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STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 12-204862 LDS
PC # 12-177887
REVIEW BY: Hearings Officer
WHEN: **February 6, 2013 at 10:00 AM**
WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: RACHEL WHITESIDE
RACHEL.WHITESIDE@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Cody Johnecheck,
Consolidated Land And Cattle LLC
2 Centerpointe Dr #210
Lake Oswego, OR 97035

Representative: Bruce Vincent,
Bedsaul/Vincent Consulting, LLC
416 Laurel Ave #3
Tillamook, OR 97141

Site Address: 8600 SW 30TH AVE

Legal Description: S 3' OF LOT B LOT C, MADISON VILLA SUB LOT 21; LOT D EXC S 40' OF W 150', MADISON VILLA SUB LOT 21; LOT E TL 9500, MADISON VILLA SUB LOT 21
Tax Account No.: R524950200, R524950250, R524950310
State ID No.: 1S1E20DD 09200, 1S1E20DD 09300, 1S1E20DD 09500
Quarter Section: 3826

Neighborhood: Multnomah, contact Susan Rudloff at 503-358-2316.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: None
Other Designations: Potential Landslide Hazard Area
Zoning: R2c – Multi-Dwelling Residential with an Environmental Conservation Overlay

Case Type: LDS – Land Division (Subdivision)

Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal:
The applicant proposes to divide the 19,660 square foot site into five lots for attached housing. Proposed lots range in size from 1,793 square feet to 2,634 square feet. The remaining 8,921 square feet, which includes all of the environmental conservation zone, will be placed into an environmental resource tract. The site is currently developed with a duplex that will be removed.

Water and sanitary sewer service are both available in SW 30th Avenue. Stormwater from individual lots will be treated in flow-through planters and disposed of off-site to a proposed storm line in SW 30th Avenue. There are no trees on the site outside of the environmental zone. All trees within the environmental zone will be preserved within Tract A.

This subdivision proposal is reviewed through a Type III procedure because more than three lots are proposed and the site is in a Potential Landslide Hazard Area (see 33.660.110). The proposal addresses the Standards for Land Divisions in Environmental Zones (Section 33.430.160), therefore an Environmental Review is not required.

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines "lot" as a single unit of land created by a subdivision of land. The applicant's proposal is to create 5 lots. Therefore this land division is considered a subdivision.

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

FACTS

Site and Vicinity: The site is located on SW 30th Avenue, two blocks north of SW Barbur Boulevard. The lot is currently developed with a duplex and surface parking. The majority of the site is flat, with existing retaining walls near the east property line where the slope breaks and leads down to Tryon Creek on the abutting property. A tributary to Tryon Creek crosses the eastern most tip of the site within the environmental conservation zone. There are no trees on the site outside of the environmental conservation zone.

The surrounding area is primarily multi-dwelling residential, with a mix of older and newer structures. Fire Station #18 is located on the property immediately to the south and there is commercial retail and office development along SW Barbur Boulevard. Spring Garden Park is located a block to the west. The street grid is irregular and undersized immediately around the project site due to the presence of Tryon Creek and tributaries.

Infrastructure:
- **Streets –** The site has approximately 98 feet of frontage on SW 30th Avenue. There are two driveways entering the site that serve the existing development. At this location, SW 30th Avenue is classified as a Local Service Street for all modes in the Transportation System Plan, except the pedestrian classification where it is designated as a City Walkway. Tri-Met provides transit service approximately 500 feet from the site at SW Barbur via bus routes #12 and #94 (750 feet from the proposed lots). Parking is allowed on both sides of SW 30th Avenue.

Southwest 30th Avenue has a 35-foot curb to curb paved surface within a 55-foot right-of-way. The site frontage is largely unimproved other than a 15-foot long curbed planter area located midway along the frontage.

- **Water Service –** There is an existing 6-inch CI water main in SW 30th Avenue. The existing development is served by a 5/8-inch metered service from the main.

- **Sanitary Service –** There is an existing 10-inch concrete public sanitary sewer line in SW 30th Avenue.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant proposes to extend a public storm sewer in SW 30th Ave to provide a valid stormwater discharge point for the development. A public works permit (12-206096-WE, BES #EP9343) is currently under review for this work, and has been approved to move beyond the 30% concept review phase by the BES project manager.

