. This land division application is reviewed under the Zoning and Zoning Code in effect the date the application was submitted, July 9, 2021.

However, the future development on the proposed lots would be subject to the zoning code regulations in effect at the time of permit submittal.

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 (2 lots). Therefore, this land division is considered a partition.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval:

- **33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The site is an interior lot on the south side of NE Siskiyou Street with two driveways that provide access to the site. A single-level residence exists on the site with a metal detached pole garage located in the southeast rear corner of the property. Vehicle access to this detached pole garage is from the eastern driveway. The site is relatively flat with fences bordering the property. A chain link fence separates the front yard area from the unimproved grass area of public right-of-way area adjacent to NE Siskiyou Street. Two Japanese Maple trees are within the landscape area of the front yard. Deciduous and evergreen trees on adjacent properties border the eastern property line.

Within this vicinity surrounding this site, the majority of the properties are developed with single-level single-family houses most likely constructed in same time period of the existing house (1949) on this site, in the late 1940's or early 1950's. There are a few two-story single-family residences mixed into the neighborhood and within the vicinity of this site on NE Siskiyou Street. Sacramento Elementary school is approximately 2000-ft. south of the site on NE Sacramento street. The nearest park is Knott Park to approximately 1000-ft. south of this site. R7 zoning is to the north/south/west and east of the site. Commercial development is further southeast of site for properties along NE 122nd Avenue or along NE Halsey Street far south of the site.

Infrastructure:

- **Streets** – The site has approximately 97-ft. of frontage on NE Siskiyou Street. There are two driveways entering the site that serve the existing house on the site. NE Siskiyou Street is 28-ft. paved roadway within a 50-ft. right-of-way with parking provided on both sides. There are no curbs or sidewalks along this street frontage. Parking is provided on both sides.

At this location, NE Siskiyou Street is classified as Local Service Street for all modes of transportation per the Transportation System Plan (TSP). Tri-Met provides transit service approximately 800-ft. from the site at NE 117th Avenue and NE Morris Street via Bus 23 or approximately 1500-ft. east of the site via Bus #73 on NE 122nd Avenue

- **Water Service** – There is an existing 6-inch CI water main in NE Siskiyou Street. The existing house is served by a 5/8-inch metered service from this main.
- **Fire Hydrants** The nearest fire hydrant is on the south side of NE Siskiyou Street adjacent to the address of 11506 NE Siskiyou Street. The fire hydrant has a hydrant flow of 1,400 gpm with a minimum pressure of 20 psi.
- **Sanitary Service** - There is an existing 8-inch CSP public sanitary-only sewer line in NE Siskiyou Street (BES as-built # 4385). Service availability for the future lot is discussed further under Section 33.652 approval criterion.
- **Water Main and Sewer Main Locations:** According to available GIS data, a water main is located between the proposed development site and the sanitary main in NE Siskiyou Street. Any new connection(s) to the sewer main will cross the water main and will therefore require a [Water Utility Protection Plan](#). Sanitary laterals must meet required separation distances according to the Water Bureau; the applicant should contact the assigned Water Bureau reviewer or the Water Bureau general email (devrev@portlandoregon.gov) with questions related to required separation distances.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant is proposing to provide on-site stormwater management facility for the proposed development, which is discussed later in this report under 33.653.030.

Zoning: R7- Single Dwelling Residential -7000: The R7 zone is intended to foster the development of single dwelling development in areas that are not adjacent to centers and corridors, where urban public services are available or planned, but complete local street networks or transit service is limited. The zone implements the comprehensive plan policies and designations for residential housing

The “h”-Aircraft Landing Zone overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport. Though in residential zones, structures are regulated by the base zone height limits rather than the height limits of this 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 **November 19, 2021**. No written response was 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.*

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.
I	33.639 - Solar Access	Existing development is being retained on the site. 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 and the site is outside of environmental zones.
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 zone	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	No pedestrian connections are 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 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. The site is within the R7 zone. Based on the applicant's survey (Exhibit A.10), the site area is 18,878 s.f. in area. The maximum density in the R7 zone is one unit per 7,000 square feet. Minimum density is one unit per 7,000 square feet based on 80 percent of the site area.

The site has a maximum density of 3.7 rounds down to 3 units. Minimum density $18,878 \times .80 = 15,102 / 5000 = 3$ units.

If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore, in this case the minimum density is reduced to two (2) units.

The proposal is for two single-dwelling parcels as shown on the preliminary site plan (Exhibit C.1). 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)
R7 Zone	4200	12,000	40	55	30	40	40
Parcel 1 With existing house	9,822		83.4	118	83.46		
Parcel 2 Flag Lot	7,398 (Flag only) 9,056 (Flag & pole)				14	97.4	76

* Width is measured by the 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 33.610.400 because it has a "pole" at least 12 feet wide that connects to a street, and as shown above and the site plan (Exhibit C.1), 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 lots 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.

