



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**Date:** July 29, 2008  
**To:** Interested Person  
**From:** Rachael Hoy, Land Use Services  
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**NOTICE OF A TYPE II<sub>x</sub> DECISION ON A PROPOSAL IN  
YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 07-145119 LDP  
UNINCORPORATED MULTNOMAH COUNTY**

**GENERAL INFORMATION**

**Applicant:** Jeffrey T Linman  
01901 SW Carey Ln  
Portland, OR 97219-7925

**Site Address:** 01901 SW Carey Ln

**Legal Description:** TL 1500 BLOCK 2, RIVERDALE  
**Tax Account No.:** R708800240  
**State ID No.:** 1S1E26CC 01500  
**Quarter Section:** 4031

**Neighborhood:** None  
**Business District:** None  
**District Coalition:** None  
**Plan District:** None  
**Other Designations:** Unincorporated Multnomah County and Landslide hazard  
**Zoning:** R20- Residential 20,000

**Case Type:** LDP – Land division partition  
**Procedure:** Type II<sub>x</sub>, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

The applicant is proposing to divide a 44,989 square foot lot into 2 parcels and an Open Space tract. Parcel 1 will be 23,205 square feet with an existing house to remain and Parcel 2 will be 18,657 square feet. The applicant has delineated a small drainage area on the property that will be preserved in a 3,127 square foot Open Space tract.

This partition proposal is reviewed through a Type II<sub>x</sub> procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential

Landslide Hazard or Flood Hazard Area (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).

**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.**

## ANALYSIS

**Site and Vicinity:** The site is heavily wooded and currently developed with a single dwelling home, garage, and driveway on the western portion of the property. The site slopes downward from the southwest to the northeast, with a relatively flat area in the vicinity of the existing house, and then slopes more steeply towards the northeast (approximately 10-20%) on the eastern half of the site. There is a seep located on the eastern portion of the site, on proposed parcel 2, that drains towards the property to the east. The Willamette River is located approximately 300 feet to the east of the site.

The site is located in unincorporated Multnomah County in the Palatine Hill area. Development in the area is dominated by large single dwelling homes on spacious wooded lots. SW Carey Lane is a local residential street that intersects with Oregon Highway 43 just to the east of the site.

**Zoning:** The R20 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

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

The project site is located within an unincorporated area of Multnomah County, but lies within Portland's Urban Services and Urban Growth Boundary. The City and Multnomah County have entered into an intergovernmental agreement [IGA] that allows the County to focus on rural land use issues and authorizes the City to administer applicable City of Portland regulations, including zoning requirements, for lands within these so-called 'urban-county pockets'. This intergovernmental agreement was necessary in order for Multnomah County to comply with regional land use laws. While it is important to note that the affected properties have not been annexed into Portland, these sites are subject to City review for building and development permits, as well as Land Use Reviews.

The City zoning implemented on these areas are generally equivalent to what the County had applied, but some variations have occurred. Even with equivalent zoning, the City's codes and regulations vary from the previous Multnomah County requirements. For lands with environmental resources present, the City's environmental overlay zones have been applied, as well. All of these lands within the urban-county pockets are subject to City of Portland standards for stormwater disposal, erosion control, grading and floodplain review. If services [sewer, water, fire] are provided by agencies other than the City, those agencies must be contacted prior to development.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **January 10, 2008**. City Bureaus and County Agencies have responded. Please see Exhibits E.1-16.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **January 10, 2008**. No written responses have 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.

The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential Zones**. 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 applicability of each criterion.

Criterion	Code Chapter	Topic	Applicability Findings
A	33.610	Lots	<b>Applicable - See findings below</b>
B	33.630	Trees	<b>Applicable - See findings below.</b>
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	<b>Applicable - See findings below.</b>
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units.
G	33.635 .100	Clearing and Grading	<b>Applicable - See findings below.</b>
G	33.635 .200	Land Suitability	<b>Applicable - See findings below.</b>
H	33.636	Tracts and Easements	<b>Applicable - See findings below.</b>
I	33.639	Solar Access	Not Applicable - All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640	Streams, Springs, and Seeps	<b>Applicable - See findings below.</b>
K	33.641	Transportation Impacts	<b>Applicable - See findings below</b>
L	33.651 - 33.654	Services and Utilities	<b>Applicable - See findings below</b>

#### 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 standards applicable in the RF through R5 zones. These density and lot dimension standards ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

### Density Standards

Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

The method used to calculate density depends on whether a street is created as part of the land division, and whether the site is subject to certain environmental constraints.

In this case, a street is not proposed or required, but the site is within the potential landslide hazard area. Therefore, the maximum and minimum density for this site is as follows:

Minimum =  $[44,989 \text{ square feet minus entire site area if in landslide hazard area} \times .80] \div 20,000 \text{ square feet} = 0$

Maximum =  $44,989 \text{ square feet} \div 20,000 \text{ square feet} = 2.24$  (which rounds down to a maximum of 2 lots, per 33.930.020.B)

The applicant is proposing 2 lots. The density standards are therefore met.

### Lot Dimensions

The lot dimension standards 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 too large relative to the planned density; (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; and (10) lots are not landlocked.

