



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

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Date: January 20, 2016
To: Interested Person
From: Diane Hale, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-224157 LDP

GENERAL INFORMATION

Applicant: Kevin Partain, Urban Visions
223 NE 56th Ave / Portland, OR 97213-3705 / (503) 421-2967

Representative: Kristy Raach, Raach Construction
3880 Deer Creek Way / Gresham, OR 97080 / (503) 465-8975

Site Address: 9418 N MACRUM AVE

Legal Description: LOT 7 INC UND INT TRACT A THRU G, CALVERT FARMS
Tax Account No.: R591368
State ID No.: 1N1E07AB 8707
Quarter Section: 2124
Neighborhood: St. Johns, contact Josh Leslie at 503-505-8495.
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.

Zoning: R2.5 (Residential 2,500)
Case Type: LDP (Land Division Partition)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing a 2-parcel land division for this 4,272 square foot vacant site, resulting in 2 new parcels for attached single-family homes. This proposal utilizes the added density provision of 1 extra unit available for corner lots in the R2.5 zone (see Zoning Code 33.110.240.E). Parcel 1 will be approximately 2,080 sq ft, and Parcel 2 will be approximately 2,191 sq feet. Both houses will provide off-street parking. There are two trees on the site that are proposed to be retained. This site was part of a 2005 subdivision (case number LU 05-142902 LDS).

This partition is reviewed through a Type 1x land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services

are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

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

Relevant Approval Criteria:

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

FACTS

Site and Vicinity: This 4,272 square foot site is a corner lot that is currently vacant. The site is generally surrounded by single family residential development, with multi-family residential, employment and commercial zoning along Fessenden Street ~300 feet to the north. The Burlington Northern Railroad is located just east of the site.

Infrastructure:

- **Streets** – The site has approximately 36.5 feet of frontage on N Macrum Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, the City’s Transportation System Plan (TSP) classifies N Macrum Ave as a Local Service street for all transportation modes. According to GIS, N Macrum is improved with 20-ft of paving and a 10-6-3 sidewalk corridor within a 70-ft ROW. Tri-Met provides transit service approximately 425 feet from the site at N Fessenden Street and N Columbia Way via Bus 4.
- **Water Service** – There is an existing 8-inch CI water main in N Macrum Avenue.
- **Sanitary Service** - There is an existing 8-inch PVC public combination sewer line in N Macrum Avenue.
- **Stormwater Disposal** – There is a 24” CSP storm sewer in N Macrum Avenue.

Zoning: The R2.5 zone is intended to foster single-dwelling residences. The minimum density for new lots in this zone is 1 unit per 5,000 square feet and the maximum density is 1 unit per 2,500 square feet. Both detached and attached single-dwellings are allowed. Minimum lot size for both types of development is 1,600 square feet with a minimum lot width of 36 feet, minimum front lot line of 30 feet and minimum depth of 40 feet. There is no required minimum lot width or front lot line for lots that are developed with structures that meet certain additional development standards related to design.

Land Use History: City records indicate there is one prior relevant land use review for this site.

- **LUR 05-142902 LDS:** Approval of the Calvert Farms Subdivision with 21 lots served by a series of common greens and alleys within tracts. This site is Lot 7 of the Calvert Farms subdivision.

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 **March 17, 2015**. One written response has been received from a notified property owner in response to the proposal. The comment expressed concerns about low water pressure in the area; the quality of the materials and workmanship used by the homebuilder of his home, who is also

the owner of this lot; and erosion on adjacent hillsides above the railroad track. See Exhibit F.1 for the full comment.

Staff response: While staff understands these concerns, they do not relate to the land division approval criteria therefore cannot be addressed through this land use review. BES reviewed the public comment and the stormwater management proposal, and the proposal meets the required setback requirements from a slope, among other technical standards. The sloped area along the railroad track appears to be owned by Burlington Northern Railroad; neighbors are encouraged to contact the railroad with concerns about slope stability.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
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.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections 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. 611 contains the density and lot dimension requirements applicable in the R2.5 zone. The maximum density is one unit per 2,500 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 1 unit and a maximum density of 1 unit. The applicant is proposing 2 parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit when attached houses are proposed on a corner lot. This property is a corner lot as it has frontage on N Macrum Ave and on Tract B, a Common Green Private Street. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses.

