



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Date: May 21, 2008
To: Interested Person
From: Nizar Slim, Land Use Services
503-823-7848 / nizars@ci.portland.or.us

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 08-116972 LDP

GENERAL INFORMATION

Applicant: Charles and Harriet Saxe,
Saxe Properties Llc
4714 SW Snyder Pl
Portland, OR 97221

Site Address: **2334 E BURNSIDE ST**

Legal Description: EXC PT IN ST LOT 1 BLOCK 4, KEYSTONE ADD
Tax Account No.: R449200370
State ID No.: 1N1E35DD 00100 **Quarter Section:** 3032

Neighborhood: Buckman, contact Susan Lindsay at 503-725-8257.
Business District: East Burnside Business Association, contact Judy Crain at 503-234-2514.
District Coalition: Southeast Uplift, contact Gary Berger at 503-232-0010.
Plan District: None

Zoning: R1 – Residential 1,000 (Multi-dwelling residential)
Case Type: LDP – Land Division (Partition)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant proposes to divide this 4,503 square foot corner lot into two smaller parcels. Parcel 1 will be 2,728 square feet and will retain the existing house. Parcel 2 will be 1,775 square feet and will be developed with a new residence. The new residence that is being proposed will include an Accessory Dwelling Unit. The Land Division process only acknowledges the potential for development but does not give any approval to the proposed structure; approval for any building is accomplished through a building permit.

The 26-inch diameter Port Orford Cedar on the site is exempt from the tree preservation standards of Zoning Code Chapter 33.630 due to its close proximity to the existing house, and the 5.7-inch Apple tree on the site is exempt due to its small size.

Relevant Approval Criteria:

The relevant criteria are found in Section **33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

ANALYSIS

Site and Vicinity: The subject site is a flat, corner lot, approximately 4,503 square foot in area on the intersection of E Burnside Street and SE 24th Avenue. The site is surrounded by light commercial buildings, single-family and multi-family housing development of variety type, size and age. The property is developed with a two-story single-family residence which is to be retained.

The adjacent street, E. Burnside serves as a main transportation arterial with two lanes of traffic each way and sidewalks.

Zoning: The R1 designation is one of the City's multi-dwelling zones, which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

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

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on **April 4, 2008**

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 responded with following concerns:
 - The amount of natural light will be decreased by the proximity of the proposed building (minimum setback requirements).
 - Observed disturbance from tenants living in the existing building. The neighbors have concerns about future tenants.

Staff Response: In order for the City to approve the land division, the applicant must demonstrate compliance with the applicable development standards. In this case, the proposal is in the R1 zone, allowing medium-high density multi-family development. The new house being proposed would need to meet the setback standards of Table 120-4 which allows a minimum of 5 feet (for side and rear setbacks). The applicant has shown a proposal that conceptually meets that requirement, but will be subject to a full review at time of building permits. Although there may be some changes the amount of light accessed between structures the setback standards are designed to preserve as much as possible and still allow development to occur.

Although neighborhood relationships are an important part of the community make-up, the development code has little say on prevailing behavior. Neighbor and developer/property management relations can be better maintained through active communication and the assistance of the Office of Neighborhood Involvement (503) 823-4000.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter	Topic	Applicability Findings
A	33.612	Lots	Applicable - See findings below.
B	33.630	Trees	Not applicable - The two trees on site were exempt due to a diameter of less than 6 inches and proximity to existing structure (see report for details).
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 when the minimum density for the site 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 - Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
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 33.612 contains the lot standards applicable in the Multi-dwelling 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.

When single-dwelling or duplex development is proposed for some or all of the site, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 120-3. When development other than single-dwelling or duplex development is proposed, minimum and maximum density must be met at the time of development

The total site area shown on the applicant's survey is 4,503 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. No new streets or public street dedications are proposed with this land division.

In this case, Parcels 1 through 2 are proposed for single-dwelling development. Therefore, the density requirements for this site are calculated as follows:

Minimum = $4,503 \div 2,000$ (minimum density from Table 120-3) = 2.25 (which rounds down to a minimum of 2 units, per 33.930.020.A).

Maximum = $4,503 \div 1,000$ (maximum density from Table 120-3) = 4.50 (which rounds down to a maximum of 4 units, per 33.930.020.B).

In this zone, there are no minimum lot area requirements for lots designated for attached houses, detached houses, or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division, to avoid further division of lots in the future that could result in non-compliance with the overall density requirements of the site as it exists in this proposal.

