



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

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Date: February 4, 2022
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 21-092610 LDP

GENERAL INFORMATION

Representative & Primary Contact: Trisha Clark, NW Land Planning
P.O. Box 1073
Goldendale, WA 98620
503-330-2019 and trisha_clark@hotmail.com

Applicant: PDX F2 LLC
Attn: Joshua Taylor and Michael Chapel
11818 SE Mill Plain Blvd #203
Vancouver WA 98684

Owner: PDX F2 LLC
24082 S Schuebel School Rd
Beavercreek, OR 97004

Surveyor: Ferguson Land Surveying- Scott Sorenson
646 SE 106th Avenue
Portland, OR 97216

Site Address: 2817 SE 145TH AVE

Legal Description: TL 3300 0.36 ACRES, SECTION 12 1S 2E
Tax Account No.: R992122450
State ID No.: 1S2E12BB 03300
Quarter Section: 3345

Neighborhood: Centennial, contact at dbramske@EMAarchitecture.com
Business District: Midway, contact info@midwaybusiness.org.
District Coalition: East Portland Community Office, contact at info@eastportland.org

Plan District: Johnson Creek Basin

Other Designations: None

Zoning: R5- Single-Dwelling Residential 5000
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 proposes to divide this 15,716 sq. ft. site to create two parcels. Parcel 1 is proposed to be 7,318 s.f in site area and Parcel 2, a flag lot will be 8,398 s.f. in site area. The existing house with attached garage will be retained on Parcel 1. The existing carport and sheds on the site will be removed and existing driveway for the house will be reconfigured to allow ingress/egress in a forward motion onto SE 145th Avenue. Parcel 2, a Flag Lot, will be available for future residential development. There is one tree on the site, an 8-inch Japanese Maple, which will be retained on Parcel 1. Portland Bureau of Transportation initially identified a 3-ft. right-of-way dedication would be required, and has subsequently determined a dedication is not triggered at this time.

In order to show feasibility of providing services and other criteria, the applicant has provided a conceptual development plan showing *a single dwelling residence and a detached accessory dwelling unit on Parcel 2 with on-site parking accessed via a driveway on SE 145th Avenue*. Please note that the proposed lots qualify for additional density under the Residential Infill Options of 33.110.265. On-site parking is not required (33.266.110).

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 or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create two (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: The site is interior lot on the west side of SE 145th Avenue with a wide gravel driveway that provides vehicle access to a very tall, detached carport and an attached garage. A single-level family residence exists on the site with three detached accessory structures. The site is relatively flat, with fences bordering the side and rear property lines. The front yard consists of an 8-inch Japanese Maple tree on the south property line with a few shrubs bordering that side lot line. The rear yard consists of lawn, a few shrubs and two accessory structures.

Within this vicinity surrounding this area, properties are developed with a mixture of single-story and two-story single-family houses. Apartment complexes are directly to the north and northwest of the site. A private Franciscan Montessori school, St. Francis Academy, is approximately east of the site at SE Clinton and SE 148th Avenue. Lincoln Park Elementary a public school is approximately a mile northwest of the site. R5 zoning is to the south/west and southeast of the site. The zoning changes from R5 to RM1/RM2 -Residential Multifamily north of the site. Commercial development is further north of site where commercial zoning is located along properties abutting SE Division Street. The nearest park is Powell Butte Nature Park approximately a mile to the south of the site.

Infrastructure:

- **Streets** –The site has approximately 89.91 feet of frontage on SE 145th Avenue. There is one driveway entering the site that serves the existing house and detached carport. SE 145th Avenue has a 28-ft paved road surface within a 50-foot right-of-way with no curbs or sidewalks. At this location, SE 145th Avenue is classified as a City Bikeway, Neighborhood Walkway and Local Service Street for all other modes per the Transportation System Plan.
- Tri-Met provides transit service approximately 850-ft. north of the site at SE Division Street via Bus #2 and approximately 1000-ft. south of site on SE Powell Boulevard via Bus #9.
- **Water Service** – There is an existing 8-inch water main in SE 145th Avenue. The existing house is served by a metered service from this main.
- **Fire Hydrants** The nearest fire hydrant is located approximately 325-ft. south of SE Clinton Street on the east side of SE 145th Avenue and has a hydrant flow of 2300 gpm with a minimum pressure of 20 psi.
- **Sanitary Service** - There is an existing 36-inch RCP sanitary sewer line (BES as-built# 4411) in SE 145th Avenue. Service availability for the existing house and future lot is discussed further under Section 33.652 approval criterion.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant is proposing to provide on-site stormwater management facility for the proposed development, which is discussed later in this report under 33.653.030.

Zoning: The R5-Residential 5000 zoning designation is Portland’s most common pattern of single-dwelling development. It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Single-dwelling residential will be the primary use. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services.

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 **December 14, 2021**. No written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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, Seeps and Wetlands	No streams, springs, seeps, or wetlands are evident on the site
L	33.654.110.B.2 - Dead end streets	No dead-end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zone	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	No pedestrian connections are proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey (Exhibit C.3), the site area is 15,716 square feet. The maximum density in the R5 zone 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.

Maximum density calculation:
 $15,716/5000= 3$

Minimum density calculation

$$15,716 \times .80 = /5000 = 2.5 \text{ rounds up to } 3$$

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

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

	Min. Lot Area (Square feet)	Max. Lot Area (Square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	***Min. Front Lot Line (feet)	Min. Flag Lot Width (feet)	Min. Flag Lot Depth (feet)
R5 Zone	3,000	8,500	36	50	30	40	40
Parcel 1 With existing House	7,318		77.9	93.9	77.9		
Parcel 2- Flag Lot	7,271 (flag area only) / 8,398 total flag lot area includes access pole				12	89.9	81

* 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.

