



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: August 20, 2008
To: Interested Person
From: Mieke Stekelenburg, Land Use Services
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NOTICE OF A TYPE II_x 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 and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 07-143199 LDS

GENERAL INFORMATION

Applicant/Owner: Candice Weischedel
823 SW Coronado St
Portland, OR 97219

Representative: Steve Buckles
Reppeto & Associates
Plaza 125, Blg G
12730 SE Stark St
Portland, OR 97233

Site Address: 11032 NE Shaver St
Legal Description: BLOCK 42 LOT A TL 600, PARKROSE & RPLT
Tax Account No.: R647308510
State ID No.: 1N2E22CD 00600
Quarter Section: 2641
Neighborhood: Parkrose Association of Neighbors, contact Marcy Emerson-Peters at 503-254-3794.
Business District: Parkrose Business Association, contact Allison Stoll at 503-823-3156.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Zoning: R7h – Single family residentail –7000, the Aircraft Landing (“h”) overlay zone
Case Type: LDS – Land Division (subdivision)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant has withdrawn the adjustment (AD) proposal. Therefore, this application is being processed as a standard land division, subdivision.

The applicant is proposing a 7-lot subdivision on a site that contains approximately 40,275 square feet of site area. The land division will result in 3 lots (lots 1, 6, and 7) that will be

available for single family detached housing and 4-lots that will be available for single family attached housing (lots 2, 3, 4, and 5). The Portland Department of Transportation is requiring a 9' wide public pedestrian connection between NE Shaver and NE 110th Way. This connection will be improved with a 6' wide sidewalk. In addition the applicant is required to improve the frontage of the site on both NE Shaver Street and NE 110th Way discussed later in this report.

Stormwater from the improvements on NE Shaver will be managed through an 8' wide vegetated infiltration swale, while the stormwater from the individual lots shall be managed on site through soakage trenches. No new stormwater facility is required for the improvements on NE 110th Way. Tree preservation standards apply.

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year (See ORS 92.010).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The approval relevant criteria are found in section 33.660 – Reviews in Open Space and Residential Zones.

ANALYSIS

Site and Vicinity: The site is located between NE Shaver Street and NE 110th Way. The property and surrounding area is relatively flat. Lot sizes on the same block and surrounding blocks are consistent with lot size standards in the R7 zone and are developed with single family detached housing. A triplex and several small and large trees currently exist on the subject property.

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

The Aircraft Landing ("h") overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. The allowed height limit for buildings and vegetation on the site per the "h" overlay is 280 feet (for the majority of the site) above the lowest base point at Portland International Airport. The airport low base point is at an elevation of 18.3 feet. Therefore, the topographical elevation of the site PLUS the proposed building cannot exceed 298.3 feet. The highest ground elevation on the site is approximately 144 feet. Therefore, buildings and vegetation on the site cannot exceed 117 feet in height. On this site, however, the base zone (R5) height limit of 30 feet is more restrictive than the 'h' overlay allows and cannot be exceeded without a future adjustment review.

Land Use History: City records indicate that prior land use reviews include the following: 07-122503 PR. The approved property line adjustment shifted the southern 170 feet of the west property line 7.5 feet west.

- 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.

APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter	Topic	Applicability Findings
A	33.610	Lots	Applicable - See findings below.
B	33.630	Trees	Applicable - See findings below.
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units.
G	33.635 .100	Clearing and Grading	Applicable - See findings below.
G	33.635 .200	Land Suitability	Applicable - See findings below.
H	33.636	Tracts and Easements	Not Applicable - No Tracts or Easements are proposed or 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 33.610 contains the density and lot standards applicable in the RF through R5 zones. These density and lot dimension standards ensure that lots are consistent with the

desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

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

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

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

Minimum = 40,275 square feet * .68 ÷ 7,000 square feet = 3.9 (which rounds up to a minimum of 4 lots, per 33.930.020.A)

Maximum = 40,275 square feet * .85 ÷ [7,000) square feet = 4.8 (which rounds up to a maximum of 5 lots, per 33.930.020.B)

The applicant is proposing 7 lots, which exceeds the maximum density normally allowed for the site. However, Lots 2 & 3 and 4 & 5 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot on each corner is allowed provided Lots 2 & 3 and 4 & 5 are developed with attached houses. With a condition of approval limiting the development on these to attached houses, the density standards are met.