The dimensions of the proposed lots as compared to the required lot dimension standards is shown in the following table (this information is found in Table 610-2 of the Zoning Code):

	<b>R20 Zone Requirement</b>	<b>Proposed Lot 1</b>	<b>Proposed Lot 2</b>
Minimum Lot Area	12,000 sq. ft.	23,205 sq. ft.	18,657 sq. ft.
Maximum Lot Area	34,500 sq. ft.		
Minimum Lot Width*	60 ft.	116 ft.	113 ft.
Minimum Lot Depth	60 ft.	197 ft.	197 ft.
Minimum Front Lot Line	30 ft.	114 ft.	115 ft.

\* Width is measured at the minimum front building setback line

The findings above describe how the applicable lot standards are met.

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

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

The applicant has submitted an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A-2). Some trees have been exempted by the arborist because they are either too small, unhealthy, a

nuisance species, located partially off the property or located within 10 feet of an existing structure to remain on the property. The inventory identifies the following trees **to be preserved** on the site:

Tree #	Species	Diameter (inches)	Significant? (On Table 630-1)	RPZ (Root Protection Zone)
<b>A3</b>	Bigleaf Maple	21	Yes	21 ft.
<b>A4</b>	Bigleaf Maple	15.5	No	15 ft.
<b>A5</b>	Bigleaf Maple	18.6	Yes	18 ft.
<b>A7</b>	Bigleaf Maple	17	No	17 ft.
<b>A10</b>	Grand Fir	38	Yes	38 ft.
<b>A11</b>	Bigleaf Maple	15	No	15 ft.
<b>A12</b>	Western Red Cedar	16.5	Yes	16 ft.
<b>A15</b>	Bigleaf Maple	25.5	Yes	25 ft.
<b>A16</b>	Douglas Fir	30	Yes	30 ft.
<b>A18</b>	Douglas Fir	26.5	Yes	26 ft.
<b>A19</b>	Douglas Fir	51	Yes	51 ft.
<b>A20</b>	Grand Fir	12.3	Yes	12 ft.
<b>A22</b>	Western Red Cedar	25.5	Yes	25 ft.
<b>A23</b>	Bigleaf Maple	27.5	Yes	27 ft.
<b>B7</b>	Douglas Fir	37	Yes	37 ft.
<b>B20</b>	Bigleaf Maple	13	No	13 ft.
<b>B26</b>	Bigleaf Maple	6.3	No	6 ft.
<b>B33</b>	Bigleaf Maple	18	Yes	18 ft.

The total non-exempt tree diameter on the site is 1124.2 inches. The applicant proposes to preserve 414.2 inches of diameter, or 37 percent of the total non-exempt tree diameter as shown on exhibit C-2 and listed in exhibit A-2. Trees B.35 and B.37 were proposed for preservation, however these trees fall within an existing sewer easement along the rear of the site and therefore cannot be counted towards meeting the tree preservation requirements, though the trees are not exempt and are included in the total tree diameter for the site. Several other trees along the frontage of SW Carey Lane were originally proposed for preservation, however these fall within land that will be dedicated to Multnomah County and also cannot be proposed as preservation trees. The applicant is encouraged to voluntarily preserve as many of these trees as possible. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total tree diameter on the site to be preserved. The applicant has provided a Tree Preservation Plan showing the preserved trees ( Exhibit C-2). Root protection zones are not shown on the plan, however the arborist has recommended fencing Parcel 1 off during construction on Parcel 2 for tree protection on that parcel. Trees A22 and A23 on parcel 1 have large root protection zones that extend into parcel 2. The fencing along parcel 1 will need to extend into parcel 2 to enclose the full root protection zones of these trees during construction. On Parcel 2, the standard root protection zone of 1 foot per inch of tree diameter will be required around each tree unless otherwise directed by a certified arborist (Exhibit C-2).

This criterion is met, subject to the condition that development on Parcel 2 and any future redevelopment on Parcel 1 be carried out in conformance with the Tree Preservation Plan (Exhibit C-2) and the applicant's arborist report (Exhibit A-2).

**D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.**

### **33.632.100 Landslide Hazard Area Approval Criterion**

**The following approval criterion must be met: Locate the lots, buildings, services and utilities on the safest part of the site so that the risk of a landslide affecting the site,**

**adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.**

**Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.**

**Findings:** A portion of this site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site is reasonably limited. In order to evaluate the proposal against this criteria, the applicant has submitted a geotechnical evaluation of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A-3). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability. Site Development has no objection to the information provided at this time.

The applicant's geotechnical evaluation indicates that the risk of potential landslide hazard at the site is relatively low, given the soil composition, topography, and other risk factors. The proposed land division will result in lots, buildings, services, and utilities that will not significantly increase the risk of landslide potential on the site or other properties in the vicinity of the site. The geotechnical evaluation recommends that stormwater not be disposed of in conventional, concentrated methods such as through a soakage trench or drywell, but instead should include some combination of on-site detention, widely dispersed across the site or possible overflow to an off site location. The applicant has proposed to dispose of stormwater for parcel 2 to a flow through planter that will discharge into the drainageway located in the Open Space Tract, which is then conveyed to the ODOT stormwater facilities at Highway 43, as discussed later in this report under the findings for "Stormwater Management Approval Criteria."

