



This partition proposal is reviewed through a Type II procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent Adjustment review is required (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:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The approval relevant criteria are found in:

Section 33.660.120 Approval Criteria for Land Divisions in Residential and Open Space zones

Section 33.805.040 Adjustments - Approval Criteria

ANALYSIS

Site and Vicinity: The site is long and narrow, relatively flat, sloping slightly to the south and east. The Springwater Trail Corridor abuts the site on the south property line. There is no direct access to the trail from the site but there is an access point approximately 250 feet to the east on SE Harney St. There are no trees on the site. There is a pending demolition permit to remove the house on the site.

Zoning: This site is zoned R2a, Multi-dwelling Residential 2000 with an Alternative Design Density Overlay zone. The R2 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing. Zoning in the surrounding area is mixed multi- and single dwelling residential, ranging from R2 to R7. Properties on the south side of the Springwater Corridor, zoned Open Space, are zoned Industrial.

Land Use History: City records indicate there are two prior land use reviews for this site (LU 98-015402 and LU 09-152515 AD). Both were adjustment reviews and both were withdrawn.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed February 16, 2010. The Water and Fire Bureaus have responded with no issues or concerns. Other Bureau responses are discussed later in this report.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 16, 2010. Two people called with general inquiries, one from the Neighborhood Association. Neither voiced objections or concerns about the proposal and did not submit written comments.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter	Topic	Applicability Findings
A	33.612	Lots	Applicable - See findings below
B	33.630	Trees	Not applicable - No significant trees or trees in excess of 6 inches in diameter located fully on the site/outside of the environmental zone on the site.
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 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 outside of environmental zones.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and Utilities	Applicable - See findings below

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the lot dimension requirements applicable in the Multi-dwelling zones. These density and lot dimension requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development

opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

When single-dwelling or duplex development is proposed for the entire site or part of it, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in *Ch 33.120, Table 120-3*. When development other than single-dwelling or duplex development is proposed, minimum and maximum density must be met at the time of development. The applicant is proposing single dwellings so the density standard must be met at the time of the land division.

The total site area before required dedications for street and stormwater facilities is 9455 square feet. Site area devoted to streets is subtracted from the total site area in multi-dwelling zones in order to calculate the minimum and maximum density. Bureau of Transportation anticipates that a minimum 5-foot street dedication will be required. Depending on the final design for stormwater facilities in the right-of-way the dedication may be increased but this will not be known until the final plat stage. These requirements are described later in this report. Based on the site plans submitted which show a 9-foot dedication, the net site area will be 9010 square feet. It is possible that only a 5-foot dedication will be required, but that will not be known until the final plat stage. The land use decision will incorporate this possible variation in site area. Parcels 1 and 2 are proposed for single dwelling development. The density for this site, based on single dwelling development, is calculated as follows:

Minimum = $9010 \text{ (net site area)} \div 2500 \text{ (minimum density from Table 120-3)} = 3.61$ (which rounds up to a minimum of 4 units, per 33.930.020.A).

Maximum = $9205 \text{ (net site area)} \div 2000 \text{ (maximum density from Table 120-3)} = 4.51$ (which rounds down to a maximum of 4 units, per 33.930.020.B).

The applicant is proposing a density of two which does not meet the minimum standard of four. Therefore an adjustment to the minimum density is required. Approval criteria for the adjustment are discussed later in this report and recommended to approval. With an approved adjustment this criterion can be met.

Lot Dimensions

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

The dimensions of the proposed lots as compared to the required lot dimension requirements are shown in the following table (this information is in *Table 612-1, Chapter 33.612 of the Zoning Code*):

Lots for Detached Houses	R2 Zone Requirement	Proposed Lot 1	Proposed Lot 2
Minimum Lot Area	1,600 sq. ft.	4467 sq. ft. *	4008 sq. ft. *
Minimum Lot Width*	25 ft	27 ft.	27 ft.
Minimum Lot Depth	none	196 ² ft	166.5 ft ²
Minimum Front Lot Line	25 ft.	25 ft.	25 ft.

* Parcel area excludes 125 sq. ft. street dedication for each lot

¹ Width is measured from the midpoints of the side lot lines.

² Lot depths measured after street dedication of 5 ft. along SE Harney St.