The applicant is proposing 7 lots. The density standards are therefore met.

Lot Dimensions

The lot dimension standards ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not too large relative to the planned density; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

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

R7 Zone Requirements

	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width*	Minimum Front Lot Line	Minimum Lot Depth
Lot	4,200 sq ft	12,00 sq ft	40 ft.	30 ft.	55 ft.
1	8,190		65	65	126
2	3,528		28	28	126
3	3,528		28	28	126
4	4,676		28	28	167

5	4,676	28	28	167
6	6,054	36.25	36.25	167
7	6,054	36.25	36.25	167

* Width is measured at the minimum front building setback line

Narrow Lots

Lots 6 and 7 are 36.25' wide, 3.75 feet narrower than the standard minimum width of 40' for the zone, as shown in the table above. Section 33.610.200.D of the Zoning Code, however, allows narrower lots if the future development can meet certain standards:

- **If the lot abuts an alley, then vehicle access is allowed only from the alley;**
- **If the lot does not have vehicle access from an alley, then there must be at least 15 contiguous feet of uninterrupted curb space on the abutting street for each lot being created under these provisions (lots that abut a pedestrian connection or common green are exempt from this standard).**
- **Lots must be configured so that at the time of development the length of the garage wall will be no more than 50% of the length of the street-facing building façade.**
- **Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development;**
- **When a driveway is proposed to provide vehicle access to more than two lots, it must be an alley; and**

The applicant has demonstrated that Lots 6 and 7 can meet the narrow lot standards for the following reasons:

Alley access:

- The site does not have access from an alley, so this standard does not apply.

Preserves on-street parking

- Lots 6 and 7 are 36.25 feet wide. A standard driveway with 9' width and 3' wings on each side, for a total of 15' will leave 21.25 feet of strait curb for each lot. This requirement is met.

50 percent garage wall limitation

- The widest house that could be developed on lots 6 and 7 (26') could provide a garage wall that is up to 13 feet wide. This would allow for a 10-foot wide garage door with 1.5 foot of structural support on either side. Development on Lots 6 and 7 can provide a garage wall that occupies only 50 percent of the front façade of the house.

60 percent landscaping requirement for attached houses

- Lots 6 and 7 will have individual driveways that are approximately 9 feet wide. Each lot is 36.25' wide, which will still allow for the 60% standard to be met in the area not devoted to driveway pavement.

Attached Houses on Corner Lots

Lots 2 through 5 are smaller than would normally be allowed in the R7 zone. As described above, these lots are being created through a provision that allows attached houses on corner lots 33.110.240 E. To use this provision, the original corner lot, before division must meet the minimum lot size standard of the R7 zone. Taken together (before the division), Lots 2 and 3 combined are 7,056 square feet in area, and 4 and 5 combined total 9,352 which exceeds the

minimum requirement of 4,200 square feet in the R7 zone. Therefore, the corner lot may be divided to create Lots 3 and 4 as proposed.

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 12 trees on the site. Refer to the table in the Arborist Report for the details on the existing and preserved trees (Exhibit A-2).

The total non-exempt tree diameter on the site is 100 inches. The applicant proposes to preserve tree number 24 which comprises 35 inches of diameter, or 35 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 tree and the required root protection zone (Exhibit C-1). The arborist has indicated that a 24' radius root protection zone is acceptable.

With the condition that tree #24 is preserved with a 24' root protection zone this criterion is met.

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

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: In this case, the site is relatively flat, and is not located within the Potential Landslide Hazard Area. However a new street (pedestrian connection) will require minor clearing and grading on the site. The applicant has not submitted a clearing and grading plan with the application. Clearing and Grading of the area designated for public improvements will be reviewed at the time of City permitting.

A Site Development permit is required to grade the remainder of the site. The clearing and grading plan for the lots will need to show existing and proposed elevation contours, soil stockpile areas, undisturbed areas consistent with the root protection zone of tree to be

preserved, per the applicant's Tree Preservation Plan, and the overall limits of disturbed area for the lots 2-7.

