



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: May 16, 2008
To: Interested Person
From: Shawn Burgett, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 07-167688 LDP

GENERAL INFORMATION

Applicant: Steve Buckles
Repetto And Associates Inc
12730 SE Stark St
Portland, OR 97233
503-408-1507

Owner: Dean Severson
5626 SW Boundary St
Portland OR 97221

Site Address: 5626 SW BOUNDARY ST

Legal Description: LOT 1, PARTITION PLAT 1991-130
Tax Account No.: R649717760
State ID No.: 1S1E18BD 02600
Quarter Section: 3523

Neighborhood: Hayhurst, contact Lillie Fitzpatrick at 503-892-9921.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

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

Case Type: LDP (Land Divison Partition)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing a 2-lot land division. Proposed Parcel 2 will measure 10,033-sq. ft. and retain the existing house on the site. Proposed Parcel 1 will measure approximately 4,200 sq. ft.

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

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

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

ANALYSIS

Site and Vicinity: The site is relatively flat and contains one existing single-family home. There are various large trees located throughout the site. The area surrounding the site is predominately single family homes of various types and sizes.

Zoning: The R7 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: City records indicate that land use review number LUR 91-00005 MP approved a minor partiiton of the site.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on November 6, 2007.

1. Agency Review: Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

2. Neighborhood Review: One written response has been received from a notified property owner in response to the proposal.

- The neighbor felt that the partitioning of this site creates a new lot that is too small. The neighbor also expressed concern that an additional house on SW Boundary St. would cause on-street parking issues in the area, since SW Boundary is a narrow street without much on-street parking available. Additionally, the neighbor felt that the new house would be built to close too SW Boundary St, since most of the homes on the south side of SW Boundary are set back a considerable distance from the street. Lastly, the neighbor pointed out that he felt that SW Boundary would have to be rebuilt in the future since is in a state of disrepair and getting worse.

BDS Response: *In regard to the size of the new lot begin created (lot 1), the R7 zone which this site is located in allows lots to be a minimum of 4,200 sq. ft., lot 1 is exactly 4,200 sq. ft. in area, meeting the R7 lot size standard. In regard to parking, there is nothing in the zoning code that regulates the amount of off-street parking allowed in correlation with a proposed*

partition, although the Office of Transportation (PDOT) has determined additional development on SW Boundary street (see page 7 of the staff report for PDOT's comments) will not cause any significant transportation issues in the area. In regard to the condition of SW Boundary Street, Transportation (PDOT) had determined that an isolated improvement is not warranted at this time. As a condition of approval, the applicant will be required to sign street and storm sewer waivers of remonstrance (for participation in future street and storm sewer improvements) prior to final approval. Additionally, to accommodate these future improvements, as well as an associated stormwater facility associated with these improvements, additional right-of-way must be dedicated along the frontage of the site. In regard to the front setback, the Zoning Code requires properties in the R7 zone to be set back 15 ft. from its front lot line, any future development on lot 1 will have to meet this standard.

APPROVAL CRITERIA-

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential Zones**. Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

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

Criterion	Code Chapter	Topic	Applicability Findings
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and Utilities	Applicable - See findings below

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot standards applicable in the RF through R5 zones. These density and lot dimension standards ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

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

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

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

Minimum = $(14,968 \text{ square feet} * .80) \div 7,000 \text{ square feet} = 1.71$ (which rounds up to a minimum of 2 lots, per 33.930.020.A)

Maximum = $14,968 \text{ square feet} \div 7,000 \text{ square feet} = 2.13$ (which rounds down to a maximum of 2 lots, per 33.930.020.B)

If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore in this case the minimum density is reduced to 1.

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

Lot Dimensions

The lot dimension standards ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not too large relative to the planned density; (4) each lot has room for at least a small, private outdoor area; (5) lots are

compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

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

	R7 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2
Minimum Lot Area	4,200 sq. ft.	4,200 sq.	10,033 sq.
Maximum Lot Area	12,000 sq. ft.	ft.	ft.
Minimum Lot Width*	40 ft.	70 ft.	40 ft.
Minimum Lot Depth	55 ft.	60 ft.	80 ft.
Minimum Front Lot Line	30 ft.	70 ft.	40 ft.