With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards are met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
Original lot before division in R2.5 zone	3,000	NA	NA	NA	NA
Original lot before division	4,272		36.50	115	36.50
New attached housing lots	No minimum lot dimension standards				
Parcel 1	2,080		36.50	57.00	36.50
Parcel 2	2,191		59.26	32.00	59.26

* 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.

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.6). Two trees are subject to the preservation requirements of this chapter, a 53" Western Red Cedar (tree #50) and a 37" Douglas Fir (tree #51).

The total non-exempt tree diameter on the site is 90 inches. The applicant proposes to preserve both trees, which comprise 90 inches of diameter, or 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 Site 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 Site Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.6) 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 root protection zones of the trees to be preserved on Parcel 1 are displayed on Exhibit C.1. New development will be located outside these protection zones. 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.

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

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

The following easements are proposed and/or required for this land division:

- A Private Storm Easement is required across the relevant portions of Parcels 1 and 2 for a shared stormwater facility that will provide stormwater disposal for both parcels.

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

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

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

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

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 proposed project will divide the property into two lots for the purposes of developing attached housing. The site is currently vacant and was part of a larger 21-unit subdivision that was approved in 2005 (LU 05-142902). Based upon trip generation estimates, ITE Trip Generation Manual, 9th Edition, the proposed development is projected to generate two additional trips during both the morning and evening peak hours (20 additional trips in total

each day). The small number of trips that will be added as a result of the proposed development will not adversely impact the operations of area intersections.

Vehicular access to the lots will be provided via driveways connecting to the private alley to the south of the site (Tract C). No additional driveways/curb-cuts are proposed on N Macrum. The lots will be developed with sufficient space to accommodate at least one off-street parking space per lot. With the parking opportunities provided for on-site and no additional driveways/curb-cuts on N Macrum, on-street parking impacts will be minimized. There is transit service available in the vicinity with the closest stop located at N. Fessenden & N Columbia Way, approximately 422-ft from the subject site. The proposed lot split 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:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
<p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report.</p> <p>There is an existing 5/8" metered service (Serial #OUT00083, Account #2950907900) which fronts the 9418 N Macrum Ave property, but serves the property to the east at 9416 N Macrum Ave, and is provided water to this location from the existing 8" DI water main in N Macrum Ave. This service appears by Water Bureau Records to cross the proposed development property which is in violation of City Water Title 21.12.010 which requires the water service to be located within the frontage for which it will serve, and 21.12.070 which prohibits the crossing of a separate tax lot properties to provide water service. Also, all water services for this subdivision per LUR 05-142902 LDS were supposed to be located within the frontage of the common greens, or location in the common Alley frontage would also be allowed, with backside service lines running down the length of the greenway or alley to the frontage of the property to be served.</p> <p>To solve this water service location issue for the proposed Parcel 1, the following would need to be completed. The existing water service to 9416 N Macrum that is located within the right-of-way frontage for 9418 N Macrum Ave which will be the proposed parcel 1, may potentially be used as is to provide water to the 9418 N Macrum property, as it would be located within the frontage of this lot. To accomplish this the applicant would need to buy a new water service for 9416 N Macrum Ave, if one has not already been purchased, and have this metered service, which is actually already installed as a branch service by Water Bureau records within the N Macrum Ave frontage of the alley, connected to the backside service line for the existing house at 9416 N Macrum Ave. A signed licensed plumbers report verifying the connection of the new service to the existing house and severance from the existing water meter will need to be provided to the Water Bureau prior to signing off on the final plat for the proposed partition.</p> <p>With the condition noted above, the water service standards of 33.651 have been verified.</p>
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
<p>The Bureau of Environmental Services has indicated that service is available to serve Parcel 1, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified for Parcel 1.</p>

Parcel 2 will be served by a new connection to the sewer in N Macrum Ave via existing Tract C that was established through a prior subdivision plat (05-142902). The recorded maintenance agreement provides an easement for utility installations through the commonly owned areas, including Tract C. The easement establishing the right of access for Parcel 2 to construct a new sanitary lateral through Tract C must be noted on the final plat.

