



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

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**Date:** October 8, 2015  
**To:** Interested Person  
**From:** Brandon Rogers, Land Use Services  
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## **NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, 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 14-254263 LDP**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Vasile Aron  
311 NE 106th Ave  
Portland, OR 97220

**Surveyor:** Robert J Boyer/Global Engineering, Land Surveying And Planning Co.  
7929 SE 106th Ave  
Portland, OR 97266

**Site Address:** 7815 SE 68TH AVE

**Legal Description:** TL 15400 0.36 ACRES, SECTION 20 1S 2E  
**Tax Account No.:** R992201470  
**State ID No.:** 1S2E20CA 15400  
**Quarter Section:** 3837  
**Neighborhood:** Brentwood-Darlington, contact David Messenheimer at [trimess@hotmail.com](mailto:trimess@hotmail.com)  
**Business District:** Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832.  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Zoning:** Residential 5,000 (R5) with the "a" Alternative Design Density overlay zone.  
**Case Type:** Land Division Partition (LDP)  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant proposes to divide a 14,905 square foot site into two parcels for development of a new single family residence. Parcel 1 will be 8,389 square feet and will contain the

existing single family residence. Parcel 2 will be 6,305 square feet and will be vacant. There is an existing Douglas fir tree subject to the tree preservation requirements of Chapter 33.630 that is proposed to be preserved.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land. Therefore this land division is considered a partition.

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

## FACTS

**Site and Vicinity:** The site is primarily level, sloping up to the north west with a change in elevation of four feet across the site. The site is characterized by an existing single family residence that will remain at the site and an existing 36-inch Douglas fir tree which will be preserved. The character of the surrounding neighborhood is primarily single family residential development, with Whitman Elementary School and Flavel Park located approximately 1,200 feet to the east of the site.

### Infrastructure:

- **Streets** – The site has approximately 108 feet of frontage on SE 68<sup>th</sup> Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, SE 68<sup>th</sup> Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 450 feet north of the site at SE Flavel Street via Bus 71. SE 68<sup>th</sup> Ave is a 32-ft wide paved roadway within a 50-ft right-of-way (ROW). There is an existing curb but no sidewalk along the site’s frontage
- **Water Service** – There is an existing 8-inch water main in SE 68<sup>th</sup> Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch public sanitary sewer line in SE 68<sup>th</sup> Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

**Zoning:** The R5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

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

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **June 25, 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 Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, 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.
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**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 maximum density is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. The site has a minimum required density of 2 units and a maximum density of 3 units. The applicant is proposing two single dwelling parcels. The density standards are therefore met. The lot dimensions required and proposed are shown in the following table:

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
<b>R5 Zone</b>	3,000	8,500	36	50	30
Parcel 1	8,389		59	142	59.75
Parcel 2	6,305		41	136	45.60

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

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

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

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

The applicant has provided an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.5). The report identifies one tree at the site, a 36-inch Douglas fir tree, is subject to the preservation requirements of this chapter. Title 33 identifies this tree as a “significant tree” based upon its species and size (Table 630-1, 33.630.030).

The total non-exempt tree diameter on the site is 36 inches. The applicant proposes to preserve the 36-inch Douglas fir tree, which totals 100 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 Tree Preservation Plan/Preliminary Land Division Plan (Exhibit C.1).

The arborist report proposes an Alternative Tree Preservation Plan per 33.248.065.C. The arborist report states that the alternative plan provides equivalent protection to the standard tree protection requirements of Title 33. The alternative plan proposes three scenarios, one with the house placed towards the front of the lot, one with a proposed house placed in the middle of the lot and one with a proposed house placed on the back of the lot. The report includes specific construction techniques for each scenario. The report proposes a reduced root protection zone (RPZ) of 18-feet instead of the required RPZ of 36 feet, with construction methods designed to protect the tree in each development scenario.

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 Parcels 1 and 2 shall be carried out in conformance with the Tree Preservation Plan and Preliminary Land Division Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.5) and an Acknowledgement of Tree Preservation Land Use Conditions 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. The tree to be preserved at the site will be protected at the time of development. 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. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With a condition requiring final inspection for a decommissioning permit, the new lots can be considered suitable for new development, and this criterion is met.