* Width is measured at the minimum front building setback line

** The lot sizes and dimensions show the lots sizes following the street dedication discussed later in the report

The findings above describe how the applicable lot standards are met. This criterion is therefore met.

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

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

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

Tree #	Species	Diameter (inches)	Significant? (On Table 630-1)	Exempt? (per 33.630.030)	To be retained?	RPZ (Root Protection Zone)
1	Magnolia	7"	No	No	Yes	8'
2	Scots Pine	9"	No	No	Yes	8'
3	Scots Pine	5"	No	Yes	Up to applicant	
4	Scots Pine	8"	No	No	Yes	8'
5	Scots Pine	6"	No	No		
6	Deodar Cedar	9"	No	No	No	
7	Scots Pine	6"	No	No	Yes	8'
8	Silver Birch	15"	No	Yes	No	
9	Scots Pine	11"	No	Yes	No	
10	Magnolia	6"	No	No	No	
11	Giant Sequoia	29"	Yes	No	No	
12	Douglas Fir	11"	No	No	Up to applicant	
13	Scots Pine	8"	No	No	Yes	8'
14	Scots Pine	11"	No	No	Up to	

					applicant	
15	Magnolia	6"	No	No	Yes	6'

The total non-exempt tree diameter on the site is 116 inches. The applicant proposes to preserve trees 1, 2, 4, 7, 13 and 15, which comprise of 44 inches of diameter, or 37 percent of the total non-exempt tree diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total tree diameter on the site to be preserved. The applicant has provided a Tree Preservation Plan showing the preserved trees and the required root protection zones (Exhibit C-1).

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

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

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

33.635.100 – Clearing and Grading

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

Findings: The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, several trees are protected in correlation with the applicant’s Tree Preservation plan (exhibit C-1) and arborist report (exhibit A-2). At the time of building permit submittal for any new development on the parcels, the applicant will be required to show the protected trees on their site plan and indicate root protection zones around each protected tree.

This criteria is met.

33.635.200 – Land Suitability

Where geologic conditions or historic uses of the site indicate a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific

improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

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

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

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

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required).

The site has approximately 110 feet of frontage on SW Boundary St. SW Boundary St. is classified as a local service street for all modes in the Transportation System Plan. Tri-Met provides transit service approximately 430 from the site on SW Beaverton-Hillsdale Hwy. via bus 54. Parking is currently allowed on SW Boundary St. on both sides, although it should be noted that the north side of SW Boundary has much more limited area for on street parking, since there is no gravel shoulder along that section of SW Boundary St. The south side of SW Boundary St. has an existing gravel shoulder, which makes on street parking much more feasible. There is one driveway entering the site that provides access to off-street parking for the existing house.

SW Boundary St. is improved with a paved roadway, and a gravel-parking lane on one side. There are no curbs, planter strips, or sidewalks. 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. Because none of the other frontages have been improved on this street, Portland Transportation has determined that an isolated improvement at this location would not be meaningful. If the street is to be improved, it would be more appropriate to complete the improvements as one LID project. Therefore, the applicant will be required to sign street and storm sewer waivers of remonstrance (for participation in future street and storm sewer improvements) prior to final plat approval. Additionally, to accommodate these future improvements, as well as an associated stormwater facility associated with these improvements, additional right-of-way

must be dedicated along the frontage of the site.

This criterion is met, with the condition that the required waivers are signed prior to final plat approval and the required right-of-way dedication is shown on the Final Plat.

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

Findings: Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way.

