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Date: January 23, 2013
To: Interested Person
From: Kate Green, Land Use Services
503-823-5868 / Kate.Green@portlandoregon.gov

NOTICE OF A TYPE IIx 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 the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-170530 LDP AD

GENERAL INFORMATION

Applicant/Owners: Brian P and Lisa C Yank, 7138 SE 13th Ave, Portland, OR 97202-5802

Site Address: 7138 SE 13th Avenue
Legal Description: TL 3600 0.39 ACRES, SECTION 23 1S 1E
Tax Account No.: R991230070
State ID No.: 1S1E23BA 03600
Quarter Section: 3731

Neighborhood: Sellwood-Moreland, contact Ellen Burr at 503-234-2233
Business District: Sellwood-Westmoreland, contact Tom Brown at 503-381-6543
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010
Zoning: Single Dwelling Residential 5,000 (R5)
Alternative Design Density (a) overlay
Scenic (s) overlay
Case Type: Land Division-Partition and Adjustment Review (LDP AD)
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer

Updated Proposal: The applicants propose a **Land Division-Partition** to divide a 17,111 square foot square foot site into 2 parcels. The initial public notice indicated the site area was 16,800 square feet, based on Multnomah County property records. Additionally, the proposal also includes a 7-foot wide dedication for right-of-way along the SE 14th Avenue frontage of the site.

The existing house and garage will be retained on Parcel 1, which will be 13,038 square feet in area. This parcel will be a through-lot with street frontage on both SE 13th Avenue (Neighborhood Collector Street) and SE 14th Avenue (Local Service Street). Parcel 2 will be 3,583 square feet in area and will have frontage on SE 14th Avenue. This parcel is proposed to be developed with a single-dwelling residence.

The applicants also request two **Adjustments**, since Parcel 1 will exceed the maximum lot area allowed in the R5 zone (33.610.200/Table 610-2), and Parcel 1 will front onto two streets, one of which is a not a Local Service Street (33.610.300).

This partition proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent review (Adjustment Review) is required (see 33.660.110).

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

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant criteria are found in:

- **33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones; and**
- **33.805.040.A-F, Adjustments**

FACTS

Site and Vicinity: The subject site is an approximately 16,800 square foot property that is developed with a two story residence (built in 1910) that is oriented toward SE 13th Avenue, and a detached garage that is oriented toward a driveway access to SE 14th Avenue. There are a number of large mature trees and other extensive landscaping located on the property. Most of the site is generally flat; however, the eastern portion of the site is approximately 3 to 4 feet about the adjacent street grade and there is a short (2 to 3 foot) retaining wall along most of the SE 14th Avenue frontage.

The site is located at the top of a bluff bordered by the Oaks Bottom Wildlife Refuge and Willamette River to the west and residential development borders the site to the north, east, and south. Several blocks to the east there is a commercial district along SE Milwaukie Avenue.

Infrastructure:
- **Streets –** The site has approximately 70 feet of frontage on both SE 13th Avenue and SE 14th Avenue. Presently, there is one driveway entering the site from SE 14th Avenue.

At this location, SE 13th Avenue is classified as a Neighborhood Collector, Transit Access Street, City Bikeway and Walkway, and Major Emergency Response Street. SE 14th Avenue is classified as a Local Service Street for all modes. Parking is currently allowed on both sides of the streets. Tri-Met provides transit service directly on SE 13th Avenue via Bus Line 70.

- **Water Service –** There is an existing water main in SE 13th Avenue, and an existing 16-inch CI main in SE 14th Avenue. The existing house is served by a one-inch metered service from the main in SE 13th Avenue.

- **Sanitary Service -** There is a public 8-inch concrete combination sewer line in SE 13th Avenue, and a public 8-inch concrete combined sewer in SE 14th Avenue. The existing house is connected to the sewer in SE 13th Avenue.

Zoning: The zoning designations for the subject site include **Single Dwelling Residential 5,000** (R5), **Alternative Design Density** (a) overlay, and **Scenic** (s) overlay.

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

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits "E" for details.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **December 3, 2012**. No written responses have been received.

ZONING CODE APPROVAL CRITERIA

This proposal includes concurrent reviews, and the proposal must meet all applicable approval criteria in order to be approved:

Section A: Approval Criteria for Land Divisions in Open Space and Residential Zones; and
Section B: Approval Criteria for Adjustments

SECTION A: LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
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. 610 contains the density and lot dimension requirements applicable in the RF through R5 zones. The maximum density in the R5 zone is one unit per 5,000 square feet and the minimum density is based the site area less any area of the site with physical constraints (such as a flood hazard area) times 80 percent of the maximum density.

