



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

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Date: June 15, 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 21-118027 LDP

GENERAL INFORMATION

Applicant: Paul Matveev of Kavkaz Construction
20244 Danny Ct
Oregon City, OR 97045
Phone#: 503-309-3773 or kavkaz40llc@gmail.com

Consultant: Paul Roger of CMT Surveying & Consulting
20330 SE Hwy 212
Damascus, OR 9708
Phone#: 503-860-2545 or paul@cmtsc.net

Owners: David Ostapenko and Anita Ostapenko
8778 SE Crystal Springs Blvd
Portland, OR 97266
Phone#: 503-896-4057 or ostapenkodavid@gmail.com

Surveyor: Dave Roger of CMT Surveying & Consulting
20330 SE Hwy 212
Damascus, OR 97089

Site Address: 8778 SE CRYSTAL SPRINGS BLVD

Legal Description: LOT 1, PARTITION PLAT 1995-92
Tax Account No.: R649753480
State ID No.: 1S2E21CD 06205
Quarter Section: 3839

Neighborhood: Lents, contact at lentsneighborhood@gmail.com

Business District: Lents Grown Business Association, contact lentsgrown@gmail.com, Eighty-Second Ave of Roses Business Association, contact at 82ndaveba@gmail.com

District Coalition: East Portland Community Office, contact at info@eastportland.org

Plan District: Johnson Creek Basin – South Subdistrict

Other Designations: None

Zoning: R7- Single dwelling Residential (7,000)

Case Type: LDP- Land Division Partition

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

Proposal: The applicant is proposing to divide the subject property into two (2) parcels. Parcel 1 will be 9,372 s.f. in area and Parcel 2 will be 9,372 s.f. in area. The existing house with attached garage will be retained on Parcel 1. There are two driveways that access the site and the western most driveway will be reconfigured at time of development of Parcel 2. Parcel 2 will be available for new residential development. Based on the applicant's tree inventory, there are six trees on the site and five are subject to the tree preservation regulations.

In order to show feasibility of providing services and other criteria, the applicant has provided a conceptual development improvement plan showing *a single dwelling residence with on-site parking accessed via a driveway from SE Crystal Springs Boulevard*. Please note that on-site parking is not required (33.266.110.B).

This land division application is reviewed under the Zoning and Zoning Code in effect the date the application was submitted, December 30, 2021.

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

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

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

FACTS

Site and Vicinity: The site is an interior lot on the south side of SE Crystal Springs Boulevard, where two driveways access the site. A two-story single-family residence exists on the eastern portion of the site. The existing house has a covered front porch and a covered patio at the rear of house. The eastern concrete paved driveway provides direct access to the attached garage. The area surrounding the newly built house consists of gravel, lawn and barkdust area with existing deciduous and Douglas Fir trees being retained. The 2nd western driveway provides vehicle access to a vehicle parking area. The previous grass area adjacent to the 2nd driveway appears to have been scraped away leaving only exposed dirt. Neighboring fences provide a border along the side and rear property lines of the site .

Within this vicinity surrounding this area, properties are developed with single-level single-family houses. The Springwater Corridor is far west of the site, which is adjacent to Lents Flood Plain open space area. Whitman Elementary school is further west of the site at 7326 SE Flavel Street, adjacent to Flavel Park. R7 zoning is to the north, south, west and east of the site. OS-Open Space zoning is northeast of the site at the corner of SE 89th Avenue and Crystal Springs Boulevard.

Infrastructure:

- **Streets** – The site has approximately 125 ft. of frontage on SE Crystal Springs Boulevard. There are two driveways entering the site that serves the existing house on the site. At this location, SE Crystal Springs Boulevard is classified as a Local Service Street for all modes in the Transportation System Plan (TSP).

Tri-Met provides transit service approximately 1,300 ft. north of the site at SE Flavel Street via Bus Line #19; or via Bus line #72 approximately 1,500 ft. west of the site on SE 82nd Avenue.

SE Crystal Springs Blvd has approximately a 25-ft. asphalt paved surface within a 60-ft. right-of-way with no curb or sidewalks with a gravel shoulder that provides parking on both sides.

- **Water Service** – There is an existing 6-inch DI water main in SE Crystal Springs Boulevard. The existing house is served by a 5/8-inch metered service from this main.
- **Fire Hydrants** The nearest fire hydrant is located near the intersection of SE Crystal Springs Boulevard and SE 86th Avenue, specifically at the intersection of SE 89th Avenue and SE Crystal Springs Boulevard, with a hydrant flow of 2,400 gpm at 29 psi. A second fire hydrant is located west of the site and the intersection SE Crystal Springs Boulevard and SE 86th Avenue, on the east side of 86th within the street frontage of the residence with the address of 8108 SE 86th Avenue.
- **Sanitary Service** - There is an existing 8-inch PVC public sanitary sewer line in SE Crystal Springs Boulevard (BES as-built # E06954).