Zoning: The R2 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing. The "c" overlay is intended to conserve important environmental features and resources while still allowing compatible development. New development and exterior modifications to existing development must meet environmental standards or are subject to environmental review.

Land Use History: City records indicate there are two prior land use reviews for this site that relate to the previous Day Care use of the site. The Day Care use was converted to a residential use in 2010, therefore these land use cases are no longer relevant to the site.

Agency Review: A "Request for Response" was mailed **December 11, 2012**. 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 **January 4, 2013**. 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.

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:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site, outside of the environmental zone on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
E	33.633 - Phased Land Division or Staged Final	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.

	Plat	
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.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	There are no pedestrian connections 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.D - Partial rights-of-way	No partial public streets are proposed or required

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. Single-dwelling development is proposed for the entire site, therefore the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 19,660 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. Land area within the environmental conservation zone is also subtracted for the purposes of calculating minimum density. After subtracting those land areas, the site's minimum density is four dwelling units and the maximum density is nine dwelling units. The applicant is proposing five attached housing lots.

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

R2	Minimum lot area (square feet)	Minimum lot width (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)
Attached Houses	1,600	15	none	15
Lot 1	2,323	23	101	23
Lot 2	1,793	17	105.5	17
Lot 3	1,836	17	108	17
Lot 4	1,870	17	110	17
Lot 5	2,634	23.96	111.5	23

* Width is measured from the midpoints of opposite lot lines.

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

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.

Findings: The entire 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.5). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability.

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. In addition, the geotechnical evaluation has concurred that the applicant's proposed method of stormwater disposal at the site will not have a significant detrimental impact on the slope stability on or around the site. This conclusion was reached because stormwater will not be disposed on the site itself, it will be treated and discharged into a new public storm sewer in SW 30th Avenue.

Site Development has concurred with the findings of the applicant's geotechnical report. 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:

Clearing and Grading

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

In this case the site is primarily flat, despite the Potential Landslide Hazard Area designation. The area with the most slope is within the proposed open space and environmental resource tract. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. Additionally, the applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. With these conditions, the new lots can be considered suitable for development, and this criterion is met.

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

Findings: An Open Space (environmental resource) tract is proposed. With a condition that the proposed tract be owned in common by the owners of Lots 1 through 5, by a Homeowners' Association, by a public agency, or by a non-profit organization, this criterion can be met.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement 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 is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement with a recording block for each agreement, substantially similar to the following example:

> *"A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."*

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

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

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The water standards of 33.651 have been verified. Water is available to serve the proposed development from the water main in SW 30th Avenue. A Water Bureau review for fixture count will need to be submitted by the applicant at the time of building permit submittal to appropriately size the water services and meters for this location. All applicable costs will be the responsibility of the applicant.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The sanitary sewer standards of 33.652 have been verified. There is an existing 10-inch concrete public sanitary sewer located in SW 30th Avenue that can serve the sanitary needs of the proposed lots. There is an existing sewer service from that main that can serve proposed Lot 1.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5
BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods: • **Public Street Improvements:** As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards

(discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated that through the review of the transportation-only public works permit (12-204410-WT) that stormwater facilities will not be required.

- **Lots 1-5:** Stormwater from these lots will be directed into flow-through planters that remove pollutants and suspended solids. The water will drain from the planters to a new public storm sewer extension in SW 30th Avenue. Each lot has sufficient size for individual planter boxes, and the Bureau of Environmental Services has indicated that the treated water can be directed to the proposed storm sewer in SW 30th Avenue per Category 3 of the City of Portland Stormwater Management Manual.

The applicant proposes to extend a public storm sewer in SW 30th Avenue to provide a valid stormwater discharge point for the development. A public works permit (12-206096-WE, BES #EP9343) is currently under review for this work, and has been approved to move beyond the 30% concept review phase by the BES project manager. Prior to final plat approval, BES will require that the applicant provide acceptable engineering plans, a financial guarantee and pay all required engineering fees.