- The water standards of 33.651 have been verified. An existing 6-inch water main is available in SW Boundary St. to serve the proposed development. As a result of the proposed land division, the water line that provides service to the existing home on Parcel 2 will no longer be located entirely on the same lot as the home. Title 21 requires that the water service connection be located along the frontage of the lot to be served. Water service connections are not allowed by means of an easement. Therefore, prior to final plat, the water service for the existing home must be relocated, so that the service connection will be located along the frontage of Parcel 2. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch public sanitary sewer located in SW Boundary St. that can serve the sanitary needs of the proposed lots. Parcel 2 has an existing sewer service from that main. See Exhibit E-1 for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.
- Chapter 33.654 includes technical standards related to proposed public and private rights of way, including improvements within streets, pedestrian connections, common greens, and alleys. Although the site is located on a street where an additional north-south connection is warranted by the City's connectivity standards, existing development to the south prevents such a connection at this location. No new streets, pedestrian connections, common greens, or alleys are proposed or required within the land division site. The remaining standards and approval criteria related to street connectivity, location, and design are not applicable. Connectivity criterion is met.

33.653.020 Stormwater Management Approval Criteria

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

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

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

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

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

The applicant has proposed the following stormwater management methods (Exhibit A-3), and the Bureaus have responded as follows (Exhibits E-1 and E-5):

- **Parcel 1:** Stormwater from this lot will be directed to an individual soakage trench that will treat the water and slowly infiltrate it into the ground. This lot has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. Site Development has indicated conceptual approval of the soakage trench.
- **Parcel 2 (the lot with the existing house):** The existing house has downspouts that drain into underground pipes. There are no city records on where the pipes are directed. The site plan shows that there is a drywell on Parcel 2. All stormwater facilities must be located on the same property as the structure they serve and further, must not be situated so as to adversely affect existing development on-site or on adjacent properties. Prior to final plat approval, the applicant must provide a rain drain/drywell video (or equivalent acceptable documentation) and locate markers on the site to demonstrate that this requirement is met to the satisfaction of the Site Development Section. If a plumbing permit and/or drywell decommissioning permit is required to modify the existing subsurface stormwater system, it must be finalized prior to final plat approval.

With the conditions of approval described above, the stormwater management criteria are met. As shown by the findings above, the Services and Utilities criteria are 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 existing development on the site will remain and be located on Parcel 2. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R7 zone (Please see section on Other Technical Standards for Building Code standards.)

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

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 10.8 to 24.1 feet (it varies) from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.
- Vehicle Paving- The area between public right of way and the front setback of the existing house on parcel 2 appears to be well over the front yard-paving standard allowed. Zoning code section 33.266.230.C.3.a only allows 40 percent of the area between the front lot line and the front building line to be paved or used for vehicle area. Prior to final plat approval, the applicant must demonstrate compliance with 33.266.120.C.3.a. If the applicant is unable to demonstrate compliance with this standard, a Zoning permit must be finalized prior to final plat approval documenting that modifications have been made to the existing driveway in order for it to meet the zoning code standard list above. Alternately, the applicant must obtain an approved Adjustment to this standard prior to final plat approval.

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	Topic	Contact Information
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Bureau	Code Authority	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 http://www.water.ci.portland.or.us/
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 http://www.bes.ci.portland.or.us/
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 http://www.fire.ci.portland.or.us/
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 http://www.trans.ci.portland.or.us/
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 http://www.bds.ci.portland.or.us.

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 ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement which could require the applicant to record an Acknowledgement of Special Land Use Conditions that would require the provision of internal fire suppression sprinklers on Lot 1. Additionally, the applicant must verify that Fire Apparatus access roads shall be installed and arranged in accordance with specifications adopted by the Fire Marshal, outlined in the Fire Code Appendix D. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, and an unobstructed vertical clearance of not less than 13 feet 6 inches. These requirements are based on the technical standards of Title 31 and the Fire Code.

It should be noted that the applicant has filed a fire code appeal (#4712, attached to exhibit E-4) that verifies that SW Boundary St. meets Fire Bureau's fire access road standards listed above. Additionally, planning staff contacted the Water Bureau (exhibit G-3) which verified that adequate water flow is available in the area. The applicant will verify at final plat that their condition of approval listed above are formally met.

