



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: December 26, 2008
To: Interested Person
From: Justin Fallon Dollard, 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 07-182637 LDP

Land Division Partition

GENERAL INFORMATION

Applicant: David Sideras,
Sideras Construction Lending Inc
P O Box 19115
Portland, OR 97280-0115

Site Address: 6209 SW 21st Ave

Legal Description: EXC N 50' LOT 6&7 BLOCK 14, BERTHA
Tax Account No.: R074302040
State ID No.: 1S1E16CC 02300
Quarter Section: 3627
Neighborhood: Hillsdale, contact Duane Hunting at 503-417-4409.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: Hillsdale
Zoning: R2.5d, Residential 2,500 with Design Overlay Zone

Case Type: LDP, Land Division- Partition
Procedure: Type Iix, an administrative decision with appeal to the Hearings Officer.

This partition proposal is reviewed through a Type Iix procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (see 33.660.110). For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010).

Proposal:

The applicant proposes to divide a 5,000 square feet lot into two parcels of 2,500 square feet each. The existing lot contains a house and shed which would be removed prior to Final Plat. The applicant intends to build a single-dwelling house on each lot.

As the site within a Design Overlay Zone, the applicant must demonstrate at the time of permitting that the proposed development would meet Chapter 33.218 Community Design Standards or request a required Design Review to approve proposed development prior to permitting.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, the City of Portland Planning and Zoning Code. The relevant criteria are:

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

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. This application was submitted on December 12, 2007 and determined to be complete on March 25, 2008.

ANALYSIS

Site and Vicinity: The site is a 5,000 square foot lot with frontage along SW 21st Avenue. Existing development is limited to a single dwelling house with a deck and a driveway. The surrounding vicinity is predominately single dwelling houses. SW 21st Avenue is a designated Local Service Street located in the Hillsdale Pedestrian District. SW 21st is improved only with a 10 feet wide paved roadway.

Zoning: The Residential 2,500 Single Dwelling Zone [R2.5] is intended to preserve land for housing and to provide housing opportunities for individual households. Single Dwelling zones implements the comprehensive plan policies and designations for single-dwelling housing. The Single Dwelling development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special regulations or exceptions.

The Design Overlay Zone (d) designation ensures that exterior alterations to existing development conserve and enhance the identified historic, scenic, architectural, and cultural values.

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 March 28, 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

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	33.611	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	Applicable - See findings below.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units.
G	33.635 .100	Clearing and Grading	Applicable - See findings below.
G	33.635 .200	Land Suitability	Applicable - See findings below.
H	33.636	Tracts and Easements	Not applicable - No tracts or easements have been proposed or will be required.
I	33.639	Solar Access	Not Applicable - All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
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 33.611 contains the density and lot standards applicable in the R2.5 zone. 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.

For Single-dwelling zones:

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

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

Minimum = $[5,000 \text{ square feet of site area minus entire site area if in landslide hazard area} * .80] \div 5,000 \text{ square feet} = 0 \text{ lots.}$

Maximum = $5,000 \text{ square feet of site area} \div 2,500 \text{ square feet} = 2 \text{ lots.}$

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 Section 33.611.200 of the Zoning Code):

	R2.5 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2
Minimum Lot Area	1,600 sq. ft.	2493	2493
Maximum Lot Area	NA		
Minimum Lot Width*	36 ft.	24.93	24.93
Minimum Lot Depth	40 ft.	100	100
Minimum Front Lot Line	30 ft.	24.93	24.93

* Width is measured at the minimum front building setback line

Narrow Lots

Parcels 1 & 2 are 11.07 feet wide — narrower than the standard minimum width for the R2.5 zone, as shown in the table above. Section 33.611.200.C for R2.5 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 Parcels 1 & 2 can meet the narrow lot standards for the following reasons:

Preserves on-street parking

- Exhibit C-1 shows that 15-feet of uninterrupted curb space will be preserved for every narrow lot along SW 21st Ave, after provision of driveways serving the lots (including the required 3 foot curb returns on either side of the driveway entrance). A condition of approval is required to assure that this curb space will continue to be preserved when the lots are developed or re-developed.

50 percent garage wall limitation

- As a condition of approval the applicant must demonstrate at the time of building permitting that the 50 percent garage wall limitation is being met or a Planned Development Review and Approval will be required prior to the issuance of building permits.