Water Main and Sewer Main Locations: According to available GIS data, a water main is located between the proposed development site and the sanitary main in SE Crystal Springs Boulevard. Any new connection(s) to the sewer main will cross the water main and will therefore require a [Water Utility Protection Plan](#). Sanitary laterals must meet required separation distances according to the Water Bureau; the applicant should contact the assigned Water Bureau reviewer or the Water Bureau general email (devrev@portlandoregon.gov) with questions related to required separation distances.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant is proposing to provide on-site stormwater management facility for the proposed development, which is discussed later in this report under 33.653.030.

Zoning: R7- Residential 7000 – The R7 single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households, while providing options for infill housing that is compatible with the scale of the single-dwelling neighborhood. 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.

Relevant Building Permit History:

- **18-281596 RS** – Demolition of the previous house that existed on this site with address of 8728 SE Crystal Springs Boulevard.
- **19-215066 RS**- New single-family residence with address new address of 8778 SE Crystal Springs Boulevard. The existing house on the site was constructed under this approved and inspected residential permit.

Land Use History: City records indicate the following prior land use reviews for this site:

- **LUR 95-00027 MP (95-011920)** Approval of a 1995 Minor Partition to create 3 lots, including the applicant's property which was designated as Parcel 1. Conditions of approval were related to potential future land divisions that were contemplated for Parcels 2 and 3

The land division site is Parcel 1 of this 1995 partition. Further division of this parcel does not violate any conditions of approval to create density conflicts.

- **LU 08-112458 AD:** Approval of an Adjustment to Code Section 33.110.255 C, to increase the maximum allowed height of the fence within the front setback, from 3.5 feet to 6.25 feet for the main fence, with gates that are 5 feet tall above the rollers and pillars that are 7 feet tall, with 15-inch-tall lamps on top of each pillar.

The land use case noted above was associated to the previous house that existed on the site (old address 8728 SE Crystal Springs Boulevard) and was removed under demolition permit# 18-281596 RS. The fence approved by this adjustment request within the front setback no longer exists on the site. Any new fence is required to meet current zoning regulations for fences.

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 29, 2022**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on

		a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps, or wetlands are evident on the site add if site has e-zoning outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead-end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zone	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	No pedestrian connections are proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey, the site area is 18,744 square feet.

The maximum density in the R7 zone is one unit per 7,000 feet. Minimum density is one unit per 7,000 square feet based on 80 percent of the site area.

The site is located in the **South Subdistrict of the Johnson Creek Basin Plan District**, which has a special restriction on density.

The maximum allowed density of development for Land Divisions and Planned Developments is determined by calculating the number of acres in each land classification and multiplying those figures by the following fractions in Table 537-1, below.

All land in the South subdistrict is divided into three land classifications, Classes I through III. Class I lands are generally the steepest sites having the greatest amount of natural hazards while Class III lands are generally flat without natural hazards.

Land Class	Characteristics of the Land Class	Maximum Density
Class I lands	Located on slopes with a grade of 30 percent or greater.	One-fourth the maximum density allowed in the base zone.
Class II lands	Located on slopes with grade of 20 percent or greater, but less than 30 percent.	One-half the maximum density allowed in the base zone.
Class III lands	Located on slopes with grade of less than 20 percent.	Maximum density allowed in base zone.

As shown by the existing conditions site plan (Exhibit C.2) the property has a slope with a grade of less than 20 percent. The site is classified as a Class III land since the site's slope is less than 20 percent grade. Therefore the maximum density is based on the allowed maximum density in the base zone.

The base zone maximum density is 1 unit per 7,000 square feet of site area.

The site has a maximum density of 2 lots and a minimum required density of 2 lots. 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 one (1).

The applicant is proposing two single-dwelling parcels. The density standards are therefore met.

33.610.200 Lot Dimension Regulations:

The lot dimension regulations ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; (10) lots are not landlocked; and (11) lot are regularly shaped.

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)
R7 Zone	4,200	12,000	40	55	30
Parcel 1	9,372		62.5	~150	62.55
Parcel 2	9,372		62.5	~150	62.54

* 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.

As shown in the table above, and the preliminary land division site plan (Exhibit C.1 and C.3) the required lot dimension requirements are met. Both Parcel 1 and Parcel 2 are regularly shaped.

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

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

Findings: The regulations of Chapter 33.630 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.

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.