** For flag lots: (1) width and depth are measured at the midpoint of the opposite lot lines in the "flag" portion of the lot; and (2) lot area calculations do not include the pole portion of the lot.

*** Min Front lot line does not apply to a flag lot. A flag lot just requires 12-feet.

Regular lot lines are required as far as is practical. The proposed lot lines are straight, and the side lot lines are at right angles to SE 145th Avenue on which both parcels front.

Flag Lots

Flag lots are allowed in limited circumstances when specific provisions are met (33.610.400). These requirements have been met, based on the following: the existing development has been on the site for 5+ years and is in a location that precludes a land division meeting the minimum lot width standard or the site has dimensions that precludes a land division meeting the minimum lot width standard; no more than two parcels are proposed and only one is a flag lot; a minimum 12-foot wide pole connects the flag lot to the street; and the flag lot meets the lot area and width and depth (as noted in the table above).

In this case, it is not practical to provide shared access, due to the location of the exiting attached garage.

Based on these factors, Parcel 2 has met the thresholds for when a flag lot is allowed.

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

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

Findings: The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees. The applicant provided a narrative addressing this criterion (Exhibit A.25).

Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.1) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.15) that also located the tree on the site and identifies each tree, its condition and suitability for preservation or its exempt status and specifies a root protection zone and tree protection measures for each tree to be preserved.

Based on this information, the existing Japanese Maple tree (#2) is subject to the tree preservation standard of this chapter. This tree provides a total of 8-caliper inches of tree diameter. The applicant's narrative states (A.13 & A.25) they do not intend to remove any trees. Therefore, the applicant is proposing to preserve this Japanese Maple tree (#2).

Tree Name Number	Tree Name	Tree Size (dbh)	Preserve
#2	Japanese Maple (Acer Palamatum)	8 inches	Yes

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

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

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

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

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

The 8-inch Japanese Maple is being proposed to be preserved and it is the only tree on the site. The arborist report provided tree protection for this tree. This proposal to preserve this 8-inch Japanese Maple complies with Option #4 listed above.

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

In order to ensure that future owners of Parcel 1 are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Parcel 1 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the Arborist Report (Exhibit A.15).

The tree, 8-inch Japanese Maple, to be retained as part of this review will be applied toward Title 11-Tree Density requirements for the existing house being retained on Parcel 1.

With the implementation of the noted conditions, the approval criteria will be met.

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

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

Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading: In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, the applicant's arborist report (Exhibit A.15) has identified a Western Red Cedar on the adjacent property, which is within 15-ft. of potential disturbance area on proposed Parcel 2. The arborist recommended limited excavation of the original grade within 15-ft. of this tree and that fill should not take place within 5-ft. of the base of this tree. With the condition to follow the arborist recommendation to protect and reduce the impact to the off-site Western Red Cedar at the time of development on Parcel 2, this criterion is met.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old on-site sanitary system (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,

33.641.020, Traffic Impacts, Approval Criterion

- A.** The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by 33.641.020.B.

Findings: The applicant submitted a written narrative addressing this approval criterion (Exhibit A.13 & A.14).

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the applicant's narrative and application against the evaluation factors and some of their findings/comments are summarized below:

Safety

The site is on the west side of SE 145th Ave. between SE Clinton St. and SE Powell Blvd. SE 145th Ave. is classified as a City Bikeway, Neighborhood Walkway, and Local Service for all other modes as this location. The existing 50-foot-wide right-of-way is improved with a 28-foot-wide paved roadway. No curb or sidewalk exist in the lot frontage.

Based on information in the City's database on Portland Traffic Deaths and Injuries since 2008, there have been no fatal accidents and one injury accident on SE 145th Ave. between SE Division St. and SE Powell Blvd. The crash resulted in a serious injury to a person driving. While the ideal crash rate is of course zero, the single injury crash on this segment does not raise safety concerns to the level where development in compliance with the base zone should be restricted. With that said, access restrictions are in place which help improve safety on this segment. While SE 145th Ave is a Local Service traffic street, it has centerline markings. The City Traffic Engineer has determined that forward motion ingress

and egress will be required for any driveway accessing a street with a TSP Traffic Classification higher than Local Service Street and/or with lane markings. This includes single family homes and duplexes. The submitted proposed conditions plan demonstrates there is adequate on-site room on both proposed parcels to accommodate on-site vehicular turn arounds for driveways on each lot. If driveways are constructed, forward motion ingress and egress is required; the applicant has demonstrated that it is feasible with the proposed lot layout.

Street capacity/Level of Service

SE 145th Ave. is a local service street for which older traffic count data is available. The most recent counts were taken on SE 145th Ave. just north of SE Powell Blvd. between June 9th and 10th, 2013. This traffic data reflects an average daily trip rate of 2,058 vehicles. This is still within the range of vehicle volumes to be considered a local service street, but is higher volume than you see on a typical local service street. To staff's knowledge, PBOT has not identified any level of service concerns with this segment in the TSP or other planning documents. It is believed the segment has capacity to absorb the anticipated increase in trips from one additional residential lot.