The existing site contains two driveways, one driveway on the west side of the property and another on the eastern side. The western driveway provides vehicle access to attached garage for the existing house. Due to the location of the exiting attached garage a shared vehicle access was considered not feasible and not proposed by the applicant in the original land division submittal application. In this case, the flag access pole portion of Parcel 2 will be located along the eastern property line by utilizing part of eastern driveway.

During the course of this review, the existing garage was modified, without benefit of permits, and the garage overhead door was removed. Thus access to the parking space in the garage was eliminated. With the garage parking space no longer available, BDS staff informed the applicants that options to provide a shared access via the flag lot pole on Parcel 2 must be considered.

The applicants responded (Exhibit A.16) that they intend to replace the overhead garage door, so the parking space for the existing house will once again be provided within the garage.

To ensure the proposal meets the flag lot standards and shared access is provided when practical, the applicant must complete one of the following prior to final plat:

- 1) obtain a permit to reinstall the overhead garage door to re-establish the onsite parking inside the existing attached garage, which will require vehicle access from the existing western driveway on Parcel 1 to remain; or
- 2) obtain a permit to convert the garage and a permit to construct a new on-site parking space on rear of Parcel 1, via access from the flagpole on Parcel 2, and close access to the western driveway with the removal of the western driveway vehicle area. The new parking space must be a minimum of 9-ft. x 18-ft. and must be paved, in accordance with the parking provisions in 33.266.120. A private access easement over the pole of Parcel 2 must be provided and shown on the plat. The private access easement will burden Parcel 2's access pole only for the benefit of Parcel 1.

With these conditions, vehicle access will be resolved and the thresholds for when a flag lot is allowed will be met.

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

The findings and conditions noted above show that the applicable density and lot dimension standards are met. With the condition noted above, 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.

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.

There are two existing trees on the subject site. In order to identify which trees are subject to these requirements, the applicant provided a tree table as part of the arborist report (Exhibit A.9 & C.1) and a survey that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.9 & A.17) that identifies each tree, its condition and suitability for preservation or its exempt status and specifies a root protection zone and tree protection measures for each tree to be preserved.

Based on this information, only two (2) trees are subject to the tree preservation standard of this chapter. These two(2) trees provide a total of 40 caliper inches of tree diameter. The applicant is proposing to preserve both of these two trees on the site as shown in the table below:

Tree Name Number	Tree Name	Tree Size (dbh)	Preserve
#1	Japanese Cherry (Prunus Serrulata)	22 inches	Yes
# 2	Janpese Cherry (Prunus Serrulata)	18 inches	Yes

Options to meet the Tree Preservation Standards (33.630.100) include:

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

Option 2: Preserve at least 75 percent of the trees that are 20 or more inches in diameter and at least 25 percent of the total tree diameter on the site.

Option 3: Preserve at least 50 percent of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site.

Option 4: All the trees are less than 20 inches in diameter and at least 35 percent of the total tree diameter is being preserved.

The applicant provided a narrative addressing this standard and criteria (Exhibit A.18). The applicant proposes to preserve both these Japanese Cherry trees, one is 22-inches and greater and one is 18-inches. A total of 40 caliper inches of tree diameter is being preserved. This tree preservation proposal meets Option #1 tree preservation.

The arborist provided specific tree preservation measures for preserving these two Japanese Cherry trees as discussed in the arborist report (A.9 & A.17) and shown on the tree protection plan (Exhibit C.1). The arborist recommended that an arborist be on site to supervise excavation, construction of the future driveway and utility within it. Therefore a condition is required, to ensure this arborist report and recommendation is followed, so as to ensure health and long-term viability of these trees, a contract for arborist services must be provided to planning prior to approval of the building permit for the new residential development on future Parcel 2, Flag Lot.

Based on these factors, no additional mitigation is warranted to satisfy the approval criteria.

In order to ensure that future owners of Parcels 1 and 2 are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that tree preservation for both trees must be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the complete Arborist Report (Exhibit A.17).

The existing Japanese Cherry trees being preserved on Parcel 1 with the existing house will count towards the tree density requirement for Title 11 requirements.

With the implementation of the conditions outlined above, 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 Flood plain or Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. The arborist report (Exhibit A.17) and tree preservation plan shows how the Tree #2 will be protected during construction of the future driveway & utilities. The arborist has also addressed (Exhibit A.17) how trees on the adjacent property to the east will be protected during the construction of the future driveway and demolition of the existing detached accessory structure on the future Parcel 2. With the condition that the arborist report is followed for tree preservation, 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. The applicant is proposing to remove the detached accessory structure to make the site suitable for development. City records do not show that the septic system on the site was decommissioned at the time the house was connected to public sanitary sewer. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With a condition requiring final inspection for a decommissioning permit and demolition permit to remove the accessory structure, the new lot can be considered suitable for new development, and this criterion is met.

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

Findings: No tracts are proposed or required for this land division, so criterion A does not apply.