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

**Findings:** 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 regulations of this Chapter allow the traffic impacts caused by dividing and developing land to be identified, evaluated, and mitigated if necessary. The following approval criterion applies to all land divisions in all zones: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes. To address the approval criteria, the applicant submitted a written narrative. A professional Transportation Impact Study was not provided.

The applicant is proposing this partition in order to develop the subject site with one new single-family residence. The existing home on the site will be retained. Therefore, the project will result in a net addition of one new single-family home. Based upon trip generation estimates, ITE Trip Generation Manual, 9th Edition, the new home is projected to generate one additional trip during both the morning and evening peak hours (10 additional trips in total each day). The small number of trips that will be added into the transportation system as a result of the proposed development will not adversely impact the operations of area intersections. As proposed, the project will include on-site parking for at least one vehicle per lot. On-street parking will not be adversely impacted given the on-site parking opportunities that will be provided on the new lot.

There are existing transit facilities in the vicinity and the nearest bus stop is located at the intersection of SE Flavel & SE 66th Pl approximately 635-ft from the site. The sidewalk improvements required by this development will contribute toward connectivity to transit

facilities. The proposed partition will not have any effect on 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:

<b>33.651 Water Service standard</b> – 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.
<b>33.652 Sanitary Sewer Disposal Service standards</b> – 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.
<b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – 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"> <li>• <b>Parcel 2:</b> Stormwater from this lot will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. This lot has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywell.</li> <li>• <b>Parcel 1: (the lot with the existing house):</b> The existing house has a new drywell that was inspected and approved with building permit 14-219402 RS. BES has determined that sufficient information has been provided to demonstrate a feasible stormwater management plan for this project.</li> </ul>
<b>33.654.110.B.1 Through streets and pedestrian connections</b>
Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located does not meet the noted spacing requirements. Therefore, there should be an east-west through street provided in the vicinity of the site. The Portland Bureau of Transportation has commented that although the site is located on a block that does not meet the City’s spacing goals, the location of the existing home on Parcel 1, which will remain at the site, precludes obtaining a meaningful connection in association with the proposed development. PBOT has no concerns relative to connectivity in association with the proposed partition. <p>The site contains sufficient width to allow the creation of a public east-west through street. However, the properties adjacent to the portion of the site where the street would terminate are already developed, and not configured in a manner that would easily allow the further extension of a street from the site. So, although the optimum spacing criteria would indicate the need for an east-west/north-south through street or pedestrian connection at this site, there is no practicable opportunity to provide them in this land division. Therefore, this criterion is met.</p>
<b>33.654.120.B &amp; C Width &amp; elements of the right-of-way</b> – See Exhibit E.2 for bureau comment
SE 68 <sup>th</sup> Avenue is a paved street with curbs, without sidewalks at the project site. PBOT will require the applicant to construct the pedestrian corridor along the site frontage to City

standards as follows:

For a Local Service street, abutting an R5 zoned site, the City's Pedestrian Design Guide recommends an 11-ft wide pedestrian corridor (0.5-curb/4-ft furnishing zone/6-ft sidewalk/0.5-frontage zone). The proposed development on the subject site triggers the need for the applicant to construct the above referenced standard pedestrian corridor behind the existing curb to the satisfaction of the City Engineer. Based upon City GIS, this will require a 2-ft dedication of property for ROW purposes in order to accommodate the identified improvements.

This criterion is met, with the condition that curb and sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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

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

## **DEVELOPMENT STANDARDS**

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

**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 R5 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 relating to existing development on the site:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5 feet from the new property line. 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.
- Required Off-Street Parking – In this zone, one parking space per dwelling unit is required. A paved parking pad provides this required parking for the existing house on Parcel 1. As a result of this land division, the required parking space for the existing house will be located on a different lot. In order to ensure that parking requirements continue to be met, a new parking space for the existing house must be constructed on Parcel 1 prior to final plat approval. Permits must be obtained to construct a new parking space. Documentation of final inspection of this new parking space will be required prior to final plat approval.
- T1 Tree Standard – Residential development has a tree requirement that is currently met on the site. Due to the land division, Parcel 1, with the existing house, will no longer meet this standard. Parcel 1 is 8,389 square feet, therefore 9 inches of trees

are required. Prior to final plat approval, the applicant must meet this requirement by either planting at least 9 caliper inches of trees on Parcel 1 or making the equivalent payment into the City Tree Fund.