CONCLUSIONS

The applicant has proposed a 2-lot partition, as shown on the attached preliminary plan (Exhibit C-1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: right of way dedication and submittal of waivers of remonstrance to the Portland Department of Transportation (PDOT), relocating the existing water service to the existing house within its property boundary, documenting the existing house meets the zoning codes front yard paving requirement, tree preservation requirements, and meeting the Fire bureau requirements regarding adequate water flow and street width.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-lot partition, that will result in two standard lots as illustrated with Exhibit C-1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed general location of future building footprints and stormwater facilities for the vacant lot.
- 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 SW Boundary St. 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 sign street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms will be provided to the applicant during the final plat review process.

Utilities

2. The applicant shall meet the requirements of the Water Bureau concerning relocation of the water service connection to the existing home.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant or obtain an approved Fire Bureau appeal to this requirement.
4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire accessway for Parcel 1. Alternately, the applicant will be required to install residential sprinklers in the new house on Parcel 1. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

Existing Development

5. The applicant must demonstrate compliance with the following standard in relation to the paved driveway leading to the existing house on parcel 2, in relation to the proposed lot lines:

- 33.266.120.C.3.a, which allows 40 percent of the land area between the front lot line and the front building line to be paved or used for vehicle areas.

If the applicant is unable to demonstrate compliance with this standard, a Zoning permit must be finalized prior to final plat approval documenting that modifications have been made to the existing driveway in order for it to meet the zoning code standard list above. Alternately, the applicant must obtain an approved Adjustment to these standards prior to final plat approval.

6. The applicant must meet the requirements of Site Development for the stormwater systems on the existing house to remain on Parcel 2. Prior to final plat approval, the applicant must provide a rain drain/drywell video (or equivalent acceptable documentation) and locate markers on the site to demonstrate that this requirement is met to the satisfaction of the Site Development Section. If a plumbing permit and/or drywell decommissioning permit is required to modify the existing subsurface stormwater system, it must be finalized prior to final plat approval.

Required Legal Documents

7. If required per condition C.4 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Lot 1 to contain internal fire suppression sprinklers. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

Other requirements

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

1. Development on Lots 1 and shall be in conformance with the Tree Preservation Plan (Exhibit C-1) and the applicant's arborist report (Exhibit A-2). Specifically, trees numbered 1, 2, 4, 7, 13 and 15, are required to be preserved, with the root protection zones indicated on Exhibit A-2. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.
2. If required, per condition C.7 above (check final plat approval letter), the applicant will be required to install residential sprinklers in the new house on Lot 1 to the satisfaction of the Fire Bureau.

Decision rendered by:  **on May 9, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed May 16, 2008

Staff Planner: Shawn Burgett

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 October 5, 2007, and was determined to be complete on October 26, 2007.

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 October 5, 2007.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 150 days as stated with Exhibit A-4.

Some of the information contained in this report was provided by the applicant.

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

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandonline.com.

