



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

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Date: August 5, 2015
To: Interested Person
From: Diane Hale, Land Use Services
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NOTICE OF A TYPE II_x 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, including the written response to the approval criteria and to public comments received on this application, 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 14-254027 LDP AD

GENERAL INFORMATION

Applicant: Corey Larner / 1527 SW 57th Ave / Portland,OR 97221 (503) 349-5060
Owner: Steven E More / 8042 N Willamette Blvd / Portland, OR 97203-4955
Site Address: 8042 N Willamette Blvd
Legal Description: TL 8900 0.34 ACRES, SECTION 12 1N 1W
Tax Account No.: R961120940
State ID No.: 1N1W12AC 08900
Quarter Section: 2122
Neighborhood: Cathedral Park, contact Cole Grisham at 503-410-8463.
Business District: St. Johns Business Boosters, contact John Englund at 503-247-9113.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.
Plan District: St. Johns
Zoning: R1d (Multi-dwelling residential, 1,000) and R2d (Multi-dwelling residential, 2,000 with a “d” design overlay zone)
Case Type: LDP AD (Land Division Partition with an Adjustment)
Procedure: Type I_x, an administrative decision with appeal to the Hearings Officer.

PROPOSAL:

The applicant is proposing a 3-parcel land division for this 15,171 square foot site, resulting in 1 new parcel for a detached house, 1 parcel for a detached house or a duplex and 1 parcel for multi-dwelling development. The existing home will remain on the site. There are 4 trees on the site – the applicant is not proposing to remove any of the trees, but will preserve only two of the trees in terms of the Tree Preservation requirements of 33.630. Off-street parking is proposed for all three parcels. The design overlay does not affect this land division proposal, but future development will need to meet Community Design Standards or go through Design Review.

The applicant has requested an Adjustment to the minimum lot area for multi-dwelling lots in the R1 zone to avoid creating a split zoned lot. The portion of the lot that is located within the

R1 zone (9,052 square feet) is below the standard size required in the St. Johns Plan District (10,000 square feet). Minimum density for this portion of the site is 4 units.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent review (Adjustment) is 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 3 units of land (3 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.

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met. The purpose statement to be addressed in Criterion A is listed in 33.612.200.A.

FACTS

Site and Vicinity: The square foot site is an interior lot developed with a house built in 1946 that will remain on the site. There are 4 trees on the site. The site is generally surrounded by single family homes. The St Johns commercial district is approximately 3 blocks to the northwest of the site, and the Willamette River is approximately ¼ mile to the south.

Infrastructure:

- **Streets** – The site has approximately 75 feet of frontage on N Willamette Boulevard and approximately 75 feet of frontage on N Edison Street. There is one driveway entering the site from N Willamette that serves the existing house on the site and one curb cut entering the site from N Edison.

At this location, the City's Transportation System Plan (TSP) classifies N Willamette as a Neighborhood Collector, Transit Access street, City Bikeway, City Walkway and a Community Corridor. N Willamette is improved with approx 36-ft of paved roadway and a 10-6-7.3 sidewalk corridor within an 80-ft wide r.o.w. (according to the submitted survey plans, the existing sidewalk corridor measures 10-6-6).

The TSP classifies N Edison as a Local Service street for all modes. N Edison is improved with 36-ft of pavement and a curb, within a 60-ft wide r.o.w. (according to Google Street-view there is a sidewalk corridor along this frontage and according to the applicant’s submitted survey, said sidewalk corridor measures 5-5-2).

Transit service is available on N Willamette Blvd via Bus #44.

- **Water Service** – There is an existing 12-inch CI water main in N Willamette Boulevard. The existing house is served by a 5/8-inch metered service from this main. There is an existing 6” DI water main in N Edison Street.

- **Sanitary Service** - There is an existing 8-inch CSP sanitary sewer line in N Edison Street and an existing 8-inch VSP combination sewer line in N Willamette Boulevard.

- **Stormwater Disposal** – There is an 18-inch RCP storm-only pipe system in N Willamette Blvd. and a 12-inch RCP storm-only pipe system in N Edison Street.