With a condition requiring the applicant to note the easement over existing Tract C on the final plat, these standards are 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:

Parcels 1 and 2: Stormwater from these lots will be directed to a shared drywell that will treat the water and slowly infiltrate it into the ground. The applicant proposes to infiltrate runoff from the attached structure on Parcels 1 and 2 via a shared drywell within a private storm easement to the benefit of both parcels. Although the drywell as proposed does not currently meet minimum setback requirements as written in the facility design standards and Exhibit 2-1 of the Stormwater Management Manual, the applicant has obtained approval from BDS to Plumbing Code appeals #12706 & 12707 (Exhibit A.4) for both the shared nature of the system as well as the reduced setbacks to both structures and property lines. Therefore BES has no objection to the configuration as proposed.

With a condition requiring the approved easement area be shown on the final plat, the service standards are verified.

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. This site is a corner lot therefore the connectivity standards are met. This criterion is met.

33.654.110.B.4 Approval criterion for alleys in all zones.

33.654.120.F. Approval criterion for the width of alleys.

The alley adjacent to the site, Tract C, was developed with the Calvert Farms subdivision (LU 15-05-142902 LDS) to the satisfaction of BDS Site Development. The alley will provide vehicle access to Parcels 1 and 2 and can accommodate development associated with the additional parcel.

The applicant is required to make improvements to the proposed private alley based on the technical standard of the Administrative Rules for Private Rights-of-Way. The Rules require that all private alley improvements be located within private right-of-way tracts. A portion of the improvements were built on the private lots, including the curb and some paving. The applicant will be required to relocate the alley improvements on Parcel 2 to be entirely located within Tract C.

With condition noted above, this criterion is met.

33.654.120.C Width & elements of the right-of-Rights of Way for Local Streets 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.

At this location, the City's Transportation System Plan (TSP) classifies N Macrum Ave as a Local Service street for all transportation modes. According to GIS, N Marcum is improved with 20-ft of paving and a 10-6-3 sidewalk corridor within a 70-ft ROW. The existing frontage improvements on N Macrum were constructed in accordance with the Public Works Permit (43663) as part of the original land division (LU 05-142902 LDS) and the applicant will only be required to make repairs to the existing pedestrian corridor as needed.

Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided. This criterion is met.

33.654.120.D. Approval criteria for common greens.

The common greet adjacent to the site, Tract B, was developed with the Calvert Farms subdivision (LU 15-05-142902 LDS) to the satisfaction of BDS Site Development. The common green will provide pedestrian access for both Parcels and provides frontage for Parcel 2. The common green can accommodate development associated with the additional parcel. This criterion is met.

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

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

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, 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:

- Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Parcel 1 must be oriented toward Macrum Avenue and development on Parcel 2 must be oriented toward Tract B, the Private Street Common Green.
 3. The height of the two units must be within 4 feet of each other
 4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.
 7. Trim must be the same in type, size and location.
 8. Windows must match in proportion and orientation.

Existing development that will remain after the land division. The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; modifications to Tract C (private alley) 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 2 parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met or can be met with conditions. 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 2 parcels for attached housing as illustrated with Exhibit C.1, subject to the following conditions:

A. The final plat must show the following:

1. The existing public utility easement shall be shown over Tract C allowing the construction of the proposed sewer lateral.
2. An easement for a private stormwater facility benefitting Parcels 1 and 2, shall be shown and labeled over the relevant portions of Parcels 1 and 2 corresponding to BDS plumbing code appeals 12706 and 12707.
3. A recording block for the legal document (maintenance agreement, acknowledgment of special land use conditions) as required by Conditions B.2 and B.3 below. The recording block shall, at a minimum, include language substantially similar to the following example: “A Declaration of Maintenance Agreement for reciprocal easement has been recorded as document no. _____, Multnomah County Deed Records.”

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

1. For the proposed parcel 1, a new water service will need to be paid for, if already not paid for, installed and connected to the existing house at 9416 N Macrum Ave as detailed in the above letter, and a signed licensed plumbers report verifying the connection of the new service to the existing house and severance from the existing water meter will need to be provided to the Water Bureau prior to signing off on the final plat for the proposed partition.