Connectivity

The subject site is within an area with moderate connectivity. There are numerous paved north/south connections, but east/west through connections are mostly limited to area collectors. The subject site is within a block which far exceeds the City's target standard of through streets being no more than 530-feet apart or pedestrian connections being no more than 330-feet apart. The south edge of the subject site is approximately 300-feet south of SE Clinton St, recommending this as a potential location for a pedestrian connection. The property to the south has been divided to its maximum density under current zoning and the property to the north is a multi-dwelling zoned site with an existing apartment complex. There is not an opportunity to seek dedication from the neighboring properties, meaning the entire 15-feet required for a pedestrian connection would need to come from this site. The site is 89.93 feet wide and 174.92 feet long. A 15-foot dedication would represent a dedication of 2,624.25 square feet, or 16.67 percent of the lot. In addition to the amount of dedication needed, any pedestrian connection through this site would only provide a half block connection. It would not be able to be completed through to SE Woodward St. until the lot to the west redevelops. Unfortunately, the property lines of the subject site and the neighboring lot to the west do not align. The subject lot is in the middle of the lot to the west. Providing a pedestrian connection along the north or south of the subject lot would mean a future connection through the middle of the lot to the west, which is an irregular shape. While the lot to the west could be further divided, the irregular lot shape and fact that the property lines do not align makes it extremely difficult to site a pedestrian connection in a manner that does not severely impact the usability of the lot to the west. Staff finds the existing development patterns make a pedestrian connection infeasible at this location.

Transit Availability

The subject site has good access to transit. Frequent service transit comes at intervals of 15 minutes a day or less most of the day, 7-days a week. Tri-Met service route 2 is a frequent service bus route operating on SE Division St. approximately 800-feet north of the site. Route 2 has been the subject of a great deal of recent public investment through the Division Transit Project (<https://trimet.org/division/>). This is a 15-mile project to accommodate longer buses with room for 60% more riders. The longer buses have additional doors which should help with passenger loading and unloading reducing stop times. The bus stations have been extended to accommodate the larger vehicles. As part of the capital improvements to create the expanded bus stops, the signals were upgraded to allow for transit vehicles to have signal priority. The improved service with the larger transit vehicles begins April 4, 2022.

While investments have been made to provide the premier bus service in the region on SE Division St., accessing that transit from the subject site means walking on a street which is not improved to City standards. There are no sidewalks along SE 145th Ave. between the

subject site and SE Clinton St. There are curb tight sidewalks on SE 145th Ave. between SE Clinton St. and SE Division St. Bus stops for travel in both directions are at the intersection of Division and 145th. The intersection is signalized, making it safer to cross SE Division St. in order to access the westbound service. While transit is available, the facilities used to access that transit do not meet the City's standard of a separated sidewalk facility.

Availability of pedestrian and bicycle networks.

Separated sidewalk facilities do not exist for the majority of the streets in the subject area, though most do have paved roadway surfaces which operate as shared facilities. The addition of one lot to the neighborhood is anticipated to increase trips via all modes. Adding additional pedestrian trips to an area where pedestrian facilities are not currently built to City standard will have an incremental negative impact.

Multiple streets in the area are designated as City Bikeways including SE 145th Ave. For east/west travel, SE Division St. and SE Powell Blvd. are paved through streets with bike lanes. These are both high volume facilities. There are no alternate through connections for east/west travel in the area. For north south travel, more options are present. While SE 145th Ave. is designated as a City Bikeway, it does not have marked bike lanes though it is a lower traffic street as evidenced by the above-mentioned traffic counts a local service classification. SE 148th Ave. has marked bike lanes going north. SE 136th Ave. has marked protected bike lanes going south. SE 129th Ave. is a Neighborhood Greenway. Neighborhood Greenways are specifically designed to connect neighborhoods for pedestrians and people biking by slowing down traffic and enhancing street safety. Adequate bicycle infrastructure is present to absorb the anticipated increase in trips from one new lot.

On street parking impacts

On street parking appears to be available in gravel shoulders both sides SE 145th Ave. All of the homes in the area appear to include driveways and on-site parking that accommodate multiple vehicles. The applicant's narrative states each lot will have on site parking and an individual driveway connection to SE 145th Ave. The proposed conditions plan demonstrates it is feasible to provide an on-site turn around for each parcel. It is anticipated there will be few impacts to on-street parking from the addition of one lot since on-site parking is proposed for both lots.

Access restrictions

SE 145th Ave. is a local service street with centerline markings. The City Traffic Engineer has determined that forward motion ingress and egress will be required for any driveway accessing a street with a TSP Traffic Classification higher than Local Service Street and/or with lane markings. This includes single family homes and duplexes. This is an existing City policy which will be applied at the time of application for a driveway permit. There is no need to require a condition of approval requiring forward motion. The applicant has submitted a proposed conditions plan demonstrating that on site turn arounds are feasible.

Neighborhood impacts

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

Impacts on pedestrian, bicycle, and transit circulation

There is transit service available on SE Division St. which is a collector street. The addition of one lot to the neighborhood is not anticipated to have any impact on the transit circulation on nearby collector streets. A network of interconnected, mostly paved streets provides bicycle connections from this neighborhood to the larger City. The sidewalk network is incomplete in this area. The addition of one residential lot to the neighborhood is not anticipated to have a substantial impact on area circulation. However, adding additional trips to area where the circulation system is not to City standards will have an incremental negative effect.

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

Findings: The existing street frontage on SE 145th Avenue does not meet City standards.

The impact of the development is small enough that asking the property owner to provide off-site improvements to the transportation system would be out of proportion to the development request. Asking the property owner to dedicate land and construct the site's frontage to City standards will alleviate a portion of the need for transportation system improvements in the area. Standard improvements on SE 145th Ave. would consist of a curb set 13-feet from centerline and a 15-ft sidewalk corridor consisting of a 0.5-ft curb, 8-ft public stormwater management facility, 6-ft sidewalk, and 0.5-ft frontage zone. This would require a total of 28-feet of right-of-way from centerline. The existing right-of-way is 25-feet in width from centerline, requiring 3-ft of dedication to meet the standard. However, the applicant has elected to pay the Local Transportation Infrastructure Charge (LTIC), and further discussed in Criterion L, 33.654. As such, a dedication will not be triggered at this time.