Site Development has concurred with the findings of the applicant's geotechnical report, but notes that further geotechnical evaluation may be required for specific building plans at the time of construction plan review. 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.**

*The approval criteria of Chapter 33.635 are found in two groups – clearing and grading, and land suitability.*

**33.635.100 – Clearing and Grading**

- A. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;**
- B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;**
- C. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;**
- D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and**
- E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable.**

**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.

In this case, the site has steep grades (over 20%), and is located in the Potential Landslide Hazard area. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

A Preliminary Clearing and Grading Plan was not submitted with the land division application however, the applicant did submit a Landslide Hazard Report (Exhibit A-3) that describes how clearing and grading should occur on the site to minimize erosion risks. The applicant also provided a Tree Preservation Plan (Exhibit C-2) that designates areas on the site where grading should not occur in order to protect the roots of the trees on the site that will be preserved, and an arborist report (Exhibit A-2) that further discusses grading on the site. The arborist report recommends that all construction access be from the driveway to be constructed on Parcel 2 and a fence should be installed along the length of the property line between Parcels 1 and 2 to preserve trees on Parcel 1. Trees A22 and A23 on parcel 1 have large root protection zones that extend into parcel 2. The fencing along parcel 1 will need to extend into parcel 2 to enclose the full root protection zones of these trees during construction.

The applicant's geotechnical engineer states that all areas of the site are generally suitable for development and recommends that the amount of grading work occurring on the site be minimized as much as possible. It is anticipated that the grading will primarily involve excavating for the foundations of the new house and trenching for the utilities, and will not include mass grading of the site to alter the existing contours. Due to the soil conditions on the site, the geotechnical engineer recommends that all site preparation and excavation should occur during the drier periods of the year. The applicant will be required to follow the recommendations of the Landslide Hazard Study if any construction is to occur on the fill located in the northeast corner of Parcel 2 and for any slope cuts that are required to prepare the site for development. Following the recommendations of the Landslide Hazard Study will help to limit erosion and sedimentation concerns by limiting the disturbance to soils and drainage patterns on the site. The drainage area around the existing seep will be placed in a tract and left intact.

Stormwater runoff from the new lot will be appropriately managed by a flow-through planter with discharge to the existing drainageway through the Open space tract. The existing drainage way continues to the east and then out to the Oregon Department of Transportation (ODOT) storm drain in Highway 43. ODOT has confirmed that outfall to their culvert is acceptable Exhibit A-4). This will ensure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report). In addition, no clearing and grading will be permitted within the root protection zones of the trees on the site that are required to be preserved. Preserving these trees will help limit erosion by assuring that the tree roots will help to hold the soil in place. Topsoil storage and general stockpiling on the site should only occur if it will not create any additional erosion concerns as recommended by the geotechnical engineer.

As shown above the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the applicant's Landslide Hazard Study as well as any additional geotechnical information required at the time of permit submittal to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan and arborist report. A pre-issuance site meeting with Site Development may also be required prior to building permit approval. With the conditions noted above requiring that the building permits

for Parcel 2 comply with the recommendations of Landslide Hazard Study and Arborist report this criteria is met.

### **33.635.200 – Land Suitability**

**Where geologic conditions or historic uses of the site indicate 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 in order to make the lots suitable for their intended uses and the provision of services and utilities.**

The site is currently in residential use, and there is no record of any other use in the past. The site contains no known geological hazards. The applicant's geotechnical engineer noted in the Landslide Hazard Study that the northeast corner of Parcel 2 contains some fill. The presence of fill will cause no significant hazard if the recommendations of the Landslide Hazard Study are followed for building foundations in this area to extend through the fill to the native soil below. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. With the condition that the building permits comply with the recommendations of the Landslide Hazard Study, this criterion is met.

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

### **33.636.100 Requirements for Tracts and Easements**

**A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:**

- 1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;**
- 2. The Homeowners' Association for the area served by the tract;**
- 3. A public or private non-profit organization; or**
- 4. The City or other jurisdiction.**

**Findings:** The following tract is proposed: *Tract A: Open Space (Seep Protection Reserve)* to be owned by the owners of Parcel 2. This criterion is met.

**B. Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.**

**Findings:** If any portion of the sanitary sewer line for parcel 2 is on parcel 1, the applicant will need to provide a private sanitary sewer easement across those portions of parcel 1 for the benefit of parcel 2. There is an existing public sanitary sewer easement across the northern edge of the subject site. This sewer belongs to the Dunthorpe-Riverdale Sewer District.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the tract described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference



the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

*“A Declaration of Maintenance agreement for Tract A: Open Space (Seep Protection Reserve) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”*

***If applicable:***

*“A Declaration of Maintenance agreement for a Private Sanitary Sewer easement has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”*

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

**J. Streams, springs, and seeps. The approval criteria of Chapter 33.640, Streams, Springs, and Seeps, must be met;**

**33.640.200 Stream, Spring, and Seep Standards**

**A. Preservation in a tract. Streams, springs, and seeps must be preserved in a tract as follows:**

1. The edges of the tract must be at least 15 feet from the edges of the stream, spring, or seep. The edges of a seep or spring are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. If one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank. Where the edge of the stream, spring, or seep is less than 15 feet from the edge of the site, the tract boundary will be located along the edge of the site;
2. Existing structures within the area described in Paragraph A.1 may be excluded from the tract;
3. Exception. Where the tract required by Paragraph A.1 would preclude compliance with the front lot line requirements of Chapters 33.610 through .615, the stream, seep, or stream may be in an easement that meets the other requirements of Paragraph A.1.