With the condition that a clearing and grading plan showing the items listed above is submitted for lots 2-7 this criterion 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. City records do not show that the septic system on the site was decommissioned at the time the house was connected to the public sewer system. However, records appear to indicate that the cesspool is located 10 feet from the existing house and thus would not be affected by the proposed new property lines. 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 130 feet of frontage on NE Shaver Street, and 137.5 feet along the frontage of NE 110th Way. At this location NE Shaver is classified as city Walkway and a Local Service Street for all other modes of transportation. NE 110th Way is classified as a Local Service Street for all modes of transportation. Tri-Met provides transit service on NE Shaver via bus # 22. Parking is currently observed on NE Shaver on both sides. No parking was observed on NE 110th Way. There is one driveway entering the site off of NE Shaver that provides access to off-street parking for the existing building.

NE Shaver is improved with a paved roadway and a gravel shoulder on both sides. There are no curbs, planter strips, or sidewalks. In reviewing this land division, Portland Transportation

relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. In this case Portland Transportation has determined that curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, as well as an associated stormwater facility discussed later in this report, additional right-of-way must be dedicated along the frontage of the site.

NE 110th Way is improved with 35' paved roadway and a standard curb but lacks sidewalks. The applicant will be required to dedicate 3' along the frontage of NE 110th Way and construct a 5-foot wide sidewalk separated from the curb with a 4' wide planting strip. In addition a 1' wide reserve strip is located along the frontage of NE 110th Way. The applicant will need to have this access strip removed in order for lots 5-7 to have street frontage.

With those improvements, six new additional dwelling units can be safely served by the existing streets without having any significant impact on the level of service provided.

In addition to the existing street frontage, a new public street (pedestrian connection) is proposed within the land division site, providing a pedestrian connection between NE Shaver Street and NE 110th Way. The pedestrian connection will be 9' wide and improved with a 6' wide sidewalk centered in the connection. The street is anticipated to serve pedestrian traffic and bicyclists accessing these lots, as well as the neighborhood. Cars are not permitted within the 9' wide area. Portland Transportation has determined that the proposed pedestrian connection and improvements are sufficient to serve these expected users (see further discussion in the Right of Way approval criteria below). The applicant must provide plans and financial assurances for the construction of this street prior to final plat approval. In addition the right-of-way dedication necessary to accommodate the new public street must be shown on the final plat.

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 8" water main is available in NE Shaver Street and a 6" water main is available in NE 110th Way. Water is available to serve the proposed development from both of these mains. Lot 1 has an existing water service from the main in NE Shaver. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8" PVC sanitary sewer located in NE 110th Way public that can serve the sanitary needs of the lots 4-7. There is an existing public 8" PVC sanitary sewer located in NE Shaver Street that currently serves the existing residence. The existing main in NE Shaver can serve the sanitary needs of Lots 2 and 3.
- 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 (Exhibits A-3 and C-1) and the Bureaus have responded as follows (Exhibits E-1 and E-5)

- **Public Street Improvements:** As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site along NE Shaver Street to City standards, with curbs and sidewalks (discussed earlier in this report). Stormwater from these new impervious areas will be directed into an 8-foot wide infiltration swale located between the curb and the new sidewalk. BES has indicated that surface infiltration is the preferred method of public stormwater disposal at this site. The agency has confirmed that the proposed swale is of a size and proposed design that is adequate to provide infiltration for the quantity of water generated from the new impervious areas. To accommodate this stormwater facility within the public right-of-way, a dedication along the frontage of the site must be provided on the final plat.

BES requires a Public Works Permit for the construction of such a swale. The applicant must provide engineered designs and financial guarantees of performance prior to final plat approval.

In addition, as a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site along NE 110th Way to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.

- **Public Pedestrian Connection:** The limited amount of stormwater runoff from the sidewalk within the pedestrian connection will be directed to the 1.6' landscape areas adjacent to the sidewalk that are required as part of the pedestrian connection.
- **Lots 2-7:** Stormwater from these lots will be directed to individual soakage trenches that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback

standards, and accommodate water from a reasonably-sized home. Site Development has indicated conceptual approval of the soakage trenches. However, to assure that an adequate area for the soakage trench for the new houses is retained when the lot is developed, Site development has recommended a minimum 15 front building setback for Lots 2 and 3 to accommodate the soakage trenches. This will ensure that there is adequate room in the back of the lot to preserve tree #24 for the required root protection zone. Stormwater facilities are not permitted within root protection zones.