PBOT concludes the transportation system will be capable of supporting the proposed new development on these future lots, in addition to the existing uses. Therefore, these criteria are met.

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

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

<p>33.651 Water Service standard – See Exhibit E.3 & Exhibit E.4</p> <p>The Water Bureau has indicated that service is available to the site, as noted on page 3 of this report.</p> <p>The Fire Bureau has reviewed the fire flow (Exhibit A.21 & A.22) and determined the nearest fire hydrant has adequate capacity.</p> <p>The water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 3 of this report.</p> <p>BES reviewed the applicant's proposed improvement and utility plan (Exhibit C.1), and comments are summarized below:</p> <ul style="list-style-type: none"> • <i>Existing Development:</i> According to City records, the existing structure on proposed Parcel 1 is currently connected to the sanitary sewer via a lateral located approximately 76 feet north from the manhole in SE 145th Ave. This appears to correspond with the location shown on the submitted site plan and per the submitted site plan will remain within the frontage of Parcel 1. • <i>Proposed Development:</i> Proposed Parcel 2 will be served by a new connection to the

sanitary sewer in SE 145th Ave within its frontage. Please note that due to the depth and size of the sewer, this connection may be challenging. The applicant should contact 503-823-7761 option 4 for additional information

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

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

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

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

Public Right-of-Way Stormwater Management: BES understands that the applicant has elected to pay the Local Transportation Infrastructure Charge (LTIC); therefore, public ROW improvements will not be constructed. At this location and based on current available information, BES does not require additional dedication for future construction of stormwater management facilities.

Bureau of Environmental Services (BES) reviewed the applicant's proposed improvement and utility plan which includes a stormwater management plan (Exhibit C.1), stormwater narrative and Simplified Approach form (Exhibits A.26) and provided the following comments:

- *Existing Development:* Per the submitted site plan, runoff from the existing house on proposed Parcel 1 currently discharges to downspouts to ground.
- *Proposed Development:* Staff reviewed the project's Simplified Approach stormwater report (11/2/21), which includes Simple Pit infiltration test results of 24 inches per hour on this site. Although the form did not include results of the required three tests, based on the results of the first test and known infiltration in this area, this is sufficient for the land division. The applicant proposes to infiltrate runoff from the development onsite via a drywell that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM.

BES found the applicant's proposed stormwater management plan (Exhibit C.1) acceptable for the purpose of reviewing the preliminary land division against the stormwater management approval criteria and standards.

These criteria and standards are met.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

Although the optimum spacing criteria would indicate the need for an east-west street. Properties surrounding the site are already developed and therefore would not easily allow the further extension of a street or pedestrian connection from the site. Therefore, it is not practicable to provide for extension of a through east-west street or pedestrian connection as part of this land division.

PBOT discussed in detail under criterion 33.641 why existing development patterns make a pedestrian connection infeasible at this location.

For the reasons described above, this criterion is met.

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

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Bureau of Transportation (PBOT) comments are summarized below:

At this location SE 145th Avenue is classified as a Neighborhood Walkway, City Bikeway, and a Local Service Street for all other modes of transportation per the City's Transportation System Plan (TSP). This site is not within a pedestrian district.

Existing Conditions:

SE 145th Avenue: SE 145th Avenue is a 50-ft. wide right-of-way (ROW), improved with 28-ft. paved roadway, which lacks curbs and sidewalks.

City Standards & Improvements:

For a Neighborhood Walkway and City Bikeway Street outside a pedestrian district this local service street within a R5 zone, the City's Pedestrian Design Guide recommends a 26-ft. paved roadway and a 15-ft. sidewalk corridor with a 0.5-ft. curb, 8-ft. public stormwater management facility, 6-sidewalk, and 0.5-ft frontage zone. This would require a total of 56-ft. of right-of-way. The existing right-of-way is 50-feet in width, requiring 3-ft. of dedication from each side of the road to meet the standard. Since a curb line will be established for the first time on SE 145th Avenue an additional 3-feet is added to the furnishing zone to accommodate public stormwater management.

The existing street along this site's frontage does not meet current City Standards. Configuration if choosing to build: Paved roadway sufficient to establish a curb line 13-ft from centerline, a 15-ft. sidewalk corridor consisting of a 0.5-ft. curb, 8-ft public stormwater facility, 6-ft sidewalk, 0.5-ft frontage zone, street trees and street lighting as needed. This would require a total of 28-feet of right-of-way from centerline. The existing right-of-way is 25-feet in width from centerline, requiring 3-ft of dedication to meet the standard.

PBOT notes the Local Transportation Infrastructure Charge (LTIC) applies to SE 145th Avenue at this location. The Local Transportation Infrastructure Charge (LTIC) is a fund designed to provide improvements to unimproved streets citywide, as authorized by the Portland City Council Ordinance 187681. The LTIC is based on the total linear frontage of the property, at a rate of \$600.00 per linear foot. Based on the submitted survey, the subject site has 89.93-feet of frontage. The maximum charge for an R5 zoned lot is equivalent to 50-feet of frontage so the LTIC would be \$30,000. When electing this option, applicants are required to execute street and stormwater waivers of remonstrance in addition to paying the LTIC.

The applicant's narrative (Exhibit A.14 & A.16) states they elect to pay the LTIC in lieu of constructing standard improvements. Bureau of Environmental Services has indicated the additional right-of-way needed for stormwater management is not required when applicants pay LTIC. This would reduce the overall ROW width to 24-feet from centerline, requiring no dedication to meet the standard.