As discussed under Criterion A under Flag Lot Vehicle Access, if the applicant chooses not to reestablish the on-site parking space within the attached garage area, then the existing western driveway must be closed and access to a new on-site parking space provided to rear of Parcel 1. Vehicle access will be provided via the access pole of Parcel 2 to this new parking space on Parcel 1. A private access easement over the flagpole of Parcel 2 would be required to provide access to the new on-site parking space on Parcel 1.

The following easement would be required for this land division:

- A Private Access Easement is required over the flagpole of Parcel 2 to provide vehicle access to Parcel 1.

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 (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

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

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

33.641.020, Traffic Impacts, Approval Criterion

- A.** 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; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by 33.641.020.B

Findings: The applicant submitted a written narrative addressing this approval criterion (Exhibit A.1).

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the applicant’s narrative and application against the evaluation factors and providing the following findings/comments:

Safety

The site is on the south side of NE Siskiyou St. approximately 300 feet west of NE 117th Ave. At this location, NE Siskiyou St. currently provides access for all modes inside a shared paved roadway of approximately 28-feet in width. The street is generally straight and flat. Based on information in the City’s database on Portland Traffic Deaths and Injuries since 2008, there have been no fatal or injury accidents on NE Siskiyou St. between NE 121st Ave and the westerly terminus. There have also been no fatal or injury accidents on NE 117th Ave. between NE San Rafael St. and the northerly terminus. Safety on this segment would be improved by having a separated sidewalk corridor. Adding additional pedestrian trips into an area with an incomplete sidewalk network will cause an incremental negative impact.

Street capacity

NE Siskiyou St. has a paved roadway surface which accommodates two-way vehicle travel. Due to the local service classification, the roadway also currently serves as a shared bicycle and pedestrian facility. NE Siskiyou St. appears to have adequate capacity to absorb the increase in bicycle and vehicle trips from the addition of one lot. Pedestrians must share the roadway with vehicles. Additional pedestrian trips will cause an incremental negative impact.

Level of service

This is a term used to describe vehicular traffic; it currently has little to no meaning for other modes. At this location, NE Siskiyou St. is a local service street for which traffic counts are not available. PBOT has not identified any level of service concerns with this segment in the TSP or other planning documents. It is believed this segment functions well for vehicular travel and has capacity to absorb the anticipated vehicle trips from one additional residential lot.

Connectivity

The site is an area with moderate connectivity. There is a relatively intact grid of streets throughout the area that provide multiple connections to the east, west, and south. Connectivity to the north is impaired by the presence of Interstate 84. The majority of the area roadways are paved though many lack sidewalks. The east/west block lengths in this area are approximately 1,250 feet, exceeding the City's goal of through streets being 530-feet apart. The subject site is 100-feet wide and sits approximately 300-ft to 400-ft east of NE 117th Ave. The site is too close to the intersection to be desirable for the creation of a new through street. A mid-block pedestrian connection has previously been platted within the existing block to the west of the subject site.

Transit Availability

The closest bus transit is available on NE Morris St at the intersection with NE 117th Ave, approximately 1 block from this site. Tri-Met Route 23 provides weekday service west to the Gateway Transit Center and east to 148th and Sandy Blvd. Frequent service bus transit is also available every day on NE 122nd Ave, approximately 1/3 of a mile east of the site. While the site is adequately served by transit, pedestrians accessing those transit lines must walk in a shared roadway, which does not meet the City's standard of a separated sidewalk facility.

Availability of pedestrian and bicycle networks.

Separated sidewalk facilities do not exist for the majority of the streets in the subject area. Most block faces have paved, low-speed, low-volume roadways which serve as shared facilities for trips by all modes. The subject site has neither a curb nor sidewalk. The addition of one lot to the neighborhood is anticipated to increase trips via all modes. Adding additional pedestrian trips to an area where pedestrian facilities are not currently built to City standard will have an incremental negative impact.

There are striped bicycle lanes on NE 102nd Ave. and NE 122nd Ave., both of which cross Interstate 84. Most area roadways are paved, providing low speed, low street alternatives to riding on area collectors. Two blocks south of the site, NE Knott St. is a designated neighborhood greenway which connects east to NE 122nd Ave. and south to NE Weidler St. There is adequate availability of bicycle networks in this area.

On street parking impacts

Given the 28-foot pavement width, on street parking is available on both sides of NE Siskiyou St. There appears to be little demand for on-street parking on this segment. Most of the homes along the streets in the immediate area include driveways and garages that accommodate multiple vehicles. Both proposed parcels are shown as having on-site parking. The addition of one lot to the neighborhood is not anticipated to have a substantial impact on the on-street parking supply in the area.

Access restrictions

NE Siskiyou St. is a paved local service street that is relatively flat and appears to have good sight distance. No access restrictions are warranted.

Neighborhood impacts

The proposed development is anticipated to add a small number of trips from all modes into the neighborhood system. Both lots are proposed to have on-site vehicle parking. Additional pedestrian trips will have an incremental negative impact; however it is anticipated there will be few overall impacts to the neighborhood from the additional lot.