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.

<b>Bureau</b>	<b>Code Authority and Topic</b>
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 –Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	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; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the required planter strip adjacent to Parcel 1 prior to final plat approval. This requirement is based on the standards of Title 20.

## CONCLUSIONS

The applicant has proposed a two 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. The primary issues identified with this proposal are: tree preservation, maintaining setbacks for the existing house, off street parking for Parcel 1, tree planting requirements, frontage improvements and street tree planting. With conditions of approval that address these requirements this proposal can be approved.



## ADMINISTRATIVE DECISION

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

**A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for review and approval by the Land Use Review section of BDS. 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;
- Any other information specifically noted in the conditions listed below.

**B. The final plat must show the following:**

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 68<sup>th</sup> Avenue. The required right-of-way dedication must be shown on the final plat.
2. 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 Condition C7 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "An acknowledgement of special land use conditions has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

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

### Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor. The improvements along the frontage of Parcel 1, where the existing house will be retained, must be constructed prior to final plat approval. The improvements along the frontage of the undeveloped Parcel 2 may be constructed with development as per the City Engineer's discretion.

### Utilities

2. 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.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow and spacing 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

4. A parking space shall be installed on Lot Parcel 1, in conformance with the applicable requirements of the Portland Zoning Code. The parking space must be a minimum of 9' x 18' and located out of the new front setback for the lot with the existing house. The applicant must obtain a finalized Zoning Permit for installation of the parking space. The new parking space must also be shown on the supplemental plan.
5. The applicant must plant street tree(s) in the planter strip in SE 68<sup>th</sup> Avenue adjacent to Parcel 1. Street trees will be chosen from the City's approved street tree list for the 4-

foot planting strip. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

6. The applicant must meet the tree requirement on Parcel 1 with the existing house by meeting the T1 tree planting requirement either planting at least 9 caliper inches of trees on the lot or making the equivalent payment into the City Tree Fund. A finalized Zoning Permit must be obtained to document tree planting prior to final plat approval.

#### **Required Legal Documents**

7. 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 must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

#### **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.5). Specifically, the 36-inch Douglas fir tree numbered Tree #1, is 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/her supervision.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
3. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal. Please refer to the final plat approval report for details on whether or not this requirement applies.

**Staff Planner: Brandon Rogers**

**Decision rendered by:**  **on October 6, 2015**

By authority of the Director of the Bureau of Development Services

**Decision mailed October 8, 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 **June 19, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 19, 2015.**