33.654.110.B.1 - Through streets and pedestrian connections
33.654.130.B - Extension of existing public dead-end streets & pedestrian connections
33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located is triangular in shape, but roughly meets this spacing requirement. PBOT has indicated that neither a street or a pedestrian connection through the subject site would serve any purpose in relation to the block, surrounding block patterns, or street configuration. Further, existing development on the block precludes a connection without requiring demolition on adjacent site. Finally, the location of Tryon Creek within the environmental conservation overlay zone presents another reason to avoid a right-of-way connection through the site.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply. The only new through pedestrian connections included in the proposal are new sidewalks along the frontage of the site along SW 30th Avenue. This is a straight-line connection on which users will be able to see the ending of the pedestrian route from the entrance.

For the reasons described above, these criteria are met.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030
33.654.120.C Width and Design of the street right-of-way
33.654.130.D Partial Rights of way

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.

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.

2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

Street capacity and level-of-service
Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. The applicant was advised that a Traffic Impact Study (TIS) would also have to be prepared in order to adequately determine the impacts of the proposed project on the area's transportation system. The applicant hired Kelly, Inc. as his consultant, and Kelly submitted their TIS for the City's review. The following discussion is based on PBOT's assessment of the applicant's TIS.

The applicant proposes to develop the site with 5 attached homes which will replace the existing duplex currently on the site. Based on data from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, 5 vehicle trips will be generated by the proposed number of units during each the morning peak hour and afternoon peak hour of travel (compared to the 2 vehicle trips generated by the existing duplex on the site). A total of approximately 50 daily trips are expected to be generated by the future residents of the proposed project.

The applicant's traffic consultant conducted physical turning movement counts at the stop controlled intersections of SW 30th Avenue/SW Barbur, SW 30th Avenue/SW Spring Garden and SW 30th Avenue/SW Dolph Court. The results of the operational analyses in the applicant's TIS reveal that these intersections currently operate at Level of Service (LOS) A or B during both the morning and afternoon peak hours. These results are well within the City's performance levels identified previously. The applicant's traffic consultant utilized a conservative growth rate for the area to project future operations of the cited intersections. The conclusions which were attained utilizing acceptable industry standards and supported by PBOT staff, indicate that the studied intersections will continue to operate at LOS A or B either with or without the proposed development.

Accordingly, PBOT is supportive of the TIS' conclusion that development of the proposed 5 attached homes on the site will have little impact on the surrounding area because of (1) the relatively few trips expected to be generated, and (2) the established transportation system that will disperse those trips such that no single intersection is expected to be adversely impacted. All of the local study area intersections will continue to operate below capacity. The surrounding transportation facilities are projected to operate acceptably per City of Portland standards upon completion of the proposed development.

Vehicle access and loading
Vehicle access and loading will be via on-street parking in the site vicinity as well as individual driveways serving each of the proposed lots (it is noted that the applicant's site plan shows individual shared driveways that will serve proposed Lots 1 and 2, and Lots 3 and 4, respectively; Lot 5 will be served by a separated individual driveway). The proposed site plan adequately accommodates vehicle access and loading.

On-street parking impacts
Since the proposed development may use street parking to supplement the on-site parking provided, the applicant's traffic consultant conducted an analysis of existing parking

supply/demand throughout the day and projected future parking demands upon completion of the proposed development. Observations of existing conditions were conducted during the weekday morning and afternoon peak hours as well as on a weekend morning, when residential on-street parking space demands reach their peaks.

The applicant's traffic consultant included both sides of SW 30th Avenue, as well as segments of several streets in all directions from the subject block, within a reasonable walking distance (a distance wherein someone would likely park and walk to the subject site). During all of the observation periods, there were at least seven available on-street parking spaces along SW 30th Avenue and SW Dolph Court.

It should be noted that the current available on-street parking opportunity (one space) will be eliminated along the frontage of the subject site in relation to the proposed driveways/curb cuts. Notwithstanding this loss of on-street parking, with the provision of at least one on-site parking associated with each of the proposed attached homes, in association with the remaining on-street parking supply, the proposed subdivision will have no adverse parking impacts to the overall neighborhood on-street parking supply.

Availability of transit service and facilities and connections to transit
Tri-Met provides bus service along SW Barbur, approximately 750-feet south of the proposed lots via route numbers 12 (Barbur/Sandy Blvd) and 94 (Pacific Hwy/Sherwood).