In this case, the site is approximately 17,111 square feet, and approximately 490 square feet of the site is required for right-of-way dedication along SE 14th Avenue. This leaves approximately 16,621 square feet of site area. Based on this, the maximum density is three units, and the minimum density is also three units. However, in the R5 zone, if the minimum required density is equal to the maximum allowed density, then the minimum density is automatically reduced by one. Therefore, the minimum density is reduced to two units.

The applicant is proposing two parcels for single dwellings, so the density standards are met.

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

	Minimum Lot Area (square feet)	Maximum Lot Area (square feet)	Minimum Lot Width* (feet)	Minimum Depth (feet)	Minimum Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Parcel 1 (Through Lot	13,038		71**	248	71**

with Existing House)				
Parcel 2	3,585	40	78	57

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.
** The minimum front lot line and minimum width standards apply to one frontage of a *through lot*.

Parcel 1 exceeds the maximum lot area, so the applicant has requested an Adjustment to allow the proposed larger lot area. In addition, since Parcel 1 is a *through lot*, with frontages on both SE 13th Avenue and SE 14th Avenue, and since SE 13th Avenue is a *Neighborhood Collector*, the applicant has also requested an Adjustment to the provision that limits *through lots* to those that front only on *Local Service Streets*.

Provided the Adjustments to the lot area and through lot standards are approved, as discussed in detail below, the lot dimension standards will be 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 provided an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A). The inventory identifies the following trees on the site:

Tree #	Species	Diameter (inches)	Exempt? (per 33.630.030)	To be retained?
279	Cedar	7	No	NA
280	Ailantus	50	Off site and nuisance species	NA
281	Magnolia	7	No	NA
282	Apple	13.5	No	No
283	Apple	11.5	No	No
304	Alder (incorrectly noted as Dogwood in narrative)	12.5	Off site and unhealthy	NA
305	Hawthorne	15.5	On property line or off site	NA
319	Hemlock	5.5	Smaller than 6-inches	NA
320	Cherry	16	Within 10 feet of existing house	NA
321	**Catalpa**	**48-significant tree**	**No**	**Yes**
322	Cherry	12	No	NA
323	Oak	33.5-signficant tree	No	NA

NA: Not Applicable. Trees that are <u>not required</u> to be protected per this criterion may be retained or removed at the applicant's discretion, subject to any other applicable regulations.

Several trees have been exempted because they are unhealthy, nuisance species, located partially off the property, or located within 10 feet of an existing structure to remain on the property.

Based on these factors, the total non-exempt tree diameter on the site is 132.5 inches; and the applicant has indicated that Trees 279, 281, 321, 322, and 323 will be retained. These trees comprise 107.5 inches or 81 percent of the total non-exempt tree diameter. The applicant has indicated each of these trees will be protected with the Root Protection Zone that exceeds the standard required by the Zoning Code.

However, in consultation with the applicant (via a phone conversation, on January 16, 2013), instead of requiring 81 percent of the non-exempt trees to be retained, which far exceeds any of the tree preservation options, only Tree 321 will be required to be protected. This tree is 48 inches in diameter and makes up 45 percent of the total non-exempt tree diameter. By

preserving this tree, the proposal will be consistent with Options 1 and 2. The preservation and protection of the other trees on the site will be at the applicant's discretion, except those trees within the western 100 feet of Parcel 1, which are also subject to the tree protection standards of the Scenic Resources overlay (33.480).

In order to ensure that future owners of the lots are aware that development on Parcel 1 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A), the applicant must record an Acknowledgement of Tree Preservation Requirements at the time of final plat. With the implementation of these conditions, this criterion will be met.

Additionally, the applicant has been informed the protected tree must be maintained in a healthy condition, per 33.248.040.B. In order to ensure this protected tree is kept in good health, the applicant intends to undertake the deadwood removal and interior thinning that was recommended in the Arborist Report, and was reemphasized to BDS-LUS staff during a phone conversation with the arborist, Bob Mazany, on January 15, 2013. It is the property owner's on-going responsibility to maintain the protected tree in a healthy state.