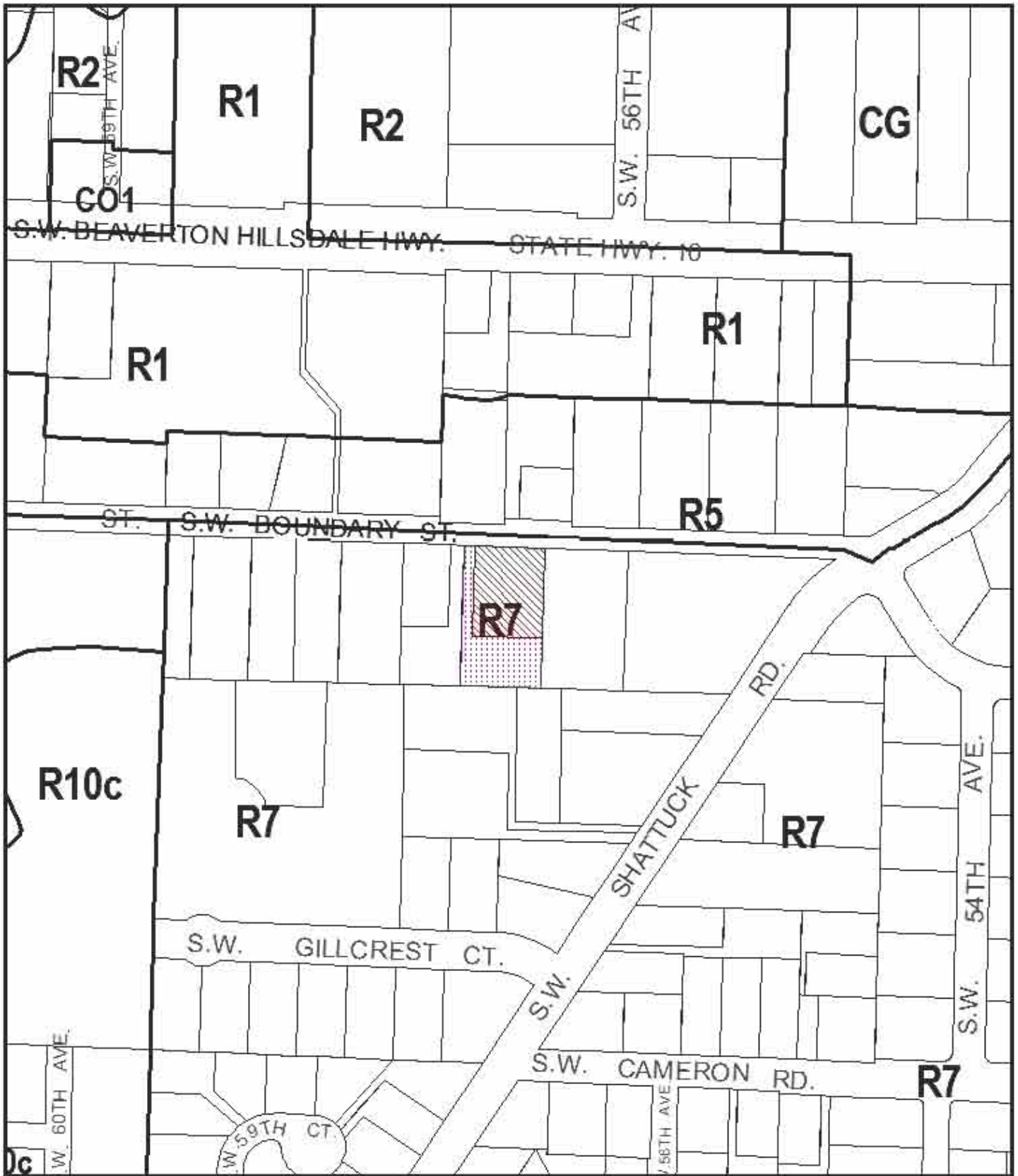
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicants Narrative
 - 2. Applicant's Arborist report.
 - 3. Final stormwater management plan received 4/17/08
 - 4. Applicants extensions to 120 day clock
 - 5. Stormwater management plan received 3/6/08
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Old Site Plan, no dedication shown
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Plans examiner.
- F. Correspondence:
 - 1. William & Linda McCulloch, 5740 SW Boundary St. Portland, OR 97221-1012
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Water Bureau Fire Flow information

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



ZONING

-  Site
-  Also Owned



File No. LU 07-167688 LDP
 1/4 Section 3523
 Scale 1 inch = 200 feet
 State Id 1S1E18BD 2600
 Exhibit B (Oct 22, 2007)

