



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: June 6, 2008
To: Interested Person
From: Rachael Hoy, 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 08-116866 LDP

GENERAL INFORMATION

Applicant: Travis and Erin Vice,
4233 SE 182nd Ave #342
Gresham, OR 97030

Royal Raymond,
3737 SE 8th
Portland, OR 97202

Site Address: 5904 SE 84TH AVE

Legal Description: LOT 15&16 BLOCK 11, EVELYN
Tax Account No.: R260802120
State ID No.: 1S2E16CB 16200
Quarter Section: 3639
Neighborhood: Lents, contact Alan Brzycki at 503-774-3256.
Business District: Eighty-Second Avenue, contact Nancy Chapin at 503-774-2832.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: None
Zoning: CM b - Commercial and housing uses with a "b" overlay,
R1a - Residential 1000 with with an "a" Design overlay

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 the 8,000 square foot site to create two lots in a split zone area. Parcel 1 is proposed to be 4,404 square feet and will contain the existing house. Parcel 2 is proposed to be 3,596 square feet. The accessory detached garage and a carport will be removed. The applicant proposes to meet their tree preservation requirements through the preservation of at least 35% of the on-site tree diameter. The applicant proposes to dispose of stormwater for parcel 2 through a drywell.

This partition is reviewed through a Type I land use review because: (1) the site is in a residential and commercial zones; (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 and 33.662.110).

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:

The relevant criteria are found in:

- **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones**
- **Section 33.662.120, Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones.**

ANALYSIS

Site and Vicinity: The site is situated on SE 84th Avenue, a residential street lined primarily with single dwelling homes in the vicinity of the subject site. The neighborhood also contains multi-dwelling development. SE 84th Avenue intersects with SE Woodstock Boulevard just south of the site. SE Woodstock is lined with a mixture of residential and small-scale commercial development. To the west and north of the site, there is commercial activity along SE 82nd Avenue and SE Foster Road.

The site is flat with no significant topographical features and is developed with a single dwelling unit and detached garage. The outdoor area of the site contains several trees, lawn areas and a garden. The rear of the of the site fronts an unimproved alley.

Zoning: This is a split-zoned site. The northern half of the property is in the R1a zone and the southern half of the property is in the CMb zone, and is therefore subject to regulations for both zones. For zoning regulations that affect the entire site, the regulations for the zone that are more restrictive apply. For development standards that do not apply to the entire site, the standards of the zone in which that portion of the site is located apply.

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.

The "a" overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the "a" overlay.

The CM zone promotes development that combines commercial and housing uses in a single building. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners.

The "b" overlay is intended to provide additional buffering between nonresidential and residential zones.

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 8, 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: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES AND IN A COMMERCIAL, EMPLOYMENT, OR INDUSTRIAL ZONE

33.660.120 & 33.662.120 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** and **33.662.120 Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones [A-K]**. Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following Residential Zone table summarizes the applicability of each criterion for both the residential zone and the commercial zone. The numbering of the commercial zone criteria is slightly different, but for ease of reading this report one table will be used.

Criterion	Code Chapter	Topic	Applicability Findings
A	33.612 33.613	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 in the residential zones. The Recreation Area is not applicable in the commercial zones.
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	Applicable - See findings below.
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

This is a split-zoned site with R1a and CMb zoning. The applicable approval criteria for Multi-dwelling zones and Commercial zones will be discussed below. Applicable Approval Criteria are:

Multi-dwelling Residential

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. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. In this case, PDOT is requiring a 3.5-foot dedication along the alley, which is not subtracted for the site area for the density calculation, however, it will reduce the size of parcel 1 to 4,369 square feet and parcel 2 to 3,351 square feet.

When development other than single-dwelling or duplex development is proposed, minimum and maximum density must be met at the time of development.