**B. Development allowed in the tract or easement. The following development, improvements, and activities are allowed in the tract or easement:**

1. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;
2. Removal of non-native invasive species with hand held equipment;
3. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;
4. Erosion control measures allowed by Title 10 of Portland City Code;
5. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveways or service connections within the tract or easement; and
6. Maintenance and repair of existing utilities, services, and driveways;

**C. When tract or easement may be crossed by a right-of-way. Public or private rights of way may cross the seep, spring, or stream tract or easement if the following approval criteria are met:**

1. There is no reasonable alternative location for the right-of-way;
2. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
  - a. The street improvements will not impede the flow of the stream, spring, or seep;
  - b. The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and

**c. The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.**

**Findings:** In this case, the applicant's site plan (Exhibit C-1) indicates the presence of a seep/spring on the site. The applicant provided a Natural Resource Assessment (Exhibit A-5) which followed a wetland delineation protocol to determine whether or not the defined area is a jurisdictional wetland. The report concludes that it is unlikely that the area is a historical wetland and the area did not meet wetland vegetation or soil criteria. The report concluded that the area was most likely created by a seep. The area was delineated in the field and mapped as shown on Exhibit C.1. The applicant has delineated a tract on the site plan for the seep with the boundaries of the tract at least 15 feet from the edges of the seep meeting the standards of 33.640.200.A above. The BDS Planner also notified the Department of State Lands Wetland Program of the proposed partition (Exhibit E.8). DSL responded that no removal-fill permit was necessary at this time.

The applicant has proposed that stormwater disposal for new development on Parcel 2 will be handled by a flow through planter with discharge to the open space tract. The existing drainage way continues to the east and then out to the Oregon Department of Transportation (ODOT) storm drain in Highway 43. ODOT has confirmed that outfall to their culvert is acceptable (Exhibit A-4). This proposed design would be in accordance with recommendations from the geotechnical report. BES and Site Development have confirmed that this is acceptable.

The Dunthorpe Riverdale Service District #1 has confirmed that sanitary sewer service can be provided to serve parcel 2 from the existing 8-inch line on the northern edge of the property. Depending on the placement of the proposed home for parcel 2, the sewer line may need to traverse the open space tract to connect to the main line on the northern edge of the property (See Discussion under section L. Services and Utilities). Prior to final plat approval, the applicant must provide an updated utility plan that shows the placement of the sewer line to serve parcel 2. If any portion of the line is on parcel 1, the applicant will need to provide a sanitary sewer easement across those portions of parcel 1 for the benefit of parcel 2. If there is no practicable alternative for running the line outside of the open space tract it may run through the tract. The standards of 33.640.200.B are met or can be met with the conditions of approval mentioned above.

The tract must be identified on the final plat for the land division as "Tract A: Open Space (Seep Protection Reserve)" and must be delineated as noted on Exhibit C.1 and in accordance with the Natural Resource Assessment, Exhibit A.5. A maintenance agreement must be executed for Tract A, that outlines the restrictions on activities within the tract per the standards of 33.640.200.B above.

No streets or rights of way are proposed to cross the Open Space Tract, so the standards of 33.640.200.C do not apply to this proposal.

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

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

*The relevant approval criteria of Chapter 33.641 are found in the two paragraphs below.*

**33.641.020. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.**

**33.641.030. The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.**

**Findings:** The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required). This site is located within unincorporated Multnomah County. Any additional dedication or requirements for street improvements is within Multnomah County's jurisdiction.

The site has approximately 229 feet of frontage on SW Carey Lane. SW Carey Lane is classified as a local street within the jurisdiction of Multnomah County. Tri-Met provides transit service approximately 115 feet from the site on SW Macadam Avenue via bus 35. There is one driveway entering the site that provides access to off-street parking for the existing house.

SW Carey Lane is improved with a paved roadway. The current right of way is 30 feet, but the paved area along the frontage of the site is approximately 12-14 feet (Exhibit C.1). There are no curbs, planter strips, or sidewalks. In reviewing this land division, Multnomah County Land Use and 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. The response from Multnomah County Transportation Planning states that the existing 30-foot SW Carey Lane right-of-way does not meet the County's 50-foot right-of-way standard for local streets. Therefore, the applicant will be required to dedicate approximately 10 feet to achieve 25 feet of right of way from the centerline of SW Carey Lane. The dedicated right-of-way will be used to serve increased travel demand. At the time of development, the applicant may be required to construct street improvements to the satisfaction of the County as a condition of Site Development permit approval.

This criterion is met, with the condition that the required right-of-way dedication is shown on the Final Plat.

**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 water standards of 33.651 have been verified. The site is located in unincorporated Multnomah County and in the Palatine Hill Water District. Water is available to serve the proposed development from the existing 6-inch water main in Southwest Carey Lane. Parcel 1 has an existing water service from that main See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch public sanitary sewer located along the northern edge of the property that conveys flow east off of the property. The sewer is owned by the Dunthorpe-Riverdale Service District and managed by Multnomah County. Site Development and BES have reviewed the video submitted by the applicant and confirmed that the location and condition of the sewer connection for Parcel 1 to the sewer line is acceptable. This sewer can also serve the sanitary needs of proposed Parcel 2. If the new sewer line for parcel 2 cross any portion of parcel 1, then a private sanitary sewer easement for the benefit of parcel 2 will be required. See Exhibit E-1 and E-6 for more details.

- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.