The proposed parcels exceed the minimum lot dimensions, as shown in the table above. 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 divided into 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 at the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. There are no trees required to be preserved in the areas where new development on the site is anticipated. No grading will be required in order to site new houses. Some grading may be required to construct street improvements but, if needed, can be accomplished with the street dedication area. This criterion is met because grading, if needed, will be limited to street improvements and will not change the elevation or drainage patterns in the area to be developed with houses.

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 in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old cesspool on the site. The City has no record that at this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. There is a pending demolition permit (10-117380 RS) for the removal of the house on the site. Prior to Final Plat approval, final approval of the demo permit will be required and must include a sewer cap inspection (unless otherwise approved by the Residential Inspection Section). With these conditions, 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 50 feet of frontage on SE Harney St. which is classified as a local service street for all modes in the Transportation Element of the Comprehensive Plan. Tri-Met provides transit service approximately 0.2 miles from the site on SE 82nd Ave via bus #72. Parking is currently allowed on SE Harney St on both sides. There is one driveway entering the site that provides access to off-street parking for the existing house that has been demolished. SE Harney St. is improved with an 18 foot road way within a 40-foot wide public right-of-way. There is no curb, planter strip or sidewalk.

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 5 feet of right-of-way must be dedicated along the frontage of the site. Additional dedication may be required to accommodate associated stormwater facilities as discussed later in this report. With those improvements and dedication, 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 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.

In an initial response to this application PBOT indicated that a 9-foot dedication would be likely be required to accommodate street improvements and a stormwater swale. However BES indicates that a planter is now proposed instead of a swale, which may fit within a 5-foot wide street dedication. The final size will be determined during the public works process and prior to final plat approval.

- The water standards of 33.651 have been verified. An existing 12 inch water main is available in SE Harney St. Water is available to serve the proposed development from this water main. There is existing water service from that main that will remain in place to serve Parcel 2. New water service will be required to serve Parcel 1. See Exhibit E-3 for more details.

- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch PVC sanitary only sewer line in SE Harney St. that can serve the sanitary needs of the proposed lots. There appears to be an existing lateral available to serve Parcel 2. A new service branch will be required to serve Parcel 1. 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:

- A. No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
- B. 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 to use soakage trenches for the roof area of proposed houses. BES and BDS Site Development have found this method to be acceptable. See (Exhibits E-1 and E-5 for more details

- **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 4-foot wide public infiltration planter between the two proposed driveways. BES has indicated that this concept is acceptable and must be approved through a Public Works permit process. As a condition of approval BES will require a Public Works permit to be initiated, submission of an approvable engineered design, a financial guarantee and engineering fees prior to final plat approval.
- To accommodate this stormwater facility within the public right-of-way, it must fit within the 5-foot street dedication on SE Harney St. However, additional dedication may be required as a result of more detailed design during Public Works permitting process. The final dedication that can accommodate all public improvements must be shown on the final plat.

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. Each lot has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. Site Development has indicated conceptual approval of the soakage trenches.

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 common green/shared court/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	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.
33.654.130.E	Ownership of Alleys	Not applicable- No alleys 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 less than 200 feet from the intersection of SE Springwater Drive and SE Harney Street. Therefore no additional connectivity is required.

New sidewalks will be constructed along the frontage of the site along SE Harney St in conjunction with other street improvements. This is a straight-line connection on which users will be able to see the ending of the pedestrian route from the entrances of new houses.

For the reasons described above, this criterion is met.

Utility Location, Extension of Streets, Partial Rights of Way

33.654.130 Additional Approval Criteria for Rights-of-Way

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

Findings: Utilities are defined in the Zoning Code as telephone, cable, natural gas, electric, and telecommunication facilities. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

APPROVAL CRITERIA FOR ADJUSTMENTS

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.40 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The purpose of density standards is to 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. The standards promote development opportunities for housing and promote urban densities in less developed areas. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

The applicant's site is unusually long relative to its street frontage width of 50 feet, making it difficult to divide it so that all lots have street frontage. The applicant has chosen to develop the site with detached single dwelling units, which is allowed in the R2 zone. Dividing the site in half results in two lots, each with 25 feet of street frontage, which is the minimum lot width for detached houses in the zone. Other configuration might be possible but would involve reducing the site area due to right-of-way dedication. With the required 5-foot street dedication along SE Harney St. the minimum density of the site is four units, two more than is proposed. Accessory dwelling units could be added to the proposed houses on both lots which would increase the density to four. The proposed configuration allows efficient use of land with a minimum of additional impervious surface for streets. The rear lot lines are adjacent to the Springwater Corridor. There is a development standard requiring a 20 foot landscaped setback from the Corridor which further reduces the land available for development.