- **Lot 1 (the lot with the existing house):** The existing house has downspouts that drain onto the ground into underground pipes. Site Development has noted that there are no City records indicating where the pipes are directed. Prior to final plat approval, the applicant must document the location of the stormwater disposal for the existing house, to the satisfaction of Site Development. If the stormwater disposal system for the existing house will not be fully located on the parcel it serves after the land division, then appropriate easements must be provided on the final plat. If an easement is provided, a Maintenance Agreement for the easement must be submitted for approval by BDS and the City Attorney and must be recorded with the Final Plat. Alternately, the applicant must modify the stormwater system for the existing house to the specifications of Site Development and obtain finalized plumbing permits for the modifications 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.
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 includes a pedestrian connection instead of a traditional street.
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	Applicable - See findings below.
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.

Code Section	Topic	Applicability Findings
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 NE 109th Avenue and NE 112th Avenue which have a distance between them of approximately 750 feet. There are no other north-south 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 should be an north-south through street provided in the vicinity of the site. The magnitude by which this connectivity goal is exceeded is relatively small. In addition existing development and lot configuration on the property east of the site limit the ability to get a full public street connection at this location.

The applicant is proposing a public north-south through pedestrian connection that will connect NE Shaver St. and NE 110th Way. The connection will serve as a pedestrian and bicycle connection between NE Shaver Street and NE 110th Way as well provide pedestrian access to the proposed development. This is a straight-line connection on which users will be able to see the ending of the pedestrian route from the entrance. The Portland Department of

Transportation has reviewed and accepted the proposed pedestrian connection as meeting connectivity requirements.

In addition, pedestrian connections are required along the frontage of both NE Shaver and NE 110th Way. These will both be straight-line connections on which the users will be able to see the ending of the pedestrian route from the entrance.

For the reasons described above, this criterion is met.

33.654.120.E. Approval criterion for the width of pedestrian connections. The width of the pedestrian connection right-of-way must be sufficient to accommodate expected users and provide a safe environment, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, natural features, and total length of the pedestrian connection. As much as is possible, the users should be able to stand at one end of the connection and see the other end.

Findings: The pedestrian connection will be 9' wide, 300' long and improved with a 6' wide sidewalk. This width is sufficient to accommodate the expected users. The sidewalk will provide a visual and physical straight line connection between the NE Shaver St. and NE 110th Way that can be accessed from the sidewalk improvements that will run the length of the subject property's street frontage.

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 existing or proposed or 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:

- Narrow Lots-- development on Lots 6 and 7 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.2 times the width of the structure, per 33.110.215.B.2 up to the maximum height limit in the R7 zone; and
 - Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.250.E.4.c (1)
 - 60% of the area between the front lot line and the front building line must be landscaped at the time of development (33.610.200D.d)
- Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E. The address and main entrance of each house must be oriented to a separate street frontage. Development on Lots 3 and 4 must be oriented toward the Pedestrian Connection. Development on Lot 2 must be oriented toward NE Shaver Street, and development on Lot 5 must be oriented toward NE 110th Way.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Lot 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 R7 zone (Please see section on Other Technical Standards for Building Code standards.)

In this case, there is one Zoning Code standard that relates to existing development on the site:

Density – In this zone the maximum density allowance is 1 unit per 7,000 square feet. As discussed earlier in this report the maximum density allowed for this site, after the public street and including the corner lot bonuses is 7. The existing house that will remain on Lot 1 is a triplex, which if allowed to continue as this use would exceed the maximum allowed density by 2 units. As such modifications must be made to the existing house to bring it into conformance with the maximum density requirements (Table 610.1). Therefore, prior to final plat approval, the applicant must finalize a building permit to convert the triplex into a single family residence that will remain on Lot 1.

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. A turnaround is required on all access roads that are greater than 300 feet in length. The public road that will provide access to some of the newly created lots, NE 110th Way is greater than 300 feet in length and does not provide a turnaround. The applicant must provide an approved turnaround or be granted a Fire Code Appeal to this requirement. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 7-lot subdivision, as shown on the attached preliminary plan (Exhibit C-1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are, public street improvements and pedestrian connections, modifications to the existing triplex, and tree preservation.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 7-lot subdivision, that will result in 1 standard lot, 2 narrow lots, and 4 lots subject to corner lot, bonus density requirements 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:

- Proposed driveway locations for Lots 2 & 3, and 4 & 5
- The proposed general location of future building footprints and stormwater facilities for lots 2 and 3
- 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 NE Shaver Street, NE 110th Way and the Public Pedestrian connection. The required right-of-way dedication must be shown on the final plat. Fire Code appeals must be referenced on the plat and supported by a recorded Acknowledgement of Special Land Use Condition.

