

#### 85.160 (E) 1,2,5,6,8,9

E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:

1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments. **SEE ATTACHED EXHIBIT (C)**
2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals: **SEE ATTACHED EXHIBIT (C) HAS 1' (ONE FOOT) SLOPE INTERVALS**
  - a. Two-foot contour intervals for ground slopes less than 20 percent.
  - b. Five-foot contour intervals for ground slopes exceeding 20 percent.
5. Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area. **SEE ATTACHED EXHIBIT (A)**
6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting. **SEE ATTACHED EXHIBIT (C)**
8. Zoning on and adjacent to the tract. **R10**
9. Existing uses to remain on the adjoining property and their scaled location. **NO, ALL EXISTING STRUCTURES TO BE REMOVED WITH NEW STRUCTURES TO BE ADDED SEE EXHIBIT (B) FOR TENTATIVE CHANGES PROPOSED.**

#### 85.160 (B)

B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor. **SEE ATTACHED EXHIBIT (B)**

85.160 (F) 7,8

F. The following proposed improvements shall be shown on the tentative plan or supplemental drawings:

7. A street tree planting plan and schedule approved by the Parks Department. **THERE IS NO STREET PLANTING REQUIRED. ALL EXISTING PLANTING, ROCK AND LANDSCAPE IS TO REMAIN UNCHANGED**
8. Any land area to be dedicated to the City or put in common ownership. **NO LAND IS TO BE DEDICATED TO THE CITY OR UNDER COMMON OWNERSHIP**

85.200 (J) 1 & 3-9

J. Supplemental provisions.

1. Wetland and natural drainageways. Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required. **NO WETLANDS OR NATURAL DRAINAGE WAYS WILL BE INTERFERED WITH THIS DEVELOPMENT. All utilities are existing and will not impact any natural surroundings.**
3. Street trees. Street trees are required as identified in the appropriate section of the municipal code and Chapter 54 CDC. **THERE ARE NO STREET TREES IN THIS AREA HOWEVER THERE ARE MANY LARGE HERITAGE TREES THAT WILL REMAIN IN PLACE.**
4. Lighting. To reduce ambient light and glare, high or low pressure sodium light bulbs shall be required for all subdivision street or alley lights. The light shall be shielded so that the light is directed downwards rather than omni-directional. **THERE IS NO DEVELOPMENT OR SUBDIVISION LIGHTING BEING ADDED. THERE IS A STREET LIGHT AT THE NE CORNER OF NIXON AND ELMRAN THAT. ALL HOUSE LIGHTING WILL BE EITHER DOWN DIRECTED OR LOW PRESSURE SODIUM ON HOMES.**
5. Dedications and exactions. The City may require an applicant to dedicate land and/or construct a public improvement that provides a benefit to property or persons outside the property that is the subject of the application when the exaction is roughly proportional. No exaction shall be imposed unless supported by a determination that the exaction is roughly proportional to the impact of development. **NO EXACTION OR DEDICATION IS BEING IMPOSED OR PROPOSED. THE DEVELOPMENT IMPACT CHANGES VERY LITTLE IN REGARDS TO EXISTING CONDITIONS.**

6. Underground utilities. All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. **THE SITE IS EXACTLY ONE ACRE AND MEETS THE PRIOR CONDITIONS OF FRONTAGE UNDER 200 FEET WITH EXISTING ABOVEGROUND UTILITIES SERVICING THE ENTIRE NEIGHBORHOOD. THIS IS NOT A NEW DEVELOPMENT IT IS A MINOR PARTITION WITH EXISTING FRONTAGE REMAINING. PGE RECOMMENDED LEAVING EXISTING OVERHEAD BUT SPLITTING OFF EXISTING POLE TO PROVIDE AN UNDERGROUND VAULT TO SERVICE THE TWO ADDITIONAL LOTS.** High voltage transmission lines, as classified by Portland General Electric or electric service provider, would also be exempted. Where adjacent future development is expected or imminent, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc. **THERE IS NO FUTURE DEVELOPMENT IN THIS AREA ANTICIPATED UNLESS THE NEIGHBORS REMODEL.**

7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC [02.030](#). Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt. **THIS PROJECT INCREASES THE DENSITY IN THE AREA TO THE CITY'S TAX BENEFIT BUT REMAINS WELL WITHIN THE ZONING PROVIDED FOR THE AREA. IT IS ALSO EXEMPT BECAUSE IT IS THREE LOTS OR LESS.**

8. Mix requirement. The "mix" rule means that developers shall have no more than 15 percent of the R-2.1 and R-3 development as single-family residential. The intent is that the majority of the site shall be developed as medium high density multi-family housing. **THIS IS NOT A MIXED USE DEVELOPMENT. THE AREA IS ALSO NOT ZONED FOR SUCH A DEVELOPMENT.**

9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC [55.100](#)(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk. (Ord. 1377, 1995; Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1403, 1997; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1604 § 64, 2011; Ord. 1613 § 20, 2013; amended during July 2014 supplement; Ord. 1635 § 34, 2014; Ord. 1636 § 56, 2014) **ALL HERITAGE TREES ARE TO BE SAVED AND HAVE BEEN INVENTORIED PER THE APPLICATION SUBMISSION.**

## 85.200 (B) 3,4 & 8b

### B. Blocks and lots.

3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD). **ALL THREE LOTS ARE BUILDABLE. PROTECTION FOR DRAINAGEWAYS AND WETLANDS ARE VERY SPECIFIC IN THIS AREA. THE BUILDABLE PORTION OF THE LOTS ARE CLEARLY DEFINED.**

Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed. **THE DEPTH AND WIDTH OF THE LOTS ARE MORE THAN SUFFICIENT TO PROVIDE FOR OFF STREET PARKING AND IN NO WAY WILL BE SUBJECT TO COMERCIAL OR INDUSTRIAL REQUIREMENTS.**

4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation. **ACCESS TO THE PROPOSED PARTITION IS THROUGH FRONTAGE ON NIXON AVENUE THAT IS COMMON TO EACH LOT IN THE PROPOSED PARTITION.**

8. Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may: **THE LOT SHAPE AND SIZE PROPOSED WOULD PROHIBIT THEM FROM BEING REDIVIDED AT A LATER DATE.**

b. Alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat. **WE CAN PROVIDE FOR THIS TYPE OF RESTRICTION**