The submitted preliminary plat shows 3-feet of dedication for the full length of the site's frontage. PBOT Staff notes this dedication is not necessary since the applicant has elected to pay LTIC. PBOT recommends the plat be updated to remove the dedication.

These LTIC funds can directly contribute to providing sidewalks in a comprehensive way on SE 145th Avenue or within the neighborhood.

In this case, the applicant/owner has chosen to pay the LTIC charge (Exhibit A.16) for the

street frontage along SE145^h Avenue of this project. Having the owners execute street and stormwater waivers of remonstrance ensures participation in such a Local Improvement District in the future. Therefore, with the condition that the applicant/owner will be required to sign street and storm sewer waivers of remonstrance (for participation in future street and storm sewer improvements) and pay the Local Transportation Infrastructure Charge prior to final plat approval.

With the conditions of approval noted above, PBOT determined the existing street system can serve the existing users and proposed new development. With the conditions of approval described above, this criterion is met.

33.644.120.H Street Trees – See Exhibit E.6

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

Urban Forestry comments are summarized below:

Existing Street Conditions:

- SE 145th Avenue: The site has approximately 90-ft. of street frontage. The right-of-way is improved with pavement only. There are overhead high voltage power lines. There are zero street trees.

Street Tree Planting (11.50.060.C):

One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum of 1.5 caliper inches and be a species chosen from an approved street tree list. Street tree planting may be exempt under 11.50.00060.B when existing above or below utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide. Street trees are required to be planted through any public works permits

Due to the existing conditions of the right-of-way, street trees may not be required unless PBOT requires frontage improvements. The applicant has chosen to pay into LTIC at this time, therefore no frontage improvements will be required as part of this land division proposal.

Urban Forestry has no objections to this land division proposal. This criterion is met.

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

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

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

Future Development

- Flag Lots-- special setback standards apply to flag lots in the RF-R2.5 zone, and special landscape standards apply to flag lots that are 10,000 square feet or less in area in the R7-R2.5 zones. These standards apply to Parcel 2.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the 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 that relate to existing development on the site:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 23.6-ft. from the new rear property line and 21 ft. to the new side lot 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 plan showing the surveyed location of the existing building relative to the adjacent new lot lines.
- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, the accessory structures on future Parcel 2 must be removed prior to final plat. The applicant must provide documentation prior to final plat approval that the required demolition permits have received final inspection approval. Alternatively, the applicant may choose to execute a covenant with the city to retain the accessory structure for up to two years without a primary structure. The covenant must meet the requirements of 33.700.600 and be executed prior to or with the Final Plat.
- Accessory Structures – Structures are not allowed to remain on a proposed lot line. Therefore, in order for the proposed new lots to be approved, the accessory structure(carport) that straddles the line between proposed Parcels 1 and 2 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.
- Parking area locations (33.266.120.C): No more than 40 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. Parking is being retained within the garage of the existing house on Parcel 1 and a driveway provides access to this parking via SE 145th Avenue. The applicant is proposing to expand or reconfigure the existing driveway to the existing house to allow vehicles to ingress and egress the site in a forward to meet the Portland Bureau of Transportation requirement, as shown on the site plan (Exhibit C.1). A zoning permit is required to expand the driveway to ensure the front yard vehicle paving limitation is not exceeded for Parcel 1. The permit must be inspected and finalized prior to final plat approval. The surveyor must document on the supplemental survey the completion of this work.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

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

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

- **Building Code (2017 Oregon Residential Specialty Code (ORSC)):** A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances.

The applicant is proposing to remove all of the existing detached accessory structures on the site. All of the detached accessory structures are greater than 200 s.f. and greater than 10-ft. tall and therefore require a building permit to be removed.

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

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

- **Driveways and Curb Cuts (Section 17.28)**
Curb cuts and driveway construction must meet the requirements in Title 17. Forward motion ingress and egress is required since SE 145th Ave. is a local service street with centerline marking. The applicant has submitted a proposed conditions plan documenting that on-site turnaround are feasible for both lots. The existing driveway to the garage attached to the house being retained on Parcel 1 is being

retained and will continue to provide vehicle access to the site. As discussed in the Transportation Impacts criterion and Development Standards section, above, to ensure that vehicles for the existing house will ingress and egress in a forward motion onto SE 145th Avenue, as demonstrated on the site plan, a zoning permit will be required to install the on-site turnaround. Prior to Final Plat approval, PBOT requires an on-site turn around be constructed on Parcel 1 to allow forward motion vehicular ingress and egress for the vehicle area associated to the house being retained on Parcel 1.

CONCLUSIONS

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

SE 145th Avenue currently does not meet City standards and requires frontage improvements to meet current standards. The applicant is choosing to pay LTIC versus construction of the required frontage improvements. Portland Bureau of Transportation (PBOT) requires the applicant to sign street and storm sewer waivers of remonstrance (for participation in future street and storm sewer improvements) and pay the Local Transportation Infrastructure Charge prior to final plat approval. PBOT requires the driveway to the existing attached garage will be reconfigured to allow vehicles to ingress/egress out in a forward motion onto SE 145th Avenue.

The existing house will be retained on the site and existing detached accessory structures will be removed prior to final plat approval. An existing on-site sanitary (septic/cesspool) system on the site will be required to be located and decommissioned to make the site suitable for development.

An 8-inch Japanese Maple tree will be preserved on Parcel 1 with the existing house. To ensure that future owners are aware of tree preservation for Parcel 1, an acknowledgement of tree preservation conditions is required prior to final plat approval.