This criterion is met because the configuration of the site constrains development opportunities. The proposed house types are allowed and the lot width that will accommodate them is a minimum of 25 feet. The loss of two housing units will not significantly reduce housing opportunities and can be mitigated in the future with the addition of accessory dwelling units.

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings : The surrounding residential area is already developed with detached houses, many on small lots. Adding two new units instead of four will have less impact on the appearance of the street and traffic. Therefore reducing the density by two units will not significantly detract from the livability or appearance of the street or neighborhood. Therefore this criterion is met.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings : Only one adjustment is proposed so this criterion does not apply.

- D. City-designated scenic resources and historic resources are preserved; and

Findings : This criterion does not apply because there are no identified City-designated scenic resources or historic resources on the site

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The main impact resulting from the adjustment is loss of two housing units. As discussed above, accessory dwelling units could be constructed in the future which would mitigate for the loss. Therefore this criterion is met.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: This criterion is not applicable because the site is not in an environmental zone.

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:

Required Setback from Springwater Corridor: This setback requirement applies to sites that abut the Springwater Corridor (see *Ch. 33.537.130 Springwater Corridor Standards*). A 20 foot landscape buffer meeting the L1 standard of *Ch. 33.248, Landscaping and Screening* is required for new development on residentially zoned lots abutting the Corridor. The purpose of this setback ensures protection of the Corridor as a transportation, recreation and scenic amenity.

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

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; 2008 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/

Bureau	Code Authority	Topic	Contact Information
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.

Parks - Urban Forestry : The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip along the SE Harney St. frontage at the time of construction of street improvements. This requirement is based on the standards of Title 20. (see Exhibit E.6)

CONCLUSIONS

The applicant has proposed a 2 parcel partition in conjunction with an adjustment to minimum density, as shown on the attached preliminary plan (Exhibits C.2 and C.3). 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: minimum density; transportation impacts and stormwater treatment.

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

ADMINISTRATIVE DECISION

Approval of a two-lot partition as illustrated on the approved site plans, Exhibits C-2 and C-3, signed and dated March 31, 2010, subject to the following conditions:

Approval of an adjustment to reduce the minimum density from four units to two units

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer and Bureau of Environmental Services for SE Harney St. The required final dedication must be shown on the final plat.
2. The final plat shall show the final area and dimensions for the two parcels reflecting required street dedication requirements.
3. Street plans must show required street trees.

B. 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 SE Harney St. 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 and Existing Development

1. Prior to final plat approval the applicant must obtain final approval of a demolition permit that includes capping of the existing building sewer (unless otherwise approved by the Residential Inspections Section).
2. Prior to final plat approval the applicant must obtain final approval of a cesspool decommissioning permit.

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

1. The applicant must plant street tree(s) in the planter strip on SE Harney St frontage. Street trees shall be included in all street improvement plans. Street trees will be chosen from the City's approved street tree list for the 4-foot planting strip. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.
2. The minimum and maximum density for the lots in this land division are as follows:

Lot	Minimum Density	Maximum Density
1	1	2
2	1	2

Staff Planner: Sue Donaldson

Decision rendered by: _____ on March 29, 2010
 By authority of the Director of the Bureau of Development Services

Decision mailed April 1, 2010.

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 11, 2009, and was determined to be complete on February 11, 2010.

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 11, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

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 April 15, 2010 at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, 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 503-823-7617 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.