There are six existing trees on the subject site. In order to identify which trees are subject to these requirements, the applicant provided several arborist reports (Exhibit A.12 & A.16) with a tree table (Exhibit A.4, A.5 and A.16) and a survey (Exhibit C.2 & C.1) that shows the location and size of trees on the site and adjacent to the site. The arborist report (Exhibit A.12 & A.16) 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. The applicant and arborist provided a narrative addressing the tree preservation standard and criterion (Exhibit A.2, A.12 and A16)

<u>Tree #</u>	<u>Common Name</u>	<u>size (dbh)</u>	
#1	Douglas Fir (P. Menziesii)	31	Preserve
#2	Douglas Fir	37	Preserve
#3	Siberian Elm	12/13	Nuisance - Exempt/proposing to remove at time of development
#4	Walnut	10.5	Must be Retained for Johnson Creek Basin Plan District Requirement
#5	Douglas Fir	31	Preserve
#6	Douglas Fir	41	Preserve

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.

Based on this information, five trees are subject to the tree preservation standard of this chapter. The applicant is proposing to preserve four of the five trees. The applicant is proposing to preserve all of the trees greater than 20-inches, which includes Trees identified as #1, #2, #5 and #6. These four trees provide for a total of 140 inches of tree diameter. All of these trees proposed to be preserved are Douglas Fir trees, which are considered priority

native trees to be retained and preserved. A total of 93% of the total tree diameter is being preserved. This proposal complies with Option 1 listed above.

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

The arborist provided a tree preservation plan that considered the conceptual development plan for future Parcel 2 and new water service for the existing house on future Parcel 1, for preserving these high priority native trees. An Alternative root protection zone was provided for these Douglas Fir trees in association to conceptual development plan. The original preliminary site plan submitted showed disturbance within the alternative root protection zone area. The applicant provided a revised preliminary land division site plan with conceptual development, tree preservation with utility plan (Exhibit C.1) and new arborist report (Exhibit A.16) was also submitted for this new plan. The arborist report provided an alternative root protection zone for preserving these four Douglas Fir trees. The arborist report states *“Nothing in the conceptual plan requires an arborist for supervision. The City realizes the conceptual plan and that a future development plan may differ. Any differences that impinge upon RPZs stated in this document will be addressed when appropriate” ...The water line replacement to Parcel 1 will be done by a directional drilling where the route lines within 24-ft. of T6. Additional supervision and alternative structural design will be determined when a development permit is sought if that requires additional supervision.”*

Due to these trees being high priority large native trees, conditions are warranted to ensure the health and long-term viability of these trees. At the time of development on Parcel 2 a contract for arborist services must be provided to Planning and Zoning reviewer prior to approval the building permit for the new residential development on Parcel 2. Also a final arborist report must be submitted documenting the inspections and verifying the viability of the trees prior to the City’s final inspection of this building permit. Prior to final plat approval a new water meter service and service connection is required to be installed through the root protection zone of the 41-inch Douglas Fir tree (T6), therefore City staff requires an arborist report to be provided after completion of this work. The arborist report must state the current health of this Douglas Fir Tree identified as T6 and must be submitted to the Land Use Planner prior to final plat approval.

In order to ensure that future owners of the Parcels 1 and 2 are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Parcel 1 and 2 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the Arborist Report (Exhibit A.16).

In this case, the site is also within the South Subdistrict of Johnson Creek Plan District which limit tree removal to reduce stormwater runoff, flooding, erosion, landslides, and protect water quality. Trees may be removed if they are within 10-ft. of existing or proposed building and structures attached to buildings, such as decks, stairs, and carports or within 10-ft. of a proposed driveway or right-of-way improvements. Trees may be removed due to installation, repair, or maintenance of water, sewer, or stormwater services. For new installations of services, tree removal allowed under this provision is limited to a single 10-foot-wide utility corridor. At the time of development, individual lots must also meet South Subdistrict of Johnson Creek Basin Plan District tree removal standards of Section 33.537.125 of Title 33 PZC.

At the time of development, the individual parcels must also meet the Title 11-Tree Code provisions, which require a specific amount of site area for tree planting based on the size of the property and the scale of the development. The trees to be retained as part of this review may be applied toward meeting those Title 11 requirements.

With the noted conditions, this criterion is met.

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

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

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

Clearing and Grading: In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. The arborist recommended tree protection measures for trees identified to be preserved, as discussed above under Criterion B -Tree Preservation. This tree protection will be required for these trees 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. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues, and the new lots can be considered suitable for new development. This criterion is met.

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

33.641.020, Transportation 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 provided a narrative addressing this criterion (Exhibit A.2).