The findings above describe how the applicable lot standards are met. *With the conditions of approval described above, 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 or partially within the environmental zone. 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	Douglas-fir	15	No	No	No	-
2	Juniper	16	No	No	No	-
3	Sitka Spruce	10	No	No	No	-
4	Juniper	10	No	Yes	No	-
5	Chinese Empress	8	No	Yes	No	-
6	Linden	5	No	Yes	No	-
7	Plum	8	No	No	No	-
8	Western Red-Cedar	10	No	Yes	Yes	-
9	Western Red-Cedar	18	Yes	No	Yes	18
10	Western Red-Cedar	15	Yes	No	Yes	15
11	Western Red-Cedar	18	Yes	No	No	
12	Western Red-Cedar	15	No	Yes	Yes	
14	Cherry	7	No	Yes	No	

The total non-exempt tree diameter on the site is 100 inches. The total diameter of significant trees on the site is 51 inches. The applicant proposes to preserve significant trees 9, and 10

which comprise of 33 inches of diameter, or 33 percent of the total non-exempt tree diameter. This proposal complies with Option 2 of the tree preservation standards, which requires at least 50 percent of the significant trees on the site and at least 30 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 A-2).

This criterion is met, subject to the condition that development on Parcels 1 & 2 be carried out in conformance with the Tree Preservation Plan (Exhibit A-2) 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 relatively flat and located within the Potential Landslide Hazard Area. The proposed clearing and grading shown on Exhibit C-1 represents a minimal amount of change to the existing contours and drainage patterns of the site to provide for a surface for development. The contour changes proposed should not increase runoff or erosion because all of the erosion control measures shown on the grading plan must be installed prior to starting the grading work. Stormwater runoff from street improvements and lots will be appropriately managed by *flow through planters* to assure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report).

As shown above, the Preliminary Clearing and Grading Plan meets the approval criteria.

This criteria is met.

33.635.200 – Land Suitability

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

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

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

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

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

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

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

The site has approximately 50 feet of frontage on SW 21st Avenue. SW 21st Avenue is classified as a local service street for all modes in the Transportation System Plan and located in the Hillsdale Pedestrian District. Tri-Met provides transit service approximately 105 feet from the site on SW Beaverton-Hillsdale Highway/SW Capitol Highway via routes 54 and 56. Parking is currently allowed on both sides of SW 21st Avenue. There is one driveway entering the site that provides access to off-street parking for the existing house.

SW 21st Avenue is partially improved with a paved, 10 feet wide 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 half street standards, including paving, curb installation, stormwater facilities, sidewalk, street trees, and street lights, as needed, 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, an additional 4 feet of right-of-way must be dedicated along the frontage of the site. With those improvements, one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the condition that curb and sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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

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

- The water standards of 33.651 have been verified. An existing 5/8 inch water main is available in SW 21st Avenue. Water is available to serve the proposed development on Parcel 2 from the water main in SW 21st Avenue. The proposed Parcel 1 has an existing water service from that main. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8 inch CSP gravity public sanitary sewer located in SW 21st Avenue that can serve the sanitary needs of the proposed lots. Parcel 1 has an existing sewer service from that main. A new service branch to serve the proposed development on Parcel 2 will be required at the applicant's or owner's expense at the time of permitting. *As a condition of approval supplemental survey, with a development (site) plan is required at the time of Final Plat to show a means of access and individual the public sanitary sewer. See Exhibit E-1 for more details.*
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.
- Chapter 33.654 includes technical standards related to proposed public and private rights of way, including improvements within streets, pedestrian connections, common greens, and alleys. However, no new streets, pedestrian connections, common greens, or alleys are proposed or required within the land division site. The site meets the through street and pedestrian connectivity requirements. As result, the remaining standards and approval criteria related to street connectivity, location, and design are met or not applicable.

33.653.020 Stormwater Management Approval Criteria

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

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

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

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

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

The applicant has proposed the following stormwater management methods (Exhibit A-3), 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 to City standards, with curbs and sidewalks (discussed earlier in this report). Stormwater from these new impervious areas will be directed into a 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.

As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site 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.

- **Parcels 1 & 2:** Stormwater from these lots will be directed into flow-through planters that remove pollutants and suspended solids. The water will drain from the planters to the existing storm sewer in SW 21st Avenue. Each lot has sufficient size for individual planter boxes, and the Bureau of Environmental Services has indicated that the treated water can be directed to the existing storm sewer in SW 21st Avenue.