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

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

ADMINISTRATIVE DECISION

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

- A. Supplemental Plan.** An additional supplemental plan shall be submitted with the final plat survey for Land Use review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the following:
- The surveyed location of any buildings or accessory structures on the site at the time of the final plat application;
 - The surveyed location of any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
 - The reconfigured driveway for the existing house completely installed and on Parcel 1;
 - Any other information specifically noted in the conditions listed below.
- B. The final plat must show the following:**

1. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Conditions C.5 and C.6 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "Acknowledgement of Special Land Use Conditions (name of feature.i.e. tree preservation, Fire sprinklers)."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 pay the Local Transportation Infrastructure Charge (LTIC) as it applies to SE 145th Avenue and complete street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms and instructions will be provided to the applicant/owner during the final plat review process.

Existing Development

2. The applicant must obtain a finalized demolition permit for removing the three accessory structures as shown on the existing conditions site plan, Exhibit C.3. Accessory structure #1 is identified as a carport and straddles the future lot lines must be removed and the two other accessory structure are sheds (#2 & #3) on future Parcel 2. The carport and a shed behind the carport must be removed prior to final plat approval. The two sheds on Parcel 2 must be removed or alternately, the applicant must execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.
3. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the on-site sewage disposal system (septic system) for the existing house on the site.
4. The applicant shall construct an on-site turnaround to allow vehicular ingress and egress in a forward motion for the existing house on Parcel 1 to the satisfaction of Portland Bureau of Transportation and this vehicle area must be in accordance with the front yard vehicle paving limitation of the Zoning Code (33.266.120). The applicant must obtain a finalized Zoning Permit for installation of this reconfigured paved vehicle driveway area. The permit plans must include the note: *This permit fulfills requirements of Condition C.4 of LU 21-092610 LDP.* The reconfigured driveway with turnaround for the existing house must be surveyed in and shown on the supplemental survey.

Required Legal Documents

5. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcel 2-Flag Lot to contain internal fire suppression sprinklers. The acknowledgement shall be referenced on and recorded with the final plat.
6. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 1. 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 Parcel 1 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.15). Specifically, the Japanese Maple tree, numbered #2, is required to be preserved, with the root protection zones indicated per the Arborist Report. Tree protection fencing is required along the root protection zone of the trees to be preserved. The fence must be 6-foot-high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur if it meets the Tree Protection Specifications of 11.60.030.

At the time of development on Parcel 2, tree protection must be provided for the off-site tree (Western Red Cedar), to the north of Parcel 2, as shown on the site plan (Exhibit C.1). Tree protection measures as discussed by the Arborist Report must be followed or as directed by an updated arborist report at the time of development.

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

Staff Planner: Lois Jennings

Decision rendered by:  **on February 2, 2022**
By authority of the Director of the Bureau of Development Services

Decision mailed February 4, 2022

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

Procedural Information. The application for this land use review was submitted on October 4, 2021, and was determined to be complete on December 10, 2021.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 4, 2021.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did extend the 120-day timeline by 14-days. Unless further extended by the applicant, **the 120 days will expire on: April 22, 2022.**

