



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

FROM CONCEPT TO CONSTRUCTION

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Date: October 16, 2012
To: Interested Person
From: Rachel Whiteside, Land Use Services
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-155227 LDP AD

GENERAL INFORMATION

Applicant: William Horning / Western Planning Associates Inc.
P O Box 2392 / Lake Oswego OR 97035

Owner: Nez Hallett III
P O Box 82482 / Portland, OR 97282

Site Address: 815 SE 19th Ave

Legal Description: BLOCK 10 TL 13200, GARRISON'S SUB
Tax Account No.: R306600990
State ID No.: 1S1E02AB 13200
Quarter Section: 3132
Neighborhood: Buckman, contact Susan Lindsay at 503-725-8257.
Business District: Belmont Business Association, contact Katie Meyer at 503-360-7814.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Plan District: None
Zoning: R1 – Multi-Dwelling Residential
Case Type: LDP AD – Land Division (Partition) with concurrent Adjustment Review
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to divide the 3,141-square foot site into two parcels. Parcel 1 would contain the existing duplex and is proposed to be 1,901 square feet in area. Parcel 2 would contain the existing single family home on 1,239 square feet. Stormwater from individual lots will continue to be treated and disposed of on-site. Water and sanitary sewer service are both available in SE 19th Avenue, although existing services will need to be separated and placed within the frontage of each lot. There is only one tree on the site and it is not subject to preservation because it is within 10 feet of a structure to remain on site.

The existing duplex on proposed Parcel 2 has a second story deck that would encroach into the rear setback and exceed the allowed building coverage should the land division be approved. The applicant requested Adjustments to reduce the rear setback to approximately 4-inches and increase the allowed building coverage from 1,141 to 1,165 square feet to allow the deck to

remain. Following comments from the Life Safety Section of BDS, the applicant decided to reduce the size of the existing deck to meet the 3-foot Building Code setback. While this change still required a Zoning Code Adjustment, the resulting reduction in building coverage no longer triggers an Adjustment to building coverage.

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*). *ORS 92.010* defines “parcel” as a single unit of land created by a partition of land.

Relevant Approval Criteria:

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

- Section 33.660.120, Approval Criteria for Land Divisions in Commercial, Employment, and Industrial zones.
- Section 33.805.040.A-F, Approval Criteria for Adjustments.

FACTS

Site and Vicinity: The site is located at the southwest corner of the intersection SE Morrison Street and SE 19th Avenue. The lot is currently developed with a detached, single-family house and a duplex. There is no on-site parking. Only one tree is on the site and it is within 10 feet of the existing house.

The surrounding area includes a mixture of residential, office, light industrial, open space, and other uses. The commercial uses are concentrated along SE Belmont and SE 20th Avenue. There is a public park and elementary school once block to the south and a cemetery one block east.

Infrastructure:

Streets – The site has approximately 33.35 feet of frontage on SE Morrison Street and 94.19 feet of frontage on SE 19th Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, SE Morrison is classified as a Neighborhood Collector, Major Transit Priority street, City Bikeway, City Walkway and a Community Main street in the City's Transportation System Plan (TSP). At this location, SE 19th Avenue is classified as a Local Service street for all transportation modes in the TSP. The site is served by transit service along SE Morrison and SE Belmont (1 block south of the site) via Tri-Met route #15 [Belmont/ NW 23rd].

At this location, based on City GIS resources, both streets along which the subject site has frontage, are improved with 36-foot wide paved roadways. Along both site frontages the pedestrian corridor includes a 4-foot wide planter area, curb, 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (4-6-2 configuration). Parking is currently allowed on both sides of SE 19th Avenue.

- **Water Service** – There is an existing 6-inch CI water main in SE 19th Avenue. The existing house is served by a 1-inch metered service from the main and the existing duplex is also served by a separate 1-inch metered service.
- **Sanitary Service** - There is an existing 10-inch clay public combination sewer line in SE 19th Avenue.

Zoning: The R1 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits “E” for details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 31, 2012**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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 criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	There is only one tree on the site and it is exempt from preservation because it is within 10 feet of a structure to remain after the land division.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

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 density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing one single family parcel and one duplex parcel.