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of NE Shaver Street, NE 110th Way, and within the public pedestrian connection. The applicant shall provide plans and financial assurances to the satisfaction of the Bureau of Transportation Engineering and Development Review and the Bureau of Environmental Services for required street frontage improvements.

Utilities

1. The applicant must meet the requirements of the Fire Bureau for providing a turnaround on NE 110th Way. The applicant must provide an approved turnaround or be granted a Fire Code Appeal to this requirement.

Existing Development

2. The applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Lot 1 that demonstrate compliance with the following standards in relation to the proposed new lot lines:
 - 33.610.100 Table 610-1 (Density Standards); The applicant must final a building permit to convert the existing triplex to a single family unit.
3. Documentation of the location of the stormwater disposal system for the existing house shall be submitted to the Site Development Section of the Bureau of Development Services. The location of any existing or required stormwater systems serving the existing home must be shown on the Supplemental Plan. If, as a result of final plat approval, the stormwater system for the existing home will extend beyond the boundaries of Lot 1 (the lot with the existing home), then the applicant must meet one of the following:
 - Provide private stormwater easements on the final plat as necessary to ensure operation and maintenance of those systems, and record a maintenance agreement for the easement area; or
 - Provide finalized plumbing permits for modifications to the stormwater system that result in a system that meets City requirements.

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

1. Development on Lots 2, 3, 4 and 5 shall be in conformance with the Tree Preservation Plan (Exhibit C-1) and the applicant's arborist report (Exhibit A-3). Specifically, tree number 24 is required to be preserved, with a 24' root protection zone as 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. A minimum of 15 feet of uninterrupted curb space must be preserved along the frontage of Lots 4 - 7.
3. Lots 2 and 3, and 4 and 5, may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
4. The minimum front building setback for Lots 2 and 3 shall be 15 feet to assure that adequate space is available to accommodate a stormwater disposal facility.
5. The Clearing and Grading plan for lots 2-7 must show existing and proposed elevation contours, soil stockpile areas, undisturbed areas consistent with the root protection zone of

tree to be preserved per the applicant's Tree Preservation Plan, and the overall limits of disturbed area.

Decision rendered by:  _____ **on 8/18/08**
By authority of the Director of the Bureau of Development Services

Decision mailed 8/20/08

Staff Planner: Mieke Stekelenburg

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 June 29, 2007, and was determined to be complete on December 20, 2007.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 29, 2007.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 181 days Exhibit (A-4).

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 3, 2008** at 1900 SW Fourth Ave. Appeals may be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition,

an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-0625 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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