Impacts on the immediate and adjacent neighborhoods
Traffic volumes on area roadways and at area intersections are not expected to change significantly upon completion of the proposed development. The addition of the expected project related number of site trips on nearby streets and through the intersections in the site vicinity and beyond, during the peak hours, will have no noticeable impacts to immediate and adjacent neighborhoods. No significant operational or safety problems were identified, and no improvements are proposed.

As identified previously, although there will be a loss of some on-street parking spaces in relation to the proposed driveways/curb cuts, the inclusion of on-site parking spaces for each of the proposed units as well as a sufficient on-street parking supply in the site vicinity will result in no adverse impacts to neighbors in the area with respect to on-street parking.

Site generated traffic impacts on the local/nearby transportation system as well as adverse impacts available on-street parking supply are typically the areas associated with new development that have the potential for greatest impacts to immediate and adjacent neighborhoods. As noted above, these impacts are not expected with the proposed subdivision.

Safety for all modes
No safety problems are projected as a result of the proposed development. Some of the roadways in the site vicinity have existing sidewalks in place on both sides of the streets. The subject site will be improved with a new sidewalk to enhance the pedestrian environment in the area. As residential streets, the abutting roadways have statutory speed limits of 25 mph and low volumes of vehicular traffic. Bicycles are expected to share these roadways, which is typical for low-speed/low volume residential streets. The existing roadways and sidewalks are sufficient to provide continuous travel paths for all travel modes.

The applicant's traffic consultant also performed a sight distance analysis at the location of the proposed driveways and determined that there is adequate sight distance with no visual impairment in either direction along SW 30th Avenue. Further, the TIS also contains crash history data for the studied intersections. The intersection of SW 30th/SW Dolph Court had

the highest rate (with only one reported collision), but the 0.32 crash/million entering vehicles (MEV) is well below the threshold of 1.0 crashes/MEV that suggests that an intersection is in need of mitigation. Based on the information supplied, the methodology, assumptions and conclusions made by the applicant's traffic consultant, which PBOT concurs with, the transportation system is capable of safely supporting the proposed development is addition to the existing uses in the area.
33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)
Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

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.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2 zone.

Environmental standards that apply to the land division. In this case, there are several Zoning Code standards that apply to the proposed land division. The standards of Section 33.430.160 Standards for Land Divisions and Planned Developments apply to the proposal. Conditions have been included for requirements that apply at the time of final plat and at the time of development. The applicant has demonstrated that the standards of Section 33.430.160 have been met. The standards listed below can be met with conditions of approval:

- Resource areas outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization (33.430.160.E).
- All vegetation planted in a resource area is native and listed on the Portland Plant List. Plants listed on the Nuisance Plant List are prohibited (33.430.140.L)
- Fences are allowed only within the disturbance area (lots) (33.430.140.O).

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**	**Contact Information**
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation
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 www.portlandonline.com/bds

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements, hydrant spacing, ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement/providing fir apparatus access or obtaining an approved Fire Bureau appeal. If required by appeal, an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers must be provided prior to final plat approval. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 5-lot subdivision and open space (environmental resource) tract, as shown on the attached preliminary plan (Exhibit C.2). 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 are: stormwater disposal, removal of existing development, and street improvements.

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

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of a Preliminary Plan for a 5- lot subdivision, that will result in 5 single-dwelling lots, as

illustrated with Exhibits C.2 and C.4, subject to the following conditions:

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SW 30th Avenue. The required right-of-way dedication must be shown on the final plat.

2. The open space tract shall be noted on the plat as "Tract A: Open Space (Environmental Resource Area). A note must also be provided on the plat indicating that the tract will commonly owned and maintained by the owners of Lots 1 through 5.

3. 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 B, below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right-of-way improvements along the site's street frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.

Utilities

2. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public storm sewer in SW 30th Avenue. The public storm sewer extension requires a Public Works Permit, which must be at a stage acceptable to BES prior to final plat approval. As part of the Public Works Permit, the applicant must provide engineered designs, and performance guarantees for the sewer extension to BES prior to final plat approval.

3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way for all lots, as required in Chapter 5 of the Oregon Fire Code. Alternately, the applicant will be required to install residential sprinklers in the new houses, if applying the exception. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat, if the exception is used.