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of an adjustment of the minimum density from four to two. This other concurrent approval must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of an adjustment to minimum density. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: Approval of an adjustment to reduce the minimum density on the site from four to two units. This approval expires if:

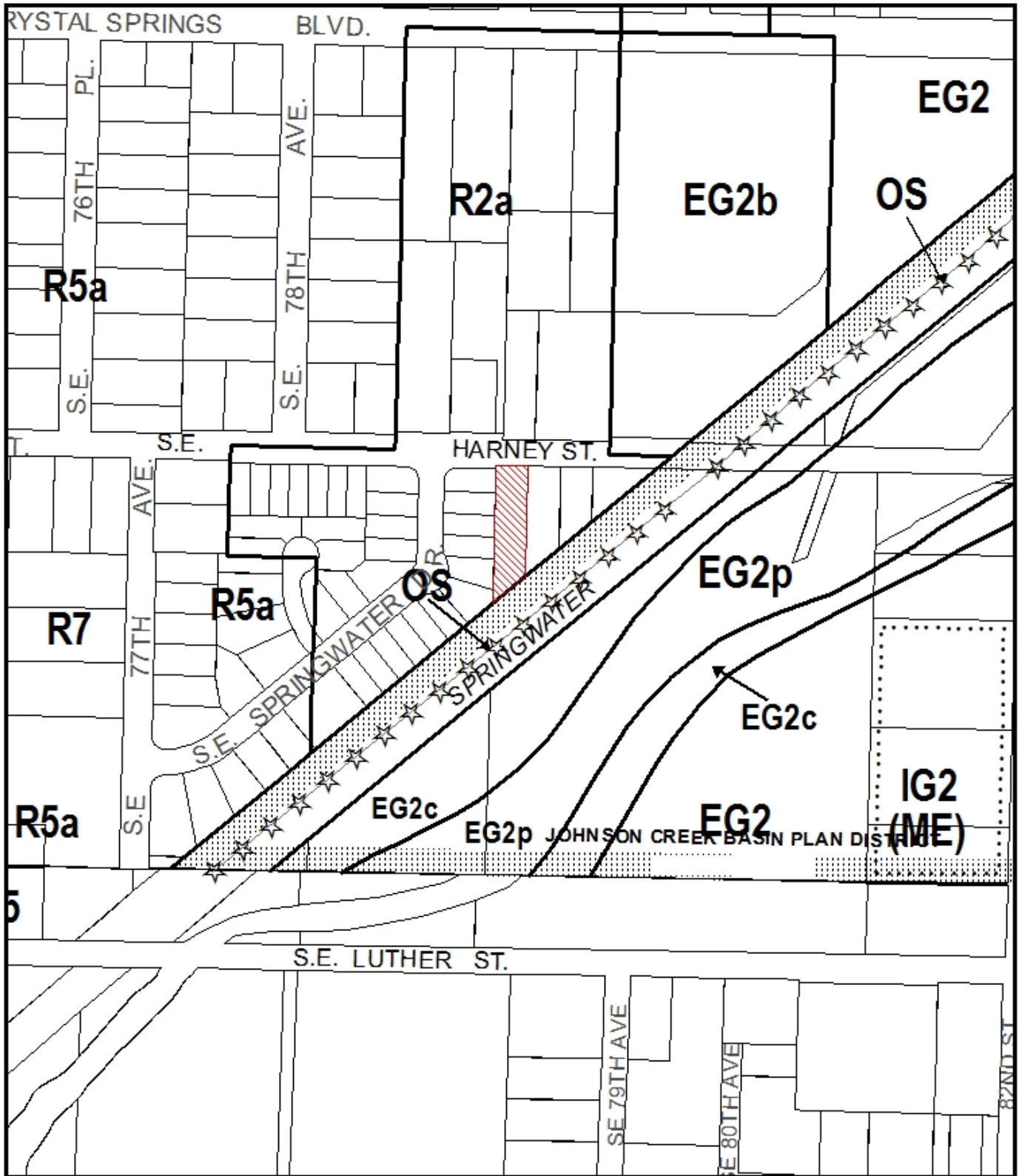
- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Response to Approval Criteria
 2. Stormwater Management Report, received 2/3/10
 3. Neighborhood Notification Certification
 4. Stormwater Calculations Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Preliminary Plat
 2. Preliminary Plat – revised (attached)
 3. Proposed Street Improvements and Stormwater Facilities (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
- G. Other:
 1. Original LU Application
 2. Site History Research
 3. Incomplete Letter