Zoning: Split-zoned site R1d/R2d; St. Johns Plan District

- The R1 zone allows multi-dwelling residential development up to a maximum density of one unit per 1,000 square feet of site area, and requires a minimum density of one unit per 1,450 square feet of site area and requires a minimum density of one unit per 2,000 square feet for sites less than 10,000 square feet in area. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. This proposal has requested an Adjustment to the minimum lot area. There is no minimum lot area for lots developed with detached or attached houses or duplexes. Minimum lot width and depth standards may apply.
- The R2 zone allows multi-dwelling residential development up to a maximum density of one unit per 2,000 square feet of site area, and requires a minimum density of one unit per 2,500 square feet of site area. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.
- The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to Design Review.
- The St. Johns Plan District provides for an urban level of mixed-use development including commercial, employment, office, housing, institutional, and recreation uses. Specific objectives of the plan district include strengthening St. Johns’ role as the commercial and civic center of the North Portland peninsula. This plan district stimulates business and economic vitality; promotes housing and mixed-use development; discourages auto-oriented uses and development; enhances the pedestrian environment and the character of buildings; and supports the Willamette greenway and opportunities to celebrate the Willamette River as a unique element of the urban environment.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 2, 2015. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 *The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.*

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.

	Plat	
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site 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 zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 1 parcel for detached housing, 1 parcel for detached housing or a duplex, and 1 multi-dwelling parcel.

Single-dwelling or duplex development is proposed for some of the site (Parcels 2 and 3), therefore the proposed parcels must meet minimum density and not exceed the maximum density stated in Table 120-3. Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area in the R2 zone shown on the applicant's survey is 6,120 square feet. The portion of the site zoned R2 has a minimum required density of 2 units and a maximum density of 3 units.

When development other than single-dwelling or duplex development is proposed, minimum and maximum density must be met at the time of development. Multi-dwelling development is proposed for Parcel 1. Therefore, the minimum and maximum density standards in Table 120-3 will apply to Parcel 1 at the time of redevelopment. The portion of the site in the R1 zone is 9,052 square feet. In the St Johns Plan District, the minimum density of lots less than 10,000 square feet in the R1 zone is 1 unit per 2,250 square feet of site area. The maximum density is

1 unit per 1,000 square feet of site area. Therefore, the portion of the site in the R1 zone has a minimum required density of 4 units and a maximum allowed density of 9 units.

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

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Detached Houses/ Duplexes	1,600/ 2,000	25/ 33	None/ 50	25/ 30
Parcel 2	3,060	37.50	81.60	37.50
Parcel 3 – detached house or duplex	3,060	37.50	81.60	37.50

* Width is measured from the midpoints of opposite lot lines.

R1	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Multi Dwelling	10,000	70	70	70
Parcel 1	9,052	75	120.70	75

* Width is measured from the midpoints of opposite lot lines.

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The applicant has submitted an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.8). There are 4 trees on the site that are subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 51 inches. The applicant proposes to preserve trees 1 (12 inch apple) and 2 (6 inch apple) which comprise 18 inches of diameter, or 35 percent of the total non-exempt tree diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total non-exempt tree diameter on the site to be preserved. The trees to be preserved and the required root protection zones are shown on the applicant's Preliminary Land Division Plan (Exhibit C.1).

In order to ensure that future owners of the lots 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.

This criterion is met, subject to the condition that development on Parcel 1 be carried out in conformance with the Preliminary Land Division Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.8) and an Acknowledgement of Tree Preservation Requirements is recorded with the final plat.

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

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

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services.

PBOT has provided the following findings (see Exhibit E.2):

The minimal expected added vehicle trips (2 AM peak hour trip/2 PM peak hour trip/20 total new daily trips) will not adversely impact the operations of area intersections. On-street parking will not be adversely impacted given the on-site parking opportunities that will be provided on the new lots. The proposed partition will not have any effect to transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant has proposed the following stormwater management methods
<ul style="list-style-type: none"> • Parcels 2 and 3: Stormwater from these lots will be directed to individual soakage trenches 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 soakage trenches.

- Parcel 1 (the lot with the existing house):** It is unclear where stormwater from the existing house on Parcel 1 currently discharges. Prior to final plat approval, the applicant must demonstrate that the stormwater management for the existing development will meet applicable SWMM requirements and will not impact, or be impacted by, the proposed lot lines. Specifically, the applicant must submit a supplemental site utility plan indicating the point of stormwater discharge from the existing house on Parcel 1. If downspouts are disconnected to splashblocks, show the direction of splashblocks and flow. Include the locations and setbacks from structures and property lines. If necessary based on stormwater discharge locations, the applicant will be required to retrofit the stormwater facilities for the existing structure on Parcel 1 according to SWMM standards, with all required permits finalized.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. Pedestrian connections should be provided at least 330 feet apart. The block on which the subject property is located does not meet the noted spacing requirements to the east. Therefore, there should be a north-south through street provided in the vicinity of the site.