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. The following is PBOT's comments (See Exhibit E.2):

Safety

The site is on the south side of SE Crystal Springs Blvd. between SE 89th Ave. and SE 86th Ave. SE Crystal Springs Blvd. is classified as Local Service for all modes at this location. The existing 60-foot-wide right-of-way is improved with a paved roadway surface of unknown width. No curb or sidewalk exist within the block face. SE Crystal Springs Blvd. is not maintained by the City of Portland at this location.

Based on information in the City's database on Portland Traffic Deaths and Injuries since 2008, there have been no fatal or injury accidents on SE Crystal Springs Blvd. from SE 92nd Ave. to the westerly terminus. There was one injury accident on SE 92nd Ave at the intersection with SE Crystal Springs Blvd. The injury was a serious injury to a person in a vehicle. The portion of SE Crystal Springs Blvd. at SE 92nd Ave. is paved with a striped center line and speed bumps. SE 92nd Ave. is a high-volume collector street meaning there is a high level of vehicular travel. The block face containing the subject site is a partially paved and not maintained by the City of Portland. It is offset from the portion of SE Crystal Springs Blvd. that has a striped centerline. Most of the through traffic from 92nd Ave.

travels the portion of SE Crystal Springs Blvd. with a centerline, turning onto SE 89th Ave. to access SE Harney Street. SE Harney St. provides a through connection west to SE 82nd Ave. The subject block connects through to SE 86th Ave, but SE Crystal Springs Blvd. dead ends approximately 1 block west of the subject site. The subject frontage is a lower volume, lower speed local service street for which PBOT does not have any documented vehicular safety concerns.

Street capacity/Level of Service

SE Crystal Springs Blvd. is a local service street for which traffic count data is not available at this location. Due to the local service classification, low volumes, and the unimproved nature of the segment, the roadway also currently serves as shared bicycle and pedestrian facility. 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 a block that is 618-feet long. This is close to the City's target standard of through streets being no more than 530-feet apart. An additional through street here is not desirable. When a through street is not desirable, staff must consider a pedestrian connection, which are recommended to be no more than 330-feet apart. A connection could theoretically be made through the subject site and the property to the south in order to connect with the terminus of SE 88th Ave. The subject site has a newly built house in the location that would need to become right-of-way in order to provide a pedestrian connection. Given the development pattern south of the subject site and the location of the existing house on the subject site, it is not feasible to create a pedestrian connection. No new connections are required.

Transit Availability

The subject site has moderate access to transit. Bus transit is available in two locations, both of which are more than a ½ mile walk from the site. 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 72 is a frequent bus service route operating on SE 82nd Ave. approximately 1,500 feet west of the site. SE Crystal Springs Blvd. is not constructed as a through street, meaning a transit rider would need to walk south on 86th and then west on Harney St. to access SE 82nd Ave. This is approximately a ½ mile route from the site. Tri-Met service route 19 is not a frequent service bus route but does provide daily service operating on SE Flavel St. approximately 1,300 feet north of the site. Due to the presence of Johnson Creek, there is no direct route from the site to SE Flavel St. The walk to access the transit would require walking east to 92nd Ave and then north to Flavel St, which is also approximately a ½ mile route from the site. Many of the streets between the subject site and either bus route contain a paved roadway surface with no sidewalks or with intermittent sidewalks.

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.

For bicycle travel through the area, the site is in close proximity to both the I-205 bicycle path and the Spring Water multi- use path. Additionally striped bicycle lanes exist on SE 92nd Ave, SE 82nd Ave, and SE Flavel St. All of these facilities tie into the larger street network and together provide substantial interconnected bicycle access throughout the area.

On street parking impacts

On street parking appears to be available on both sides of this segment of SE Crystal Springs Blvd. All of the homes in the area appear to include driveways and on-site parking that accommodate multiple vehicles. The existing home on proposed parcel 1 has room for 4 off street parking spaces. The applicant's narrative and submitted conceptual

development plan show providing at least 2 off street parking spaces on proposed parcel 2. Based on the Institute of Transportation Engineers Parking Generation Manual, 5th Edition, the estimated parking demand for a new dwelling is 2 spaces. As such, it is anticipated there will be few impacts to on-street parking from the addition of one lot which is likely to contain two on-site parking spaces.

Access restrictions

SE Crystal Springs Blvd. is a relatively flat, straight, and low-volume local service street. No access restrictions are warranted.