### **33.653.020 Stormwater Management Approval Criteria**

- A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and**
- B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.**

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

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In order to meet this approval criterion, land division proposals must demonstrate an approved method of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

The Stormwater Management Manual contains a hierarchy of acceptable methods of stormwater treatment and disposal. The hierarchy requires that applicants first explore the use of methods that have a lower potential impact on groundwater, such as on-site surface infiltration swales and infiltration planters. If these methods are not feasible on a site, applicants may move lower on the hierarchy, to methods that inject water deeper into the ground through mechanical devices such as drywells or sumps, or carry it off of the site into storm sewers, drainageways, or other approved disposal points.

In addition to determining appropriate treatment and disposal methods by working through the hierarchy in the Stormwater Management Manual, stormwater facilities must be sized, through engineering calculations, to accommodate the expected amounts of stormwater. In some cases, sizing a stormwater facility necessitates testing the infiltration rate of the soil at the site.

Future development on the site will be subject to applicable BES standards and requirements, including the Stormwater Management Manual and the Sewer and Drainage Facilities Design Manual during the building plan review process.

The applicant has proposed the following stormwater management methods (Exhibit C-1), and the Bureaus have responded as follows (Exhibits E-1 and E-5):

- **Parcel 2:** Stormwater from this lot will be directed to a flow-through planter that removes pollutants and suspended solids. The parcel has sufficient size to locate the planter box. The water from the planter will discharge to the existing drainageway within the Open Space Tract. According to the Drainage Analysis provided by the applicant, a portion of the runoff would be absorbed in to the ground leaving a net runoff of nearly nothing that may be conveyed to the east within the drainageway and across the property to the east before connecting to a culvert under the jurisdiction of the Oregon Department of Transportation (See Exhibit A.4-6). This culvert crosses under Highway 43 before it outfalls into the Willamette River. ODOT has indicated that the off-site conveyance system within its jurisdiction can handle the additional flow. BES and Site Development have also indicated approval to direct stormwater from the new Parcel to the existing drainageway to the east.
- **Parcel 1 (the lot with the existing house):** The applicant's utility plan shows downspouts to splashblocks as the method of managing stormwater for the existing house. After

inspecting the stormwater facilities on a site visit, Site Development has indicated approval of this method of stormwater management for Parcel 1.

The stormwater management criteria are met. As shown by the findings above, the Services and Utilities criteria are met.

### **Right of Way Approval Criteria**

Chapter 33.654 contains standards and approval criteria for rights of way. Due to the location of this site, and the type of street that is proposed, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

<b>Code Section</b>	<b>Topic</b>	<b>Applicability Findings</b>
33.654.110.B.1	Through streets and pedestrian connections	<b>Applicable - See findings below</b>
33.654.110.B.2	Dead end streets	Not applicable - No dead end streets are proposed.
33.654.110.B.3	Pedestrian connections in the I zones	Not applicable - The site is not located within an I zone.
33.654.110.B.4	Alleys in all zones	Not applicable – No alleys are proposed or required.
33.654.120.C.1	Width of the street right-of-way	Not applicable – No new right-of-way is proposed or required.
33.654.120.C.3.c	Turnarounds	Not applicable – No turnarounds are proposed or required.
33.654.120.D	Common Greens	Not applicable – No common greens are proposed or required.
33.654.120.E	Pedestrian Connections	Not applicable – There are no pedestrian connections proposed or required.
33.654.120.F	Alleys	Not applicable – No alleys are proposed or required.
33.654.120.G	Shared Courts	Not applicable – No shared courts are proposed or required.
33.654.130.A	Utilities	<b>Applicable - See findings below.</b>
33.654.130.B	Extension of existing public dead-end streets and pedestrian connections	Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site.
33.654.130.C	Future extension of proposed dead-end streets and pedestrian connections	Not applicable – No street extensions are required to serve abutting sites that are further dividable.
33.654.130.D	Partial rights-of-way	Not applicable – No partial public streets are proposed or required.

### **Applicable Approval Criteria are:**

**33.654.110.B.1 Approval criterion for through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:**

- a. **Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;**
- b. **Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;**
- c. **Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;**
- d. **Master street plans for the area identified in Goal 11B of the Comprehensive Plan;**
- e. **Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.**

**Findings:** The site is located between SW Macadam Avenue and SW Summerville Avenue, which have a distance between them of approximately 600 feet. There are no other north-south through streets between these two streets. If the distance between these existing streets is evaluated against the optimum spacing requirement of 530 feet, one can conclude that there should be a north-south through street provided in the vicinity of the site.

The site contains sufficient width to allow the creation of a public north-south through street. However, the properties adjacent to the portion of the site where the street would terminate are already developed, and not configured in a manner that would easily allow the further extension of a street from the site. So, although the optimum spacing criteria would indicate the need for a north-south through street or pedestrian connection at this site, there is no practicable opportunity to provide them in this land division.

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

No pedestrian connection is proposed or required, therefore section e. does not apply.

For the reasons described above, this criterion is met.

### **Utility Location, Extension of Streets, Partial Rights of Way**

#### **33.654.130 Additional Approval Criteria for Rights-of-Way**

- A. Utilities. Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way.**

**Findings:** Utilities are defined in the Zoning Code as telephone, cable, natural gas, electric, and telecommunication facilities. Any easements that may be needed for private utilities that cannot be accommodated within the right-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

**General Information about Development Standards and Approval Criteria.** The Zoning Code contains two types of regulations: Development standards and Approval criteria.

**Approval criteria**, such as those listed earlier in this report, are administered through a land use review process. Approval criteria are regulations where the decision-maker must exercise discretion to determine if the regulation is met. Public notice is provided and public comments received that address the approval criteria are addressed in the decision.

