



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: February 9, 2009
To: Interested Person
From: Mark Bello, Land Use Services
503-823-7810 / mark.bello@ci.portland.or.us

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 08-117467 LDP

GENERAL INFORMATION

Applicant	Owner
Mark Person Ph: (503) 284-5896 WB Wells & Associates 4290 NE Fremont St Portland OR 97213	David J Palumbo Co Inc P O Box 42065 Portland, OR 97242-0065

Site Address: 014 SW Palatine Hill Rd

Legal Description: LOT 12 BLOCK 4, COLLINS VIEW TR
Tax Account No.: R171601170
State ID No.: 1S1E27BB 04500
Quarter Section: 3929

Neighborhood: Collins View, contact Dave and Dixie Johnston at 503-636-0959.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Zoning: R7 Residential 7,000
Other Designation Landslide Hazard

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

Proposal:

The applicant proposes to divide a 7,500 sq. ft. site at the southeast corner of SW Briar Place and SW Palatine Hill Road into two parcels. Each parcel will be 3,750 sq. ft. in area. The preliminary improvement plan indicates that these will be attached houses that each access different streets bordering this corner lot. In the R7 zone attached houses on a corner lot are allowed as an "alternative development option" (Section 33.110.240 E).

The applicant plans to protect a 20.5-inch Atlas cedar at the northwest corner of the site and 22-inch diameter Doug fir at the southeast corner of the site.

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).

Relevant Approval Criteria:

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

ANALYSIS

Site and Vicinity: The site is an approximately 75 x 100 foot parcel located at the southeast intersection of SW Briar Place and SW Palatine Hill Road. The site slopes gradually from south to north, with embankments adjacent to SW Briar Place and SW Palatine Hill Road.

The site is currently vacant. A rental duplex has been demolished and removed from the site. The permit has not received a final inspection and sign-off by the City (“finaled” permit) so there may be some infrastructure associated with the duplex still on-site.

There are currently six trees on-site, two are considered exempt from tree protection standards due to root decay.

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

Land Use History: A residential permit was issued in 2006 to demolish a duplex, apparently vacant since 1996 or 1997 (2006-150171 RS). This permit is not finaled.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on October 14, 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: The Collins View Neighborhood Association responded on November 4, 2008. The neighborhood opposes the partition with access to SW Palatine Hill Road from both proposed lots.

Staff note: The applicant has submitted revised elevations that show that each attached houses gaining access from a different street – Parcel 1 from SW Briar Place and Parcel 2 from SW Palatine Hill Road.

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	33.610	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	Applicable - See findings below.
E	33.633	Phased Land Division or Staged Final Plat	Not Applicable – Phased/staged development is not proposed by the applicant
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 – Solar Access regulations apply to detached houses only.
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and Utilities	Applicable - See findings below

Applicable Approval Criteria are:

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

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

Density Standards

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

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

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

Minimum = No minimum as the entire site is within the landscape hazard area.

Maximum = Standard maximum density calculation is as follows:

7,500 square feet ÷ 7,000 square feet = 1.07 (which rounds down to a maximum of one parcel, per 33.930.020.B)

However, Section 33.110.240 E. of the Zoning Code allows an additional unit of density for attached houses on a corner lot. So, two units are allowed if all qualifying situations are met. The applicant meets zoning and site size criteria as described below. Other qualifying requirements such as entrances on each different street must be met at the time of building permit.

Therefore, 2 lots are allowed provided they are developed with attached houses that meet the requirements of Section 33.110.240 E. The density standards are therefore met.

Lot Dimensions

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

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

	R7 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2
Minimum Lot Area	4,200 sq. ft.	3,750 sq. ft.	3,750 sq. ft.
Maximum Lot Area	12,000 sq. ft.		
Minimum Lot Width	40 ft.	50 ft.	50 ft.
Minimum Lot Depth	55 ft.	75 ft.	75 ft.
Minimum Front Lot Line	30 ft.	50 ft.	50 ft.