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

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

Clearing and Grading: The subject site is not located within the Potential Landslide Hazard Area. Most of the site is generally flat; however, the eastern portion of the site is approximately 3 to 4 feet about the adjacent street grade and there is a short (2 to 3 foot) retaining wall along much of the SE 14th Avenue frontage, and a steep driveway leading to the existing garage.

The project will include some grading for the right-of-way improvements, and any grading on the site associated with the removal of the existing retaining wall and sidewalk improvements in the right-of-way. As noted in the response from Site Development-BDS, the portion of the work on private property may require a permit from the Bureau of Development Services unless the work appears on plans and specifications approved by the City Engineer in accordance with PCC 24.10.070.

Two trees are proposed for removal on Parcel 2; but, otherwise, no significant clearing or grading will be required on the site to make the new parcels developable.

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 had been an old septic system on the site. As part of the land use review comments from Site Development, the applicant was informed that the City had no record that this facility was ever decommissioned. During the course of this land use review, the applicant obtained a permit (12-197825 SE) to decommission the septic system located in the northwest corner of the property. That permit was finaled on October 24, 2012, so the new parcels can be considered suitable for new development

Based on these factors, this criterion is met.

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

In this case the site fronts on SE 13th Avenue and SE 14th Avenue, both of which are north-south streets. Parcel 1 is a through lot with frontages on both streets. Parcel 2 is an interior lot on the west side of SE 14th Avenue. In this context, there is no preference that any one lot be wider or narrower than the other lots, so 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 mains in SE 13th Avenue and SE 14th Avenue.
33.652 Sanitary Sewer Disposal Service standards - See Exhibit E-1 for detailed comments.
The sanitary sewer standards of 33.652 have been verified. Parcel 1 has an existing sewer service from a public 8-inch concrete combined sewer main located in SE 13th Avenue. There is also a public 8-inch concrete combined sewer main located in SE 14th Avenue that can serve the sanitary needs of proposed Parcel 2.
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. The applicant has proposed the following stormwater management methods**:** ▪ **Public Street Improvements:** As a condition of this land use approval, the applicant will be required to improve the SE 14th Avenue frontage of the site to City standards (discussed earlier in this report). An expanded sidewalk and planter area is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual. ▪ **Parcel 1 (the existing house):** The existing house has downspouts that allow runoff to infiltrate on-site, through the use of splash blocks or by directing flows into existing drainage pits. BES notes that none of these systems will cross the proposed property line, so no modifications are required. ▪ **Parcel 2:** The applicant proposes on-site infiltration by means of a drywell for the proposed structure. BES has reviewed the report from Redmond Geotechnical Services, and has no objections to the proposed stormwater management approach. Based on these factors, this criterion will be met.
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 meets the noted spacing requirements.

With the provision for additional right-of-way dedication, new sidewalks will be installed along the SE 14th Avenue frontage, which will improve the pedestrian facilities on this street. No changes will be required to the existing sidewalk corridor along SE 13th Avenue.

With the existing and upgraded walkway improvements, the required through street and pedestrian connections will provided, and this criterion will be met.

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

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Other factors taken into consideration are two possible travel route directions to and from the site as well as transit service available less than 1000 feet from the site.

Based on the available evidence, Portland Transportation estimates that the new single-family residence can be expected to generate 10 daily vehicle trips with one trip occurring in each of the AM and PM Peak Hours (according to *Institute of Transportation Engineers – Trip Generation Manual*, 8th edition). This will have a negligible impact on street levels of service or street capacity. Transit is available on SE 13th Avenue. On-site parking is proposed for both residences. On-street parking impacts will be negligible.

However, Portland Transportation has determined that sidewalk improvements must be made along the SE 14th Avenue frontage, in order to ensure that safe pedestrian travel is possible within the proposed development. At this time, SE 14th Avenue is improved with a substandard 4-foot curb tight sidewalk. A 7-foot dedication will be condition of final plat approval and sidewalk reconstruction will be required. The applicant has received approval of a Public Works Administrative Appeal (12-186094) for an alternative sidewalk configuration. The reconstructed sidewalk will consist of the existing 0.5-foot curb, 6-foot sidewalk, and a 4.5-foot planting strip (furnishing zone) with street trees behind the sidewalk. The required sidewalk reconstruction on SE 14th Avenue will enhance pedestrian facilities. This reconstruction must be completed prior to final plat or submit a bond and contract ensuring the sidewalk work will be completed.