Single-dwelling or duplex development is proposed for the entire site, therefore the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3. Minimum density in the R1 zone is one unit per 2,000 square feet and the maximum density is one unit per 1,000 square feet. The total site area shown on the applicant's survey is 3,141 square feet. The site has a minimum required density of 2 units and a maximum density of 3 units.

In this zone, there are no minimum lot area requirements for lots designated for attached houses, detached houses, or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division, to avoid further division of lots in the future that could result in non-compliance with the overall density requirements of the site as it exists in this proposal.

The lot dimensions required and proposed are shown in the following table:

R1	Minimum lot area (square feet)	Minimum lot width (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)
Detached Houses	none	25	none	25
Duplexes	2,000	none	none	10
Parcel 1 – duplex	1,901.8	33.35	57.02	33.35
Parcel 2 – detached house	1,239.4	37.17	33.35	37.17

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

The findings above show that the applicable density and lot dimension standards are met. Therefore, with the condition noted 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.**Findings:*****Clearing and Grading***

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Additionally, both lots are already developed with residential units and there are no trees required to be preserved. This criterion is met.

Land Suitability

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

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

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

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. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights-of-way. The criteria and standards are met as shown in the following table:

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p>
<p>The water standards of 33.651 have been verified. Water is available to serve the proposed development from the water main in SE 19th Avenue. Parcels 1 and 2 both have existing water service from that main.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p>
<p>The sanitary sewer standards of 33.652 have been verified. There is an existing 10-inch clay combined public sanitary sewer located in SE 19th Avenue that can serve the sanitary needs of the proposed lots. Currently both structures on the site share one sanitary sewer connection to the public main in SE 19th.</p> <p>Dividing the structures onto two distinct parcels would result in a nonconforming (or “party”) sewer. Both Parcels 1 and 2 have public sewer immediately available to them, therefore individual connections will be required before BES can approve the final plat. The work to cap one structure’s sewer and establish a new service branch, including final inspection of all permits, must be completed prior to final plat approval. A revised utility survey showing the locations of each parcel’s connection after the work is complete will also be required.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1</p>
<p>BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed the following stormwater management methods</p> <ul style="list-style-type: none"> • Parcel 1 (the lot with the existing duplex): The existing duplex has downspouts that drain into underground pipes. BES noted that pipes that are already connected to the combination sewer may continue in that pattern. If stormwater is currently infiltrated on-site and the applicant desires to discharge off-site to the combined sewer, that would constitute a new off-site discharge which would trigger the requirements of the Stormwater Management Manual (SWMM). If applicable, the requirements of the SWMM would be applied with the permits required above for separating the sanitary connections. • Parcel 2 (the lot with the existing house): The existing house has downspouts that drain to a stormwater planter.
<p>33.654.110.B.1 -Through streets and pedestrian connections 33.654.130.B - Extension of existing public dead-end streets & pedestrian connections 33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections</p>
<p>The City’s spacing requirements for public through streets and public pedestrian connections is a maximum of 530 feet and 330 feet, respectively. The spacing goal for public through streets and pedestrian connections are generally satisfied throughout the surrounding area/blocks. However, the subject block is longer than most other blocks representative of the block pattern in the general area in terms of orientation and length. Further, as with other blocks in the area, the subject block is primarily built out with the type and density of the expected housing and non-residential development for the area’s zoning. No further street or pedestrian connections are physically possible without impacting existing development on the subject block and beyond. Providing any further connectivity elsewhere on the subject block would lead to no other connection points given the existing, long-established development pattern throughout this area. Portland Transportation has no concerns relative to connectivity or locations of rights-of-way associated with the proposed</p>

land division partition.

In addition, no street connections have been identified in the vicinity of this property in the Portland Master Street Plan document, so criterion d. does not apply.

For the reasons described above, this criterion is met.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030

33.654.120.C Width and Design of the street right-of-way

33.654.130.D Partial Rights of way

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.