Attached Houses on Corner Lots

Parcels 1 and 2 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. 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), Parcels 1 and 2 combined are 7,500 square feet in area, which exceeds the minimum requirement of 4,200 square feet in the R7 zone. Therefore, the corner lot may be divided to create Parcels 1 and 2 as proposed.

Therefore, this criterion is met provided that the site is developed with attached houses that meet the requirements of Section 33.110.240 E.

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). Two trees have been exempted by the arborist because they are unhealthy. The inventory identifies the following trees on the site:

Tree #	Species	Diameter (inches)	Significant? (On Table 630-1)	Exempt? (per 33.630.030)	To be retained?	RPZ (Root Protection Zone)
624	Atlas cedar	20.5	No	No	Yes	12.5 ft.
625	Douglas fir	20	Yes	No	No	
626	Douglas fir	19.5	Yes	No	No	
627	Douglas fir	22	Yes	No	Yes	12.5 ft.
628	Oregon maple	17	No	Yes	No	
629	Oregon maple	16	No	Yes	No	

The total non-exempt tree diameter on the site is 82 inches. The applicant proposes to preserve trees 624 and 627 which comprise of 42.5 inches of diameter, or 51 percent of the total non-exempt tree diameter. The proposed root protection zone is 12.5 feet for the Atlas cedar, #624, and Doug fir, #627. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total tree diameter on the site to be preserved. The applicant has provided a Tree Preservation Plan showing the preserved trees and the required root protection zones (Exhibit C-5).

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.

33.632.100 Landslide Hazard Area Approval Criterion

The following approval criterion must be met: Locate the lots, buildings, services and utilities on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

Findings: The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site is reasonably limited.

In order to evaluate the proposal against this criterion, the applicant has submitted a geotechnical evaluation of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibits A-3 and A-4). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability.

The applicant's geotechnical evaluation indicates that partitioning and development of the site as proposed will have no adverse impact on the slope stability of the site, or of adjacent sites. Subsurface disposal of storm runoff should be feasible, provided the system is professional designed to fit the site conditions.

Site Development has reviewed revised preliminary grading plans dated November 7, 2008 (Ex. C-4) and an addendum to the Landslide Hazard Study dated October 20, 2008 from Northwest Geological Services, Review of Soakage Trench Plan (Ex. A.4). Based on Northwest Geological Services' analysis that the soakage trench design is appropriate for the site and for the geological conditions, Site Development finds that the approval criterion for stormwater can be met utilizing on-site infiltration and has no objection to the proposed conceptual stormwater design. Additional information may be required at the time of building permit review.

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: 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 located in the Potential Landslide Hazard area. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

No grading is proposed except for grading required to build the attached houses. Site Development will review that construction permit. Proposed stockpile areas are located on each parcel. The applicant also provided a Tree Protection Plan (Exhibit C-5) that designates areas on the site where grading should not occur in order to protect the roots of the trees on the site that will be preserved, and an arborist report (Exhibit A-2) that further defines a tree protection area that will not be graded. The stockpile area on Parcel 1 should not conflict with the required root protection zone for trees 624 and 627.

As shown above the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the applicant's Landslide Hazard Study as well as any additional geotechnical information required at the time

of permit submittal to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan. 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.

Findings: The site is currently vacant but a demolition permit for the former duplex is not yet finalized. When the permit is finalized, any sanitary issues will be resolved. Prior to final plat, the applicant must final the demolition permit (LU 06-150171 RS). With this condition, the new lots can be considered suitable for new development, and 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 100 feet of frontage on SW Palatine Hill Road and 75 feet of frontage on SW Briar Place. SW Palatine Hill Road is designated in the City's Transportation System Plan as a Local Service Traffic Street, a City Bikeway, and City Walkway with all other designations as Local Service.

SW Briar Place is designated as a Local Service Street for all modes in the City's Transportation System Plan.

Transit service is provided on Terwilliger less than 1/2 mile from the site (bus lines 38 and 39); however, there are limited pedestrian facilities between the site and the bus lines on Terwilliger.