With these improvements, one additional dwelling/two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided. With the conditions of approval described above, this criterion is met.

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

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

SECTION B: ADJUSTMENTS

33.805.040 Approval Criteria

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The purpose statements for the Lot Dimension and Through Lot regulations are as follows:

33.610.200 Lot Dimension Regulations
Lots in the RF through R5 zones must meet the lot dimension regulations of this section.
A. Purpose. *The lot dimension regulations ensure that:*

- *Each lot has enough room for a reasonably-sized house and garage;*
- *Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;*
- *Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;*
- *Each lot has room for at least a small, private outdoor area;*
- *Lots are compatible with existing lots;*
- *Lots are wide enough to allow development to orient toward the street;*
- *Lots don't narrow to an unbuildable width close to the street*
- *Each lot has adequate access from the street;*
- *Each lot has access for utilities and services; and*
- *Lots are not landlocked.*

33.610.300 Through Lots

A. Purpose. *This standard ensures that lots are configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not "turn its back" on a collector or major city traffic street.*

Findings: The applicant requests Adjustments to allow Parcel 1 to be a through lot and to be larger than the maximum area allowed in the R5 zone. Parcel 1 is developed with a house that is oriented toward SE 13th Avenue, and detached garage that has vehicular access via SE 14th Avenue. Services for utilities and services are already available to Parcel 1, and will continue to be available. Parcel 1 is large enough to be further dividable; however, at most, only one more lot could be established for a total of three units for the entire project site. This density would be consistent with the currently allowed maximum density for the proposal.

Since the existing house has a main entrance and porch that are oriented toward SE 13th Avenue, which is a Neighborhood Collector, the development will not "turn its back" on this roadway and scenic corridor.

Based on these factors, Parcel 1 will equally meet the purpose of the lot area dimensions and the through lot provisions, and this criterion is met.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

Findings: The residential area includes nearby properties within a 400-foot radius. All the neighboring properties to the north, east, and south are within the same base zone (R5) as the subject site. Most of the nearby properties are 5,000 square feet in size, though some are 2,500 square feet and others 13,000 square feet or larger. The properties to the west are part of Oaks Bottom Wildlife Refuge and are located within the Open Space (OS) zone.

The proposed size and configuration of Parcel 1 will allow the existing development (house and detached garage) to remain nearly unchanged. Parcel 1 and the established development will be of similar size and appearance to that on several of the nearby lots. As such, the proposal is not expected to diminish the livability or appearance of the residential area, and this criterion is met.

Additionally, the size of proposed Parcel 2 will meet the allowed lot dimension standards, so the development on that parcel is expected to be consistent with the development anticipated in the R5 zone.

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Two adjustments are requested. The requested lot size and configuration will allow for parcels that will remain consistent with the purpose of the R5 zone, which is to preserve

land for housing and to provide housing opportunities for individual households. As such, this criterion is met.

D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no designated historic resources on the site. There is a scenic corridor along SE 13th Avenue, which extends over the western 100 feet of proposed Parcel 1. The scenic resource regulations call for tree preservation and limited development within the designated scenic corridor. Presently, improvements in this portion of the site include the existing house, fences, and trees and other landscaping between the house and SE 13th Avenue. No tree removal or site changes are proposed in this portion of the site.

The proposed lot form and size allow vehicular access and parking to continue to be provided from SE 14th Avenue and the existing garage. This allows the scenic features afforded by the existing development to remain intact. With a condition that requires vehicular access to Parcel 1 must be limited to the SE 14th Avenue frontage, this will ensure those scenic resources continue to be preserved over time; and, as such, this criterion will be met.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: As note above, with provisions that vehicular access to Parcel 1 must be provided from SE 14th Avenue, potential impacts to the designated scenic resources will be offset, and no additional mitigation measures are warranted. Accordingly, this criterion will be met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The site is not within an environmental zone, so this criterion is not applicable.

DEVELOPMENT STANDARDS

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 existing development on the site will remain and be located on Parcel 1. The existing house and garage identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. The existing structures are set back from the new property lines in accordance with the R5 standards, so the required setbacks are being met. To ensure the standards continue 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. 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.

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

Bureau	Code Authority and Topic
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 - Water availability
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 - Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17, Transportation System Plan Design of public street
Development Services/503-823-7300 www.portlandonline.com/bds	Titles 24 –27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets

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.