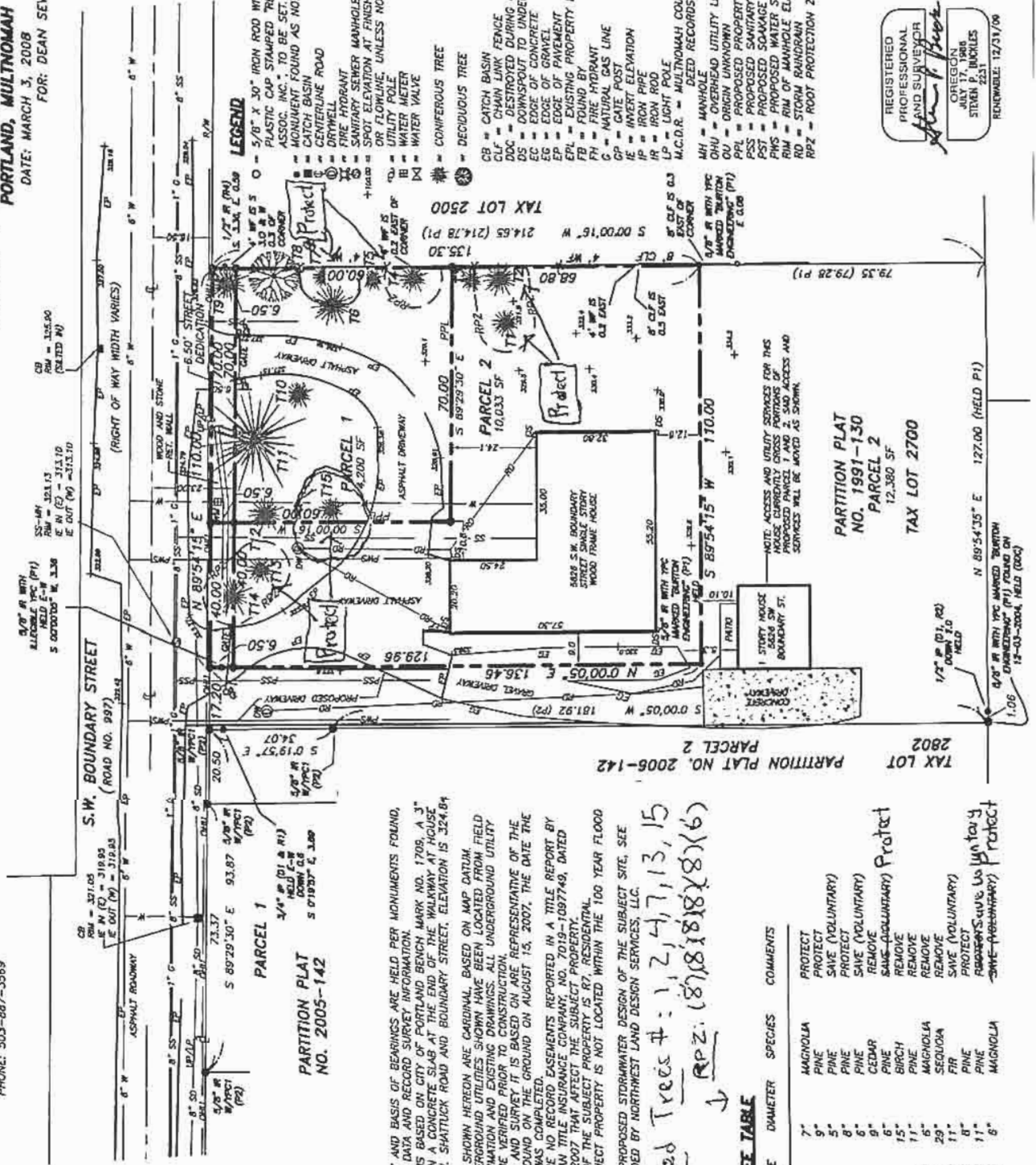
PRELIMINARY PLAN

EXISTING CONDITIONS, TREE SURVEY, PROPOSED IMPROVEMENTS FOR TAX LOT 2600, MAP 1S 1E 18BD, PARCEL 1, PARTITION PLAT NO. 1991-130, SITUATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