Neighborhood impacts

The proposed development is anticipated to add a small number of trips from all modes into the neighborhood system. Both lots are proposed to have on-site vehicle parking. Additional pedestrian trips 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 82nd Ave. and SE Flavel St., both of which are collector streets. 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 and multi-use paths 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

Findings: 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. For a Local Service Street abutting an R7 zone outside of a pedestrian district, standard improvements include a minimum 20-foot paved roadway surface with the curb set 13-feet from centerline, a 0.5-ft curb, 8-ft stormwater facility, 5-ft sidewalk, and a .5-ft frontage zone. In total, standard improvements require a total right-of-way width 54-feet. The existing right-of-way is 60-feet. Dedication is not needed.

In this case, the applicant has the choice of constructing standard improvements or paying the Local Transportation Infrastructure Charge (LTIC). On April 13, 2016, the Portland City Council adopted the Local Transportation Infrastructure Charge (LTIC) via approval of Ordinance 187681. The subject site meets the specified criterion to qualify for the LTIC. LTIC was paid for the subject site with building permit 19-215066-RS. Waivers were recorded in 1991 in Book 2472 Page 493, Multnomah County records.

Section 1.3 of the LTIC Admin Rule (TRN 1.26) reads in part, "The payment of the LTIC by a property owner will exempt the property from the requirements of PCC 17.88020.B and future applications of the LTIC." Since LTIC has already been paid and waivers have already been recorded, further public improvements and/or LTIC payments are not required.

No dedication, improvements, or payments of LTIC are required as part of this land division request.

PBOT concludes the transportation system will be capable of 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 and Exhibit E.4
<p>The Water Bureau has indicated that service is available to the site, as noted on page 3 of this report.</p> <p>The Water Bureau reviewed the applicant’s preliminary land division site and utility plan (Exhibit C.1) and provided the following comments:</p> <ul style="list-style-type: none"> • Parcel 1 with existing house: Water maps show the existing water service will fall outside of Parcel 1. As a result of the proposed land division, the water line that provides service to the existing home on Parcel 1 will no longer be located entirely on the same lot as the home. Water Bureau Code (Title 21) does not allow water lines to cross property lines. Title 21 requires that the water service connection be located along the frontage of the lot to be served. The existing house in Parcel 1 is required to purchase and connect to a new water service from the 6" main in SE Crystal Springs Blvd within its frontage. Therefore, the Water Bureau requires prior to Final Plat approval, all fees for a new service installation to the existing house addressed 8729 SE Crystal Spring Blvd, must be paid in full and accompanied by a plumbing permit for a new service to the dwelling from the new meter. • Parcel 2- The existing service may be used for new development in Parcel 2. At the time of permit submission, the meter size will be reviewed, if found to be inadequate it will be adjusted at the applicant's expense. <p>The Fire Bureau has reviewed the fire flow information provided (Exhibit A.10) and determined the nearest fire hydrant has adequate capacity.</p> <p>With the conditions noted above, the water service standards of 33.651 have been verified.</p>
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1
<p>The Bureau of Environmental Services (BES) has indicated that service is available to the site, as noted on page 3 of this report</p> <p>BES reviewed the preliminary land division site plan with existing and proposed conceptual development, and utility plan and the response is summarized below:</p> <p>Sanitary Service for Individual Lots:</p> <ul style="list-style-type: none"> • <i>Existing Development (house):</i> According to City records, the existing structure on proposed Parcel 1 is currently connected to the sanitary sewer via a lateral located approximately 200 feet from the maintenance hole in in SE Crystal Springs Blvd (APG657). • <i>Proposed Development:</i> Parcel 2 will be served by a new connection to the sanitary sewer in SE Crystal Springs Blvd within its frontage <p>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.</p>

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 Exhibit E.1

The applicant submitted narrative (Exhibit A.2), stormwater report (Exhibit A.11), and a preliminary site utility plan (Exhibit C.1) addressing this standard and criterion.

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

Stormwater Management for Individual Lots:

The applicant provided a site utility plan with a stormwater management plan and stormwater infiltration testing (Exhibits C.1 & A.2, A11):

Bureau of Environmental Services (BES) reviewed the applicant’s stormwater management plan and stormwater reports submitted and provides the following comments (See Exhibit E.1 for full details):

- *Existing Development:* Per the submitted plans stormwater runoff from the existing structure on Parcel 1 discharges to an existing drywell. This location appears to meet setbacks to the proposed new property line(s).
- *Proposed Development:* Staff reviewed the project’s Simplified Approach stormwater report (3/17/22), which includes Simple Pit infiltration test results of 8 inches per hour on this site. The applicant proposes to infiltrate runoff from the development onsite via a facility that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM.

BES determined the proposal is acceptable for reviewing the land division against the stormwater management approval criteria and standards. This standard and criterion is met.