The site is vacant, and there are no existing off-street parking spaces on the site.

SW Palatine Hill Road along the site frontage is improved with one through travel lane in each direction (approximately 22 feet of pavement), with no curbs or sidewalks in the vicinity of the

site. The applicant will be required to install a 6-foot wide pedestrian sidewalk/pathway along the SW Palatine Hill Road site frontage that will be separated from the roadway approximately 8 feet.

SW Briar Place is improved with approximately 20 feet of pavement along the site frontage with no curbs or sidewalks.

The existing width of SW Palatine Hill Road is not wide enough to accommodate on-street parking. On-street parking is currently occurring on SW Briar Place where gravel shoulders exist. With the low density R7 zoning in the area there are no significant on-street parking impacts expected with the subject land division.

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 to and from the proposed development. With those improvements, two additional dwellings 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 pedestrian pathway improvements are made at the time of development.

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. Water is currently available to Parcel 2 from the existing 5/8-inch main in SW Briar Place. The applicant will need to purchase a separate metered water service for Parcel 2 from an 8-inch main in SW Palatine Hill Road. Service will be sized during Building Permit application, with fees added directly to the Building Permit. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing lateral on SW Palatine Hill Rod. In the vicinity of the proposed property line between Parcel 1 and 2. This lateral can be used for Parcel 1. A new service branch to the main line will be required to be constructed to serve Parcel 2 at the applicant's or owner's expense. See Exhibit E-1 for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.

33.653.020 Stormwater Management Approval Criteria

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

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

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

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

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

The applicant has proposed the following stormwater management methods (Exhibits A-3 and A-4), and the Bureaus have responded as follows (Exhibits E-1 and E-5):

- **Parcels 1 and 2:** Stormwater from these lots will be directed to individual soakage trenches that will treat the water and slowly infiltrate it into the ground. The applicant's geotechnical report indicated that 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 as shown on Exhibit C-4. Site Development has indicated conceptual approval of the soakage trenches. The soakage trenches illustrated by Exhibit C-4 are conceptual. Actual configuration will differ as tree number 624 must be preserved.

The stormwater management 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 -
33.654.120.C.1	Width of the street right-of-way	Not applicable - No new streets are proposed or required.
33.654.120.C.3.c	Turnarounds	Not applicable - No turnarounds are proposed or required.

Code Section	Topic	Applicability Findings
33.654.120.D	Common Greens	Not applicable – No common greens are proposed or required.
33.654.120.E	Pedestrian Connections	Not applicable – There are no pedestrian connections proposed or required.
33.654.120.F	Alleys	Not applicable – No alleys are proposed or required.
33.654.120.G	Shared Courts	Not applicable – No shared courts are proposed or required.
33.654.130.A	Utilities	Applicable - See findings below.
33.654.130.B	Extension of existing public dead-end streets and pedestrian connections	Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site.
33.654.130.C	Future extension of proposed dead-end streets and pedestrian connections	Not applicable – No street extensions are required to serve abutting sites that are further dividable.
33.654.130.D	Partial rights-of-way	Not applicable – No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

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

Findings: The site is located between (SW Briar Place and SW View Point Terrace which have a distance between them of approximately 200 feet in an east-west direction. In the north-south direction SW Palatine Hill Road and SW Alice Street are approximately 450 feet. Optimal spacing is 30 feet for pedestrian connections and 530 feet for through streets. So, there should

be one east-west pedestrian connection on this block that is bounded by these four streets. As the subject site is at the northwest corner of this block, no connection is warranted here.

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

The only new through pedestrian connections included in the proposal are new sidewalks along the frontage of the site along SW Palatine Hill Road. This is a straight-line connection on which users will be able to see the ending of the pedestrian route from the entrance. For the reasons described above, this criterion is met.

Portland Transportation will not require right-of-way dedication along either street frontage.

As shown by the findings above, the Services and Utilities criteria are 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. At this time no specific utility easements adjacent to the streets 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.