EXHIBITS

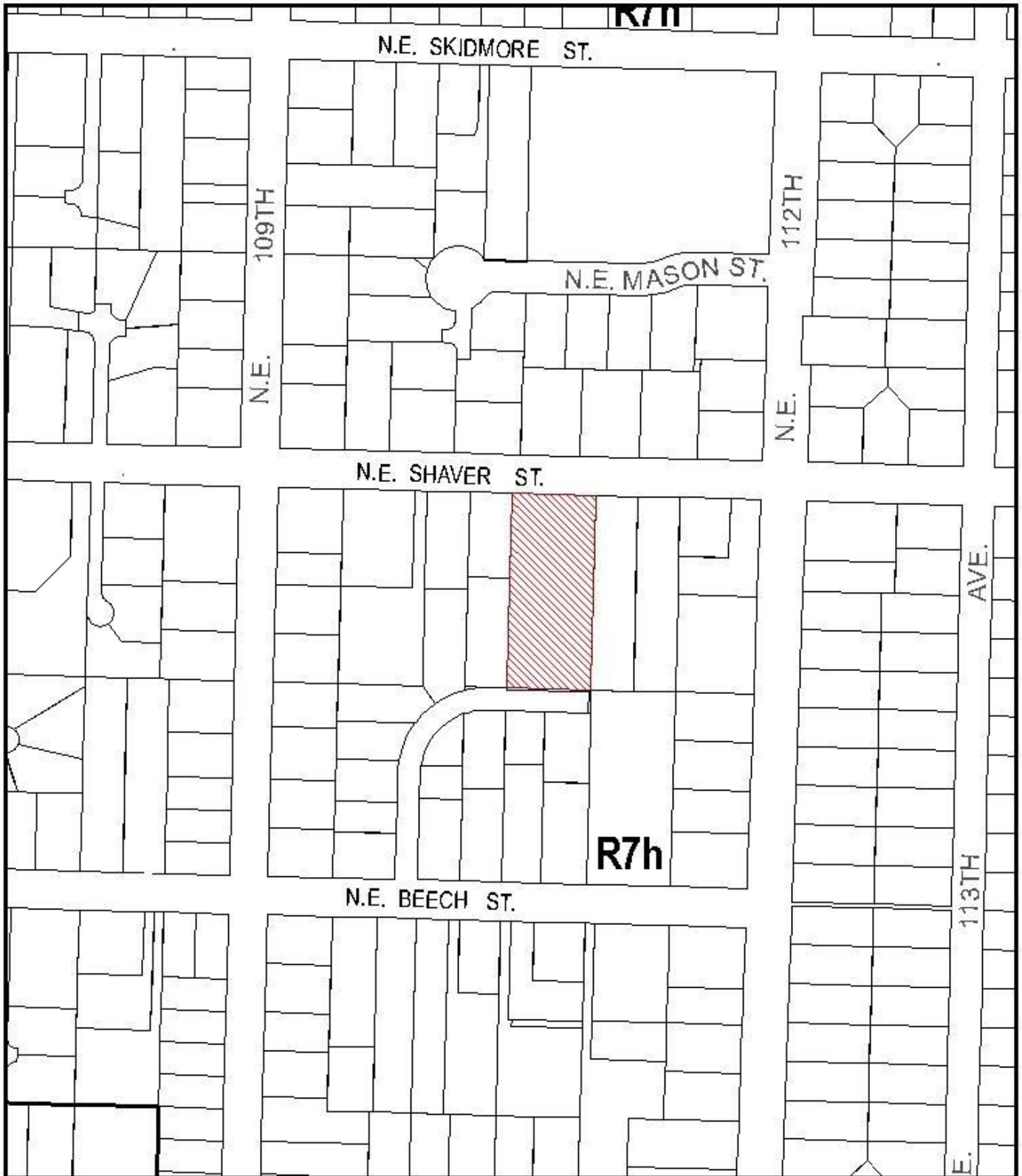
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Arborist Report
 - 3. Stormwater Drainage Calculations
 - 4. 120-day extension
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Large 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
- F. Correspondence: None submitted

G. Other:

1. Original LU Application
2. Site History Research
3. Request or Entry Letter

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.	<u>LU 07-143199 LDS</u>
1/4 Section	<u>2641</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E22CD 600</u>
Exhibit	<u>B (Jul 04, 2007)</u>

**PRELIMINARY PLAN
MAYWOOD VIEW NO. 2**

EXISTING CONDITIONS, TREE SURVEY, AND PROPOSED IMPROVEMENTS PLAN
TAX LOT 600, MAP IN ZE 22C2, A REPLAT OF LOT 4, BLOCK 42, PARKROSE AND A
PORTION OF LOT 7, MAYWOOD VIEW, SITUATED IN THE SOUTHWEST 1/4 OF SECTION
22, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND,
MULTNOMAH COUNTY, OREGON