Impacts on pedestrian, bicycle, and transit circulation

There is transit service available on NE Morris St. and NE 122nd Ave. There is not a network of sidewalks to allow pedestrian connections to the transit service. The area roadways without sidewalks currently operate as shared facilities. The addition of one residential lot to the neighborhood is not anticipated to have a substantial impact on transit ridership or circulation. However, the addition of more pedestrians using the incomplete sidewalk network to access transit will have an incremental negative effect.

- B. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

Findings: NE Siskiyou St. is adequate for both vehicular and bicycle travel but does not provide separated pedestrian facilities. The impact of the development is small enough that asking the property owner to provide off-site improvements to the transportation system would be out of proportion to the development request. Asking the property owner to accommodate construction of sidewalks to City standards will alleviate a portion of the need for pedestrian system improvements in the area.

However, the Local Transportation Infrastructure Charge (LTIC) applies NE Siskiyou Street at this location.

The existing right-of-way conditions, and option to construct the improvements or option to contribute to LTIC for improvements to this sidewalk corridor are further discussed under Criterion L. 33.654.

PBOT concludes the transportation system will be capable of supporting the proposed new development on these future lots, in addition to the existing uses. Therefore, 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</p> <p>The Water Bureau has indicated that service is available to the site from the water main in NE Siskiyou Street, as noted on page 3 of this report.</p> <p>The applicant’s narrative (Exhibit A.1) and site utility plan (Exhibit C.1) shows the existing house will continue to utilize the existing water service from the 6-inch water main in NE Siskiyou Street within its frontage and a new individual water service will be provided within the access pole of Parcel 2 for the future development.</p> <p>Water Bureau notes at time of development of Parcel 2, if fire sprinklers are required, the water available will need the design flow gpm submitted with the W-3 Water Bureau form.</p> <p>Fire Bureau has reviewed the fire flow information (Exhibit A.13) and determined the nearest fire hydrant has adequate capacity.</p> <p>The water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1</p> <p>The Bureau of Environmental Services (BES) has indicated that service is available to the site, as noted on page 3 of this report. BES reviewed the applicant’s proposed improvement and utility plan (Exhibit C.1), and comments are summarized below:</p> <ul style="list-style-type: none"> Existing Development on Parcel 1: According to historic plumbing permit, the existing

house is currently connected to the sanitary sewer in NE Siskiyou via a lateral located approximately 351 ft. from the manhole in NE 117th Avenue. This location is consistent with the location shown on the existing conditions survey and does not appear to conflict with the proposed new property line.

- Parcel 2-Flag Lot – Proposed Development will be served by a new connection to the sewer in NE Siskiyou street within its own frontage via the 14-ft. access pole for Parcel 2.

BES determined the applicant's proposal for sanitary service acceptable for the purpose of reviewing the preliminary land division application against the sanitary sewer disposal standard and approval criterion.

The sanitary sewer service standards of 33.652 have been verified. This criterion is met.

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.

Public Right-of-Way Stormwater Management:

Bureau of Environmental Services (BES) understands that the applicant has elected to pay the Local Transportation Infrastructure Charge (LTIC); therefore, public ROW improvements will not be constructed at this time. At this location and based on current available information, BES does not require additional dedication for future construction of stormwater management facilities. Refer to PBOT comments for additional information regarding LTIC.

Private Property Stormwater Management:

BES reviewed the applicant's stormwater management plan (Exhibit C.1), stormwater narrative (Exhibit A.8), Infiltration test report (Exhibit A.5), Storm Report (Exhibit A.4) and Simplified Approach Form (Exhibit A3 & A.14). comments are summarized below:

- Existing Development: Per the submitted existing conditions survey, stormwater runoff from the existing house discharges to the ground surface. Per the submitted survey, the discharge locations appear to meet setbacks to the proposed new property line(s). BES understands that the existing shed/shop will be removed prior to final plat approval, therefore the existing stormwater management system for this structure was not reviewed by BES.
- Proposed Development on Parcel 2: Stormwater runoff from this project must comply with all applicable standards of the SWMM and the SCM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee. Staff reviewed the project's Simplified Approach stormwater report, which includes infiltration test results of 8 inches/hour. The applicant proposes to infiltrate runoff from future development onsite via a drywell that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM. The proposed driveway will discharge to a filter strip and to adjacent vegetation.

BES staff finds the applicant's proposed stormwater management plan (Exhibit C.1) acceptable for the purposed of reviewing the preliminary land division against the stormwater management approval criterion.

These criteria and standards are 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.

Portland Bureau of Transportation provided the following comments:

The site is an area with moderate connectivity. There is relatively intact grid of streets throughout the area that provide multiple connections to the east, west and south. Connectivity to the north is impaired by the presence of Interstate 84. The east/west block lengths in this area are approximately 1,250 feet, exceeding the City's goal of through streets being 530-feet apart. The site is too close to the intersection to be desirable for the creation of a new through street. A mid-block pedestrian connection has previously been platted within the existing block to the west of the subject site (Under LU 07-126003 LDP).