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

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

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

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

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

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

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

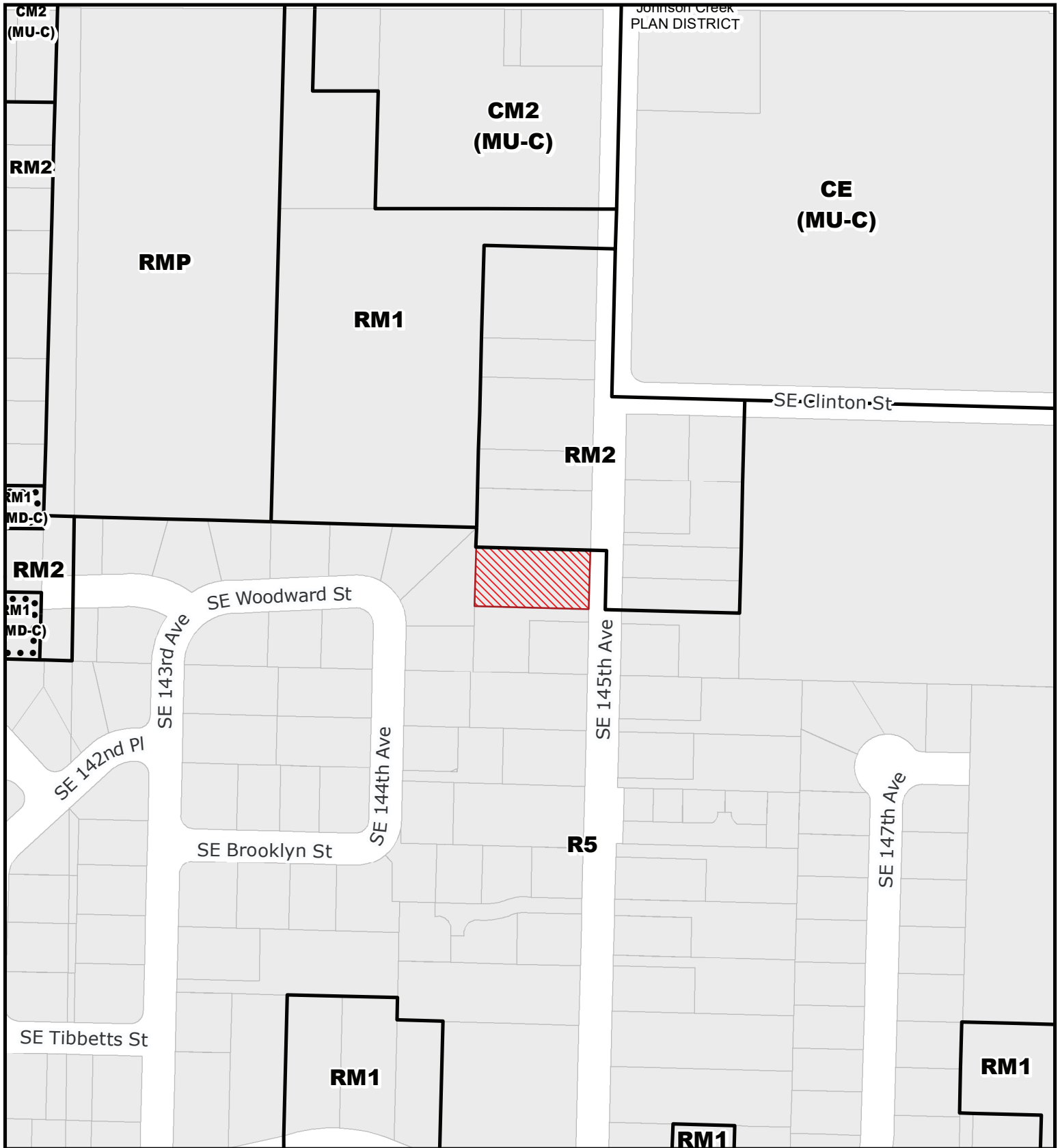
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Statutory Warranty Deed
 - 2. Tax Assessor Map
 - 3. Property Trio Title Report
 - 4. Applicant Original Narrative addressing Approval Criteria
 - 5. Existing Conditions Survey
 - 6. Proposed Conditions Site Plan
 - 7. Resubmittal Letter from applicant submitted 12.10.2021
 - 8. Book 1114 Page 2198 Deed & Surveyor email attesting to deed submitted 12.10.2021
 - 9. Revised LU application form with owner’s signature submitted 12.10.2021
 - 10. Operating Agreement for Company submitted 12.10.2021
 - 11. Revised Expedited Land Division Acknowledgement form submitted 12.10.2021
 - 12. Revised Existing Conditions Site plan submitted 12.10.2021
 - 13. Revised Narrative of Land Division Approval Criteria submitted 12.10.2021
 - 14. Supplemental Narrative submitted 12.10.2021
 - 15. Arborist Report submitted 12.10.2021
 - 16. Owners Letter choosing LTIC submitted on 12.10.2021
 - 17. Simplified Approach Form for Stormwater submitted 12.10.2021
 - 18. Revised Proposed Conditions Site plan submitted 12.10.2021
 - 19. JPT Operating Agreement submitted 12.10.2021
 - 20. Applicant’s e-mail to Fire Bureau regarding choosing to sprinkler submitted 12.28.2021
 - 21. Fire Flow Information from nearest Fire Hydrant submitted 01.11.2022

22. Fire Sprinkler Simulation submitted 01.11.2022
 23. Revised Proposed Conditions Site Plan submitted 01.14.2022
 24. Preliminary Land Division plat survey submitted 01.14.2022
 25. Revised Narrative for addressing tree preservation approval criteria submitted 1.19.2022
 26. Completed Simplified Approach Form for stormwater submitted 01.19.2022
 27. 14-day Extension to State Law submitted on 01.19.2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Modified Preliminary Land Division Site Plan with conceptual improvement plan, utility, and Tree Preservation Plan(attached)
 2. Preliminary Land Division site plat survey
 3. Existing Conditions Survey
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
 7. Life Safety Section of BDS
 8. Verizon – Utility Company
- F. Correspondence: None
- G. Other
1. Original LU Application
 2. Expedited Land Division Acknowledgement form signed
 3. Incomplete Letter
 4. Revised LU Application form with actual owner's signature submitted 12.10.2021
 5. City E-mail dated 01.19.2022 requesting additional information from applicant for BES & LUS

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



ZONING



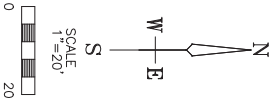
For Zoning Code in effect Post August 1, 2021