Existing Development

5. A finalized permit must be obtained for demolition of the existing duplex on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.

6. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.

Required Legal Documents

7. A Maintenance Agreement shall be executed for the Open Space (Environmental Resource Area) Tract described in Condition C above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

8. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development to contain internal fire suppression sprinklers, if required to meet Condition B.3 or B.4, above. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

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

1. The applicant must meet the addressing requirements of the Fire Bureau for all lots. The location of the address must be shown on the building permit.

2. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal. Please refer to the final plat approval report for details on whether or not this requirement applies.

3. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

4. All vegetation planted in the resource area of Tract A is native and listed on the Portland Plant List. Plants listed on the Nuisance Plant List are prohibited.

5. Fences are allowed only within the disturbance area (Lots 1-5), not within Tract A: Open Space (Environmental Resource Area).

Procedural Information. The application for this land use review was submitted on November 13, 2012, and was determined to be complete on December 10, 2012.

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 November 13, 2012.

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 further extended by the applicant, **the 120 days will expire on: April 9, 2013.**

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 recommendation 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 report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of $2,250.00 will be charged (one-half of the BDS application fee, up to a maximum of $5,000).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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.**

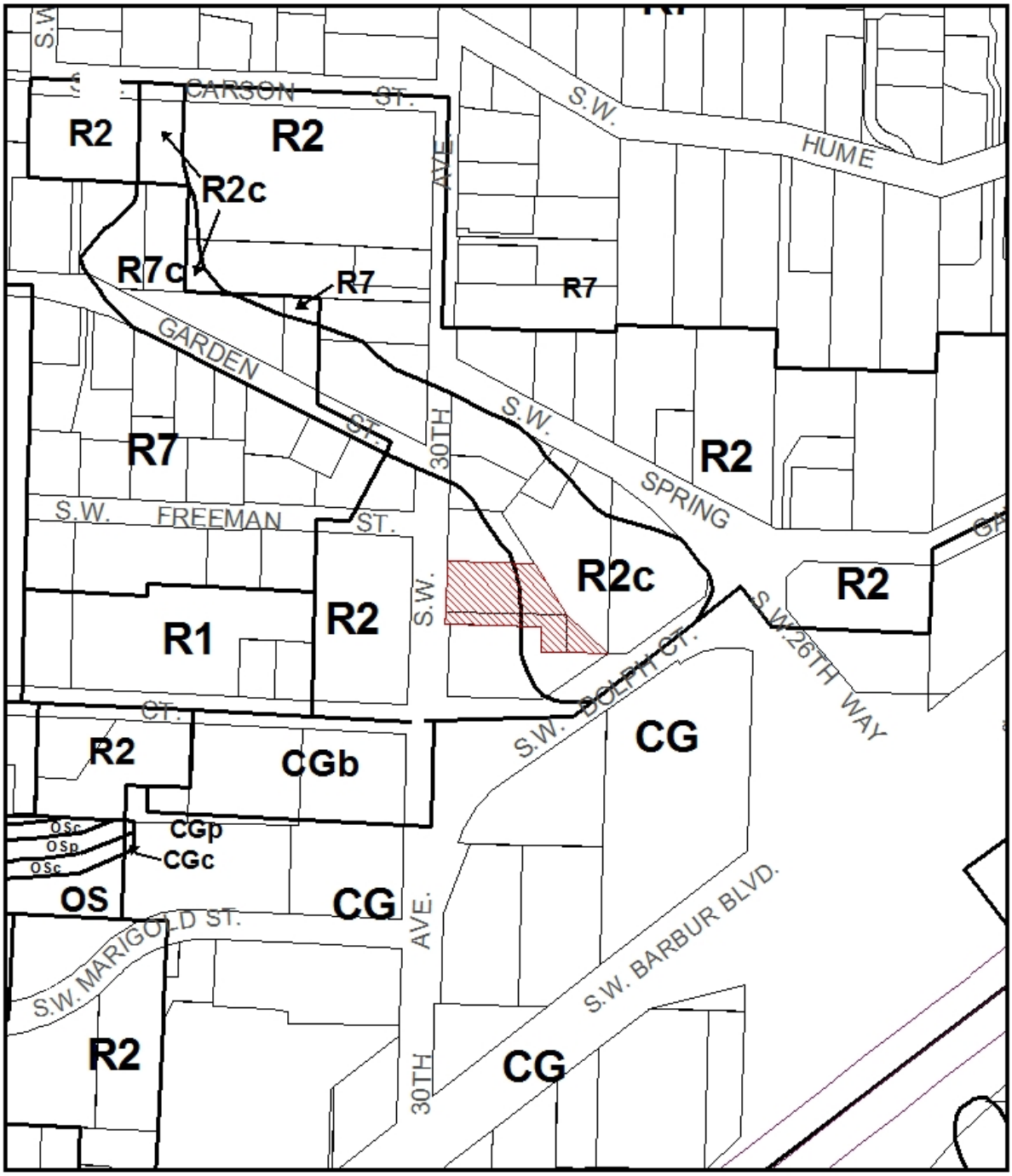
Planner's Name: Rachel Whiteside
Date: January 18, 2013