The proposed land division will create two parcels which will accommodate the existing development on the site, no new development proposed on the site, and the site meets the maximum density of 3 units. Accordingly, there will be no additional vehicle trips generated into the local transportation system, hence, none of the area's streets or intersections will be further impacted by the proposed land division. For information purposes, based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition, data from Land Use Code 210 (Single-Family Detached Housing) suggests that the existing detached structure on Proposed Parcel 2 generates 10 daily vehicle trips; 1 of the total trips occurs during the morning peak hour of operation and another 1 trip occurs during the evening peak hour of operation. The existing duplex that will be retained Proposed Parcel 1 generates approximately 1.5 trips during both the morning and evening peak hours of operation (based on the ITE Manual's Land Use Code 224 [Rental Townhouse]). Accordingly, the existing development (proposed to be retained on the subject site) generates approximately 2.5 vehicle trips into the transportation system during the morning and evening peak hours of operation. The nearby intersections all appear to be currently operating at acceptable levels related to the City's performance measures and will continue to operate at acceptable levels if the proposed land division is approved; the existing development on the site will not be altered, therefore no additional vehicle trips will be generated. Given the opportunities in all direction from the site for trips to be disbursed throughout the broader transportation system, (existing) impacts to one intersection in particular are minimized.

No significant negative impacts are expected to occur in relation to any of the other evaluation factors. The site is served by transit service along SE Morrison and SE Belmont (1 block south of the site) via Tri-Met route #15 [Belmont/ NW 23rd]. There are existing sidewalk corridors throughout the vicinity, including along the site frontage that facilitate pedestrian travel. There are identified bike facilities (Portland Bike/Walk Map) in the area including a bike lane along SE Belmont to the south and a Neighborhood Greenway/Signed-Marked route along SE 16th Avenue, east of the subject site.

With regard to impacts to on-street parking impacts, it should be noted that the occupants of the units on the subject site have no on-site parking opportunities. The subject site is surrounded by a variety of uses/zoning. Aside from the nearby additional residential uses (detached single-family and attached multi-family), there are also what appear to be commercial/office uses in the vicinity as well as a large city park south of the site. The non-residential uses in the area are largely served by on-site parking lots, whereas the nearby park and much of the residential development (along the south side of SE Morrison especially) rely on on-street parking to accommodate the respective users. Although on-street parking appears to be well utilized and in high demand in the general vicinity of the site, as is the case with impacts to the street system, because no additional development is proposed on the subject site, no additional impacts are anticipated to on-street parking.

As addressed above, the referenced transportation-related evaluation factors are satisfied and PBOT expects that the transportation system will be able to support the existing development in the area as well as the proposed development.

Finally, the existing frontage improvements meet/exceed current City standards. Accordingly, there will be no property dedication or frontage improvement requirements associated with the proposed land division. These criteria are met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

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.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

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

Findings: The applicant has modified their Adjustment request so that now the existing deck on Parcel 1 will be 3-feet from the rear property line. While this satisfies the concerns of the Life Safety section of BDS, it still must meet the applicable approval criteria for an Adjustment under PCC 33.805.040.

33.120.220 Setbacks

The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users.
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

The requested setback reduction meets these purpose statements for the following reasons:

- At 3-feet the deck complies with The Oregon Residential Specialty Code, for a total of 8 feet between structures. The Building Code only requires a total separation of 6 feet for fire protection and access for fire fighting.

- The site is developed with a house and a duplex. No changes to the site are proposed beyond separating the structures onto separate parcels. The proposal will not change the relationship of the structures to one another or the surrounding neighborhood.
- The R1 zone does not require larger front yard setbacks than side or rear.
- The deck provides the most inviting outdoor space for the existing duplex.
- The setback does not impact a transit street or otherwise affect the pedestrian environment.

A condition of approval that a building permit is obtained and receives final inspection prior to final plat approval is required to ensure that the structure complies with all applicable building code requirements and meets the above purpose statements. With this condition, this criterion is met.

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 site is located in a residential zone. It is developed with a house and a duplex. No changes to the site are proposed beyond separating the structures onto separate lots. The proposal will not change the relationship of the structures to one another or the surrounding 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: The applicant initially requested two adjustments, however building code requirements necessitated that the deck be cut back to three-feet from the proposed property line. Making this change reduces the building coverage just enough to meet the standard in Section 33.120.225. Therefore, only one adjustment is necessary and this criterion is no longer applicable.