- **Fire Bureau**: The applicant must meet the requirements of the Fire Bureau in regards to fire flow; hydrant spacing, and if needed, hydrant installation; addressing; and aerial fire department access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

- **Urban Forestry**: No street trees will be required for Parcel 1. At the time of new development, street tree requirements will be evaluated for Parcel 2. These requirements are based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a two parcel partition, as shown on the attached preliminary plan (Exhibit C.1). Additionally, the applicant has requested Adjustments to the maximum lot area and through lot standards for Parcel 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 are:
- Right-of-way dedication and improvements on SE 14th Avenue
- Fire Bureau requirements for fire flow, hydrant spacing, addressing, and aerial access
- Tree preservation
- Vehicular access for Parcel 1 must be from SE 14th Avenue

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

ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the *maximum lot area* for Parcel 1 to 13,038 square feet; and **approval** of an Adjustment to allow Parcel 1 to be a *through lot*; and

Approval of a Preliminary Plan for a 2-parcel partition that will result in one through lot (Parcel 1) and one standard lot (Parcel 2) for single-dwelling development, as illustrated with Exhibit C.1.

These approvals are granted subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for review and approval. 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;
- 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 the City Engineer for SE 14th Avenue. The required right-of-way dedication must be shown on the final plat.

C. 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 SE 14th Avenue frontage; or the applicant must submit a bond and contract ensuring the sidewalk work will be completed to the satisfaction of Portland Transportation.

Utilities

2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant.

3. If a new hydrant is required by the Fire Bureau, the applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant. The applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.

Required Legal Documents

4. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that identifies the tree preservation requirements that apply to Parcel 1. A copy of the approved Tree Preservation Plan must be included as an exhibit to the acknowledgement. The acknowledgment shall be 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 Parcel 1 shall be in conformance with the Tree Preservation Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A). Specifically, Tree 321, a 48-inch diameter Catalpa, is required to be preserved. Unless otherwise directed by the arborist, the standard root protection zone is required. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur 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 must meet the addressing of structures and aerial fire department access road requirements to the satisfaction of the Fire Bureau.

3. Vehicular access to Parcel 1 must be limited to the SE 14th Avenue frontage.

Staff Planner: Kate Green

Decision rendered by: _____ on January 18, 2013
By authority of the Director of the Bureau of Development Services

Decision mailed on January 23, 2013

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 September 6, 2012, and was determined to be complete on November 28, 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 September 6, 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: March 28, 2013.**

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 February 6, 2013** at 1900 SW Fourth Avenue. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, 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. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some

information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.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.**

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of two **Adjustments.** These other concurrent approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of two Adjustments. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: Adjustments to maximum lot area and through lot standards for Parcel 1. These approval(s) expire if:

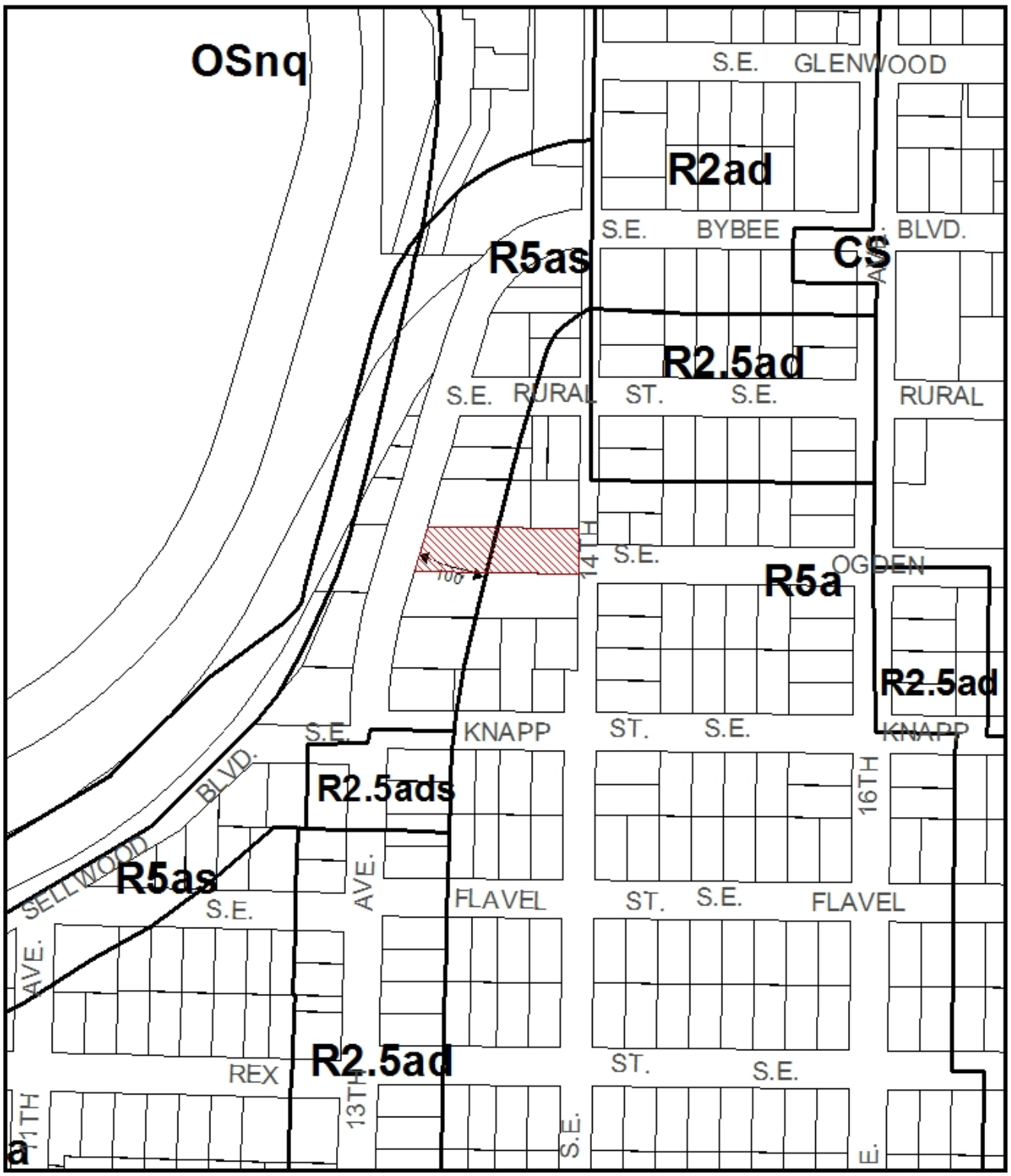
- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Neighborhood Notification
   2. Supplemental Narrative
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Preliminary Partition Plat (reduced copy attached)
   2. Conceptual Development/Tree Preservation Plan (reduced copy attached)
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Portland Transportation
   3. Water Bureau
   4. Fire Bureau
   5. Site Development-BDS
   6. Urban Forestry
F. Correspondence: (none received)
G. Other:
   1. Original LU Application
   2. Letter to applicant re: incomplete application
   3. Letters to/from applicant

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

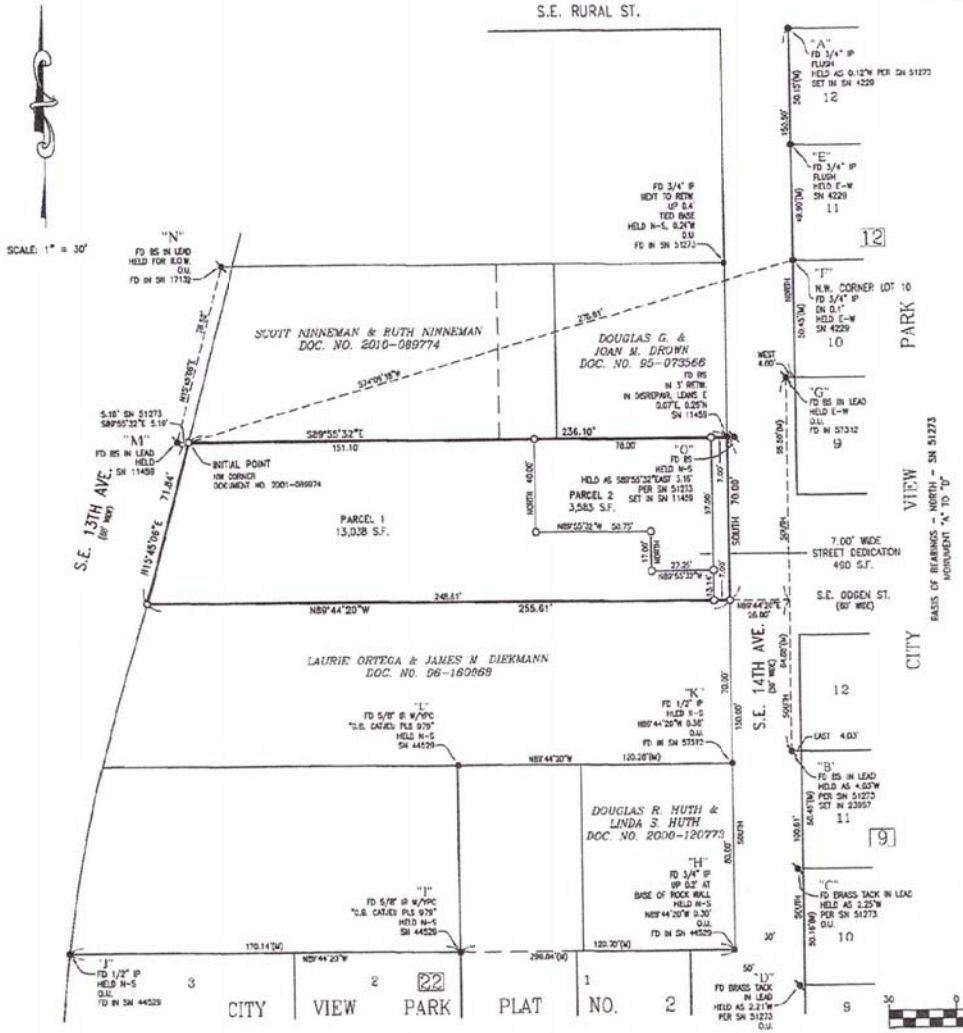
File No.	LU 12-170530 LDP, AD
1/4 Section	3731
Scale	1 inch = 200 feet
State_Id	1S1E23BA 3600
Exhibit	B (Nov 29,2012)