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The location of the subject site within its block is not a desirable location to provide a new public street or pedestrian connection through the block. It is not feasible without eliminating existing development on abutting lot(s), to provide any additional connectivity. These impacts do not make further connectivity through the subject site or block feasible.

For the reasons described above, this criterion is met.

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

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that 11 additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

At this location, according to City GIS, N Willamette is improved with approx 36-ft of paved roadway and a 10-6-7.3 sidewalk corridor within an 80-ft wide r.o.w. (according to the submitted survey plans, the existing sidewalk corridor measures 10-6-6). The site's existing N Willamette sidewalk corridor exceeds the 12-ft wide standard sidewalk corridor identified in the City's Pedestrian Design Guide, therefore, there will be no property dedication or frontage improvements along this site frontage. However, the existing dilapidated driveway will need to be re-constructed to current City standards prior to Final Plat approval.

N Edison is improved with 36-ft of pavement and a curb (only), within a 60-ft wide r.o.w. (according to Google Street-view there is a sidewalk corridor along this frontage and according to the applicant's submitted survey, said sidewalk corridor measures 5-5-2). Although the existing sidewalk corridor along the site's N Edison frontage is wider than the 11-ft wide standard sidewalk corridor, the width of the actual sidewalk is 1-ft shy of the 6-ft wide standard (0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, 0.5-ft wide frontage zone). Typically this sidewalk corridor would need to be re-constructed to current City standards. However, the applicant received approval of a Public Works Alternative Review request (15-169771 PW), which will allow the existing conditions along the N Edison frontage to remain, without an upgrade to current City standards.

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

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

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

APPROVAL CRITERIA FOR ADJUSTMENTS

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings:

33.612.200 Lot Dimension Standards - A. Purpose. These standards ensure that:

- *Each lot has enough room for development that meets all the requirements of the zoning code;*
- *Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible.*
- *The multi-dwelling zones can be developed to full potential; and*
- *Housing goals for the City are met.*

The minimum lot area for a multi-dwelling lot in the R1 zone is 10,000 sq feet. The proposed Adjustment would allow the creation of a multi-dwelling parcel (Parcel 1) that is 9,052 square feet. The site is currently split-zoned R1d/R2d, and Parcel 1 comprises the area of the site that is zoned R1. The Adjustment would allow the new parcel boundary to correspond with the zone line, thereby avoiding a future split-zoned parcel. The proposed parcel is approximately 950 square feet smaller than the standard minimum lot area. In this case the difference is negligible in terms of accommodating the required number of units for this site (4 units) in a multi-dwelling structure oriented toward the street that meets the other standards of the zoning code. The applicant has demonstrated that 4 units could be accommodated on the site, allowing for development of the site to the full potential and meeting the City housing goals. Criterion A is met.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Reducing the area of Parcel 1 by ~950 square feet will not preclude a reasonably sized building that can meet the setback requirements from adjacent properties, height limits, off-street parking requirements and other standards of the zoning code.

Therefore, for the reasons listed above, staff finds that the proposal to reduce the minimum are of Parcel 1 from 10,000 to 9,052 square feet will not significantly detract from the livability or appearance of the area. Criterion B is met.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The applicant has requested only one Adjustment, therefore, this criterion is not applicable.

D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no City-designated scenic or historic resources on the site. Therefore, this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: There are no discernible impacts that would result from granting the requested adjustment. This criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The site is not within an environmental zone, therefore this criterion is not applicable.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Future Development

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

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

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 R1 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 is one Zoning Code standard that relates 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 71 feet from the new property line. The existing

shed will be 11 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 3-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met or can be met with conditions. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to 33.612.200 for Parcel 1 to reduce the minimum lot area from 10,000 to 9,052 square feet.

Approval of a Preliminary Plan for a 3-parcel partition that will result in 1 parcel for detached housing, 1 parcel for detached housing or a duplex and 1 multi-dwelling parcel, as illustrated with Exhibit C.1, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The reduced side setbacks allowed under 33.120.270.D, if desired;
- The R1 and R2 zone boundary through the site;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. A recording block for the acknowledgement of special land use conditions for tree preservation as required by Condition C.5 below. The recording block shall, at a minimum, include language substantially similar to the following example: "An Acknowledgement of Special Land Use Conditions for tree preservation has been recorded as document no. _____, Multnomah County Deed Records."