With the conditions of approval described above, the stormwater management criteria are met. *As shown by the findings above, the Services and Utilities criteria are met.*

DEVELOPMENT STANDARDS

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

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

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

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

- Narrow Lots-- development on Parcels 1 & 2 will be subject to the following standards at the time of development permitting:

- Height of the structures will be limited to 1.2/1.5 times the width of the structure, per 33.110.215.B.2; 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)

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 http://www.water.ci.portland.or.us/
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 http://www.bes.ci.portland.or.us/
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 http://www.fire.ci.portland.or.us/
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 http://www.trans.ci.portland.or.us/
Development Services	Titles 24 -27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 http://www.bds.ci.portland.or.us.

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

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.

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 2 narrow lots.

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

- Any buildings or accessory structures on the site at the time of the final plat application;

- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application in conformance with the Narrow Lot Standards of Section 33.611.200.C.;
- The proposed location of future building footprints to include the garage entries to demonstrate conformance with the Narrow Lot Standards of Section 33.611.200.C.; and stormwater facilities for each of the vacant lots.
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SW 21st Avenue. The required right-of-way dedication must be shown on the final plat.

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

Streets

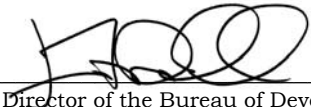
1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of SW 21st Avenue. The applicant shall provide plans and financial assurances to the satisfaction of the Bureau of Transportation Engineering and Development Review and the Bureau of Environmental Services for required street frontage improvements.

Existing Development

2. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on Exhibit A-2. All demolition work must be in conformance with the recommendations in the applicant's arborist report A-2.

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

1. As the site within a Design Overlay Zone, the applicant must demonstrate at the time of permitting that the proposed development would meet Chapter 33.218 Community Design Standards or request a required Design Review to approve proposed development prior to permitting.
2. Development will be in conformance with the 50 percent garage limitation standard of Subsection 33.110.253.E. or Planned Development Review will be required per Section 33.611.200.C.
3. Development on Parcels 1 & 2 shall be in conformance with the Tree Preservation Plan (Exhibit A-2) and the applicant's arborist report (Exhibit A-2). Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.
4. 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 December 23, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 26, 2008

Staff Planner: Justin Fallon Dollard

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 December 12, 2007, and was determined to be complete on March 25, 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 December 12, 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.

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 January 12, 2009** 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.**