LU 12-170530
R

PARTITION PLAT NO. _____

SITUATED IN THE NW 1/4 OF SECTION 23, T1S, R1E, W.M.
IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

SCALE: 1" = 30' DATE: 11-09-12



LEGEND

○	SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W.B. WELLS & ASSOC. INC." ON _____
●	FOUND MONUMENT AS NOTED
⊗	FOUND BRASS SCREW AS NOTED
BS	BRASS SCREW
DN	DOWN
FD	FOUND
IP	IRON PIPE
IR	IRON ROD
DOC. NO.	DOCUMENT NUMBER, MULTNOMAH COUNTY DEED RECORDS
O.U.	ORIGIN UNKNOWN
S.F.	SQUARE FEET
SN	SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
W/YPC	WITH YELLOW PLASTIC CAP
9	BLOCK NUMBER
(M)	MEASURED DATA
RETW.	RETAINING WALL
R.O.W.	RIGHT-OF-WAY

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED USING HEWLETT-PACKARD PRODUCT NO. 51645A ON OCE NO. 868342

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 12, 2005
DEKKION T. MACKAI
73427
EXPIRES 12-31-12

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

W.B. WELLS & associates, inc.
ENGINEERS-SURVEYORS-PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE:(503) 284-6896 FAX:(503) 284-6530
e-mail address: info@wbwells.com