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

Utilities

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

Existing Development

2. The applicant must reconstruct the existing driveway serving Parcel 1 to current City standards prior to Final Plat approval under a minor improvement permit as required by PBOT.
3. The Oak tree adjacent to driveway on N Willamette shall be protected during driveway reconstruction. No heavy equipment shall drive on unpaved sections of the right-of way; no equipment shall be staged or stored within the planting strip. A Root Pruning Permit is required prior to cutting roots greater than 2" in diameter.
4. The applicant must meet the requirements of BES for the stormwater system on the existing house that will remain on Parcel 1. Specifically, the applicant must submit a supplemental site utility plan indicating the point of stormwater discharge from the existing house on Parcel 1. If downspouts are disconnected to splashblocks, show the direction of splashblocks and flow. Include the locations and setbacks from structures and property lines. If necessary based on stormwater discharge locations, the applicant will be required to retrofit the stormwater facilities for the existing structure on Parcel 1 according to SWMM standards, with all required permits finalized.
5. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 1. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be recorded with Multnomah County and referenced on the final plat.

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

1. Development on Parcel 1 shall be in conformance with the Preliminary Land Division Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.8). Specifically, trees numbered 1 (12 inch malus, 12 foot rpz) and 2 (6 inch malus, 6 foot rpz) are required to be preserved, with the root protection zones indicated on Exhibit C.1. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground.

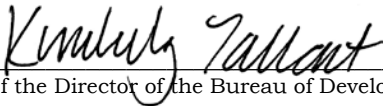
Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.

2. The minimum and maximum density for the parcels in this land division are as follows:

Parcel	Minimum Density	Maximum Density
1	4	9
2	1	1
3	1	2

3. The applicant must meet the addressing requirements of the Fire Bureau for Parcels 1 to 3. The location of the sign must be shown on the building permit.
4. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Diane Hale

Decision rendered by:  **on August 3, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed August 5, 2015

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 December 29, 2014, and was determined to be complete on **May 28, 2015**.

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 December 29, 2014.

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 a 14 day extension to the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 9, 2015.**

Note: 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.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 19, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 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.ci.portland.or.us.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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.**

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of an adjustment. This other concurrent approval must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to:

Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

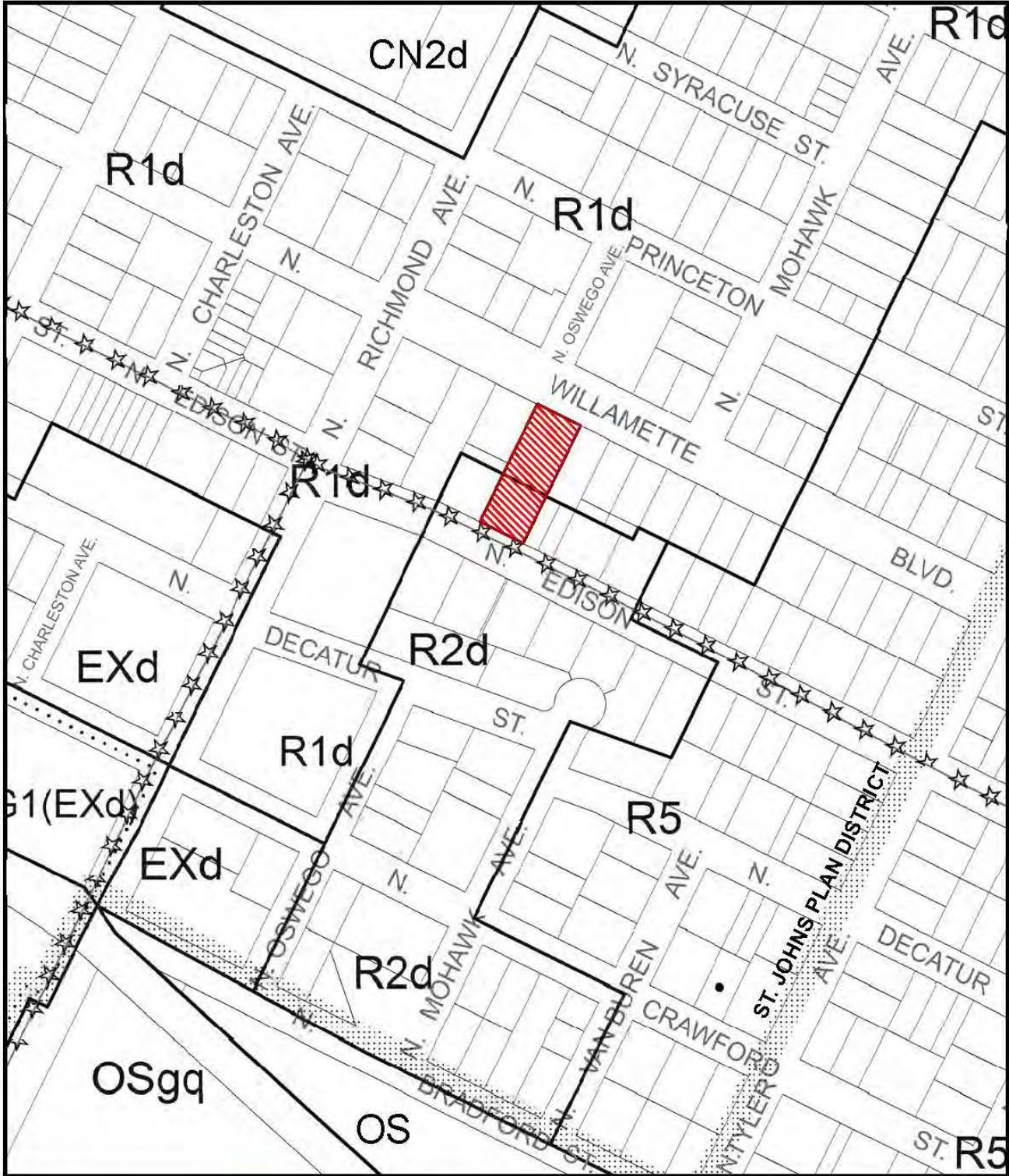
Expiration of concurrent approvals. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application. The following approvals were necessary for the land division to be approved: Adjustment to the minimum lot area of Parcel 1. This approval expires if the final plat is not approved and recorded within the time specified above.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Applicants original submittal and plans
 2. Applicants response, May 12, 2015
 3. Applicants response, May 19, 2015
 4. Applicants response, May 20, 2015
 5. Applicants response, May 28, 2015
 6. Neighborhood Contact requirement letters
 7. Stormwater management report
 8. Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Preliminary Land Division Plan (attached)
 2. Existing Conditions
- D. Notification information:
 1. Mailing list
 2. Mailed notice
 3. Revised 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. Life Safety Section of BDS
 7. Parks Urban Forestry
- F. Correspondence: None
- G. Other:
 1. Original LU Application
 2. Incomplete Letter
 3. Extension Request

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



ZONING



Site



Recreational Trail



NORTH

This site lies within the:
ST. JOHNS PLAN DISTRICT

File No. LU 14-254027 LDP,AD

1/4 Section 2122

Scale 1 inch = 200 feet

State_Id 1N1W12AC 8900

Exhibit B (Dec 30, 2014)

LEGEND

- PROPERTY LINE
- - - - - PAVEMENT
- - - - - EXISTING SIDEWALK/CONCRETE
- - - - - EXISTING CURB
- - - - - BUILDING WALL
- - - - - LOT LINE
- - - - - EXISTING SEWER LINE
- - - - - EXISTING STORM LINE
- - - - - EXISTING OVERHEAD WIRE
- - - - - PROPOSED TREE PROTECTION SILT FENCE
- - - - - EXISTING WATER LINE
- - - - - EXISTING WATER METER
- - - - - EXISTING CATCH BASIN
- - - - - EXISTING STORM MANHOLE
- - - - - EXISTING SANITARY SEWER MANHOLE
- - - - - EXISTING UTILITY POLE
- - - - - EXISTING DECIDUOUS TREE
- - - - - SURVEY CONTROL POINT (EL.=66.4)
- - - - - EXISTING SPOT GRADE
- - - - - EXISTING TREES PER ARBORIST REPORT