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

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 Bureau of Transportation (PBOT) comments are summarized below:

At this location NE Siskiyou Street is classified as a Local Service Street for all modes of transportation per the City's Transportation System Plan (TSP). This site is not within a pedestrian district.

Existing Conditions:

NE Siskiyou: NE Siskiyou Street is a 50-ft. wide right-of-way (ROW) with center strip paving, which lacks curbs and sidewalks.

City Standards & Improvements:

In the R7 zone outside of a pedestrian district, the [PBOT Development Review Manual](#) requires a 26-foot paved roadway and a 10-foot sidewalk corridor with a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and 0.5-ft frontage zone. When a curb line will be established for the first time, an additional 4-feet is added to the furnishing zone to accommodate public stormwater management for a total of an 11-foot sidewalk corridor if the applicant chooses to build improvements.

PBOT notes the Local Transportation Infrastructure Charge (LTIC) applies to NE Siskiyou Street at this location. The Local Transportation Infrastructure Charge (LTIC) is a fund designed to provide improvements to unimproved streets citywide, as authorized by the Portland City Council Ordinance 187681. If the applicant chooses to pay LTIC instead of constructing improvements, then BES has indicated the additional 4-ft. of right-of-way is not needed.

The applicant/owner of this site has the option to either construct improvements or pay into the LTIC fund. These funds can directly contribute to providing sidewalks in a comprehensive way. Thereby, improving safety for users of this right-of-way.

In this case, the applicant has chosen to pay the LTIC charge (Exhibit A.12) for the street frontage along NE Siskiyou Street for this project. Typically the payment of LTIC is accompanied by street and stormwater waivers of remonstrance being recorded against the property. In this case, the waivers are already in place. The street waiver was recorded as document 99211466 and the storm waiver was recorded as document 99211467 on 11/19/1999.

Prior to Final Plat approval, the applicant shall pay the Local Transportation Infrastructure Charge.

With the conditions of approval noted above, PBOT determined the existing street system is capable of serving the existing users and proposed new development. With the conditions of

approval described above, this criterion is met.

33.644.120.H Street Trees – See Exhibit E.6

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

Existing Street Conditions:

- NE Siskiyou Street: The site has approximately 97-ft. of street frontage. The right-of-way is improved with pavement only, and no curbs and sidewalks. There are no overhead high voltage power lines. There are two street trees along this frontage:
 - 2” Gingko is dead or dying
 - 2” Gingko is dead or dying
 The two existing street trees must be removed with no mitigation required due to size and condition.

Street Tree Planting (11.50.060.C):

One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum of 1.5 caliper inches and be a species chosen from an approved street tree list. Street tree planting may be exempt under 11.50.060.B when existing above or below utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide. Street trees are required to be planted through any public works permits

Due to the existing conditions, street trees may not be required unless PBOT requires frontage improvements.

The applicant has chosen to pay into LTIC at this time, therefore no frontage improvements will be required as part of this land division proposal.

Urban Forestry has no objections to the proposal. 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 rights-of-way can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards 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

- 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. These standards apply to Parcel 2.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R7 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 32-ft. from the proposed new rear lot line, 20-ft. to the new proposed side lot line adjacent to the access pole. 5-feet. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental plan showing the surveyed location of the existing building relative to the adjacent new lot lines.
- **Accessory Structures** – In this zone, accessory structures are not allowed on a lot without a primary structure. There is an existing detached accessory structure (metal pole barn/garage) which was permitted under permit #: RES99-53786. Due to the land division, this detached accessory structure will be located on the future Flag Lot, Parcel 2 and it will not meet the new flag lot setback standards to remain on the site. Therefore, in order for the proposed new lots to meet this standard, all accessory structures must be removed, and a demolition permit is required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.

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.

Building Code (2017 Oregon Residential Specialty Code (ORSC)):A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. A building permit is required to convert the attached garage area to habitable area for the house (R105.1.1).

The applicant is proposing to remove the detached accessory structure (metal pole barn/garage). A building permit is required to remove/demolish this detached accessory structure.

- Fire Bureau Requirements (Title 31 & Fire Bureau Policy): The fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Where a building is protected with an approved fire sprinkler system, an exception to the maximum distance is increased to 250 feet.

Fire Bureau notes the applicant is choosing this exception to meet Fire Bureau requirements for fire access and therefore the following conditions are required: Prior to Final approval the applicant is required to provide an Acknowledgement of Special Land Use Conditions form to be recorded and noted on the plat when the exception is taken. At the time of development the applicant must meet the Fire Bureau requirement for internal fire suppression sprinklers for the new development on Parcel 2 and Fire Bureau requirements for flag lot addressing of structures on Parcel 2. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

- Driveways and Curb Cuts (Section 17.28): Curb cuts and driveway construction must meet the requirements in Title 17. Title 17 driveway requirements for any new driveways will be enforced during the review of building permits. It is possible to construct a driveway in the proposed flag lot frontage in a way that meets Title 17.