ZONING



Site



File No. LU 09-176976 LDPAD

1/4 Section 3838

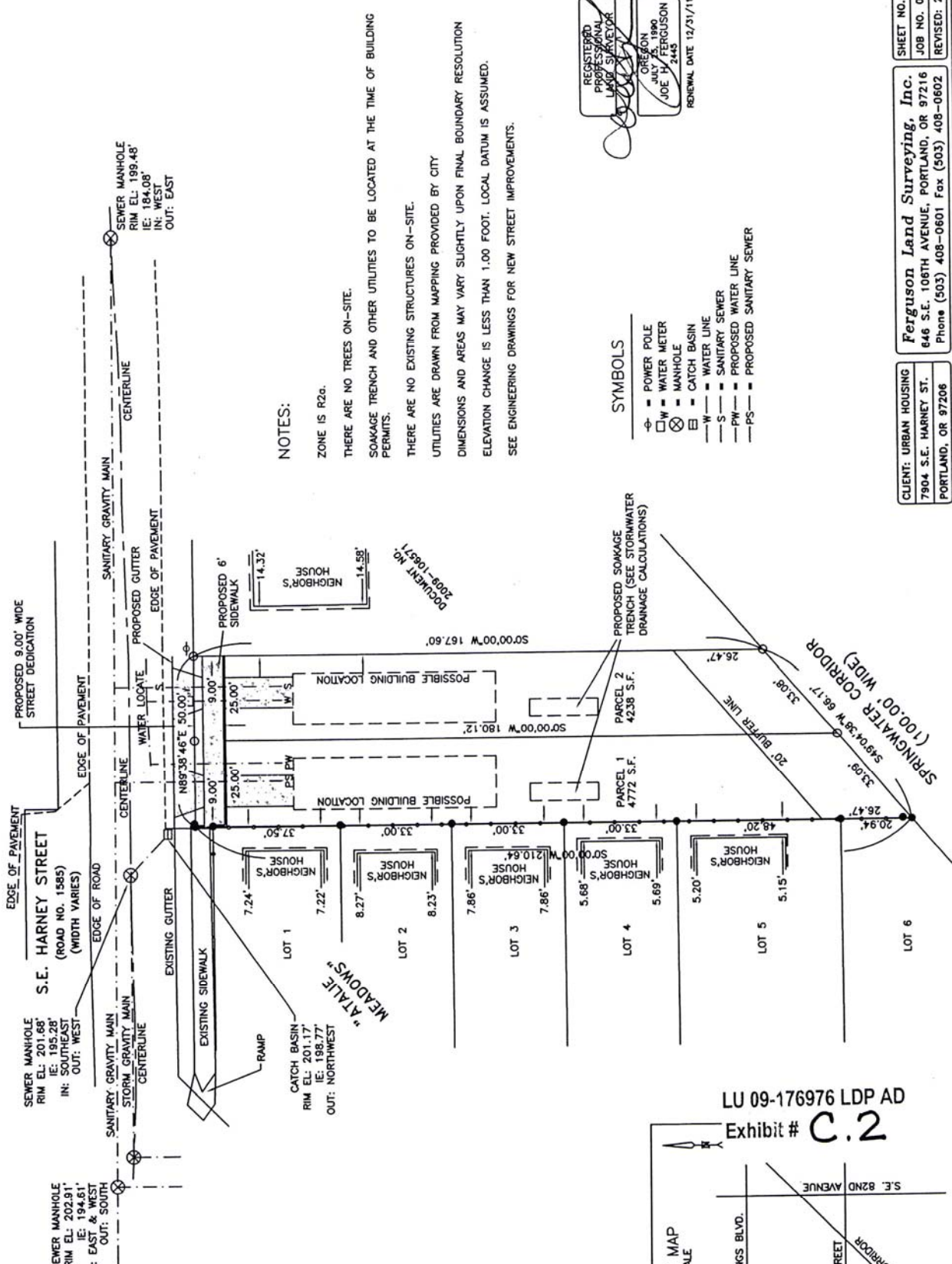
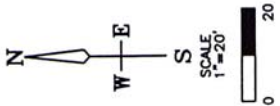
Scale 1 inch = 200 feet

State_Id 1S2E20DD 4100

Exhibit B (Dec 14, 2009)

SITE PLAN

A TRACT OF LAND
 SITUATED IN THE SOUTHEAST 1/4 OF SECTION 20, T.1S., R.2E., W.M.,
 IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 DATE: JANUARY 20, 2010