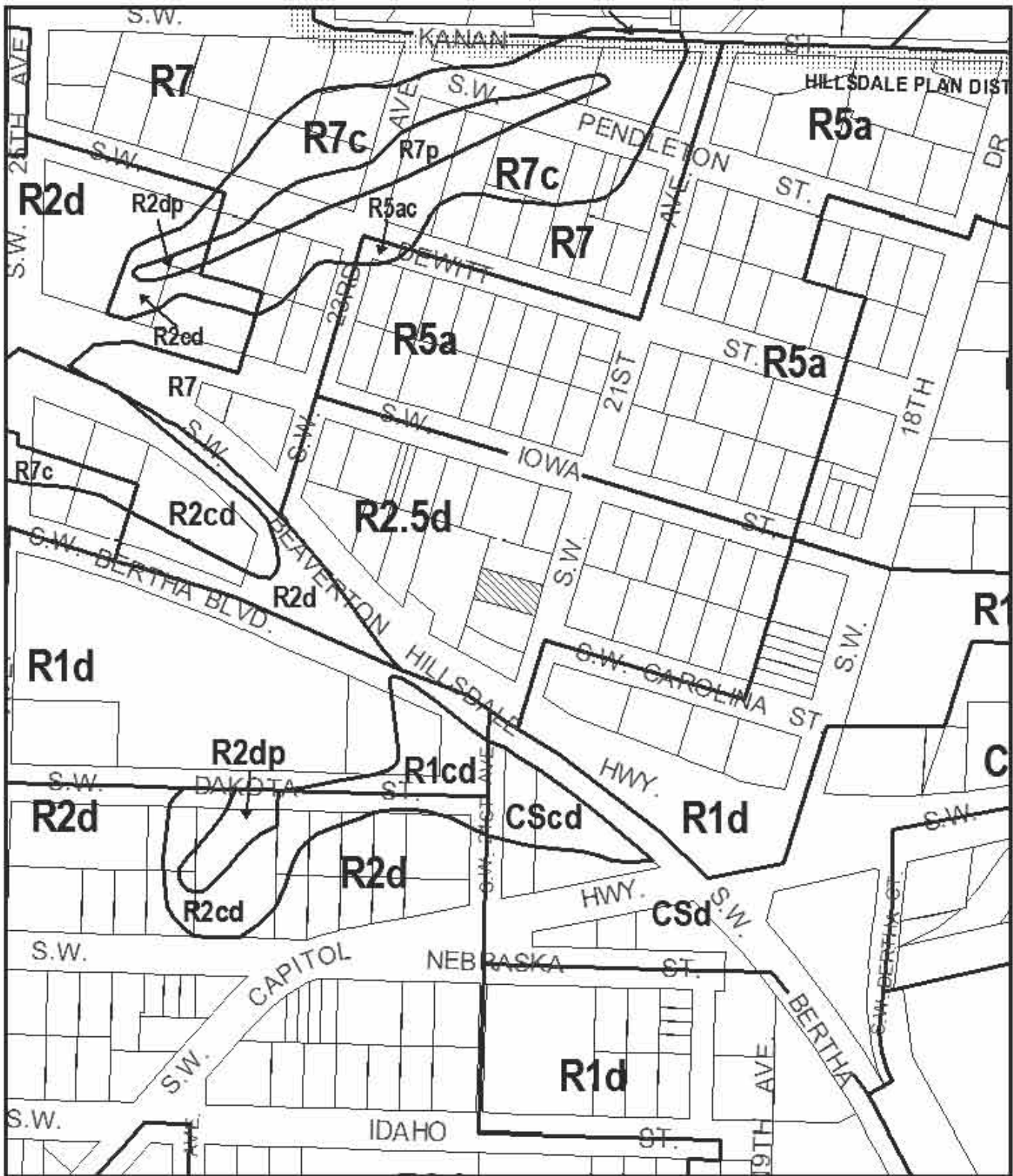
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
 - 1. Applicant's Statement
 - 2. Arborist Report and Tree Preservation Plan
 - 3. Stormwater Management Plan
 - 4. Geotechnical Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plan/Plat & Site Grading and Utility Plan (attached)
- 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
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Applicant Requests to Extend Review Timeline

The Bureau of Development Services is committed to providing equal access to information and hearings. If