In this case, Parcel 1 is developed with a single dwelling unit, and Parcel 2 is proposed for single dwelling development. The zone boundary does not correlate with the proposed new property lines. Due to the site's split zoning, density is calculated separately for the area in each zone. There are no density requirements in the CM zone, so the density for the portion of the site in the R1 zone is calculated as follows:

Minimum = 4,000 square feet ÷ 2000 square feet = 2

Maximum = 4,000 square feet ÷ 1,000 square feet = 4

As mentioned above, the applicant is proposing to keep the existing house on Parcel 1 and to develop Parcel 2 with a single dwelling unit. In the R1 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. With this condition of approval, the density standards are 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 proposed residential parcels meet the lot dimension standards as shown in the following table (this information is found in Chapter 33.612 of the Zoning Code):

	R1 Zone Requirement	Parcel 1	Parcel 2
Lots for Attached or Detached Houses			
Minimum Lot Area	None	4,404 sq. ft.	3,596 sq. ft.
Minimum Lot Width*	none	68 ft.	12 ft.
Minimum Lot Depth	none	100 ft.	41 ft.
Minimum Front Lot Line	10 ft.	68 ft.	12 ft.

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

*After the alley dedication: Parcel 1 will be 4,369 sq. ft and parcel 2 will be 3,351 sq. ft.

Commercial

A. Lots. The standards and approval criteria of Chapters 33.613 through 33.615 must be met;

Findings: Chapter 33.613 contains the lot standards applicable in the commercial zones. Chapter 33.613 works in conjunction with other chapters of the Zoning Code to ensure that land divisions create lots that can support appropriate uses and development. The standards are as follows:

33.613.100 Minimum Front Lot Line Standard

Each lot must have a front lot line that is at least 10 feet long.

Parcel 1 has a front lot line of 68 feet. Parcel 2 does not have street frontage in the CM zone, and therefore this criterion is not applicable to Parcel 2. However, Parcel 2 does have a 12-foot front lot line in the R1 zone. This criterion is met.

33.613.200 Minimum Lot Area, Width and Depth Approval Criterion

There are no minimum lot area, width or depth standards. Lots must be of a size, shape, and orientation that is appropriate for the location of the land division and for the type of development and use that is contemplated.

The applicant has indicated that Parcel 2 will be developed for residential use with a detached single dwelling unit. Parcel 1 contains an existing detached single dwelling unit. The proposed lot dimensions and area of Parcel 2 is of sufficient size, width, and depth to accommodate such a dwelling unit. The surrounding area has similar residential homes as that proposed for Parcel 2.

The findings above describe how the applicable lot standards for both residential and commercial development 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, unhealthy, a nuisance species, located partially off the property or located within 10 feet of an existing structure to remain on the property. 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	Birch	16	No	No	Yes	16 ft.
2	Maple	10	No	No	Yes	10 ft.
3	Maple	7	No	No	Yes	7 ft.
4	Pear	8	No	No	No	
5	Plum	18	No	No	No	
6	Apple	8	No	No	No	
7	Apple	10	No	No	No	

The total non-exempt tree diameter on the site is 77 inches. The applicant proposes to preserve trees 1, 2 and 3, which comprise of 33 inches of diameter, or 43% 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). All of the trees proposed for preservation are located on Parcel 1. No new development is proposed on Parcel 1 at this time. However, in the event Parcel 1 is redeveloped in the future, the trees are required to be preserved with adequate root protection zones.

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, there are no trees required to be preserved in the areas where new development on the site is anticipated. However, Exhibit C.1 shows trees to be preserved on parcel 1 with the required root protection zones, in the event that parcel 1 is redeveloped. 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.

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

33.636.100 Requirements for Tracts and Easements

A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:

- 1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;**
- 2. The Homeowners' Association for the area served by the tract;**
- 3. A public or private non-profit organization; or**
- 4. The City or other jurisdiction.**

Findings: No tracts are proposed or required for this land division, so criterion A does not apply.

B. Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.

Findings: No easements are proposed or required for this land division.

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 80 feet of frontage on SE 84th Avenue. SE 84th Avenue is classified as a local service street for all modes in the Transportation Element of the Comprehensive Plan. Tri-Met provides transit service approximately 520 feet from the site on SE 82nd Avenue via bus 72. Parking is currently allowed on SE 84th Avenue on both sides. There is one driveway entering the site that provides access to off-street parking for the existing house.

SE 84th Avenue is 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. SE 84th is currently improved with a 30-foot paved roadway within a 50-foot right-of-way. The existing 10-foot pedestrian corridor supports a 3-foot wide planter between the curb and the 5 foot-sidewalk. Though these improvements do not meet the City Standards of an 11-foot pedestrian corridor with a 4-foot wide planter strip and a 6-foot wide sidewalk, the Office of Transportation has determined that these improvements are consistent with development on the entire block. Therefore no dedication or improvements to the existing sidewalk configuration will be required along SE 84th Avenue. 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.