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement:
   1. Narrative
   2. Landslide Hazard Study and Infiltration Testing Report
   3. Transportation Impact Study
   4. Response to Incomplete Letter, dated December 4, 2012
   5. Updated Landslide Hazard Study (with both required stamps)
   6. Storm Water Drainage Calculations
   7. Heating Oil Clean-Up Certification
B. Zoning Map (attached)
C. Plans & Drawings:
   1. Existing Conditions Plan/Stamped Survey
   2. Preliminary Site Plan (attached)
   3. Demolition/Erosion Control Plan
   4. Site Utility Plan (attached)
D. Notification information:
   1. Request for response
   2. Posting letter sent to applicant
   3. Notice to be posted
   4. Applicant's statement certifying posting
   5. Mailing list
   6. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation Engineering and Development Review
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of Bureau of Development Services
   6. Bureau of Parks, Forestry Division
   7. Life Safety Review Section of Bureau of Development Services
F. Letters: None Received
G. Other:
   1. Original LUR Application
   2. Neighborhood Contact
   3. Pre-Application Conference Summary

4. Incomplete Letter, sent

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

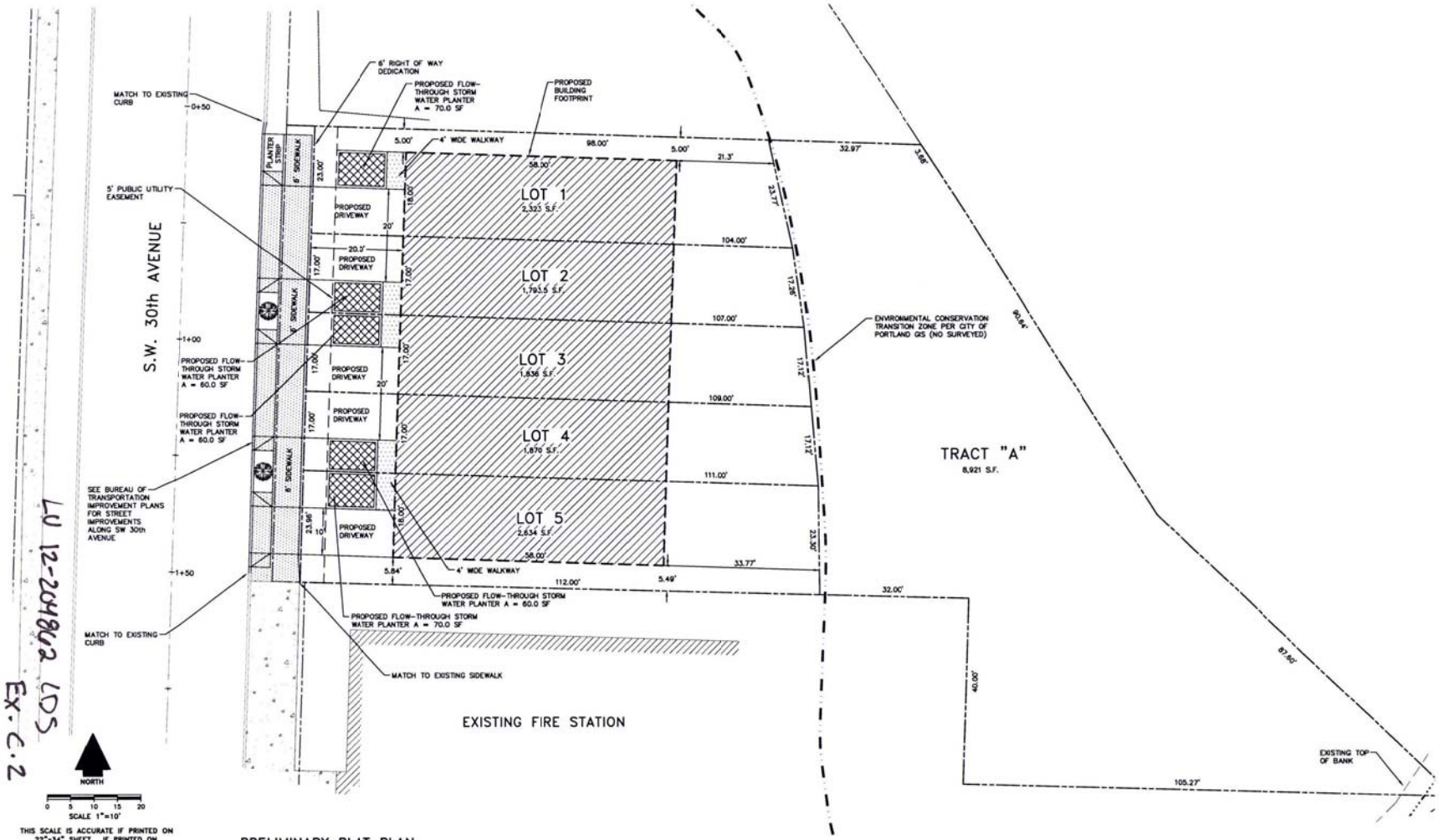


ZONING

Site

NORTH

File No.	LU 12-204862 LDS,EN
1/4 Section	3826
Scale	1 inch = 200 feet
State_Id	1S1E20DD 9200, 9300, 9500
Exhibit	B (Nov 14,2012)



PRELIMINARY PLAT PLAN
SCALE: 1"=10'

DESCRIPTION	APPD.
REVISION	

PINNACLE
ENGINEERING ASSOCIATES CORPORATION
17707 Kinsman Road, Lake Oswego, OR 97034
Tel. (503) 636-4005 Fax (503) 636-4015