33.654.110.B.1 Through streets and pedestrian connections (see Exhibit E.2)

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

Portland Bureau of Transportation/Development Review Findings: The subject site is within a block that is 618-feet long. This is close to the City’s target standard of through streets being no more than 530-feet apart. An additional through street here is not desirable. When a through street is not desirable, staff must consider a pedestrian connection, which are recommended to be no more than 330-feet apartment. A connection could theoretically be made through the subject site and the property to the south in order to connect with the terminus of SE 88th Ave. The subject site has a newly built house in the location that would need to become right-of-way in order to provide a pedestrian connection. Given the development pattern south of the subject site and the location of the existing house on the subject site, it is not feasible to create a pedestrian connection. No new connections are required.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

For the reasons described above, this criterion is met.

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

In reviewing this land division, Portland Transportation relies on accepted civil and traffic

engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Bureau of Transportation (PBOT) comments are summarized below:

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

Existing Conditions:

SE Crystal Springs Boulevard is improved with approximately 25-ft. paved roadway within a 60-ft. wide right-of-way (ROW) with no curbs and sidewalks.

City Standards & Improvements:

For a Local service street within an R7 zone outside a pedestrian district, the City's Transportation System plan requires a minimum 20-foot paved roadway surface with the curb set at 13-feet from centerline, a 0.5-ft curb, 8-ft stormwater facility, 5-ft sidewalk, and a .5-ft frontage zone. In total standard improvements required a total right-of-way width of 54-ft. The existing right-of-way is 60-ft. wide.

PBOT notes the existing conditions along the site frontage on SE Crystal Springs Boulevard do not meet standard requirements. No additional street dedication is required.

On April 13, 2016, the Portland City Council adopted the Local Transportation Infrastructure Charge (LTIC) via approval of Ordinance 187681. The subject site meets the specified criterion to qualify for the LTIC. In this case, the owner of the property during the building permit (19-215066 RS) review of the new house on this site had the choice of constructing standard improvements or paying the Local Transportation Infrastructure Charge (LTIC).

LTIC was paid for the subject site with building permit 19-215066-RS. Waivers were recorded in 1991 in Book 2472 Page 493, Multnomah County records.

Section 1.3 of the LTIC Admin Rule (TRN 1.26) reads in part, "The payment of the LTIC by a property owner will exempt the property from the requirements of PCC 17.88020.B and future applications of the LTIC." Since LTIC has already been paid and waivers have already been recorded, further public improvements and/or LTIC payments are not required.

No dedication, improvements, or payments of LTIC are required as part of this land division request since LTIC was previously chosen and paid as discussed above.

PBOT determined the existing street system is capable of serving the existing users and proposed new development. This criterion is met.

33.654.120.H Street Trees – See Exhibit E.6

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

Existing Street Conditions:

SE Crystal Springs Boulevard. Street: The site is approximately 125-ft. of street frontage. The right-of-way is improved with pavement only. There are no overhead high voltage power lines on this south side of this street. 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 11.50.060.B when existing above or below utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide. Street trees are required to be planted through building permit

Urban Forestry comments are summarized below:

Street Tree Planting (11.50.060.C) and Street Tree Preservation (11.50.040): No street trees exist within this right-of-way. A minimum of five street trees would be required along this street frontage, prior to the land division.

Due to the existing condition of the right-of-way, street trees may not be required unless PBOT requires frontage improvements. Urban Forestry has no objections to this proposal.

Prior to the land division there would have been enough planting area for five street trees along this site's frontage. After the proposed lot land division there will only be room for four street trees. A fee of \$675 (1 tree = 1.5 inches x \$450.00 inch) is required for permanent loss of available planting spaces along this site's frontage. Also street tree planting in front of Parcel 1 will be required prior to final plat approval if PBOT Minor Improvement Permit is required.

No frontage improvements are required by PBOT along this site frontage at this time.

With the following conditions of approval, Urban Forestry has no objections to this land division proposal. Prior to final plat approval the applicant must a fee in lieu of planting payment for loss of one tree planting space (1.5-inches).

With the conditions noted above, this criterion is met.

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

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent 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:

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

- **Johnson Creek Basin Plan District, South Subdistrict, Zoning Code Section 33.537.140:** This subdistrict is subject to additional tree removal and maximum impervious surface coverage limits during development of future Parcel 2 or alterations of development on Parcel 1.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R7 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several Zoning Code standards that relate to existing development on the site:

- Minimum Setbacks (33.110.220) – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5-feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental plan showing the surveyed location of the existing building relative to the adjacent new lot lines.
- Title 11 Tree Density Standard – This site has a minimum tree density requirement per 11.50.050 that is currently met on the site. Due to the land division, the existing house will no longer meet this standard. Parcel 1 is 9,372 s.f. in area, therefore 3,749 s.f. of tree canopy area is required. The existing 41-inch Douglas Fir being retained will count towards 3,000 s.f. of tree canopy area. Therefore an additional 749 s.f. of tree canopy is required to be met. The applicant may meet this requirement. Prior to final plat approval, the applicant must meet this requirement by either planting trees on Parcel 1 or making the equivalent payment into the City Tree Preservation and Planting Fund. Tree planting must be documented with a finalized Zoning Permit.
- Tree Removal Standard of Johnson Creek Basin Plan District (33.537.140.C & 33.537.125). The South Subdistrict is subject to additional tree removal standards during development. No tree review was requested as part of this land division proposal, so all other trees on the property are subject to this standard and will be required to be protected. Development on site will be required to meet this standard at the time of building permit application.
- Impervious Surface Standard of South Subdistrict of Johnson Creek Basin Plan District (33.537.140.D). No more than 50 percent of any site may be developed in impervious surface. Building eaves are included in the calculation of impervious surface. The existing house to be retained on Parcel 1 as shown on preliminary land division site plan is meeting this requirement. To ensure this standard continues to be met at the time of final plat stage, the final plat must be accompanied by a supplemental survey showing the surveyed location of the existing building and other impervious areas (parking, patios etc..) relative to the adjacent lot lines.
- Existing second driveway/vehicle parking area located on Future Parcel 2 (33.266.120 & 33.537.140): The existing 2nd driveway/vehicle parking area is currently accessory to house on future Parcel 1. Once the land division is completed this driveway vehicle area will be separated from the house on Parcel 1. To ensure front yard vehicle paving limitation and impervious surface is not exceeded on future Parcel 2 a condition is required. The existing driveway must be removed, altered, or reconfigured to be in compliance with front yard vehicle limitation at the time of the residential development on Parcel 2.

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 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 & Fire Bureau Code
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.

- **Title 31 & Fire Bureau Code:** The applicant at the time of development must meet the requirements of the Fire Bureau regarding addressing requirements; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- **Title 17-Driveways and Curb Cuts (Section 17.28)**
Curb cuts and driveway construction must meet the requirements in Title 17.28.110 and TRN 10.40. Future development will be reviewed for compliance with the driveway standards as the time of permit review. Please note proposed parcel 2 will be eligible for a driveway connection to SE Crystal Springs Blvd with the width allowance depending on the proposed on-site parking width. Please see TRN 10.40.E.1.a(1).

CONCLUSIONS

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

The site is within the South Subdistrict of Johnson Creek Plan District, which has additional development standards regarding class of lands for density, impervious surface limitations and tree removal.

Four large native Douglas Fir Trees are being preserved to meet the tree preservation standard. An alternative tree protection plan was recommended by the arborist to allow the future development to occur on Parcel 2. To ensure the report is followed and to ensure the health and long-term viability of these native Douglas Fir trees, a service contract for an arborist will be required at the time of development of Parcel 2 and final arborist report prior to final inspection of the permit. An arborist report will be required to state the current health of Tree #6- (41-inch Douglas Fir Tree) after the new water service is installed for the existing house on Parcel 1.

Future owners of Parcels 1 and 2 will be made aware of these requirements since an Acknowledgement of Tree Preservation Land Use Conditions will be recorded with the final plat and attached to the property records.

Southeast Crystal Springs Boulevard currently does not meet City standards. The Local Transportation Infrastructure Charge (LTIC) applies to this site frontage on SE Crystal

Springs Boulevard. At the time of the building permit review for the existing house on Parcel 1, PBOT received street and storm sewer waivers of remonstrance (for participation in future street and storm sewer improvements) and payment into the Local Transportation Infrastructure Charge versus construction of the street improvements.

The existing water service for the existing house will no longer be within its own frontage due to the land division. Therefore, the existing service is to be capped and be used for the future development on Parcel 2. Water Bureau requires a new water service and water connection be provided for the existing house on Parcel 1. A plumbing permit is required for the water service line on private property

Urban Forestry requires a fee in lieu of planting payment for loss of one street tree planting space along this sites frontage due to the land division proposal.

The future development on these parcels will need to meet Fire Bureau requirements for addressing and fire apparatus access at the time of development.

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 two residential lots, with existing house being retained on Parcel 1 and allowing for future residential development on Parcel 2, as illustrated with Exhibit C.1, subject to the following conditions:

- A. Supplemental Plan.** An additional supplemental plan shall be submitted with the final plat survey for Land Use Review and Water Bureau 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.
 - Water Bureau requires the surveyed location of the new water service and connection to existing house 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 Condition C.5 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: “An Acknowledgement of Special Land Use Conditions (Tree Preservation) has been recorded as document no. _____, Multnomah County Deed Records.”