you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

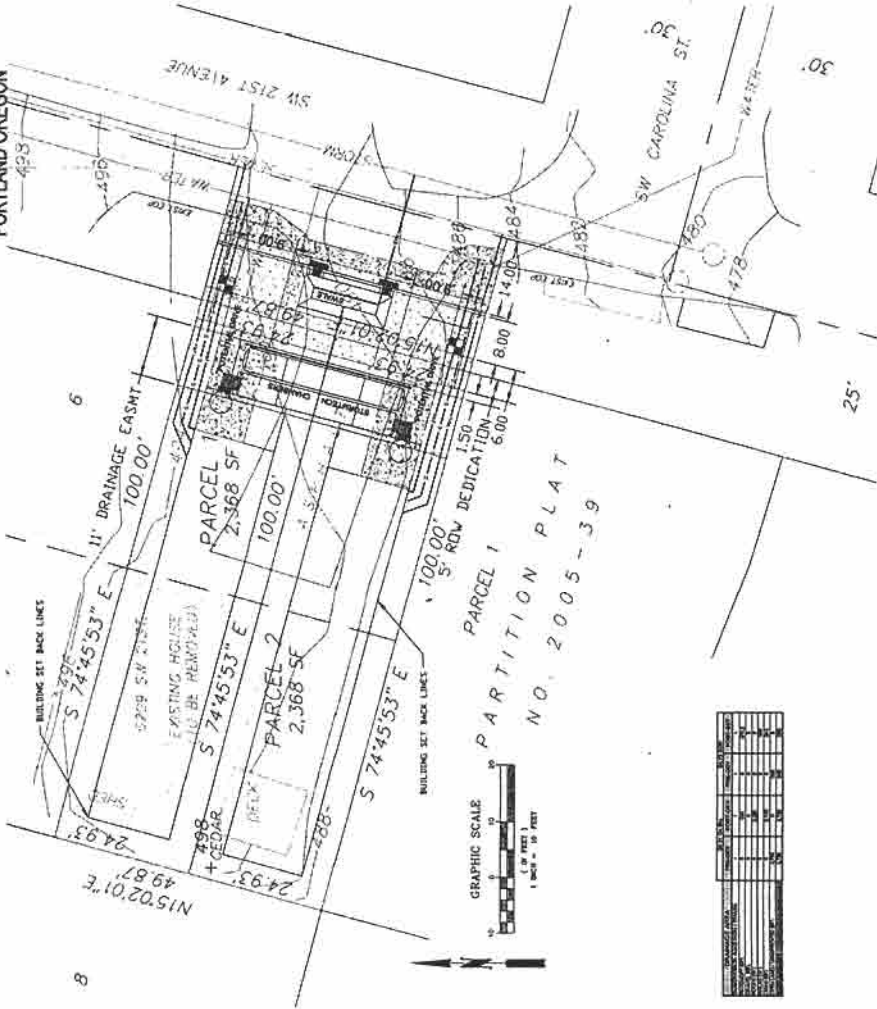
-  Site
-  Also Owned



This site lies within the:
EAST CORRIDOR PLAN DISTRICT

File No.	LU 08-118072 LDS
1/4 Section	3046
Scale	1 inch = 200 feet
State_Id	1N2E36DA 4900
Exhibit	B (Mar 26, 2008)

6209 SW 21ST AVE
PORTLAND OREGON



Author	
Check	
Drawn	
Revised	
Date	

KHE engineering
KHE ENGINEERING
1100 NE 8TH AVENUE
SUITE 200
PORTLAND, OREGON 97232
503.255.5522
CIVIL DESIGN

Project: 6209 SW 21ST AVENUE DEVELOPMENT LU 07-182637
Project Mgr: K. HODDGE
Drawn: []
Checked: []
Date: 3/20/08
Sheet Count: []

PRELIMINARY GRADING UTILITY PLAN
Sheet No. C1.0
KH E.W.D. 08-002

GENERAL CONSTRUCTION NOTES:

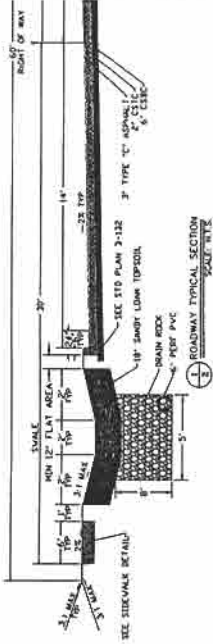
- GRADING IS PRELIMINARY. ACTUAL GRADING MAY VARY FROM WHAT IS SHOWN ON THIS PLAN. THE CONTRACTOR SHALL VERIFY THE EXISTING GRADE AND TOPOGRAPHY OF THE SITE AND ADJUST THE GRADING PLAN TO ACCORD WITH THE ACTUAL CONDITIONS. THESE PLANS ARE IN CONFORMANCE WITH CITY LAND USE ACTION CHARTER.
- IN ORDER TO PROTECT UNDERGROUND UTILITIES, CONTRACTORS PERFORMING THE WORK SHALL LOCATE ALL UTILITIES IN ACCORDANCE WITH CITY STANDARDS AND OREGON REGULATIONS. THESE PLANS ARE IN CONFORMANCE WITH CITY STANDARDS AND OREGON REGULATIONS. THESE PLANS ARE IN CONFORMANCE WITH CITY STANDARDS AND OREGON REGULATIONS.
- THE CONTRACTOR SHALL MAINTAIN ALL UTILITIES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR REPAIRING ANY UTILITIES DAMAGED DURING THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN ALL UTILITIES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR REPAIRING ANY UTILITIES DAMAGED DURING THE CONSTRUCTION OF THE PROJECT.
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GRADING NOTES:

- ALL GRADING SHALL BE TO FINISH GRADE UNLESS OTHERWISE NOTED.
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GENERAL UTILITY NOTES:

- ALL UTILITY AND STORM WATER SERVICE LINES SHALL CONFORM TO THE CITY OF PORTLAND STANDARDS AND SPECIFICATIONS.
- STORM WATER SERVICE LINES SHALL GRAVITY FEED TO THE EXISTING SEWER MAIN SW 21ST AVENUE.
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CASE NO. 07-182637-10P
EXHIBIT C-1

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