DESIGNED BY J. STORMO
DRAWN BY J. STORMO
CHECKED BY J. STORMO
PLANS DATED 12-3-2012

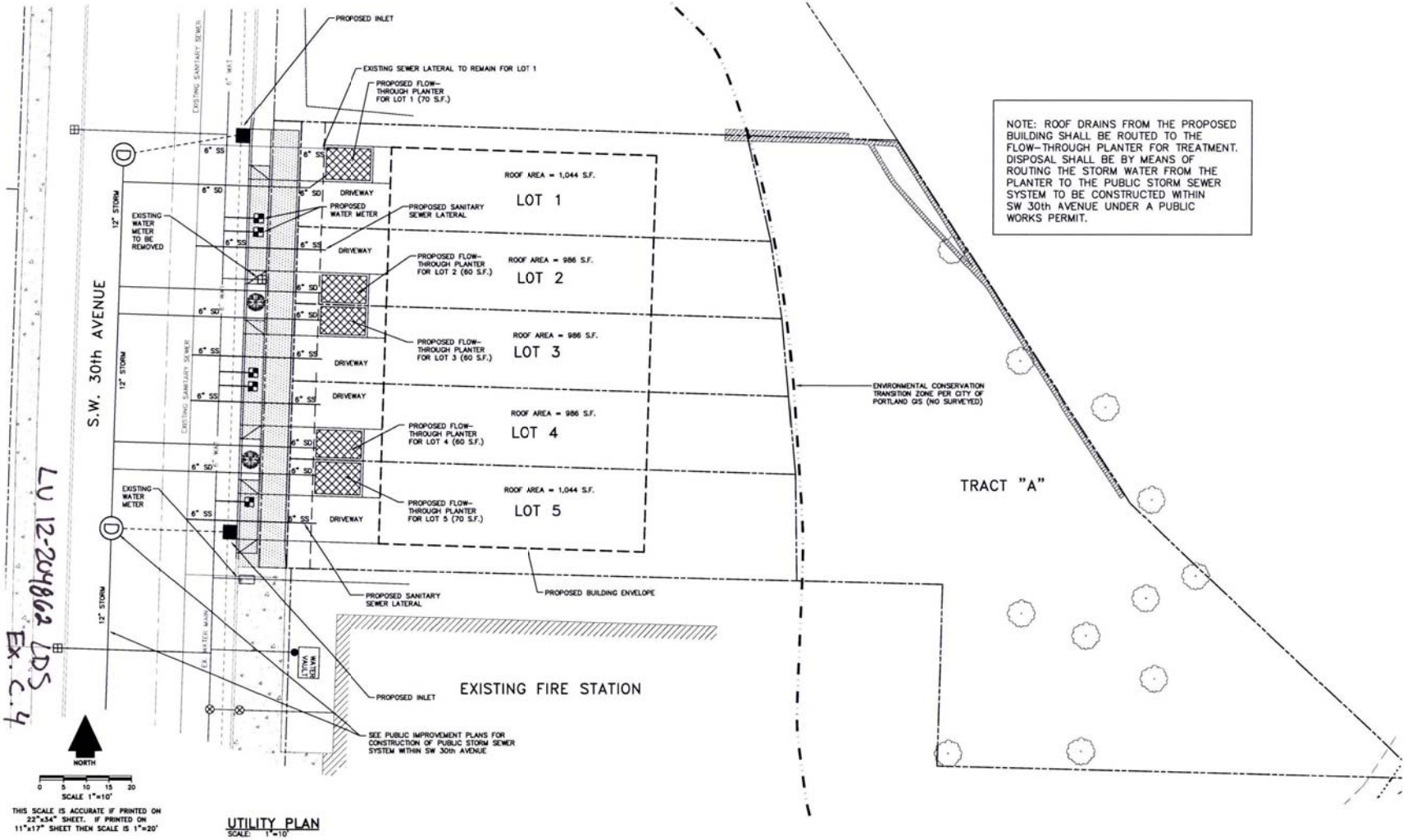
REGISTERED PROFESSIONAL ENGINEER 16,308 OREGON DECEMBER 1, 1982 JAMES ARTHUR STORMO
EXPIRES 6/30/14
SIGNED

PRELIMINARY PLANS PREPARED FOR:

CONSOLIDATED LAND & CATTLE
2 CENTERPOINTE DR. SUITE 210
LAKE OSWEGO, OR 97035

8600 S.W. 30th AVENUE
5—PLEX PROJECT

PRELIMINARY SITE DIMENSION PLAN



NOTE: ROOF DRAINS FROM THE PROPOSED BUILDING SHALL BE ROUTED TO THE FLOW-THROUGH PLANTER FOR TREATMENT. DISPOSAL SHALL BE BY MEANS OF ROUTING THE STORM WATER FROM THE PLANTER TO THE PUBLIC STORM SEWER SYSTEM TO BE CONSTRUCTED WITHIN SW 30th AVENUE UNDER A PUBLIC WORKS PERMIT.

LU 12-204862 LDS
Ex. C.4

UTILITY PLAN
SCALE: 1"=10'

DESCRIPTION	APPD.
REVISION	

PINNACLE ENGINEERING ASSOCIATES CORPORATION
17707 Kelok Road, Lake Oswego, OR 97034
Tel. (503) 636-4005 Fax (503) 636-4015

DESIGNED BY J. STORMO
DRAWN BY J. STORMO
CHECKED BY J. STORMO
PLANS DATED 12-3-2012

REGISTERED PROFESSIONAL ENGINEER 16,308 OREGON DECEMBER 1, 1981 JAMES ARTHUR STORMO
EXPIRES 6/30/14
SIGNED

PRELIMINARY PLANS PREPARED FOR:

CONSOLIDATED LAND & CATTLE
2 CENTERPOINTE DR. SUITE 210
LAKE OSWEGO, OR 97035

8600 S.W. 30th AVENUE
5-PLEX PROJECT

PRELIMINARY SITE UTILITY PLAN