SHEET 1 OF 2

JOB NO. 12-059 P:\12-059\12-059MP.DWG

Exhibit C.1
reduced copy

LU 12-170530
R

UTILITY NOTE

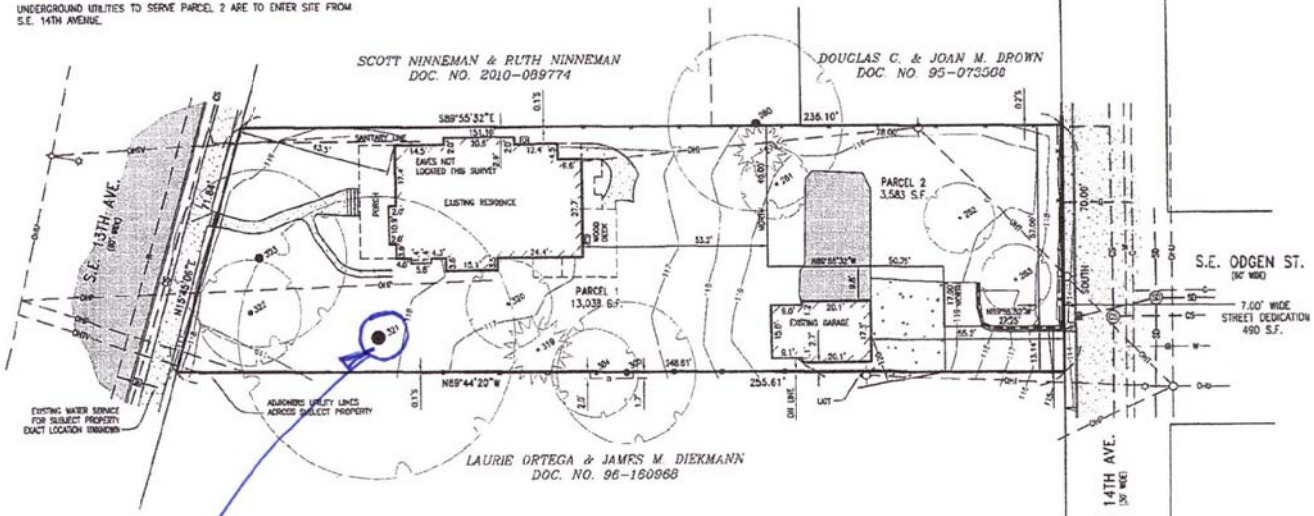
THE UNDERGROUND UTILITY LINES SHOWN HEREON ARE FROM A COMBINATION OF FIELD VERIFICATIONS AND VARIOUS UTILITY, PRIVATE, AND GOVERNMENT SUPPLIED "AS-BUILT" MAPS AND ARE APPROXIMATE ONLY. THE SURVEYOR MAKES NO GAURANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

UNDERGROUND UTILITIES TO SERVE PARCEL 2 ARE TO ENTER SITE FROM S.E. 14TH AVENUE.

BENCHMARK

CITY OF PORTLAND BENCHMARK NO. 678
FOUND 2-1/2" BRASS DISK
N.E. COR., 2'E., S.E. KNAPP ST. AND 14TH AVE.
ELEVATION: 115.407 CGP

TOTAL SITE AREA
17,111 S.F.
0.39 ACRES



Tree 321

LEGEND

DOC. NO. DOCUMENT NUMBER, MULTNOMAH COUNTY DEED RECORDS
CH.L.F. CHAIN LINK FENCE
S.F. SQUARE FEET
ELECTRIC METER
GAS METER
WATER METER
—G— GAS LINE
—CS— COMBINED SEWER LINE
—SD— STORM DRAIN LINE
—OHE— OVERHEAD ELECTRICAL LINE
—OHT— OVERHEAD TELEPHONE LINE
—OHTV— OVERHEAD TELEPHONE LINE
—OHU— OVERHEAD UTILITY LINES
—W— WATER LINE
—UGT— UNDERGROUND TELEPHONE LINE
COMBINED SEWER MANHOLE
STORM DRAIN MANHOLE
POWER POLE
—x— CHAIN LINK FENCE
—o— WOOD FENCE
CONCRETE RETAINING WALL
WATER VALVE
STREET LIGHT
POWER POLE
CATCH BASIN
ASPHALT
CONCRETE
GRAVEL

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

TREE TABLE

NO.	TRUNK SIZE	TYPE	ø DRIP
279	7"	CEDAR	15'
280	32"	ALDERUS	50'
281	7"	MAGNOLIA	20'
282	12"	APPLE	20'
283	10"	APPLE	20'
304	18"	DOGWOOD	35'
305	16"	HAWTHORNE	40'
319	8"	HEMLOCK	20'
320	16"	CHERRY	25'
321	47"	CATALPA	80'
322	11"	CHERRY	30'
323	33"	OAK	50'

Tree 321 must be protected and maintained in a healthy condition.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 12, 2005
DEKKON T. MACKAI
73422
EXPIRES 12-31-12

REVISIONS:
0-1-12

DRAWN BY: AMJ
CHECKED BY: DTM
DATE: 11-9-12
SCALE: 1"=20'
PLOT DATE: 11-9-12
JOB NO: 12-050
FILE: P:\12-050\12-050SDL.DWG

SUPPLEMENTAL SURVEY

FOR

BRIAN YANK

7130 S.E. 13TH AVE.

LOCATED IN THE NW 1/4 SECTION 23, T1S, R1E, W.M., CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

W.B. WELLS & associates, inc.
ENGINEERS • SURVEYORS • PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE:(503) 284-5666 FAX:(503) 284-8630
e-mail address: info@wbwells.com

SHEET 1 OF 1

Exhibit C.2
reduced copy