NOTES:

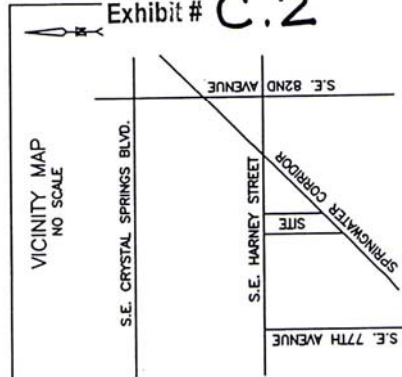
- ZONE IS R2a.
- THERE ARE NO TREES ON-SITE.
- SOAKAGE TRENCH AND OTHER UTILITIES TO BE LOCATED AT THE TIME OF BUILDING PERMITS.
- THERE ARE NO EXISTING STRUCTURES ON-SITE.
- UTILITIES ARE DRAWN FROM MAPPING PROVIDED BY CITY.
- DIMENSIONS AND AREAS MAY VARY SLIGHTLY UPON FINAL BOUNDARY RESOLUTION.
- ELEVATION CHANGE IS LESS THAN 1.00 FOOT. LOCAL DATUM IS ASSUMED.
- SEE ENGINEERING DRAWINGS FOR NEW STREET IMPROVEMENTS.

SYMBOLS

- ⊕ POWER POLE
- W WATER METER
- ⊗ MANHOLE
- ⊞ CATCH BASIN
- W — WATER LINE
- S — SANITARY SEWER
- PW — PROPOSED WATER LINE
- PS — PROPOSED SANITARY SEWER

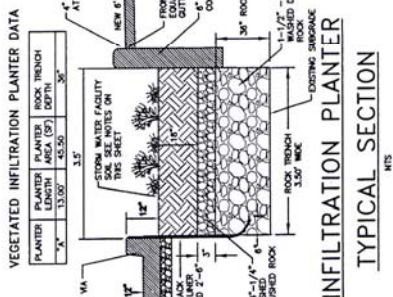
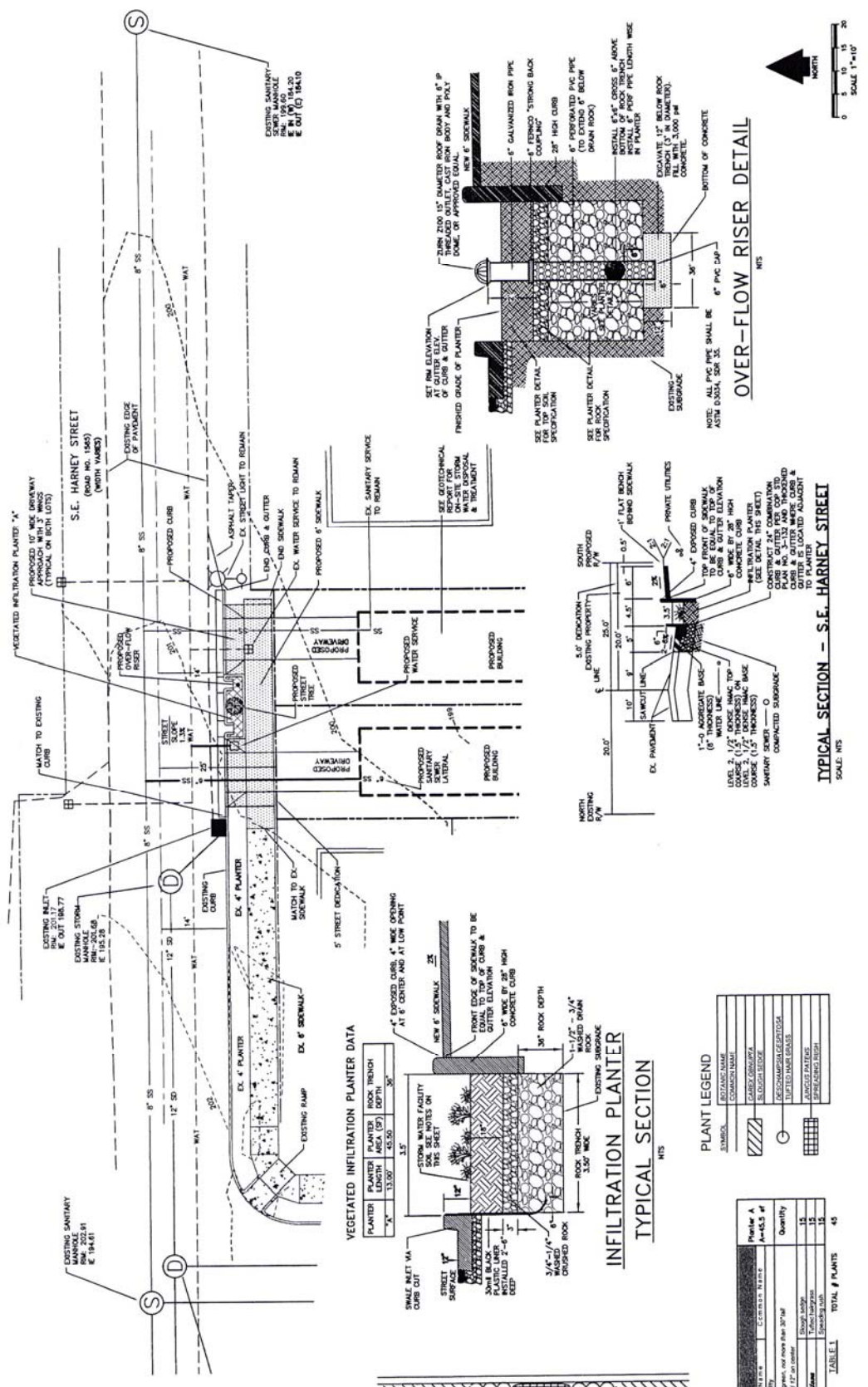
REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JULY 5, 1990
 JOE H. FERGUSON
 2443
 RENEWAL DATE 12/31/11