DATE: MARCH 3, 2008 SCALE: 1"=20'
FOR: DEAN SEVERSON

OWNER/APPLICANT

DEAN SEVERSON
5672 S.W. BOUNDARY ST.
PORTLAND, OREGON 97207
PHONE: 503-887-3569



NOTES

- BOUNDARY AND BASIS OF BEARINGS ARE HELD PER MONUMENTS FOUND, RECORD PLAT DATA AND RECORD SURVEY INFORMATION.
- ELEVATIONS BASED ON CITY OF PORTLAND BENCH MARK NO. 1708, A 3" BRASS DISK IN A CONCRETE SLAB AT THE END OF THE WALKWAY AT HOUSE NO. 5245 S.W. SHATTUCK ROAD AND BOUNDARY STREET, ELEVATION IS 324.84 FEET.
- FALLINGS SHOWN HEREON ARE CARDINAL, BASED ON MAP DATUM.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING CONSTRUCTION.
- ALL UNDERGROUND UTILITY LINES ARE SHOWN AS DASHED LINES.
- THIS MAP AND SURVEY IS BASED ON A REPRESENTATIVE OF THE CONDITIONS FOUND ON THE GROUND ON AUGUST 15, 2007. THE DATE THE FIELD WORK WAS COMPLETED.
- THERE ARE NO RECORD EASEMENTS REPORTED IN A TITLE REPORT BY FIRST AMERICAN TITLE INSURANCE COMPANY, NO. 7019-1097749, DATED AUGUST 13, 2007 THAT AFFECT THE SUBJECT PROPERTY.
- ZONING OF THE SUBJECT PROPERTY IS R7, RESIDENTIAL.
- THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
- FOR THE PROPOSED STORMWATER DESIGN OF THE SUBJECT SITE, SEE PLANS PROVIDED BY NORTHWEST LAND DESIGN SERVICES, LLC.

Protected Trees # : 1, 2, 4, 7, 13, 15
RPZ: (87)(8)(8)(8)(8)(6)

TREE TABLE

TREE NO.	DIAMETER	SPECIES	COMMENTS
1	7"	MAGNOLIA	PROTECT
2	9"	PINE	PROTECT
3	5"	PINE	SAVE (VOLUNTARY)
4	8"	PINE	PROTECT
5	6"	PINE	SAVE (VOLUNTARY)
6	9"	CEDAR	REMOVE
7	6"	PINE	SAVE (VOLUNTARY) Protect
8	15"	BIRCH	REMOVE
9	11"	PINE	REMOVE
10	11"	MAGNOLIA	REMOVE
11	29"	SEQUOIA	REMOVE
12	11"	RH	PROTECT
13	11"	PINE	PROTECT
14	8"	PINE	REMOVE (VOLUNTARY)
15	8"	MAGNOLIA	Protect

CASE NO. LW-07-167688
EXHIBIT C-1

- SD = STORM DRAINAGE LINE
- SF = SQUARE FEET
- SS = SANITARY SEWER LINE
- UP = UTILITY POLE
- WF = WOOD FENCE
- WM = WATER METER
- WV = WATER VALVE
- YPC = YELLOW PLASTIC CAP
- YPLC = 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC."
- () = RECORD INFORMATION
- P1 = PARTITION PLAT NO. 1991-130
- P2 = PARTITION PLAT NO. 2005-142
- R1 = SN 26.562
- R2 = SN 24.939
- R3 = SN
- R4 = SN
- D1 = DEED DOCUMENT NO.
- S1 = 58980B, M.C.D.R.
- SN = SURVEY RECORD NO. PER MULTNOMAH COUNTY SURVEY RECORDS.

REVISED:

REPPETO & ASSOCIATES, INC.
LAND SURVEYORS
P.O. Box 125, Building G
12730 SE Stark Street
Portland, Oregon 97233
Phone: (503) 408-1507
Fax: (503) 408-2370

REGISTERED PROFESSIONAL LAND SURVEYOR
Dean Severson
CIVIL ENGINEER
JULY 15, 1988
STEVEN P. BACKLES
2231
RENEWABLE: 12/31/09

DATE: MARCH 3, 2008 FILE: S07035.DWG
DRAWN BY: CJH JOB NO. S07035