NOTES

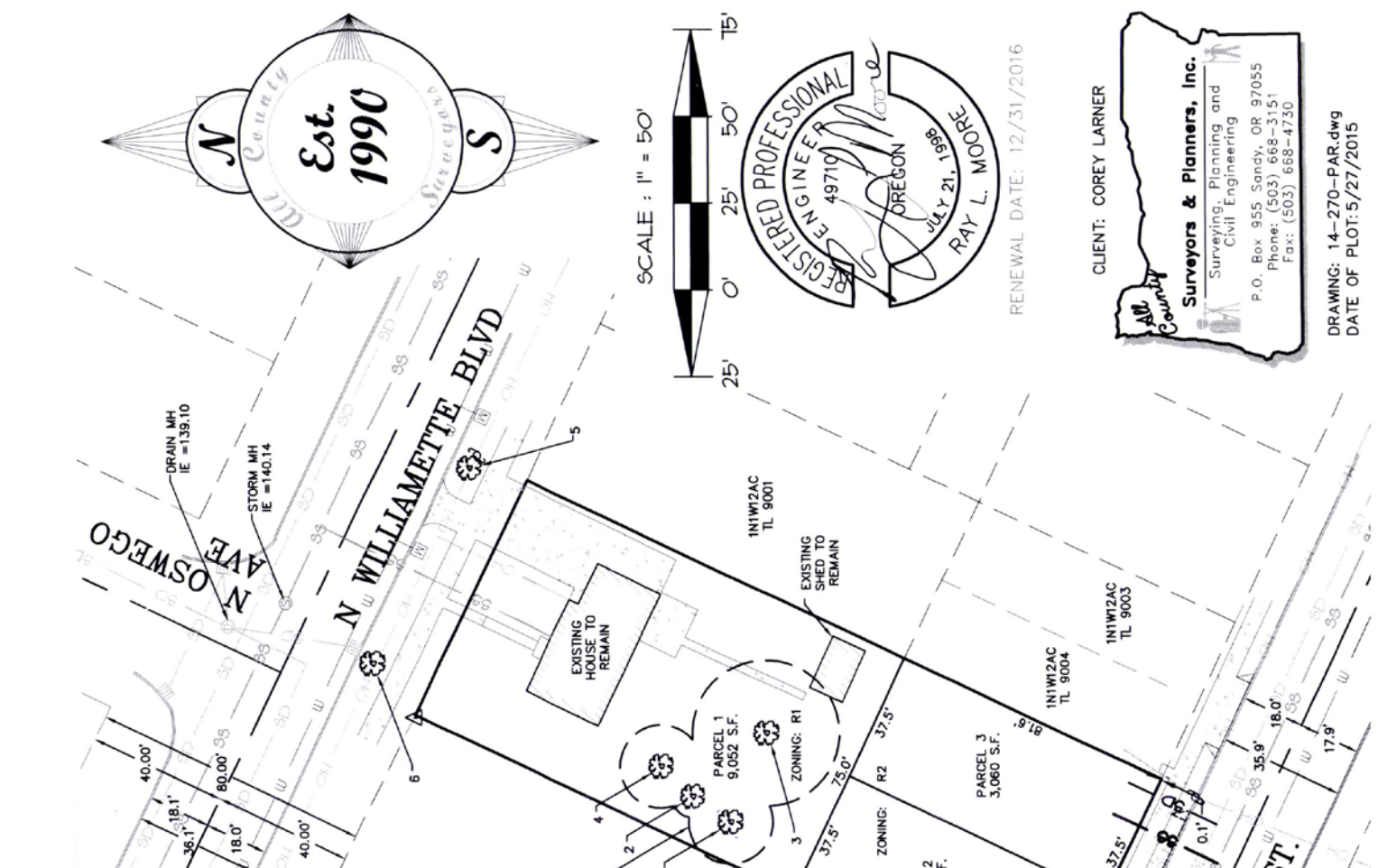
THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES SHOWN ARE FOR GRAPHICAL PURPOSES ONLY AND MAY VARY UPON PERFORMANCE OF THE FINAL BOUNDARY SURVEY.

ALL ELEVATIONS ARE BASED ON CITY OF PORTLAND BENCHMARK NUMBER 2106 AT THE SOUTHEAST CORNER OF CRAWFORD STREET AND RICHMOND AVENUE WITH AN ELEVATION OF 68.936. ELEVATION WAS THEN CARRIED TO A TEMPORARY BENCHMARK "Δ" WITH AN ELEVATION OF 66.4.

Approved
 City of Portland
 Bureau of Development Services
 Planner Rebecca Hule
 Date August 3, 2015

This approval applies only to the reviews requested and is subject to all conditions of approval.
APPROVED
 Additional zoning requirements may apply.

MAY 28 RECD



CASE NO. 14-254027 WDP
 EXHIBIT C-1 AD

CLIENT: COREY LARNER

Surveyors & Planners, Inc.
 Surveying, Planning and
 Civil Engineering
 P.O. Box 955 Sandy, OR 97055
 Phone: (503) 668-3151
 Fax: (503) 668-4730

DRAWING: 14-270-PAR.dwg
 DATE OF PLOT: 5/27/2015