LU 09-176976 LDP AD
 Exhibit # C.2



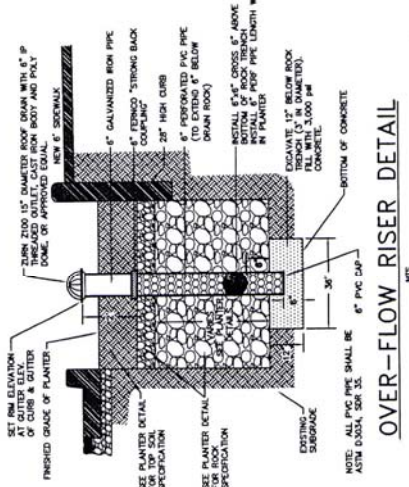
CLIENT: URBAN HOUSING 7904 S.E. HARNEY ST. PORTLAND, OR 97206	REGISTERED PROFESSIONAL LAND SURVEYOR OREGON JULY 5, 1990 JOE H. FERGUSON 2443 RENEWAL DATE 12/31/11	SHEET NO. 1 OF 1 JOB NO. 09-163 SITE C REVISED: 2/9/10 JMc
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Ferguson Land Surveying, Inc.
 646 S.E. 106TH AVENUE, PORTLAND, OR 97216
 Phone (503) 408-0601 Fax (503) 408-0602



SYMBOL	BOTANICAL NAME	COMMON NAME
[Pattern]	CAREX OXYSPORA	SLIGHT SEDGE
[Pattern]	LEUCHORAMMUS ALBERTIUS	WETLAND RICE GRASS
[Pattern]	ARIZONIA ARIZONA	SPREADING RUSH

PLANTER #	PLANT	QUANTITY
Planter A	Carex oxyspora	15
	Leuchorammus albertii	15
	Arizonia arizonae	15
	Other	15
TOTAL		45



PRELIMINARY UTILITY PLAN

7904 SE HARNEY STREET
PORTLAND, OREGON

DATE: 11/11/10
PROJECT NO: VLA001
SCALE: 1" = 10'

DESIGNED BY: J. STOROMO
CHECKED BY: J. STOROMO
DATE: 3-12-2010

CLIENT: URBAN HOUSING
ADDRESS: 1778 PORTLAND OR 97211
PHONE: (503) 949-8395
FAX: (503) 855-1322

REVISION

NO.	DATE	DESCRIPTION

Exhibit C.3