JOHNSON CREEK PLAN DISTRICT

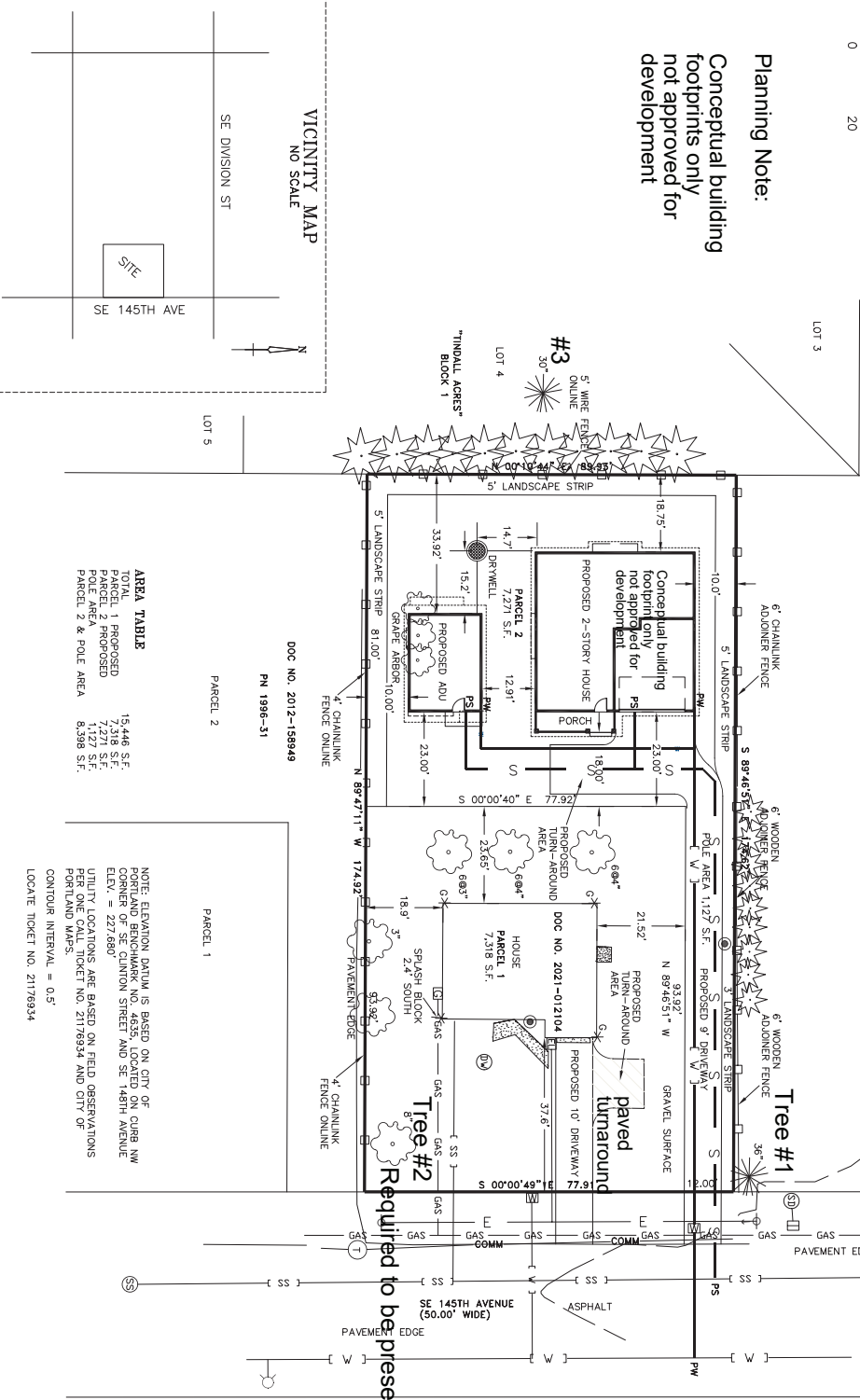
File No.	LU 21 - 092610 LDP
1/4 Section	3345
Scale	1 inch = 200 feet
State ID	1S2E12BB 3300
Exhibit	B Oct 04, 2021

Modified by City -Preliminary land division site plan, proposed conceptual improvement plan, Tree Preservation and utility plan

Tree Legend
 #1 - 36-inch Western Red Cedar -off-site to be protected
 #2 - 8-inch -Japanese Maple -required to be preserved on Parcel 1
 see Arborist Report



Planning Note:
 Conceptual building footprints only not approved for development



AREA TABLE

TOTAL	15,448 S.F.
PARCEL 1 PROPOSED	7,271 S.F.
PARCEL 2 PROPOSED	1,127 S.F.
POLE AREA	8,398 S.F.

NOTE: ELEVATION DATA IS BASED ON CITY OF PORTLAND BENCHMARK NO. 4635, LOCATED ON CURB NW CORNER OF SE CLINTON STREET AND SE 148TH AVENUE. ELEV. = 227.660'
 UTILITY LOCATIONS ARE BASED ON FIELD OBSERVATIONS PER ONE CALL TICKET NO. 2179634 AND CITY OF PORTLAND MAPS.
 CONTOUR INTERVAL = 0.5'
 LOCATE TICKET NO. 21176934

- SYMBOLS**
- ⊕ = POWER POLE
 - ⊙ = GUY ANCHOR
 - ⊠ = WATER METER
 - ⊡ = GAS METER
 - ⊞ = ELECTRIC METER
 - ⊚ = TELEPHONE MANHOLE
 - ⊚ = STORM SEWER MANHOLE
 - ⊚ = SANITARY SEWER MANHOLE
 - ⊚ = CLEAN OUT
 - ⊚ = CATCH BASIN
 - ⊚ = FIRE HYDRANT
 - ⊚ = DOWN SPOUTS TO GROUND
 - COMM — = COMMUNICATION LINE
 - W — = WATER LINE
 - G — = GAS LINE
 - E — = ELECTRIC LINE
 - S — = SANITARY SEWER
 - SD — = STORM SEWER
 - = DECIDUOUS TREE
 - = CONIFER TREE
 - = ARBORVITAE HEDGE
 - PW — = PROPOSED WATER
 - PS — = PROPOSED SEWER
 - S.F. — = SQUARE FEET
 - = PROPOSED DRY WELL

REGISTERED PROFESSIONAL LAND SURVEYOR
 DONALD SCOTT SORENSON
 OREGON
 JULY 11, 2017
 RENEWAL DATE 6/30/22

Preliminary land division site plan, proposed conceptual improvement plan, Tree Preservation and utility plan

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

PROPOSED CONDITIONS
 A TRACT OF LAND IN T.1S. R.2.E. W.M. SITUATED IN THE NW 1/4 OF SECTION 9, TOWNSHIP 1S, RANGE 2E, COUNTY OF PORTLAND, MULTNOMAH COUNTY, OREGON

CLIENT: PSXF2 LLC
 11818 SE MILL PLAIN BLVD.
 VANCOUVER, WA 98683

DATE: AUGUST 4, 2021
 REVISION: 12/10/2021 - REVISION LOT AREAS LESS DEDICATION

JOB NO. 21-080
 DRAFTED 08.04.21
 SHEET 1 OF 1

Exhibit C.1
 LU21-092610 LDP