DATE: OCTOBER 3, 2007
FOR: CANDICE WEISCHDEL

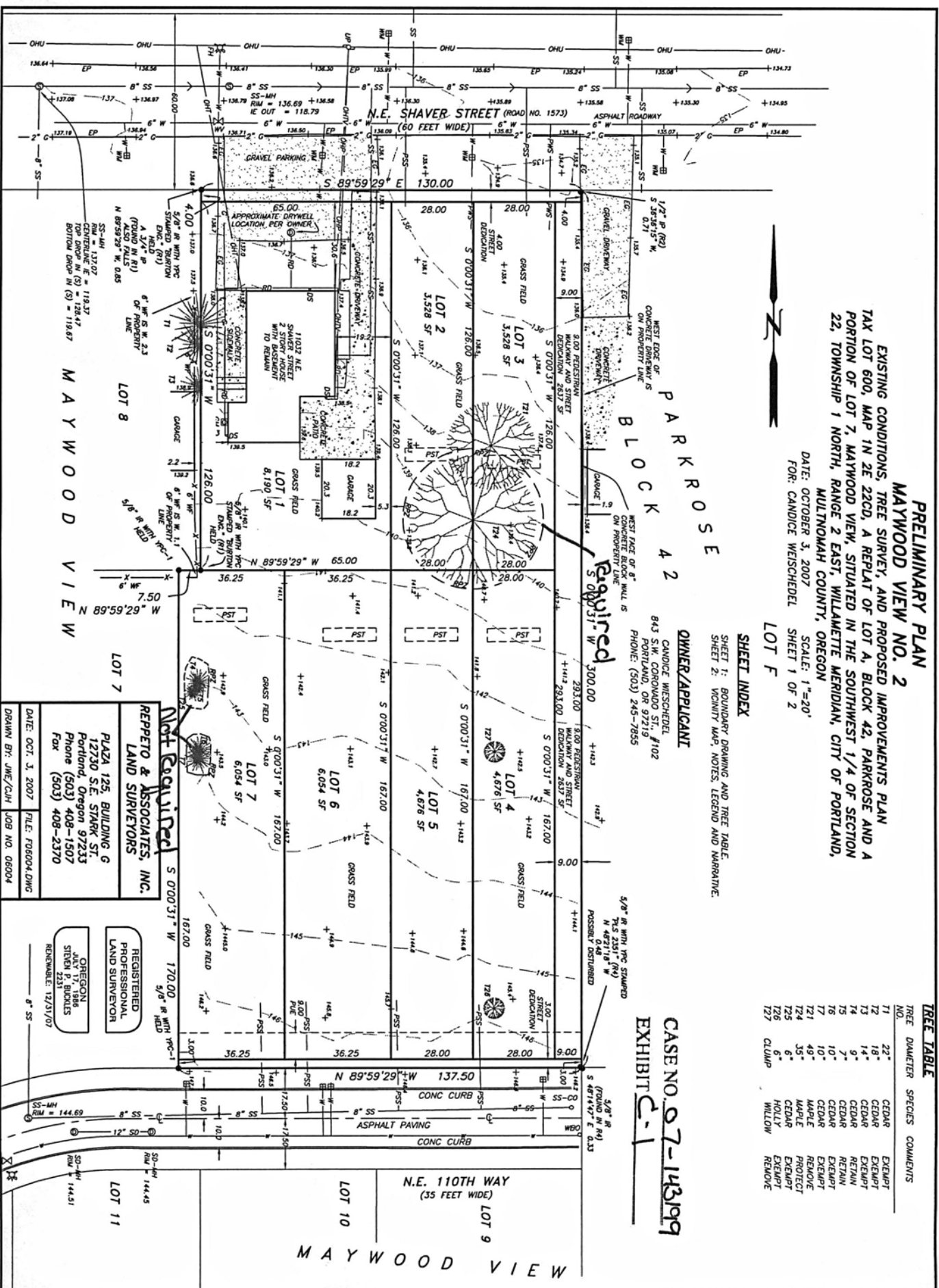
SCALE: 1"=20'
SHEET 1 OF 2

LOT F

SHEET INDEX
SHEET 1: BOUNDARY DRAWING AND TREE TABLE.
SHEET 2: VICINITY MAP, NOTES, LEGEND AND NARRATIVE.

OWNER/APPLICANT
CANDICE WEISCHDEL
843 S.W. CORVADO ST., #102
PORTLAND, OR 97219
PHONE: (503) 245-7855

CASE NO. 07-143199
EXHIBIT C-1



Not Required

REPPETO & ASSOCIATES, INC.
LAND SURVEYORS

PLAZA 125, BUILDING G
12730 S.E. STARK ST.
Portland, Oregon 97223
Phone (503) 408-1507
Fax (503) 408-2370

DATE: OCT. 3, 2007 FILE: F06004.DWG
DRAWN BY: JME/CLH JOB NO. 06004

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

OREGON
JULY 17, 1988
SIDEN P. BUCKLES
RENEWABLE 12/31/07

TREE TABLE

TREE NO.	DIAMETER	SPECIES	COMMENTS
1	22"	CEGAR	EXEMPT
2	18"	CEGAR	EXEMPT
3	14"	CEGAR	EXEMPT
4	9"	CEGAR	REMAIN
5	7"	CEGAR	EXEMPT
6	10"	CEGAR	EXEMPT
7	10"	CEGAR	EXEMPT
8	49"	MARLE	REMOVE
9	35"	MARLE	PROTECT
10	6"	CEGAR	EXEMPT
11	6"	HOLLY	EXEMPT
12	6"	WILLOW	REMOVE
13	CLUMP		