- 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 Parcel 1 must be oriented toward SW Briar Place and development on Parcel 2 must be oriented toward SW Palatine Hill Road. Additional building setback and landscape development standards apply to new development. (New standards came into effect January 16, 2009.)

The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R7 zone. Therefore, 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.

Development must meet fire flow and water pressure requirements as well.

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 two lot partition, as shown on the attached preliminary plan (Exhibit C-2). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are:

- Density/development standards for the attached houses on this corner lot
- Stormwater management
- Pedestrian improvements along SW Palatine Hill Road
- Tree preservation

With conditions of approval that address the approval criteria, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two-lot partition, that will result in two parcels for attached houses on a corner site, as illustrated with Exhibit C-2, subject to the following conditions:

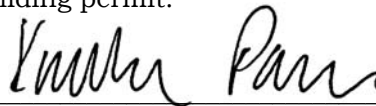
A. The following must occur prior to Final Plat approval:

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. If an exception is utilized by an appeal granted to meet this condition, the applicant must execute an Acknowledgement of Special Land Use Conditions with the final plat.

2. The demolition permit for the prior structure on the site must be finalized (Permit 2006-150171 RS).

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

1. Development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C-5) and the applicant's arborist report (Exhibit A-2). Specifically, trees numbered 624 and 627 are required to be preserved, with the root protection zones indicated on Exhibit C-5. 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 the specified methods of construction, and that the activities will be performed under his supervision. No materials may be stockpiled within the root protection zone. Each soakage trench shall be located outside root protection zones.
2. Pedestrian pathway improvements along SW Palatine Hill Road must meet the requirements of the City Engineer as a condition of the building permit approval.
3. Parcels 1 and 2 shall be developed with attached houses on corner lots and meet the standards of Section 33.110.240 E.
4. The applicant must document how condition A.1 is met. If sprinklers are required, these shall be shown on the building permit.

Decision rendered by:  on February 5, 2009
By authority of the Director of the Bureau of Development Services

Decision mailed February 9, 2009

Staff Planner: Mark Bello

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 24, 2008, and was determined to be complete on September 15, 2008.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 24, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit G-5.

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 February 23, 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.