Required Legal Documents

2. A Maintenance Agreement shall be executed for the Private Stormwater Easement described in Condition A.2 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
3. 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 Site Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

C. 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 Site Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.6). Specifically, trees numbered 50 and 51 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/her supervision.
2. Prior to receipt of final occupancy for the structure on Parcel 2, the applicant must modify the curb and pavement of Tract C (private alley) adjacent to Parcel 2 as shown on Exhibit C.1, to the satisfaction of BDS Site Development. The Tract improvements need to be located entirely within the Tract boundaries.
3. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
4. 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.
5. Tract C was required per LU 05-142902. Any modifications to Tract C shall maintain the minimum requirements established in the LU 05-142902 land division.

Staff Planner: Diane Hale

Decision rendered by: Kimberly Tallant on January 15, 2016
By authority of the Director of the Bureau of Development Services

Decision mailed January 20, 2016

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on October 10, 2014, and was determined to be complete on **March 12, 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 October 10, 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 that the 120-day review period be extended by 245 days (Exhibit G.3). Unless further extended by the applicant, **the 120 days will expire on March 11, 2016**.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

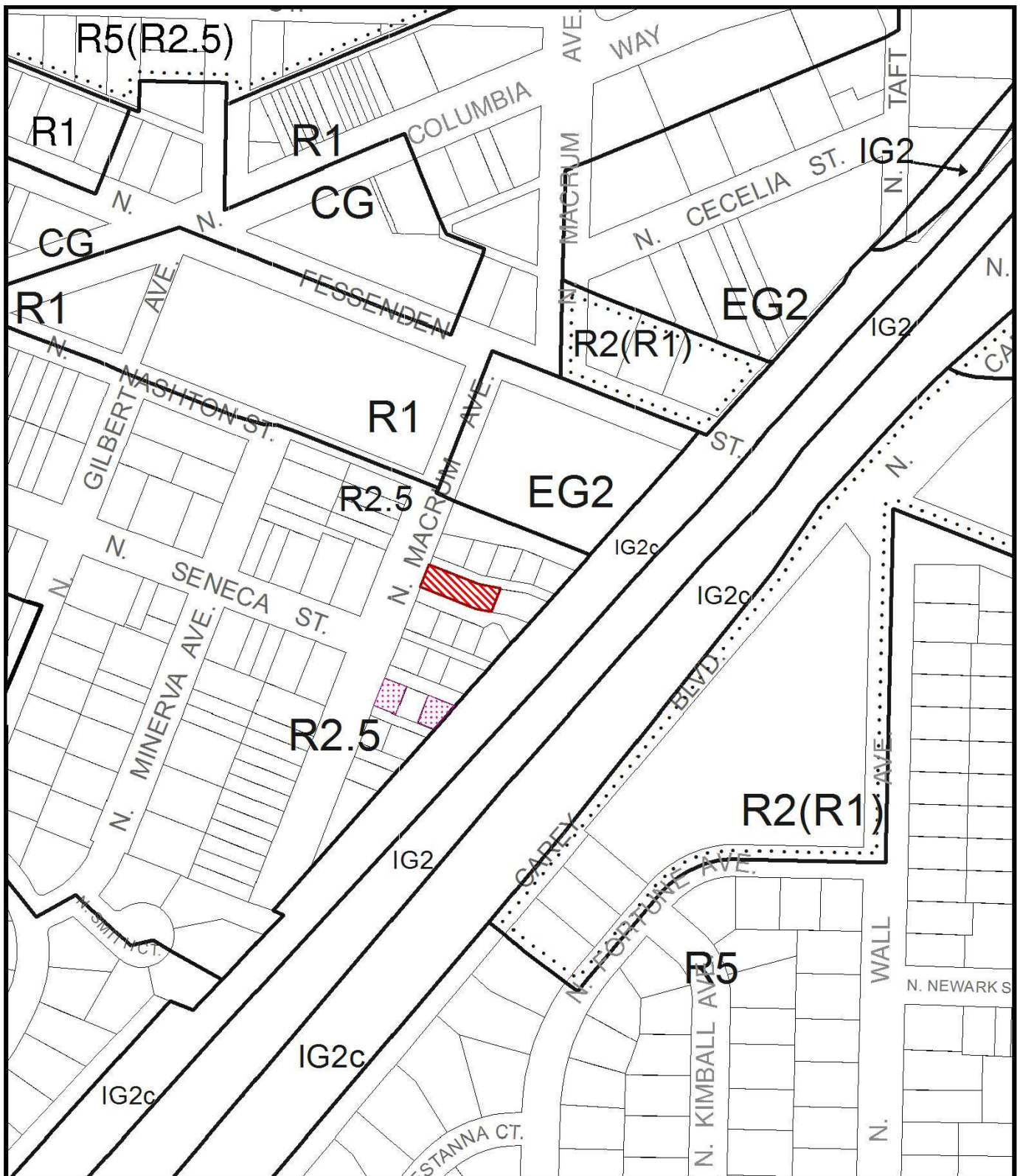
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant's original submittal and plans
 - 2. Applicant's response, March 12, 2015
 - 3. Applicant's response, September 14, 2015
 - 4. Applicant's response, November 25, 2015
 - 5. Stormwater Management Manual Simplified Approach Form, May 1, 2015
 - 6. Arborist Report and Supplemental Information, 10/10/14, 3/22/15, and 9/14/2015
 - 7. Correspondence
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Site and Utility Plan (attached)
 - 2. Existing Conditions and Tree Survey
 - 3. Preliminary Partition Plat
 - 4. Preliminary Grading and Erosion Control Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Section of BDS
 - 7. Parks Urban Forestry
- F. Correspondence
 - 1. Lance Hardcastle, 3/31/15, 9340 N Macrum Avenue, 97203
- 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).