**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](http://www.portlandonline.com).

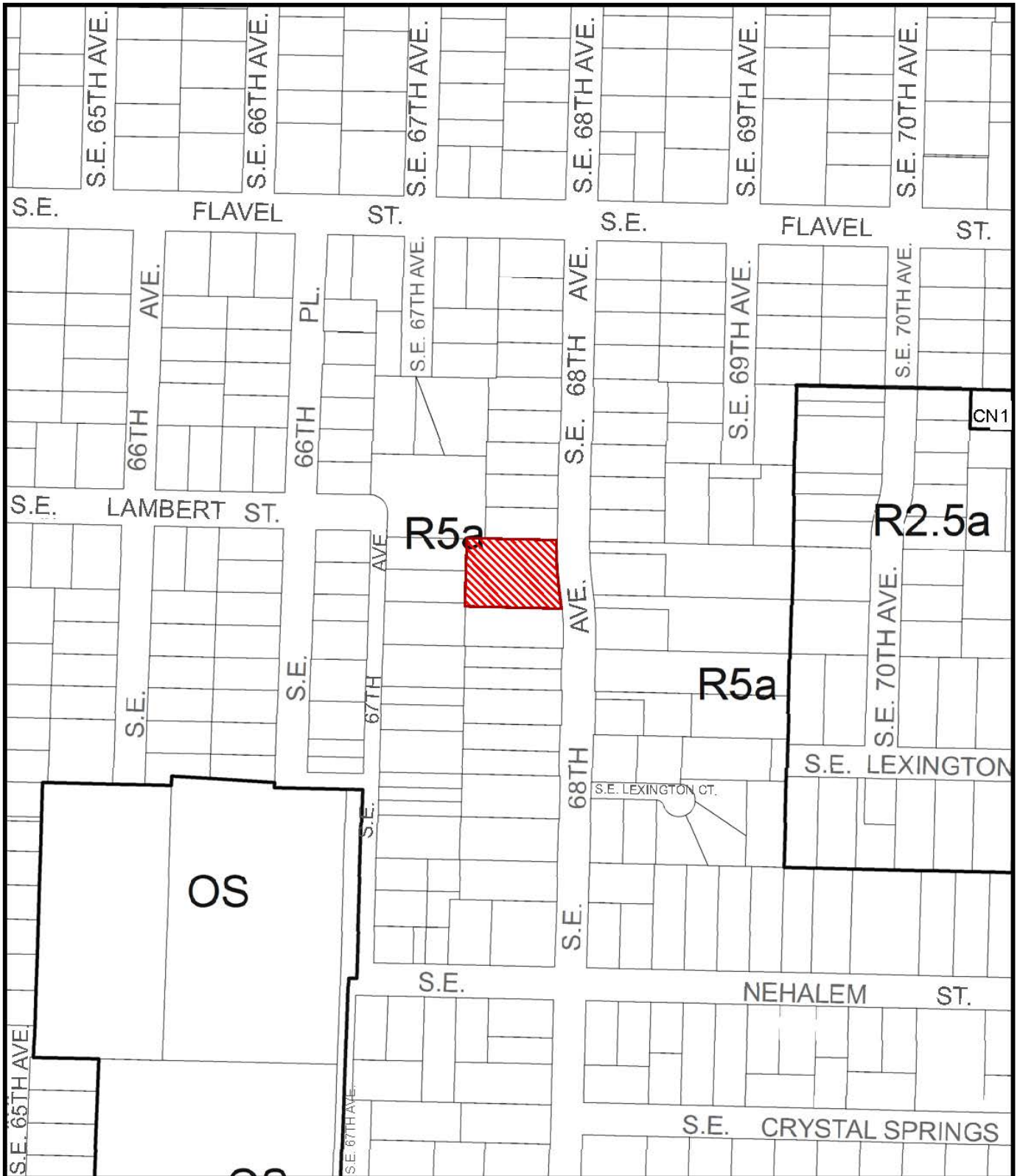
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessor’s Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City’s approval of the preliminary plan.**

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Submittal
  - 2. Applicant's Responses to Incomplete Letter
  - 3. Applicant's Revised Narrative
  - 4. Simplified Stormwater Report
  - 5. Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Land Division Plan/Proposed Improvements Plan, Tree Survey & Existing Conditions Plan (attached)
  - 2. Right of Way 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 section of BDS
  - 6. Urban Forestry
  - 7. Life Safety section of BDS
- F. Correspondence: none
- G. Other:
  - 1. Original Land Use Application
  - 2. Incomplete Letter

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



# ZONING



Site



NORTH

File No. LU 14-254263 LDP  
 1/4 Section 3837  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E20CA 15400  
 Exhibit B (Dec 30, 2014)