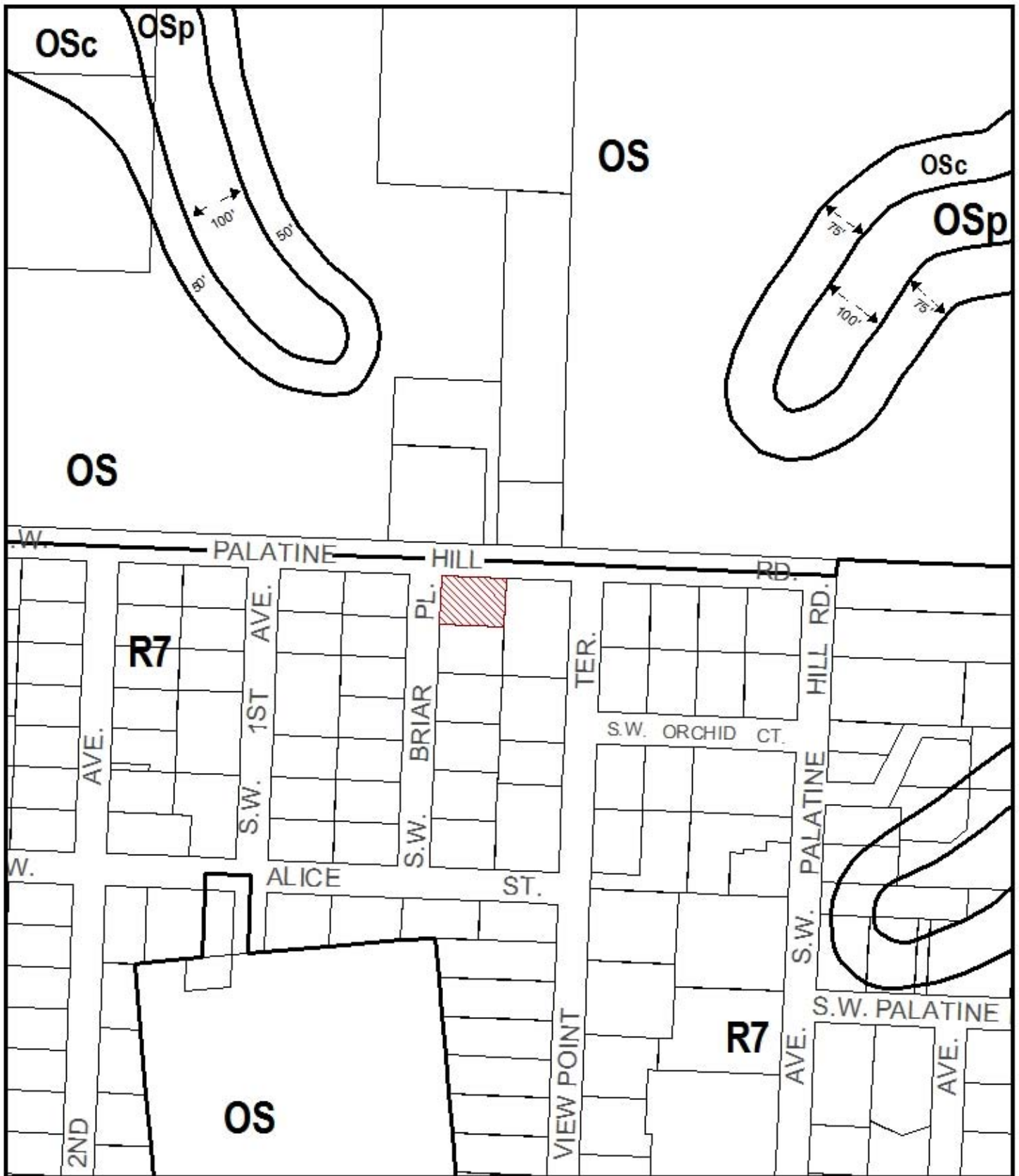
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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
 - 1. Approval Criteria
 - 2. Tree Report
 - 3. Northwest Geological Services, March 10, 2008
 - 4. Northwest Geological Services, October 20, 2008
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions
 - 2. Preliminary Plan (attached)
 - 3. Utility Plan
 - 4. Preliminary Grading Plan (received 11/7/08)
 - 5. Tree Protection Plan (attached)
 - 6. Front Elevation
 - 7. Right Side Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services – 11/10/08 and 12/1/08
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS – 11/7/08 and 12/1/08
 - 6. Fire and Life Safety, BDS
- F. Correspondence:
 - 1. Collins View Neighborhood, 11/4/08
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Land Use Application
 - 4. Applicant's Type Iix notice to Collins View Neighborhood
 - 5. Applicant Request for Extension

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



NORTH

File No.	<u>LU 08-117467 LDP</u>
1/4 Section	<u>3929</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E27BB 4500</u>
Exhibit	<u>B (Mar 25, 2008)</u>

W.E. WELLS
 PROFESSIONAL LAND SURVEYOR
 1000 N. W. 10th St., Suite 100
 Portland, Oregon 97227
 Phone: 503-241-1111
 Fax: 503-241-1112



PRELIMINARY PLAN
 2 LOT PARTITION
 6 SW PALATINE HILL ROAD
 PORTLAND, OREGON

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

DATE: 03/17/08
 PROJECT: 03-282

DAVE PALUMBO

DATE: 03/17/08
 PROJECT: 03-282

REVISIONS:

SHEET LAYOUT 10/08

DESIGNED BY: BSS

DRAWN BY: SOV/DCA

CHECKED BY: BSS

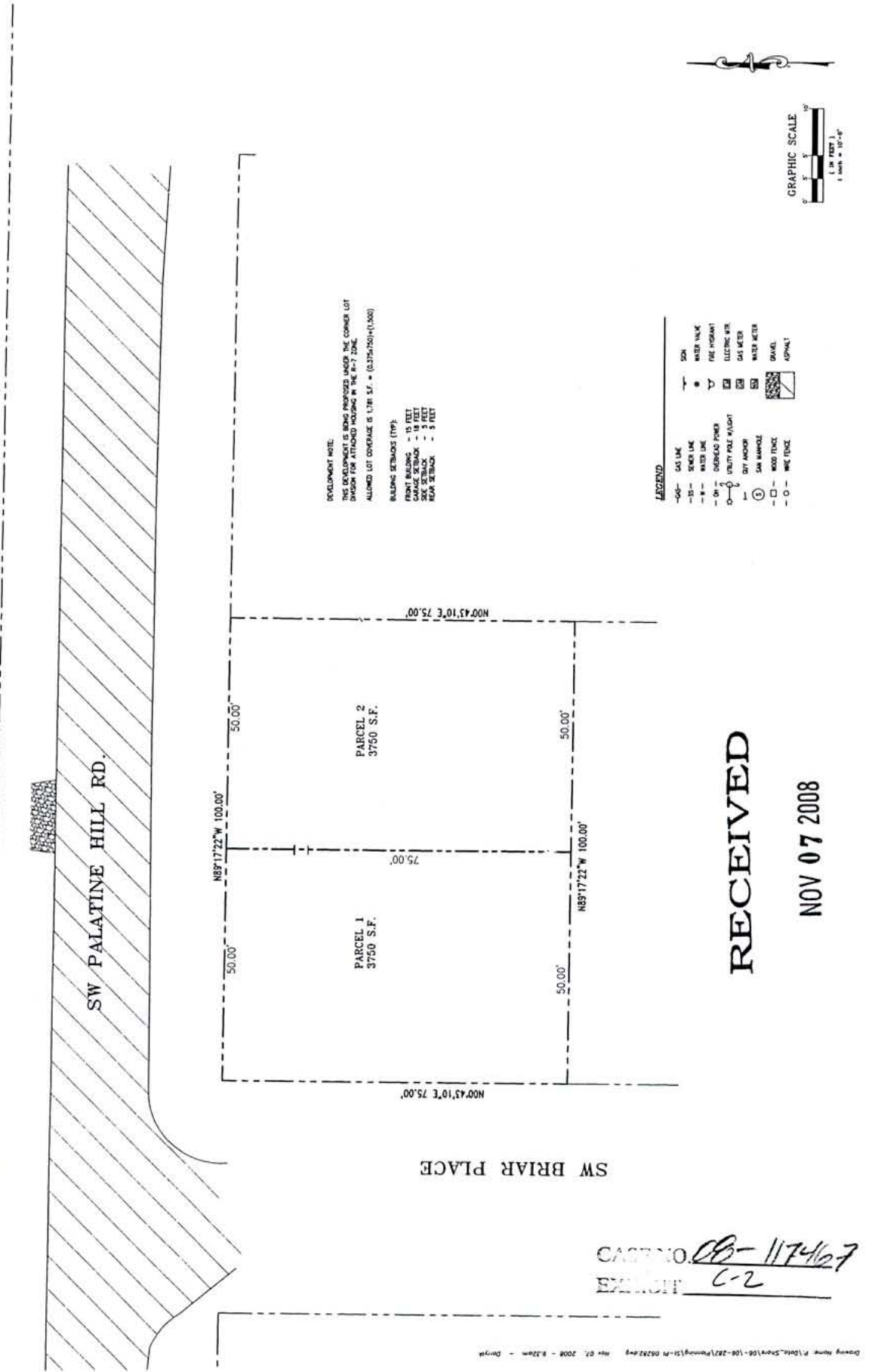
FILE #:

POST DATE: 03/17/08

JOB NO: 03-282

W.E. WELLS, INC.

SHEET 2 of 5



RECEIVED
 NOV 07 2008

CASINO 08-117467
 EXHIBIT C-2