Access to on-site parking for parcel one and/or parcel 2 may either be by the alley or SE 84th Avenue. Because the proposed lot configuration will create a property line located ~ midway on the existing SE 84th Ave driveway approach, the existing SE 84th Ave driveway approach will need to be reconstructed as outlined below.

- If access for both parcels is provided along the SE 84th Ave frontage, the driveway approach will need to be reconstructed to provide for a 5-foot long curb closer and a separation between the two driveways and approaches.
- If only one of the two parcels provide access from SE 84th Ave, reconstruction of the sidewalk will be required to only provide access for the parcel that is taking access from SE 84th Avenue and the adjacent parcel will provide site access by way of the alley.
- Additionally, if both parcels provide access from the alley, the existing approach and sidewalk on SE 84th Ave must be closed and reconstructed to match the adjacent sidewalk configuration. This is PDOT's preferred option, but not required.

The applicant must meet one of these options prior to final plat approval.

Because the site is not within 500 feet of a frequent service bus line, replacement parking for Parcel 1 will be required. The applicant will be required to construct a parking pad on Parcel 1 prior to final plat approval.

The rear property of the site fronts on an unimproved 13-foot wide alley. The recommended city standard for alley width is 20 feet. Therefore, the Office of Transportation has indicated that a 3.5-foot dedication will be required along the alley frontage. In addition the alley will require grade and gravel improvements along the frontage of the site, to be extended no less than 20 feet beyond the northern and southern property lines. Alley improvements will be required as a condition of building permit approval. Additionally, Street and Storm Waivers of Remonstrance for further alley improvements will be required, in support of any future Local Improvement District, as a condition of final plat approval.

With the conditions of approval described above, this criterion is 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 6-inch water main, located in the alley to the rear of the site, is available to serve the proposed development. Parcel 1 has an existing water service from that main.

As a result of the proposed land division, the water line that provides service to the existing home on Parcel 1 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 into the 10 foot wide pole coming off the alley to serve parcel 1.

- The sanitary sewer standards of 33.652 have been verified. There is an existing 15-inch PVC public combination sewer located in SE 84th Avenue 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.

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 (C-1) 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.
- **Parcel 1 (the parcel with the existing house):** The existing house has downspouts that drain onto the ground and into underground pipes. Some of the rain drains have been capped as part of the BES Downspout Disconnect program. Site Development has noted that some of the downspouts and gutters for the house are in disrepair, and therefore must be repaired to meet City standards prior to final plat approval to ensure that the stormwater from the house can get to the disposal points. In addition, the downspouts on the east side of the house will be located too close to the new property line after the land division to meet setback requirements. All stormwater facilities must be located on the property they serve and must be situated so as not to adversely affect development on site or on adjacent properties. Prior to final plat approval, the applicant must demonstrate that the requirements for the downspouts are met to the satisfaction of Site Development. If a plumbing permit is required to modify the existing stormwater system, then the permit 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.

Right of Way Approval Criteria

Chapter 33.654 contains standards and approval criteria for rights of way. Due to the location of this site, and the type of street that is proposed, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

Code Section	Topic	Applicability Findings
33.654.110.B.1	Through streets and pedestrian connections	Applicable - See findings below
33.654.110.B.2	Dead end streets	Not applicable - No dead end streets are proposed.
33.654.110.B.3	Pedestrian connections in the I zones	Not applicable - The site is not located within an I zone.

Code Section	Topic	Applicability Findings
33.654.110.B.4	Alleys in all zones	Not applicable – No alleys are proposed or required.
33.654.120.C.1	Width of the street right-of-way	Not applicable – The proposal does not include any new streets or right-of-way.
33.654.120.C.3.c	Turnarounds	Not applicable – No turnarounds are proposed or required.
33.654.120.D	Common Greens	Not applicable – No common greens are proposed or required.
33.654.120.E	Pedestrian Connections	Not applicable – There are no pedestrian connections proposed or required.
33.654.120.F	Alleys	Not applicable – No alleys are proposed or required.
33.654.120.G	Shared Courts	Not applicable – No shared courts are proposed or required.
33.654.130.A	Utilities	Applicable - See findings below.
33.654.130.B	Extension of existing public dead-end streets and pedestrian connections	Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site.
33.654.130.C	Future extension of proposed dead-end streets and pedestrian connections	Not applicable – No street extensions are required to serve abutting sites that are further dividable.
33.654.130.D	Partial rights-of-way	Not applicable – No partial public streets are proposed or required.