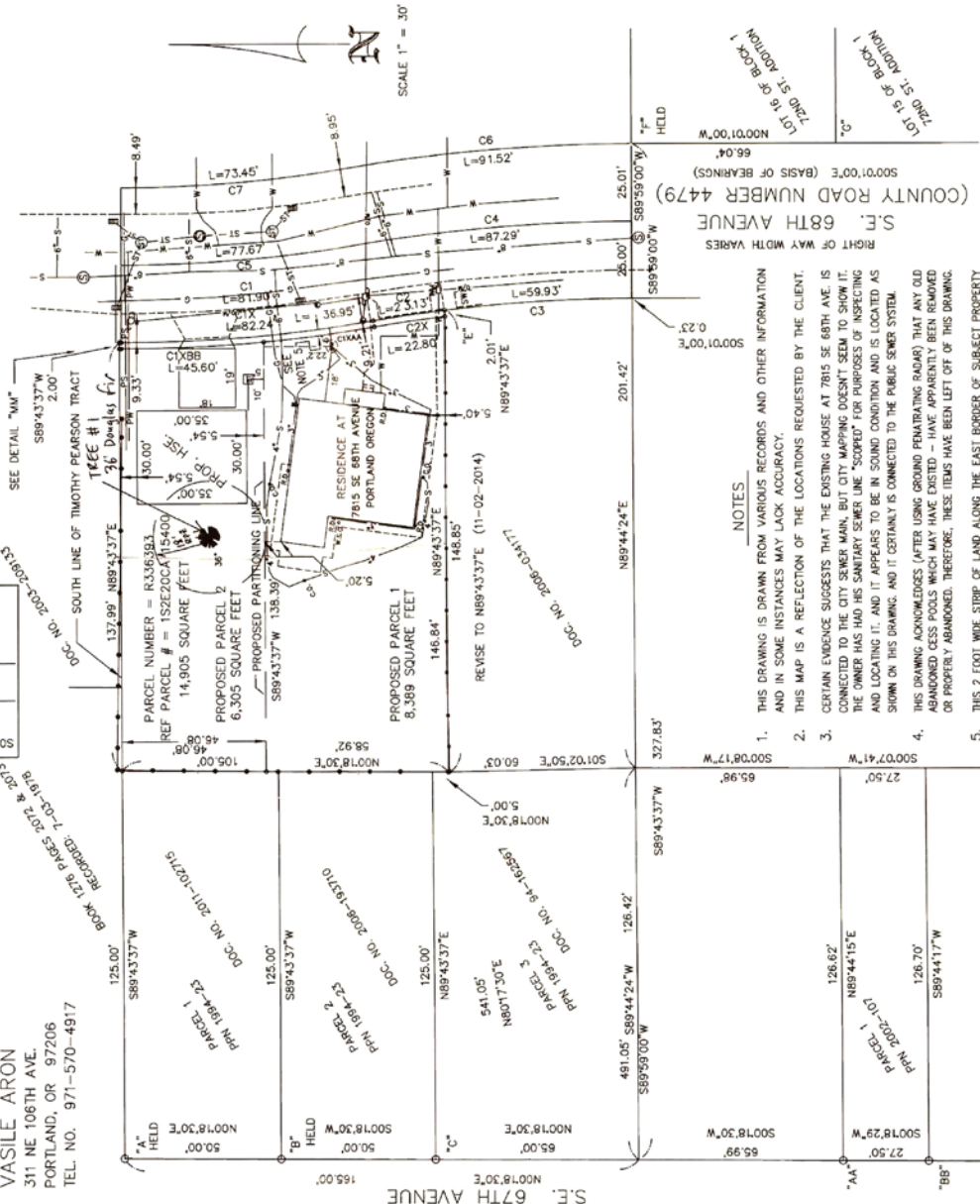
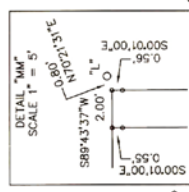


LAND OWNERS:  
**VASILE AND IOANA ARON**  
 311 NE 106TH AVE.  
 PORTLAND, OR 97206  
 TEL. NO. 971-570-4917

CLIENT CONTACT PERSON:  
**VASILE ARON**  
 311 NE 106TH AVE.  
 PORTLAND, OR 97206  
 TEL. NO. 971-570-4917

TENTATIVE PLAN FOR PARTITION PLAT  
 LOCATION

PROPOSED PARTITION PLAT SURVEY OF THAT TRACT DESCRIBED  
 IN MULTNOMAH COUNTY DEED RECORDS DOCUMENT  
 NUMBER 2014-092092, LOCATED IN THE NORTHEAST 1/4 OF  
 THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 1 SOUTH,  
 RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CITY OF  
 PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON.