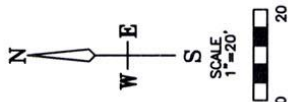


ZONING

-  Site
-  Also Owned

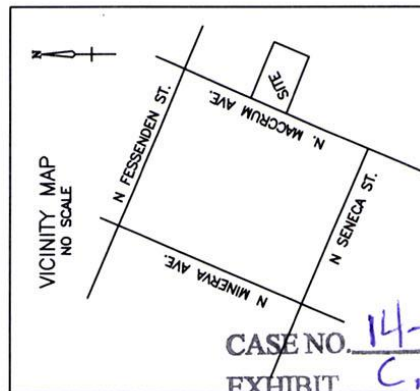


File No. LU 14-224157 LDP
 1/4 Section 2124
 Scale 1 inch = 200 feet
 State_Id 1N1E07AB 8707
 Exhibit B (Oct 14, 2014)



RECEIVED

NOV 25 REC'D



CASE NO. 14-224157
EXHIBIT C.1

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

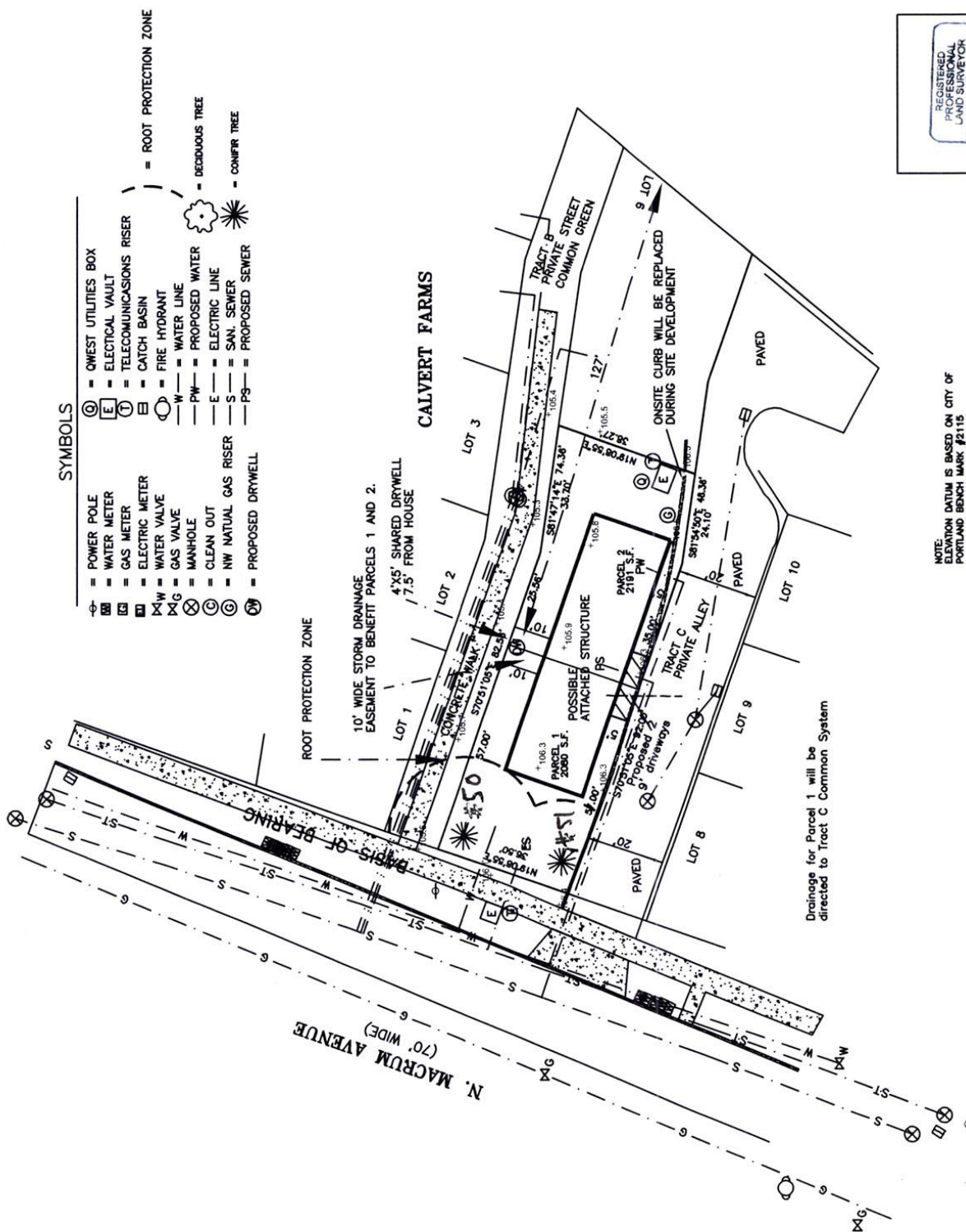
SITE PLAN
LOT 7 "CALVERT FARMS"
IN THE NW 1/4, SECTION 7, T.1N., R.1E., W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

CLIENT:
CHRISTIE RAASCH
3880 SE DEER CREEK WAY
PORTLAND, OR 97080

DATE: AUGUST 29, 2014

JOB NO. 14-114
DRAFTED 08.29.14

SHEET 1 OF 1



NOTE:
ELEVATION DATUM IS BASED ON CITY OF
PORTLAND BENCH MARK #2115



- SYMBOLS**
- ⊕ = POWER POLE
 - ⊗ = WATER METER
 - ⊙ = GAS METER
 - ⊕ = ELECTRIC METER
 - ⊗ = WATER VALVE
 - ⊙ = GAS VALVE
 - ⊕ = MANHOLE
 - ⊗ = CLEAN OUT
 - ⊙ = NW NATURAL GAS RISER
 - ⊕ = PROPOSED DRYWELL
 - ⊗ = QWEST UTILITIES BOX
 - ⊙ = ELECTRICAL VAULT
 - ⊕ = TELECOMMUNICATIONS RISER
 - ⊗ = CATCH BASIN
 - ⊙ = FIRE HYDRANT
 - ⊕ = WATER LINE
 - ⊗ = PROPOSED WATER
 - ⊙ = ELECTRIC LINE
 - ⊕ = SAN. SEWER
 - ⊗ = PROPOSED SEWER
 - ⊙ = ROOT PROTECTION ZONE
 - ⊕ = DECIDUOUS TREE
 - ⊗ = CONIFER TREE