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

Lot Dimensions

The lot dimensional standards ensure that: (1) Each lot has enough room for development that meets all the requirements of the zoning code; (2) Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible; (3) The multi-dwelling zones can be developed to full potential; and (4) Housing goals for the City are met.

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 Chapter 33.612 of the Zoning Code):

Lots for Attached or Detached Houses	R1 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2
Minimum Lot Area	none	2,728 sq. ft.	1,775 sq. ft.
Minimum Lot Width*	none	50 ft.	35.50 ft.
Minimum Lot Depth	none	54.59 ft.	50 ft.
Minimum Front Lot Line	10 ft.	50 ft.	35.50 ft.

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

This criterion is met.

With condition of approval, assigning Minimum and Maximum density to each parcel, these criteria are met.

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

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. In this case, all trees identified on site 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-). Two trees were identified: (1) apple tree with a DBH of less than 6 inches and a larger 26" DBH, Port Orford cedar.

Both trees have been exempted by the arborist; the apple tree because it is too small, and the cedar because of it is located within 10 feet of an existing structure to remain on the property.

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, there are no trees required to be preserved in the areas where new development on the site is anticipated. 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 50 feet of frontage on E Burnside and 90 feet on SE 24th Ave. Both streets are classified as a local service street for all modes in the Transportation System Plan. Tri-Met provides transit service approximately 150 feet from the site at the corner of E Burnside and SE 24th via buses #19 and #20. Parking is currently allowed on some portions of E Burnside and SE 24th Ave on both sides. There is no driveway entering the site that provides access to off-street parking for the existing house.

E Burnside Street and SE 24th Ave are fully improved with a paved roadway, curbs, planting strips, and 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. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is therefore met.

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 8 inch water main is available in SE 24th Avenue. Water is available to serve the proposed development from the water main in SE 24th Ave. Parcel 1 has an existing water service from that main. See Exhibit E-3 for more details.

The sanitary sewer standards of 33.652 have been verified. There is an existing 60-inch RCTP public sanitary sewer located in SE 24th Ave that can serve the sanitary needs of the proposed lots. Parcel 1 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. This property is located in a neighborhood where the existing block pattern meets street connectivity requirements; therefore, no new streets, pedestrian connections, common greens, or alleys are proposed or required within the land division site. Further, this case only involves a corner lot with the longest lot dimension of 90 feet accessed by two adjacent streets. As result, the remaining standards and approval criteria related to location, and design are not applicable.

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 C-2), and the Bureaus have responded as follows (Exhibits E-1 and E-5):

- **Parcel 2:** Stormwater from this lot will be directed to an individual drywell 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 drywell and the infiltration test provided by the applicant. To ensure that the size and setback requirements of the Stormwater Management Manual can be met, specific information regarding the existing building locations, future building footprints and the location for stormwater facilities shall be provided on the supplemental site plan prior to final plat approval.

- **Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain on to the ground. The downspouts on the side of the house may be located too close to the new common property line after the land division to meet setback requirements. Modifications will be needed to redirect this and any other downspout that falls within the required setbacks. The applicant is required to finalize plumbing permits prior to final plat approval for modifications to the stormwater disposal system on the existing house that will result in properly functioning gutters, downspouts, and disposal points, located outside of required setbacks.

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.

Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R1 zone (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are a few 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 approximately 10 feet from the new

property line. A deck attached to the house would be roughly 6 feet from the same 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.

- Maximum Building Coverage – The existing house identified to remain on the site must meet the required Zoning Code - Building Coverage Limitation for the new lot. The existing house is approximately 1,425 square feet in area which covers about 52% of the new lot. The R1 zone allows up to 60 percent. Therefore, the building coverage is under the limitation and is 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 size of the existing building relative to the new lot area.
- Required Outdoor Area – The existing house identified to remain on the site must meet the required Zoning Code – Minimum Outdoor area for the new lot. A minimum 48 square foot area with a minimum 6x6 square is achievable on site and must be maintained after the land division. 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 outdoor area within the new lot area.

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
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 addressing requirements for building height and access road for proposed Parcel 2, or obtain an approved Fire Bureau appeal to this requirement. These requirements are based on the technical standards of Title 31 and the Fire Code.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Parcel 1 prior to final plat approval. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 2 lot partition, as shown on the attached preliminary plan (Exhibit C-2). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are street tree planting, Stormwater disposal, and development standards for existing development.