Applicable Approval Criteria are:

33.654.110.B.1 Approval criterion for through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:

- a. **Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;**
- b. **Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;**
- c. **Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;**
- d. **Master street plans for the area identified in Goal 11B of the Comprehensive Plan;**

- e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.**

Findings: The site is located between SE Ramona Street and SE Woodstock Boulevard, which have a distance between them of approximately 390 feet. There are no other east-west through streets between these two streets. If the distance between these existing streets is evaluated against the optimum spacing requirement of 530 feet, one can conclude that there is no need for an additional through street in the vicinity of the site.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

The site is located approximately 145 feet from SE Woodstock Boulevard. Measured against the optimum spacing standards of no less than 200 feet between through streets and pedestrian connections, no new pedestrian connection is warranted at this location.

For the reasons described above, this criterion is met.

Utility Location, Extension of Streets, Partial Rights of Way

33.654.130 Additional Approval Criteria for Rights-of-Way

- A. Utilities. Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way.**

Findings: Utilities are defined in the Zoning Code as telephone, cable, natural gas, electric, and telecommunication facilities. Any easements that may be needed for private utilities that cannot be accommodated within the right-of-way can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

General Information about Development Standards and Approval Criteria. The Zoning Code contains two types of regulations: Development standards and Approval criteria.

Approval criteria, such as those listed earlier in this report, are administered through a land use review process. Approval criteria are regulations where the decision-maker must exercise discretion to determine if the regulation is met. Public notice is provided and public comments received that address the approval criteria are addressed in the decision.

Development Standards: Development standards are clear and objective regulations (for example: building setbacks; number of required parking spaces; and maximum floor area). Compliance with development standards is reviewed as part of the administrative permitting process and are not considered to be discretionary reviews. Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Among the various development standards that will be applicable to this lot, the applicant should take note of:

- Building Coverage – The CM zone requires a *minimum* of 50 percent building coverage for the site. The R1 zone allows a *maximum* of 60 percent building coverage on the site. Since this site is split between the CM and R1 zones, the zone requirements will need to be met on the portion of the site located in that zone. New development on Parcel 2 will be required to meet the building coverage standards at the time of development.

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 R1 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 6.4 feet from the new property line. Therefore, the required setbacks for the house are being met. However, the attached carport will not meet the setback standards of the R1 zone. The applicant has proposed removing the carport for the existing house in order to meet the setback standards. The applicant is required to obtain and have finalized a demolition permit prior to final plat approval.
- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, all accessory structures on Parcel 2 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.
- Required Off-Street Parking – In this zone, one parking space per dwelling unit is required. A paved parking pad provides this required parking for the existing house on Parcel 1. As a result of this land division, the required parking space for the existing house will not remain intact. In order to ensure that parking requirements continue to be met, a new parking space for the existing house must be constructed on Parcel 1 prior to final plat approval. A zoning permit must be obtained to construct a new parking space. Documentation of final inspection of this new parking space will be required 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
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/

Bureau	Code Authority	Topic	Contact Information
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 flag lots and providing adequate aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

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 include the required alley dedication and improvements, driveway reconstruction and parking for Parcel 1. 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 for detached housing 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;
- 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 the alley that abuts the rear of the property. The required right-of-way dedication must be shown on the final plat.

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

Streets and Alleys

1. The applicant shall sign street and storm sewer waivers of remonstrance for the adjacent alley (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.

2. The applicant will be required to do curb closure and sidewalk reconstruction as outlined in Exhibit E.2 prior to final plat approval.

Utilities

2. The applicant shall meet the requirements of the Water Bureau concerning relocation of the water service connection to the existing home.

Existing Development

3. The applicant must obtain a finalized demolition permit for removing the garage and carport on Parcels 1 and 2. Alternately, the applicant can execute a covenant with the City stating that the garage on parcel 2 will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval. The carport must be removed prior to final plat approval.
4. A parking space and access shall be installed on Parcel 1, in conformance with the applicable requirements of the Portland Zoning Code. A copy of the final inspection approval of a Zoning Permit shall be submitted, documenting that the parking space has been installed within the area to become Parcel 1. The new parking space must also be shown on the supplemental plan. An application for a Land Use Review to waive or modify parking requirements may be submitted at the Development Services Center. If granted, a copy of the approved Land Use Review decision must be submitted prior to final plat.
5. 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.