CONCLUSIONS

The applicant has proposed a two-parcel partition with a Flag Lot available for new residential development and the existing house being retained on Parcel 1, as shown on the attached preliminary land division site plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

Northeast Siskiyou Street currently does not meet City standards and requires frontage improvements to meet current standards. The applicant is choosing to pay LTIC versus construction of the required frontage improvements. Portland Bureau of Transportation (PBOT) requires this payment into the Local Transportation Infrastructure Charge (LTIC) prior to final plat approval

The existing house will be retained on the site and existing detached accessory structure will be removed prior to final plat approval. To retain the existing western driveway, the applicant has chosen to retain the attached garage that provides access to on-site parking within it. To retain the existing western driveway an overhead garage door must be installed for this to be continued to be a garage that provides a 9-ft. x 18-ft. clear parking space within it via the vehicle access from the western driveway. Otherwise the western driveway is required to be closed and on-site parking for the existing residence will be provided at the rear of Parcel 1 via vehicle access from the access pole of Parcel 2. An existing on-site sanitary (septic/cesspool) system on the site will be required to be located and decommissioned to make the site suitable for development

Two Japanese Cherry trees will be preserved with the existing house on Parcel 1. Due to the location of tree #2 and other trees abutting the eastern property line where the future driveway and utilities of Parcel 2 both future property owners need to be aware of the tree preservation requirements for these trees. To ensure that future owners are aware of these trees being required to be preserved, an acknowledgement of Special Land Use Conditions for tree preservation conditions will be required prior to final plat approval.

The future development on Parcel 2, Flag Lot, will need to meet Fire Bureau requirements fire sprinkler system and addressing requirements. An Acknowledgement of Special Land Use Conditions for fire protection is required prior to final plat approval.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two-parcel partition, that will result in the existing house being retained on Parcel 1, and Parcel 2 a Flag Lot as illustrated with Exhibit C.1, subject to the following conditions:

- A. Supplemental Plan.** An additional supplemental plan shall be submitted with the final plat survey for Land Use Review Section for review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the following:
- The surveyed location of any buildings or accessory structures on the site at the time of the final plat application;
 - The surveyed location of 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 final plat must show the following:**
1. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Conditions C.5, C.6 & C.7 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: “A Declaration of Maintenance Agreement for (feature name) has been recorded as document no. _____, Multnomah County Deed Records.”
 2. A Private Access Easement over the “flag pole” portion of Parcel 2 for the benefit of Parcel 1 shall be shown and labeled on the final plat. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for. This private access easement is required on the final plat survey if condition C.4.b is chosen by the applicant for installing a new on-site parking space to the rear of Parcel 1.

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

Streets

1. The applicant shall pay the Local Transportation Infrastructure Charge (LTIC) as it applies to NE Siskiyou Street as required by the City Engineer prior to final plat approval. Instructions will be provided to the applicant/owner during the final plat review process.

Existing Development

2. The applicant must obtain a finalized demolition permit for removing the detached accessory structure (pole barn/garage) on Parcel 2. Prior to removal of this detached

accessory structure, tree protection must be installed in accordance with the approved Tree Preservation Plan, per Condition D.1.

3. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the septic system on the site.
4. The applicant must obtain a finalized permits (building/zoning) for one of the following:
 - a) A permit to re-install the garage overhead door/overhead door opening for the attached garage for this residence and demonstrate that there is still a 9-ft. x 18-ft. clear parking space within the garage area, which provides the required parking space for the existing residence with vehicle access via the western driveway. This is required to retain the western driveway for Parcel 1.
 - b) A permit to convert the attached garage area into habitable area and for removal/infill of garage overhead door opening on this exterior elevation and construct a new on-site parking space within the rear yard of Parcel 1, with vehicle access from the flagpole of Parcel 2, and close access to the western driveway. Removal of the western driveway vehicle area, so no vehicle parking is available within this area. The new parking space must be a minimum of 9-ft. x 18-ft. and must be paved, in accordance with the parking provisions in 33.266.120.

The permit plans must include the note: *This permit fulfills requirements of Condition C.4 of LU21-065252 LDP.*

Required Legal Documents

5. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcel 2 to contain internal fire suppression sprinklers. The acknowledgement shall be referenced on and recorded with the final plat.
6. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcels 1 and 2. A copy of the approved Tree Preservation Plan and Arborist Report must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.
7. A Maintenance Agreement shall be executed for the Private Access described in Condition B.2 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.

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

1. Development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.17). Specifically, the two Japanese Cherry Trees identified as Tree #1 and #2 on Parcel 1 must be preserved as outlined in the arborist report (Exhibit A.17). An arborist is required to be on site during excavation, construction of the future driveway and utilities for the future residential development on Parcel 2, therefore a signed contract for arborist services must be provided to Planning prior to approval of the building permit. Tree protection fencing is required along the root protection zone of the trees to be preserved. The fence must be 6-foot-high chain link and be secured to the ground with 8-foot metal posts driven into the ground.