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 lots with detached housing as illustrated with Exhibit C-2, 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 interior side setbacks Parcel 2 if the reduced setback provisions of Section 33.120.270.D.1 are intended to be used.
- The proposed general location of future building footprint and stormwater facilities for the vacant lot.
- All proposed and existing utilities servicing the parcels.
- Any other information specifically noted in the conditions listed below.

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

Existing Development

1. The applicant must meet the requirements of Site Development for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must function properly, and they must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by Site Development, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.
2. The applicant must plant street trees in the planter strip on SE Burnside Street and SE 24th Avenue adjacent to Parcel 1. Street trees will be chosen from the City's approved street tree list for the 3-½ -foot planting strips. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

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

1. The minimum and maximum density for the lots in this land division are as follows:

Lot	Minimum Density	Maximum Density
1	1	2
2	1	2

2. The applicant must provide a fire accessway to the satisfaction of the Fire Bureau or the height of the new structures shall be limited to 30 feet, measured to the gutter line.

Decision rendered by:  **on May 16, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed May 21, 2008

Staff Planner: Nizar Slim

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 March 20, 2008, and was determined to be complete on March 20, 2008.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 20, 2008.

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.

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.

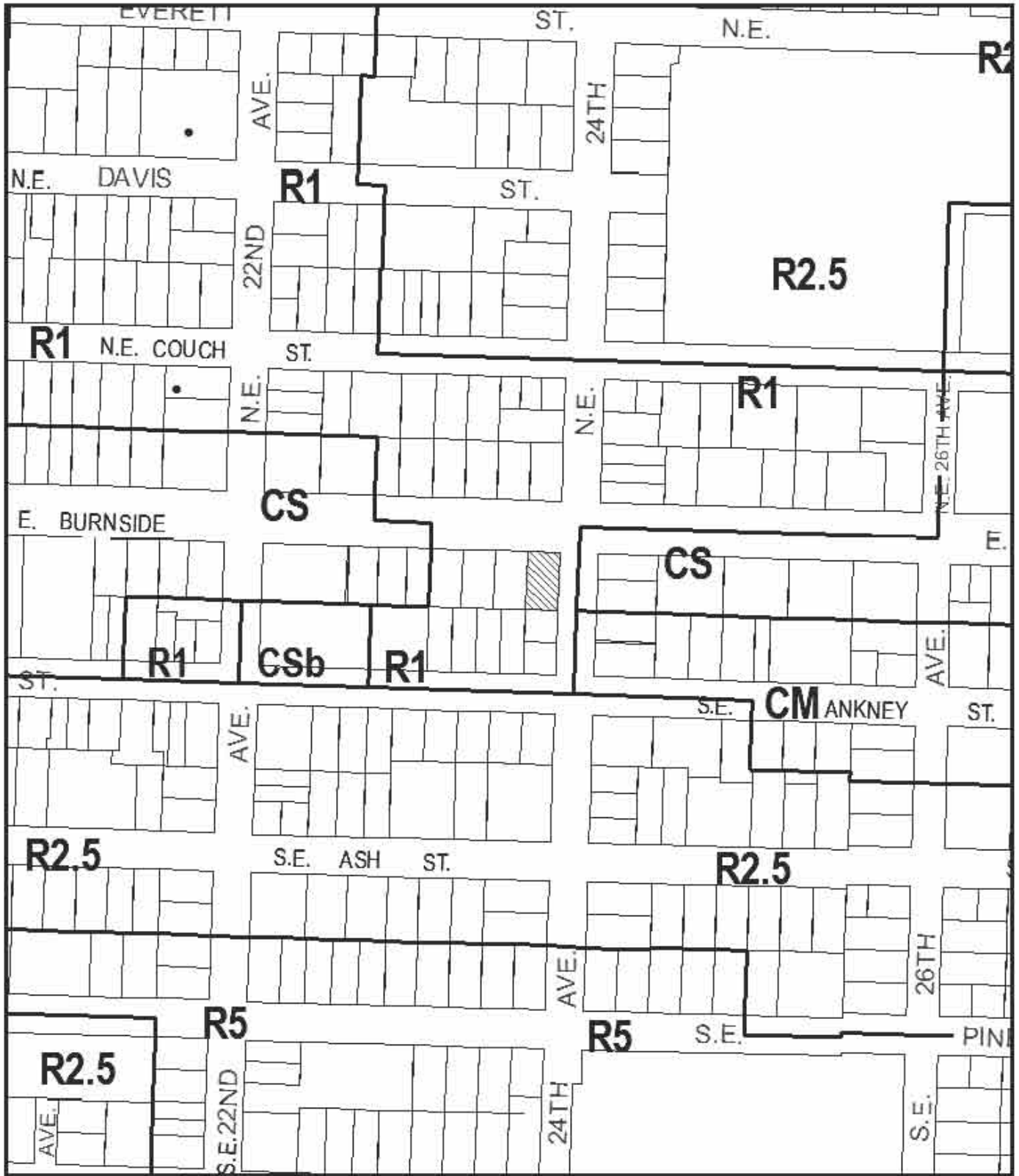
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan- Existing Conditions with New lots (attached)
 - 2. Proposed Development (attached)
 - 3. Preliminary Architectural Plans
- 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 Section of BDS
- F. Correspondence:
 - 1. Bethany J. Major and Daniel T. Weber, April 4, 2008, Letter expressing concerns about the proposed land division.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