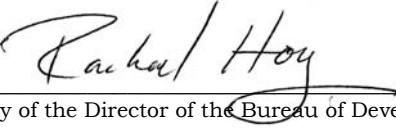
D. The following conditions are applicable to site preparation and the development of individual lots:

1. Any future development on Parcel 1 must be in conformance with the Tree Preservation Plan (Exhibit C-1). Specifically, trees numbered 1, 2 and 3 are required to be preserved, with the root protection zones indicated on Exhibit C-1. 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 minimum and maximum residential density for the lots in this land division in the R1 zone are as follows (the CM zone has no density requirements):

Parcel	Minimum Density	Maximum Density
1	1	2
2	1	2

3. The applicant shall meet requirements of the City Engineer for right of way improvements within the abutting public alley.
4. The applicant must meet the addressing requirements of the Fire Bureau for Parcel 2, the flag lot.

5. 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 June 4, 2008
By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) June 6, 2008

Staff Planner: Rachael Hoy

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 April 4, 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.

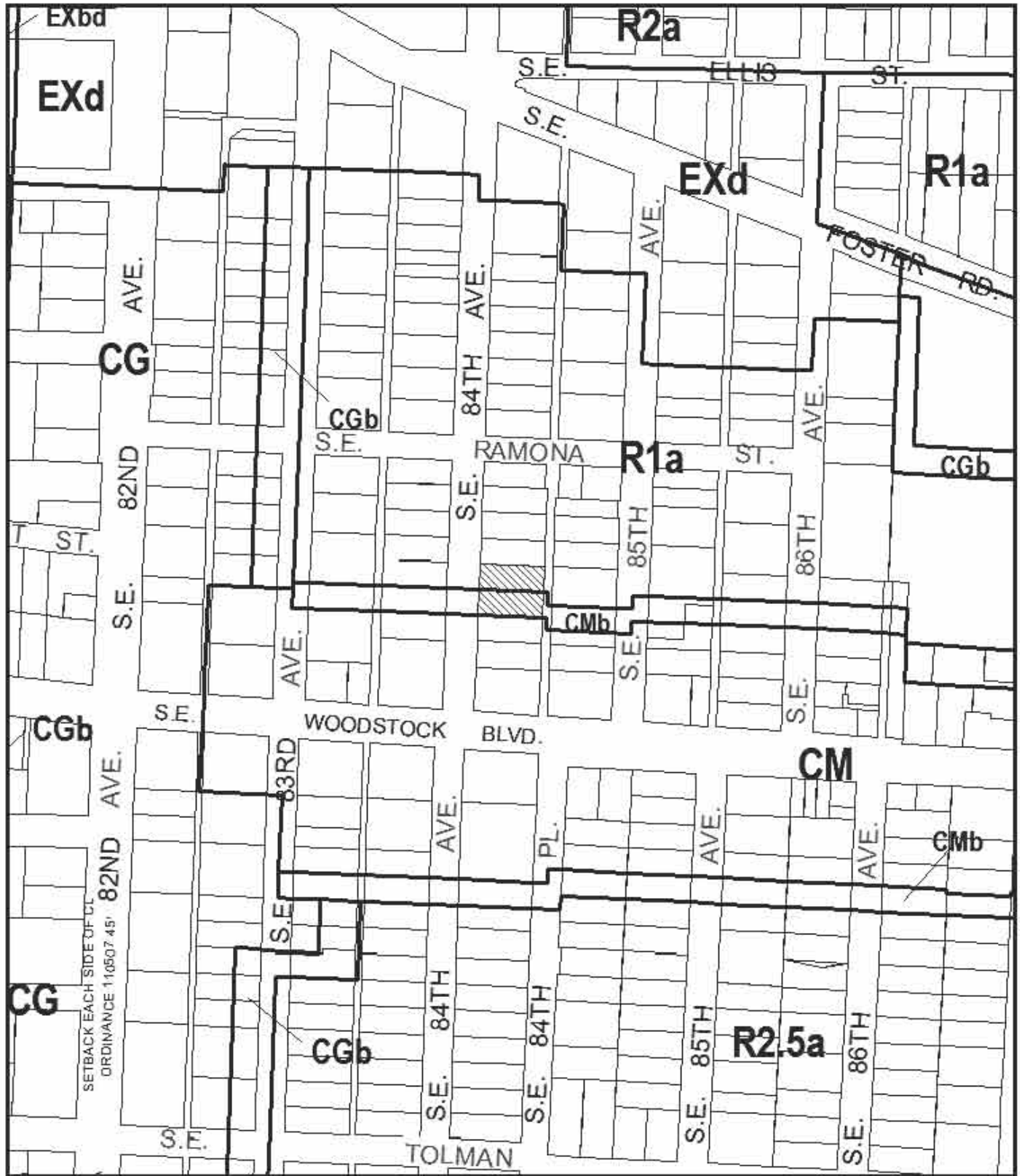
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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 Submittal
 - 1. Applicant's statement
 - 2. Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Full-size site plan
- 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: None Received
- G. Other:
 - 1. Original LU Application
 - 2. Application form signed by Erin Vice
 - 3. 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