At the time of removal of the existing detached accessory structure (garage) on Parcel 2 and new residential development on Parcel 2, tree protection must be provided for the off-site trees on the neighboring property to the east as identified in the arborist in the arborist report (A.17) and shown on the tree preservation plan (Exhibit C.1).

Tree protection must be installed per the Arborist Report (Exhibit A.17) or as directed by an updated arborist report provided to Planning at the time of development and continues to meet Title 11 technical requirements (11.60.030).

2. The applicant must meet the addressing requirements of the Fire Bureau for Parcel 2, the flag lot. The location of the sign must be shown on the building permit.
3. The applicant will be required to install residential sprinklers in the residential development on Parcel 2 to the satisfaction of the Fire Bureau.

Staff Planner: Lois Jennings

Decision rendered by:  **on March 1, 2022,**
By authority of the Director of the Bureau of Development Services

Decision mailed March 3, 2022

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, 2021, and was determined to be complete on November 17, 2021.

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, 2021.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended for 60-days, as stated in Exhibit A.15). Unless further extended by the applicant, **the 120 days will expire on: May 16, 2022.**

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. Narrative addressing approval criteria
 - 2. Original Preliminary Land Division Site plan
 - 3. SIM form for stormwater
 - 4. Stormwater report
 - 5. Infiltration Testing Results
 - 6. November 17, 2021, letter from applicant responding to incomplete letter
 - 7. Revised Application form with complete information submitted 11.17.21
 - 8. Stormwater narrative submitted by applicant on 11.17.21
 - 9. September 20, 2021, Arborist Report by Mary Giersch submitted on 11.17.21
 - 10. Existing Conditions Survey submitted 11.17.21
 - 11. Preliminary Land Division Site, conceptual improvement, utility, and tree preservation plan submitted 11.17.21
 - 12. Letter from owner/applicant choosing LTIC submitted 11.17.21
 - 13. Fire Hydrant flow information from Water Bureau to apl submitted on 11.17.21
 - 14. Revised SIM form submitted 11.17.21
 - 15. A request of 60-days extension to state 120-day timeline submitted 12.21.21
 - 16. Applicant letter dated 02.09.22 in response to outstanding issues memo
 - 17. Revised Arborist report by Mary Giersch submitted 02.09.22
 - 18. A revised narrative addressing the tree preservation standard and approval criteria submitted 02.09.22
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Land Division Site Plan with conceptual development, utility & Tree Preservation plan (attached)
 - 2. Existing Conditions Site Plan
- 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 Section of BDS

F. Correspondence: None

G. Other:

1. Original LU Application
2. Expedited Land Division Acknowledgment signed
3. Incomplete Letter
4. Revised LU Application form with complete information
5. BDS Outstanding Issues memo dated December 21, 2021
6. Street view of house with garage door in 2019
7. December 2021 site visit pictures
8. Street view of house in 2022 without garage door