**Development Standards:** Development standards are clear and objective regulations (for example: building setbacks; number of required parking spaces; and maximum floor area). Compliance with development standards is reviewed as part of the administrative permitting process and are not considered to be discretionary reviews. Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

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

**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 R20 zone (Please see section on Other Technical Standards for Building Code standards.)

In this case, there is one Zoning Code standard that relates to existing development on the site:

- **Minimum Setbacks** – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 26 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.

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 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. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. The site's location outside the Portland City Limits places it under the jurisdiction of other agencies as well. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 <a href="http://www.water.ci.portland.or.us/">http://www.water.ci.portland.or.us/</a>

<b>Bureau</b>	<b>Code Authority</b>	<b>Topic</b>	<b>Contact Information</b>
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 <a href="http://www.bes.ci.portland.or.us/">http://www.bes.ci.portland.or.us/</a>
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 <a href="http://www.fire.ci.portland.or.us/">http://www.fire.ci.portland.or.us/</a>
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 <a href="http://www.trans.ci.portland.or.us/">http://www.trans.ci.portland.or.us/</a>
Development Services	Titles 24 –27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 <a href="http://www.bds.ci.portland.or.us.">http://www.bds.ci.portland.or.us.</a>

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

- The applicant must meet the requirements of the Lake Oswego Fire District in regards to fire access and ensuring adequate hydrant flow from the nearest fire hydrant. The Lake Oswego Fire Department has limited the size of any new house to be constructed (including attached garage) to 3,600 square feet due to low water pressure for fire fighting purposes from the hydrant nearest the site. The 3,600 square foot restriction can be waived with the installation of fire suppression sprinklers. The applicant will need to record an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on parcel 2, if the structure exceeds 3,600 square feet. See Exhibit E.4 for details.

## CONCLUSIONS

The applicant has proposed a 2-lot partition, as shown on the attached preliminary plan (Exhibit C-1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal include placement of the seep in a tract, fire bureau requirements and location of sanitary sewer line for parcel two and tree preservation.

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

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-lot partition, that will result in two standard lots and Open Space Tract for the protection of the seep on site, as illustrated with Exhibit C-1, subject to the following conditions:

**A. Supplemental Plan. The BDS Planner** requires a supplemental plan to be submitted with the final plat survey. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Utilities for parcel 2, specifically location of the sanitary sewer lateral
- Any other information specifically noted in the conditions listed below.



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

1. The applicant shall meet the street dedication requirements of Multnomah County Transportation for SW Carey Lane. The required right-of-way dedication must be shown on the final plat.
2. The Open Space tract for the Seep Protection Reserve must be delineated as shown on Exhibit C.1.
3. If applicable, a private sanitary sewer easement will be shown over the relevant portions of parcel 1, for the benefit of parcel 2.
4. 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.1 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example:

"A Declaration of Maintenance Agreement for the Open Space Tract has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

"An Acknowledgement of special land use conditions has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

"A Declaration of Maintenance Agreement for a Private Sanitary Sewer Easement has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records." (If applicable)

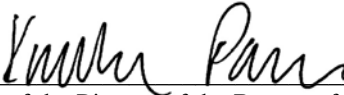
**C. The following must occur prior to Final Plat approval:****Required Legal Documents**

1. A Maintenance Agreement shall be executed for the Open Space Tract and the Private Sanitary Sewer easement described in Condition B.2 above. The agreement shall include provisions assigning maintenance responsibilities for the tract and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
2. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Lot 2 to contain internal fire suppression sprinklers if the house and attached garage exceed 3,600 square feet. With residential sprinklers the house and attached garage could size up to 6,200 square feet if all other relevant development standards can be met. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

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

1. Development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C-2) and the applicant's arborist report (Exhibits A-2.1 and A2.2). Specifically, trees numbered A3-A5, A7, A10-A12, A15, A16, A18-A20, A22, A23, B9, B20, B26, and B34 are required to be preserved, with the root protection zones indicated on Exhibit C-2. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.

2. The applicant shall meet the requirements of Multnomah County Transportation for right of way improvements along the frontage of SW Carey Lane.
3. The applicant shall meet the requirements of the Lake Oswego Fire Department for ensuring adequate hydrant flow from the nearest hydrant or obtain an approved Fire Bureau appeal to this requirement.
4. The applicant must meet the requirements of the Lake Oswego Fire Department for providing an adequate fire accessway for Parcel 2.
5. At the time of building permit for Parcel 2, the applicant must comply with the recommendations of the Landslide Hazard Study and the Arborist Report.

Decision rendered by:  on July 25, 2008  
By authority of the Director of the Bureau of Development Services

**Decision mailed July 29, 2008**

**Staff Planner: Rachael Hoy**

**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 July 9, 2007, and was determined to be complete on January 3, 2008.

*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 July 9, 2007.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 150 days. The 120<sup>th</sup> day is September 29, 2008 (Exhibits A. 7-11).

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

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review,

any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 12, 2008** at 1900 SW Fourth Ave. Appeals may be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails.