File No. LU 08-116866 LDP
 1/4 Section 3639
 Scale 1 inch = 200 feet
 State Id 1S2E16CB 16200
 Exhibit B (Mar 25, 2008)

LEGEND:

- DENOTES MONUMENTS FOUND AS NOTED
- DENOTES 5/8" X 3/32" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZTEC L.S. 1944" SET ON _____
- UL DENOTES IRON ROD
- FD DENOTES FOUND
- (M) DENOTES MEASURED
- O.U. DENOTES ORIGIN UNKNOWN
- SQ. FT. DENOTES SQUARE FEET
- AP DENOTES APPLE
- P.O.B. DENOTES POINT OF BEGINNING
- 1/4 CORNER
- FD, 4-1/4" BRASS DISC IN MONUMENT BOX AS PER BT BK. F. PC. 372
- SN DENOTES SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- RPC DENOTES RED PLASTIC CAP
- SN(1) DENOTES SN 13341
- SN(2) DENOTES SN 34684
- SN(3) DENOTES SN 60346
- SN(4) DENOTES SN 61420
- (PP) DENOTES PLAT OF "EVELYN"
- BK., PC., CS DENOTES BOOK AND PAGE
- CS — EXISTING COMBINED SEWER
- W — EXISTING WATER LINE
- AP APPLE
- M MAPLE
- P PEAR
- ⊗ TREE TO REMOVE