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



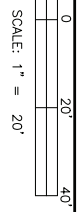
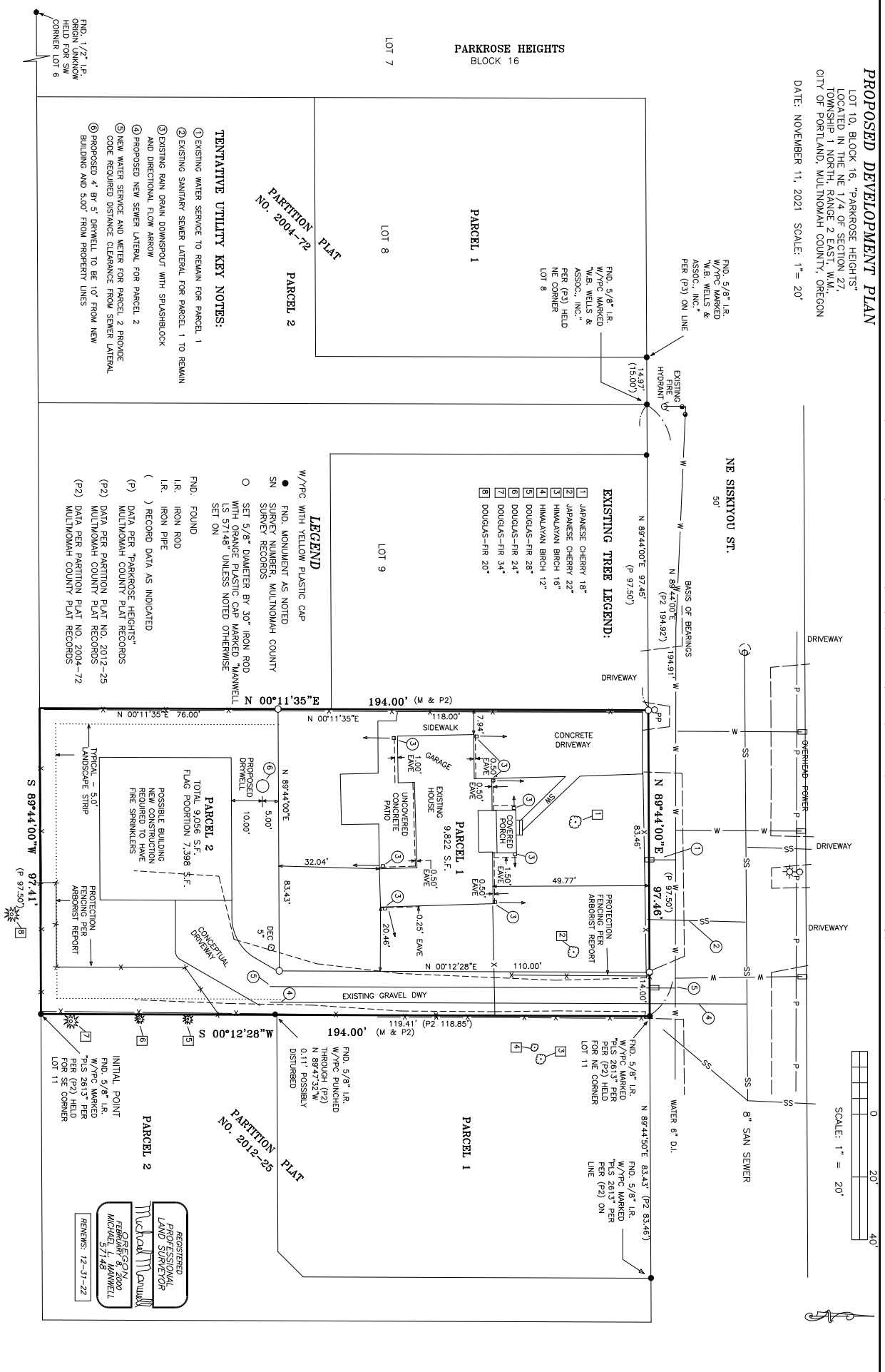
For Zoning Code in effect
August 1, 2020 - July 31, 2021



File No.	<u>LU 21 - 065252 LDP</u>
1/4 Section	<u>2742</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N2E27AC 600</u>
Exhibit	<u>B Jul 09, 2021</u>

PROPOSED DEVELOPMENT PLAN

LOT 10, BLOCK 16, "PARKROSE HEIGHTS"
LOCATED THE NE 1/4 OF SECTION 21,
TOWNSHIP 1 NORTH RANGE 2 EAST 11W,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
DATE: NOVEMBER 11, 2021 SCALE: 1" = 20'



TENTATIVE UTILITY KEY NOTES:

- EXISTING WATER SERVICE TO REMAIN FOR PARCEL 1
- EXISTING SANITARY SEWER LATERAL FOR PARCEL 1 TO REMAIN
- EXISTING RAIN DRAIN DOWNSPOUT WITH SPLASHBLOCK AND DIRECTIONAL FLOW ARROW
- PROPOSED NEW SEWER LATERAL FOR PARCEL 2
- NEW WATER SERVICE AND METERS FOR PARCEL 2 PROVIDE CODE REQUIRED DISTANCE CLEARANCE FROM SEWER LATERAL BUILDING AND 5.00' FROM PROPERTY LINES
- PROPOSED 4" BY 5' DRYWELL TO BE 10' FROM NEW BUILDING AND 5.00' FROM PROPERTY LINES

EXISTING TREE LEGEND:

- JAPANESE CHERRY 18"
- JAPANESE CHERRY 22"
- HIMALAYAN BIRCH 16"
- HIMALAYAN BIRCH 12"
- DOUGLAS-FIR 28"
- DOUGLAS-FIR 24"
- DOUGLAS-FIR 34"
- DOUGLAS-FIR 20"

LEGEND

W/YPC WITH YELLOW PLASTIC CAP

- FND. MONUMENT AS NOTED
- SN SURVEY RECORDS
- SET 5/8" DIAMETER BY 30" IRON ROD WITH STANGE PLASTIC CAP MARKED MANWELL SET ON
- FND. FOUND
- I.R. IRON ROD
- I.R. IRON PIPE
- () RECORD DATA AS INDICATED
- (P) DATA PER "PARKROSE HEIGHTS" MULTNOMAH COUNTY PLAN RECORDS
- (P2) DATA PER PARTITION PLAN NO. 2012-25 MULTNOMAH COUNTY PLAN RECORDS
- (P2) DATA PER PARTITION PLAN NO. 2004-72 MULTNOMAH COUNTY PLAN RECORDS

MUM JOB #21-018 PROP DEV DATE: 11/11/2021
MICHAEL MANWELL
Land Surveying, LLC
2847 SE 18TH CIRCLE
GRESHAM, OREGON 97080
(503) 830-8593
Email: mmmpjs@msl.com

REGISTERED PROFESSIONAL LAND SURVEYOR
Michael Manwell
LICENSE # 57148
REVIEWS: 12-31-22