**Appeal fee waivers.** Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190<sup>th</sup>, Portland, OR 97233.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-0625 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.ci.portland.or.us](http://www.ci.portland.or.us).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

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

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

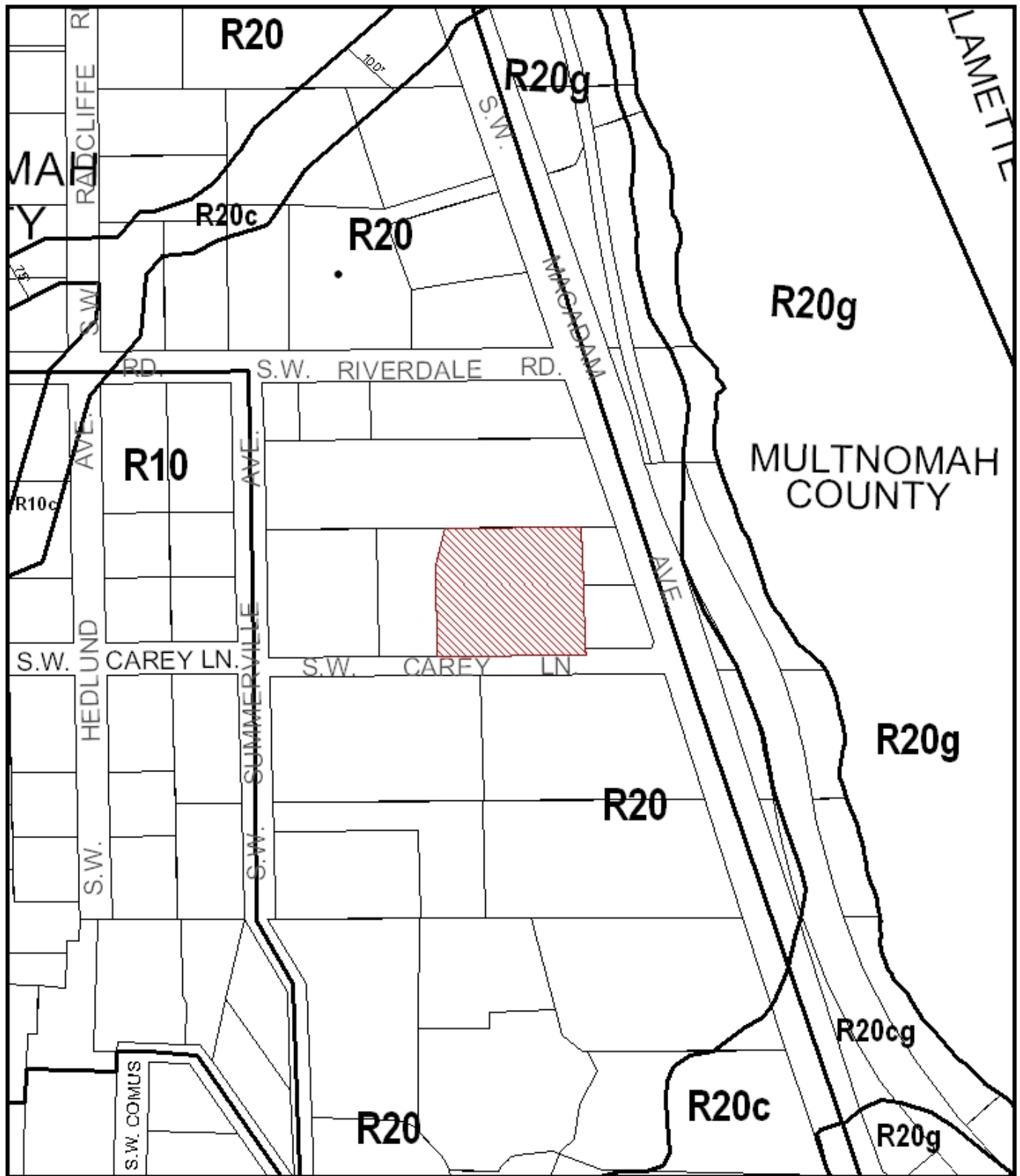
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. Applicant's Written Narrative
  - 2. Tree Information
    - a. Original Arborist Report
    - b. Addendum to Arborist Report
    - c. Email to applicant outlining trees to be preserved dated 4/30/08
  - 3. Landslide Hazard Study
  - 4. Response from ODOT on drainage analysis for parcel 2
  - 5. Natural Resource Assessment
  - 6. Drainage Analysis
  - 7. Email to extend the review period 30 days, dated 3/6/08

8. Email to extend the review period 30 days, dated 4/7/08
  9. Email to extend the review period 30 days, dated 5/9/08
  10. Letter to extend the review period 30 days, dated 6/9/08
  11. Letter to extend the review period 30 days, dated 7/9/08
  12. Applicant Milk/dye test on stormwater drainage from parcel 2 out to Willamette
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Site Plan (attached)
  2. Tree Preservation Plan (attached)
  3. Utility Plan (attached – full size plan in file)
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
    - a. Original response
    - b. Addendum to original response
  2. Multnomah County Transportation
  3. Palatine Hill Water District
  4. Lake Oswego Fire District
  5. Site Development Section of BDS
    - a. First response
    - b. Second response
    - c. Addendum to response
  6. Dunthorpe-Riverdale Sewer District #1
  7. The Life Safety Section of the Bureau of Development Services)
  8. Department of State Lands
  9. Portland Transportation
  10. Portland Parks
  11. Water Bureau
  12. Portland Fire Bureau
  13. Riverdale School District
- F. Correspondence: None received
- G. Other:
1. Original LU Application
  2. Site History Research
  3. Incomplete Letter
  4. Void Warning Letter

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING



File No.	LU 07-145119 LDP
1/4 Section	4031
Scale	1 inch = 200 feet
State_Id	1S1E26CC 1500
Exhibit	B (Jul 11, 2007)