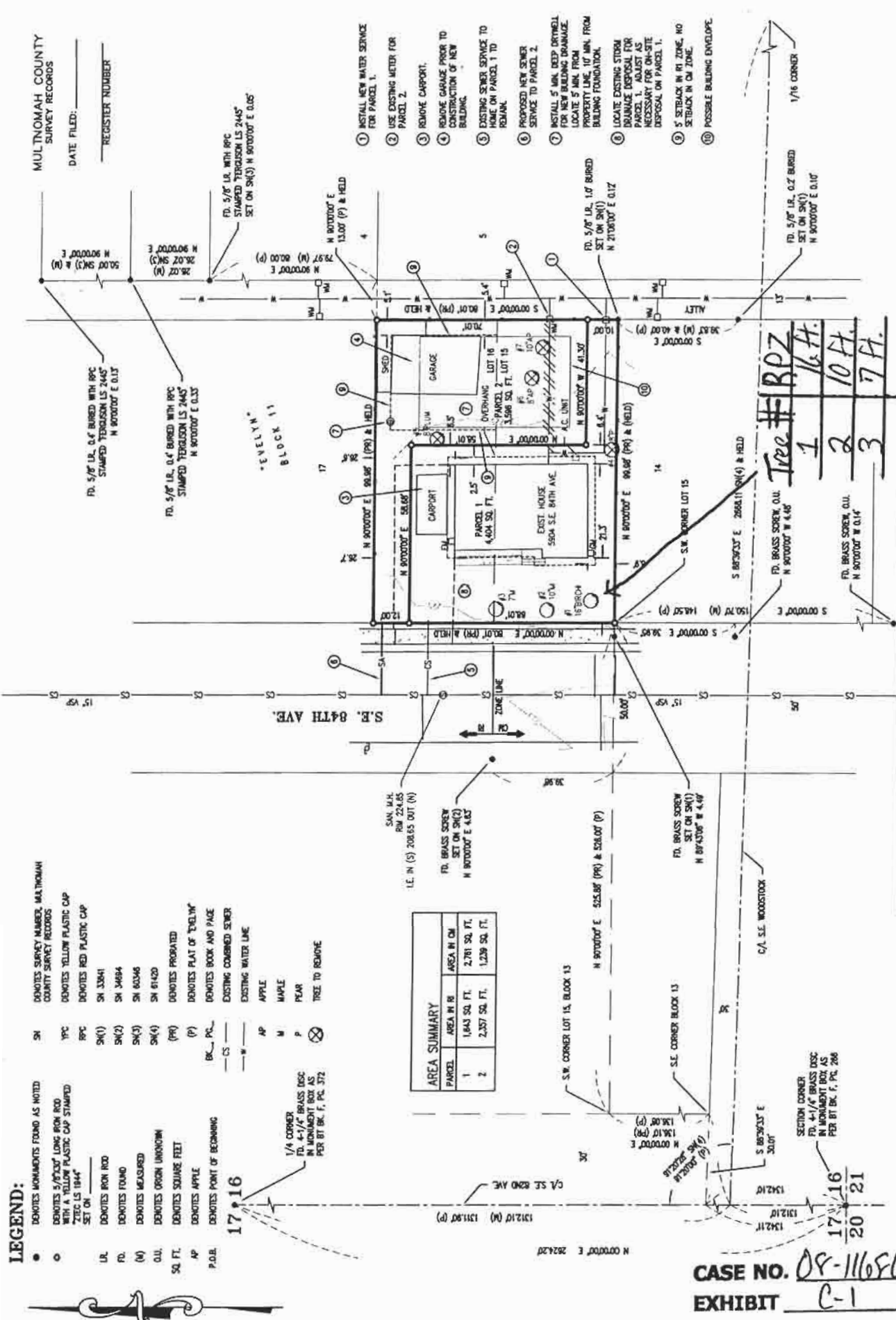
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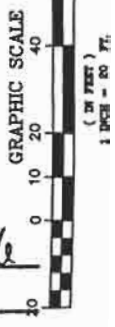
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AREA SUMMARY		
PARCEL	AREA IN SQ. FT.	AREA IN AC.
1	1,643 SQ. FT.	2.761 SQ. FT.
2	2,557 SQ. FT.	1.239 SQ. FT.



- 1 INSTALL NEW WATER SERVICE FOR PARCEL 1.
- 2 USE EXISTING METER FOR PARCEL 2.
- 3 REMOVE CARPORT.
- 4 REMOVE GARAGE PRIOR TO CONSTRUCTION OF NEW BUILDING.
- 5 EXISTING SEWER SERVICE TO REMAIN ON PARCEL 1 TO REMAIN.
- 6 PROPOSED NEW SEWER SERVICE TO PARCEL 2.
- 7 INSTALL 5 MIN. DEEP DRYWELL FOR NEW BUILDING DRAINAGE. LOCATE 5 MIN. FROM PROPERTY LINE, 10' MIN. FROM BUILDING FOUNDATION.
- 8 LOCATE EXISTING STORM DRAINAGE DEPOSIT FOR PARCEL 2. DRAINAGE NECESSARY FOR ON-SITE DISPOSAL ON PARCEL 1.
- 9 5' SETBACK IN RT. ZONE, NO SETBACK IN CM ZONE.
- 10 POSSIBLE BUILDING ENVELOPE.

Tree #	RPZ	16'H.	10'H.	7'H.
1				
2				
3				



CASE NO. 08-116866
EXHIBIT C-1

ZTEC ENGINEERS INC.
3737 S.E. 8TH AVE., PORTLAND, OREGON 97202
PH: (503) 235-8795 FAX: (503) 233-7889

LOCATED IN THE S.W. 1/4 OF SECTION 16,
T.15N., R.2E., W.M., IN THE CITY OF PORTLAND,
MULTNOMAH COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
Chris Ferguson
OREGON LICENSE NO. 100
CHRIS FERGUSON
1944
RENEWAL DATE: 1/1/2020

TRAVIS VICE

PRELIMINARY PLAT

MULTNOMAH COUNTY SURVEY RECORDS
DATE FILED: _____
REGISTER NUMBER _____