Historic Landmark



NORTH

File No.	<u>LU 08-116972 LDP</u>
1/4 Section	<u>3032</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1N1E35DD 100</u>
Exhibit	<u>B (Mar 25, 2008)</u>

EXISTING CONDITIONS W/ PROPOSED LOTS

STATEMENT:














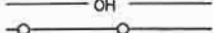





SHOWN ON THIS MAP
 FACE FEATURES AND
 CATED BY OTHERS. F
 ? DRAWING A STRAIGHT
 LINES OR SAID PAINT
 ALSO INCLUDE WATER
 MARKS ON THE GR
 RESULT FROM OUR
 ON CENTER.

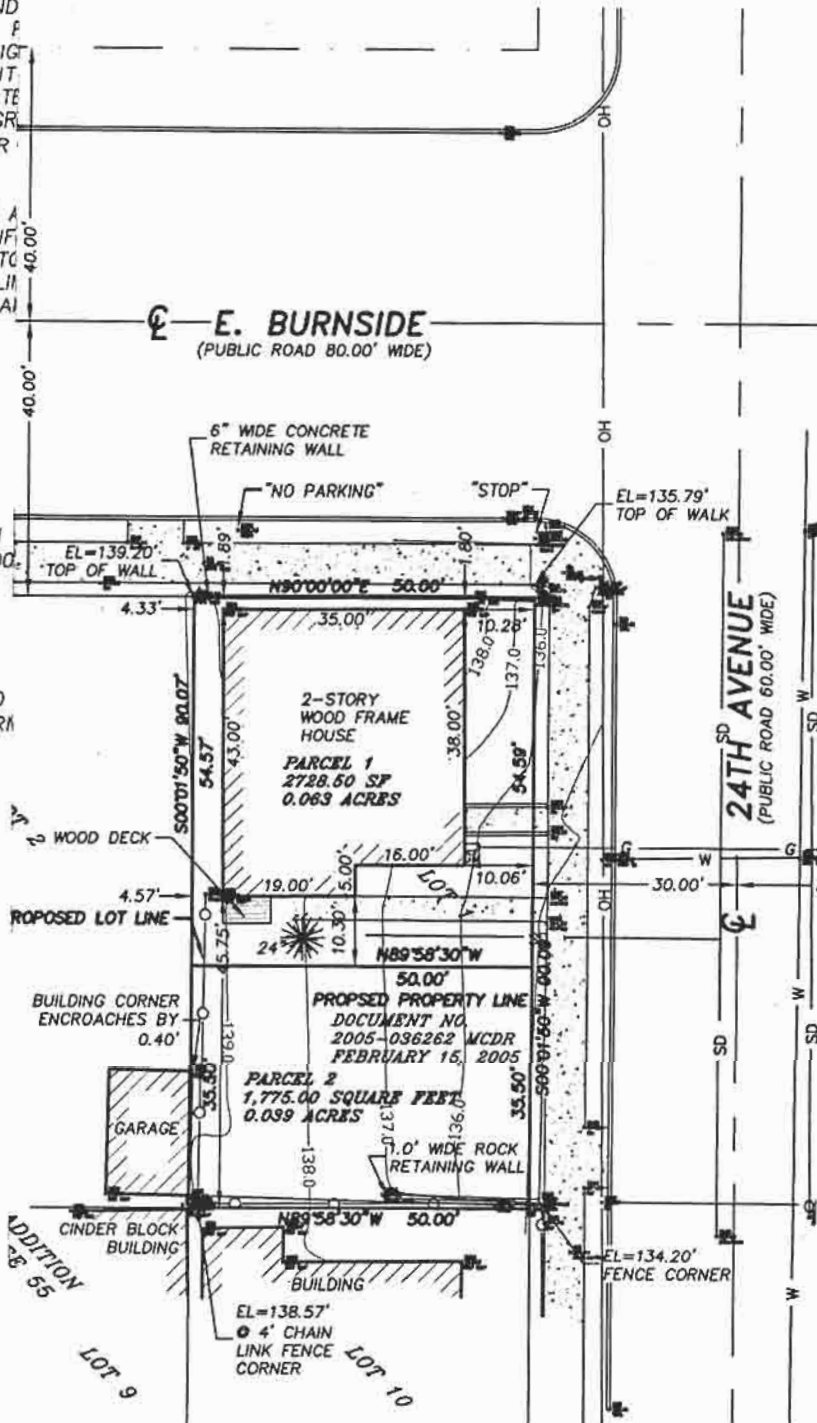
GUARANTEE TO THE A
 OF ANY UTILITY INF
 NO INFORMATION TO
 FACT A STRAIGHT LI
 THAT THE PAINT MA