- NOTES.**
- THIS DRAWING IS DRAWN FROM VARIOUS RECORDS, AND OTHER INFORMATION AND IN SOME INSTANCES MAY LACK ACCURACY.
  - THIS MAP IS A REFLECTION OF THE LOCATIONS REQUESTED BY THE CLIENT.
  - CERTAIN EVIDENCE SUGGESTS THAT THE EXISTING HOUSE AT 7815 SE 68TH AVE. IS CONNECTED TO THE CITY SEWER MAIN, BUT CITY MAPPING DOESN'T SEEM TO SHOW IT. THE OWNER HAS HAD HIS SANITARY SEWER LINE "SCOPED" FOR PURPOSES OF INSPECTING AND LOCATING IT, AND IT APPEARS TO BE IN SOUND CONDITION AND IS LOCATED AS SHOWN ON THIS DRAWING, AND IT CERTAINLY IS CONNECTED TO THE PUBLIC SEWER SYSTEM.
  - THIS DRAWING ACKNOWLEDGES (AFTER USING GROUND PENETRATING RADAR) THAT ANY OLD ABANDONED CESS POOLS WHICH MAY HAVE EXISTED - HAVE APPARENTLY BEEN REMOVED OR PROPERLY ABANDONED. THEREFORE, THESE ITEMS HAVE BEEN LEFT OFF OF THIS DRAWING.
  - THIS 2 FOOT WIDE STRIP OF LAND ALONG THE EAST BORDER OF SUBJECT PROPERTY IS PROPOSED TO BE DEDICATED TO THE CITY OF PORTLAND FOR ROAD PURPOSES FOREVER, AND CONSISTS OF 211 SQUARE FEET OF AREA.

**SUBJECT PROPERTY LOCATION:**  
 PARCEL NUMBER = R336393  
 REF. PARCEL # = 152E200A 15400  
 7815 SE 68TH AVENUE PORTLAND OREGON  
 THIS PARTITIONING HAS TO DO WITH LAND DESCRIBED  
 IN MULTNOMAH COUNTY DEED RECORDS: DOCUMENT 2014-092092  
 BEING IN THE SW 1/4 OF SECTION 20, T. 1 S., R. 2 E., W.M.  
 MULTNOMAH COUNTY, OREGON

REGISTERED  
**PROFESSIONAL  
 LAND SURVEYOR**  
 JULY 16, 1987  
**ROBERT J. BOYER**  
 2270

RENEWAL DATE: 12-31-2015  
 DATE OF SIGNATURE = 6-19-2015

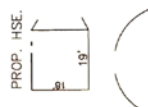
**GLOBAL ENGINEERING, LAND  
 SURVEYING AND PLANNING CO.**  
 7929 S.E. 106TH AVE., PORTLAND, OREGON 97266  
 TELEPHONE 503-777-1141  
 EMAIL: global7654@aol.com