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

Utilities

1. The applicant shall meet the requirements of the Water Bureau requirements for the existing house on Parcel 1, which includes purchasing a new water service and connecting the existing home to this new service within SE Crystal Spring Blvd. The new service must be located within the boundaries of Parcel 1’s frontage.

2. The applicant must obtain a plumbing permit for the service connection from the new water service to the existing house. This plumbing permit must receive all inspections prior to final plat approval. The supplemental survey must document that this new water service and connection is completely within the frontage of Parcel 1.
3. The applicant is required to submit an arborist report once the new water service and connection is completed. The arborist must inspect Tree #6 (41-inch Douglas Fir) and provide an arborist report that states the current health of this tree and its long-term viability. This report is required to be submitted to the Land Use Planner reviewing the final plat application.

Existing Development

4. The applicant must meet the tree density standard of 11.50.050 on Parcel 1 with the existing house by either planting trees on the lot or making the equivalent payment into the City Tree Preservation and Planting Fund. A finalized Zoning Permit must be obtained to document tree planting prior to final plat approval.

Required Legal Documents

5. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcels 1 and 2. A copy of the approved Tree Preservation Plan (Exhibit C.1) and Arborist Report (Exhibit A.16) must be included as Exhibits to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

Other requirements

6. The applicant must pay into the City Tree Preservation and Planting Fund [Street Trees – Fee in Lieu of Planting and Establishment (per inch)] the amount equivalent to 1.5 inches of trees (for the permanent loss of one available street tree planting space). Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.
- D.** The following conditions are applicable to site preparation and the development of individual lots:
1. Development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.16). Specifically, trees numbered #1, #2, #5 and #6 are required to be preserved, with the root protection zones indicated on Exhibit C.1 per 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. A new arborist report is required if encroachment goes within the root-protection zone designated by this arborist report (Exhibit A.16).

A contract for arborist services must be provided to Planning & Zoning prior to permit approval for development on Parcel 2. A final Arborist report must be submitted from the arborist documenting inspection and verifying the viability of the trees required to be preserved prior to the City's final inspection of the permit for Parcel 2.

The following trees are required to be preserved:

Tree #	Common Name	Current size (dbh)	
#1	Douglas Fir (P. Menziesii)	31	Preserve
#2	Douglas Fir	37	Preserve

#5	Douglas Fir	31	Preserve
#6	Douglas Fir	41	Preserve

- The applicant shall 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.
- The applicant shall remove/alter or reconfigure the existing driveway/vehicle area on future Parcel 2 to be in compliance with current Title 33 development standards for location of vehicle areas and vehicle paving limitations and impervious surface.

Staff Planner: Lois Jennings

Decision rendered by:  **on June 12, 2022.**
By authority of the Director of the Bureau of Development Services

Decision mailed June 15, 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 December 30, 2021, and was determined to be complete on March 24, 2022.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 30, 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 not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: July 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. Original Existing Conditions Site Plan
 - 2. Narrative Addressing Land Division Approval Criteria
 - 3. Proposed Land Division Site Survey
 - 4. Tree Table
 - 5. Tree Tags & Tree Notes
 - 6. Existing Conditions with proposed land division and utility plan
 - 7. Applicant's response to incomplete letter submitted 03.24.22
 - 8. Revised Existing Conditions Survey submitted 03.24.22
 - 9. Revised Land Division with Conceptual improvement, utility and tree preservation plan submitted 03.24.22
 - 10. Nearest Fire Hydrant and Fire Flow information submitted 03.24.22
 - 11. Stormwater Infiltration Report submitted 03.24.22
 - 12. Arborist Report submitted 03.24.22
 - 13. House Plan submitted 03.24.22
 - 14. Picture of shed removed submitted 03.24.22
 - 15. Applicant response to outstanding issues submitted 05.18.22
 - 16. New Arborist Report submitted 05.18.22
 - 17. Revised preliminary land division site plan with conceptual improvements, utility and tree preservation plan submitted 05.18.22
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Land Division site plan with proposed conceptual improvements, Tree Preservation plan & utility plan(attached)
 - 2. Existing Conditions Site Plan
 - 3. Preliminary Land Division survey site plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review

3. Water Bureau
 - a. Revised Water Bureau response
 - b. Amended Water Bureau Response submitted 05.19.22
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
 7. Life Safety Section of BDS
- F. Correspondence: None
- G. Other:
1. Original LU Application
 2. Acknowledgement of Expedited Land Division Form signed
 3. Incomplete Letter dated 01.21.22
 4. Outstanding Issues Memo dated 04.29.22

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).