RING IS THE SOUTH
 DE BEING N90°00'00."

AND: ELEV. 142.40
 IE NORTHWEST CORN

LEGEND:

-  BUILDING HATCH
-  CONCRETE HATCH
-  POWER POLE WITH STEEL
-  POWER POLE
-  SIGN
-  WATER VALVE
-  STORM CATCHBASIN
-  WATER METER
-  GAS METER
-  CONIFEROUS TREE WITH 24"
-  BOUNDARY LINE
-  CENTER LINE
-  CURB LINE
-  BUILDING LINE
-  OVERHEAD POWER LINE
-  FENCE LINE
-  COMBINED SEWER LINE
-  WATER LINE
-  GAS LINE




CASE NO. 08-116972
 EXHIBIT C-1

SURVEYED FOR:
 SAXE PROPERTIES, LLC
 4714 SW SYNDER PLACE
 PORTLAND, OR 97221
 PHONE: 503-348-4151



E: 1" = 20'

Tom Nelson



DATE: April 4, 2008

DRAWN BY: TTW

E. BURNSIDE
(PUBLIC ROAD 80.00' WIDE)

KEYSTONE ADDITION

PARCEL 1
2,803.96 SQUARE FEET
0.064 ACRES

PARCEL 2
1,700.00 SQUARE FEET
0.039 ACRES

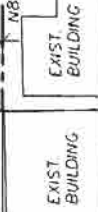
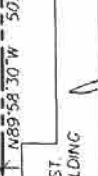
PROPOSED
LOT LINE

24TH AVENUE
(PUBLIC ROAD 60.00' WIDE)

PARK

PARK

PARK



CASE NO. 08-116972
EXHIBIT C-2

LV08-116972 LBP

PLAN VIEW PROPOSED LOTS
WITH DEVELOPMENT.

SCALE: 1"=20'-0"



2334 E BURNSIDE ST.
MULTNOMAH COUNTY
PROPERTY ID: R131324
STATE ID: INE35DD 100
ALT ACCT. * R449200310
MAP NUMBER: 3032 OLD

AREA OF PROPERTY = 4504 SF.
FOOTPRINT OF EXIST. HOME = 1429 SF.
RATIO BLDG. / PROPERTY = 31.7%

PROPOSED PARCEL 1 = 27265 SF
FOOTPRINT OF EXIST. HOME = 1429 SF
RATIO BLDG. / PROPERTY = 52.4%

PROPOSED PARCEL 2 = 1175 SF
FOOTPRINT OF NEW HOME = 689 SF.
RATIO BLDG. / PROPERTY = 38.8%

REVISIONS BY

LARSON DESIGN
11266 SE 21 AVE, SUITE 104
MILWAUKIE, OR 97222
PHONE: (503) 725-7787 FAX: (503) 725-7788
LARSON DESIGN

SHEET TITLE
PLOT MAP

PROJECT NAME
SAXE RESIDENCE
DRAWN FOR
PORTLAND, OR
SAXE PROPERTIES, LLC

DATE: 11/09/07
SHEET NO. A-1610107
TMC

PL-1