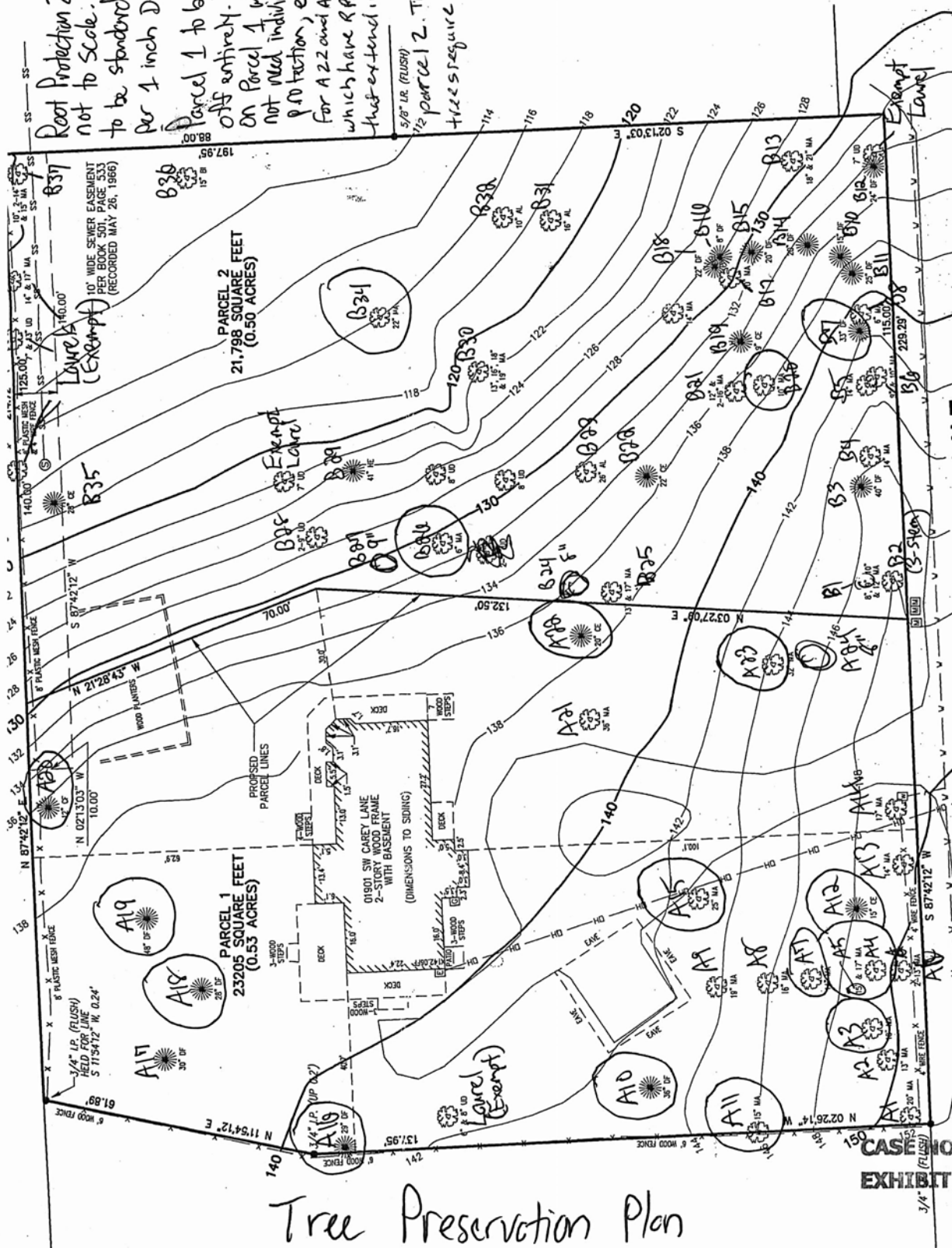
- UNIFORMED TREE
- DOUGLAS FIR TREE
- ALDER TREE
- MAPLE TREE
- CEDAR TREE
- HEMLOCK TREE
- COMMON FIR TREE
- BIRCH TREE
- UNKNOWN DECIDUOUS

NOTES:

- ELEVATION 4084, A B OF THE SE
- THE BOUND MAP DOES SITE/TOPO
- THIS SURV ANDY PAR SHOWN HE OF THE PA
- SURVEY IS
- THE UNDER INFORMATION THAT THE AREA, ETT WARRANT INDICATED AS POSSIBLE LOCATED IN UTILITY IS TO THE S
- THE LOCAL PROPERTY
- SUBSURFA CONSIDERE CONCERN OR FACUL
- THIS SURV THERE ARE AFFECTED IN THIS SURV
- THIS PROE INCLUDING BOOK 537

Root Protection Zones not to Scale. Reg'd to be standard 1 foot per 1 inch DBH.

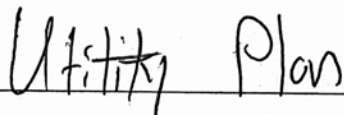
Parcel 1 to be fenced off entirely. Trees on Parcel 1 will not need individual protection, except for A22 and A23 which have RPZs that extend into Parcel 2. That is two trees require full fencing.



\* In the event that parcel 1 is ever re-developed, fencing will be required for all trees on parcel 1.

Tree Preservation Plan

CASE NO. 07-145119  
EXHIBIT C.2



CASE NO. 07-145119  
EXHIBIT C-3