FILE: 566 D: \14018A1  
 DATE: SEPTEMBER 4, 2015

SCALE: PROJ. #  
 14-018  
 DRAWN CHECKED  
 BY: R.J.B. BY: R.J.B.  
 SHEET NUMBER  
 1 OF 1

**LEGEND**

- DENOTES A 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP LABELED "PLS LS 2270" PROPOSED TO BE SET IN THE FUTURE.
- DENOTES MONUMENT(S) FOUND AS NOTED.
- DENOTES A PLAT DISTANCE.
- DENOTES "SQUARE FEET".
- DENOTES "SURVEY NUMBER", MULTNOMAH COUNTY SURVEY RECORDS.
- DENOTES "FOUND".
- DENOTES "BOOK".
- DENOTES "PAGE".
- DENOTES "RECORDED".
- DENOTES "YELLOW PLASTIC CAP".
- DENOTES "PARTITION PLAT NUMBER".
- DENOTES "CITY OF PORTLAND".
- DENOTES AN EXISTING GAS LINE.
- DENOTES AN EXISTING GAS METER.
- DENOTES AN EXISTING OVERHEAD COMMUNICATIONS CABLE.
- DENOTES AN EXISTING GUY ANCHOR.
- DENOTES AN EXISTING MULTIPLE OVERHEAD UTILITY CABLES.
- DENOTES AN EXISTING POWER POLE.
- DENOTES AN EXISTING WATER SHUT OFF VALVE BOX.
- DENOTES AN EXISTING 36" DIAMETER DOUGLAS FIR TREE.
- DENOTES AN EXISTING WATER METER.
- DENOTES AN EXISTING BURIED WATER LINE.
- DENOTES AN EXISTING SANITARY SEWER PIPE (6" INDICATES PIPE DIAMETER).
- DENOTES AN EXISTING SANITARY SEWER MANHOLE.
- DENOTES AN EXISTING STORM SEWER INLET.
- DENOTES AN EXISTING "RAIN DRAIN" DOWNSPOUT TO AN UNDERGROUND PIPE RISER.
- DENOTES AN EXISTING BURIED RAIN DRAIN LINE OF 3" DIAMETER.
- DENOTES AN EXISTING STORM BURIED PIPELINE.
- DENOTES AN EXISTING STORM SEWER SEDIMENTATION MANHOLE.
- DENOTES AN EXISTING STORM SEWER SUMP.
- DENOTES AN EXISTING WOODEN FENCE (NOT ALL SYMBOLS ARE AT POSTS).
- DENOTES AN EXISTING STEEL FENCE (NOT ALL SYMBOLS ARE AT POSTS LOCATIONS).
- DENOTES A "TICK MARK" AT THE END OF A CURVE.
- DENOTES AN EXISTING SANITARY SEWER CLEAN OUT.
- DENOTES AN EXISTING EDGE OF CONCRETE.
- DENOTES A PORTION OF A 5' WIDE EXISTING CONCRETE SIDE WALK.
- DENOTES AN EXISTING CONCRETE DRIVE WAY APRON.
- DENOTES A RECENTLY BUILT EXISTING CONCRETE DRIVE WAY APRON. IT WAS BUILT IN MAY OF 2015 UNDER C.O.P. PERMIT # 86710. THE BIG "FELT PEN" NUMBER ON THE SIDE OF THE PLAT SHEET IS 15-170057 2P.
- DENOTES A RECENTLY INSTALLED STORM SEWER DISPOSAL FACILITY. IT WAS INSTALLED IN THE WEEK OF 5-28-2015 AND IT IS A 4" DIAMETER BY 5' DEEP CONCRETE DRY WELL BURIED OVER 7' DEEP WITH A 22" X 22" CEILING FOR SHOCK COVER. IT RECEIVES ALL OF THE ROOF DRAINAGE FROM THE EXISTING HOUSE.
- DENOTES A RIGHT ANGLE DISTANCE FROM AN EXISTING BUILDING LINE OR PROPERTY LINE TO THE CENTER OF AN EXISTING DRYWELL.
- DENOTES A PROPOSED FUTURE BURIED WATER LINE.
- DENOTES A PROPOSED FUTURE BURIED SEWER LINE.
- DENOTES A PROPOSED SANITARY SEWER CLEAN OUT.
- DENOTES A PROPOSED STORM SEWER DISPOSAL FACILITY. PLEASE SEE THE 11 PAGE "SIMPLIFIED APPROACH" DOCUMENT BY ROBERT BOYER. WHAT IS PROPOSED IS A 4" DIA. BY 5' DEEP STORM WATER DISPOSAL DRYWELL. THIS DRYWELL IS FOR RAIN WATER FROM THE ROOF OF THE PROPOSED HOUSE ON PARCEL 2.
- DENOTES A PROPOSED NEW HOUSE.
- DENOTES A PROPOSED CONCRETE DRIVEWAY OF DIMENSIONS SPECIFIED.
- DENOTES A PROPOSED 18" RADIUS TREE ROOT PROTECTION ZONE. PLEASE SEE ARBORIST REPORT BY MR. TODD PRAGER.



REVISED 9.9.15  
 CASE NO. 1414-254283 10P  
 EXHIBIT C-1