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

Findings: The site is not in a City-designated scenic or historic resource area, therefore this criterion does not apply.

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

Findings: The requested Adjustment will not have any impacts as the deck is existing development and will be moving further from the structure on the adjacent parcel. Therefore, this criterion is not applicable.

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: The site is not in an environmental zone, therefore this criterion does not apply.

DEVELOPMENT STANDARDS

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.

Existing development that will remain after the land division. The existing development on the site will remain. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R1 zone. Per 33.700.015, if a proposed land division will cause conforming development to move

out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

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

- **Minimum Setbacks** – The existing house identified to remain on Parcel 2 and the existing duplex on Parcel 1 must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5 feet from the new property line. Therefore, the required setbacks are being met. The deck attached to the existing duplex is proposed to be 3 feet from the new property line, through the Adjustment included with this review. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing buildings relative to the adjacent new lot lines.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation
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 www.portlandonline.com/bds

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

- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Parcel 2 prior to final plat approval. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 2-parcel 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: the party sewer line and the deck attached to the existing duplex.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in one single dwelling parcel and one duplex parcel; and

Approval of an Adjustment to reduce the rear setback to 3 feet for the upper level deck attached to the existing duplex on proposed Parcel 1, as illustrated with Exhibit C.2, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The location of any revised sanitary sewer and stormwater facilities for each of the lots.
- Any other information specifically noted in the conditions listed below.

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

Utilities

1. The applicant shall meet the requirements of the Bureau of Environmental Services for obtaining a finalized plumbing permit for modifications of the existing sanitary sewer connection on the site.

Existing Development

2. The applicant must obtain a finalized building permit for modifications to the existing duplex (deck) that will remain on proposed Parcel 1 that demonstrates compliance with the following standard(s) in relation to the proposed new lot lines:
 - 33.110.220 (Setbacks--specifically, the permit must show removal of sufficient portions of the attached deck to meet the adjusted setback requirement of 3 feet)
3. Documentation of the location of the stormwater disposal system for the existing house shall be submitted to the Bureau of Environmental Services. The location of any existing or required stormwater systems serving the existing home must be shown on the Supplemental Plan. If, as a result of final plat approval, the stormwater system for the existing duplex will extend beyond the boundaries of Parcel 1 (the lot with the existing duplexes), then the applicant must meet one of the following:
 - Provide private stormwater easements on the final plat as necessary to ensure operation and maintenance of those systems, and record a maintenance agreement for the easement area; or
 - Provide finalized plumbing permits for modifications to the stormwater system that result in a system that meets City requirements.
4. The applicant must plant 1 street tree(s) in the planter strip on SE 19th Avenue adjacent to parcel 1. Street trees will be chosen from the City's approved street tree list for the 3.5-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.

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

1. 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	1

Staff Planner: Rachel Whiteside

Decision rendered by: *Rachel Whiteside* **on October 11, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed October 16, 2012

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

Procedural Information. The application for this land use review was submitted on June 26, 2012, and was determined to be complete on **August 29, 2012.**

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 26, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 3 days (Exhibit A.3). Unless further extended by the applicant, **the 120 days will expire on: December 30, 2012.**

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 October 30, 2012** 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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. These other concurrent approvals 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 the concurrent land use decision following the appeal period on or after **October 31, 2012.**

- 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. 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 Adjustment was necessary for the land division to be approved. This approval expires if:

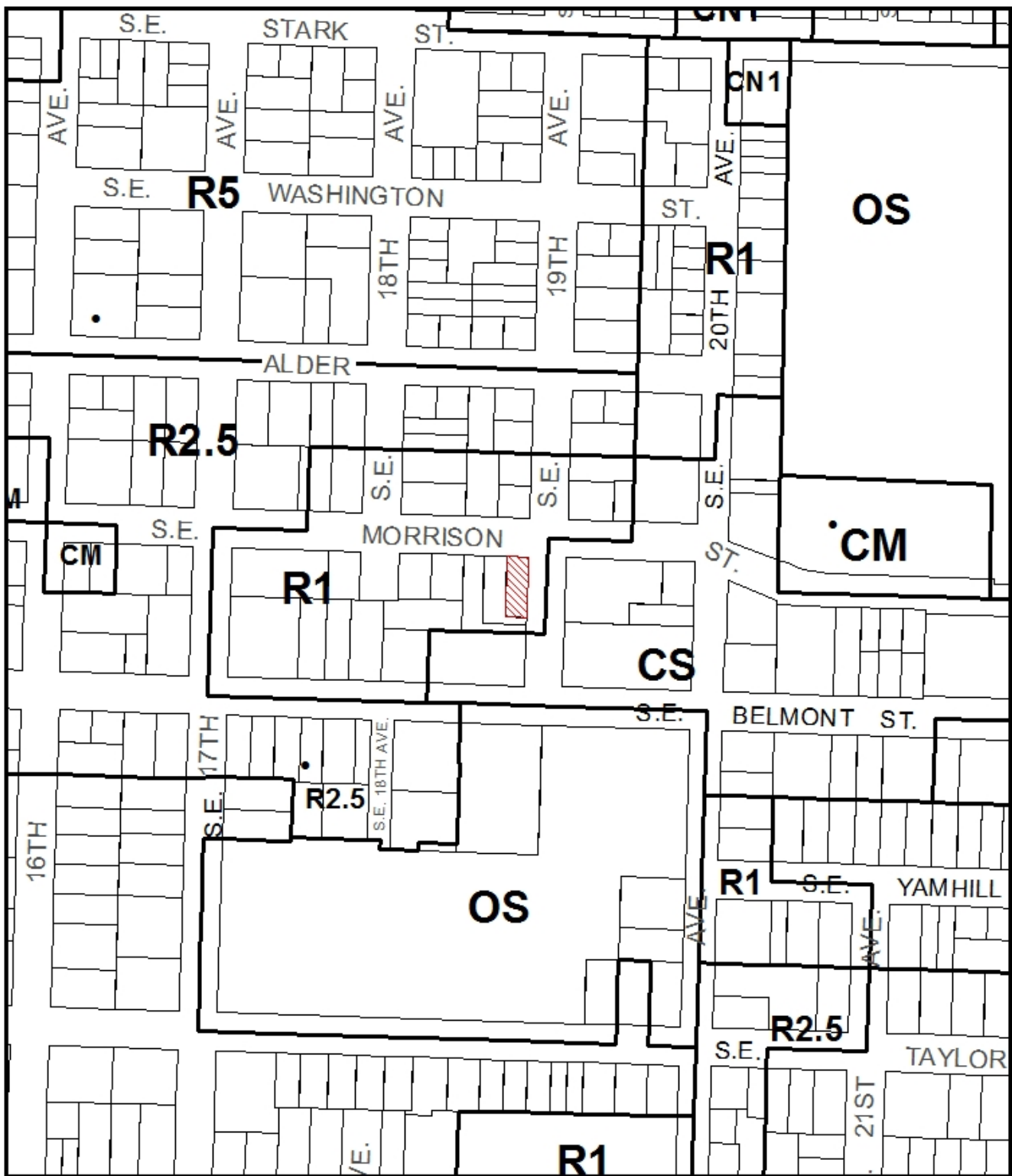
- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Narrative
 - 2. Revised Narrative, received August 27, 2012
 - 3. Request to modify deck and extend review deadline, received October 9, 2012
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Stamped Survey
 - 2. Existing Conditions and Preliminary Land Division Plans (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Neighborhood Contact
 - 3. Incomplete Letter

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

-  Site
-  Historic Landmark



File No.	LU 12-155227 LDP
1/4 Section	3132
Scale	1 inch = 200 feet
State_Id	1S1E02AB 13200
Exhibit	B (Jun 29, 2012)

SHEET INDEX

- SHEET 1 EXISTING CONDITIONS, PRELIMINARY LAND DIVISION PLAN & ADJUSTMENT PLAN
- SHEET 2 SURVEY

WESTERN PLANNING ASSOCIATES
ANDY PABIS & ASSOCIATES

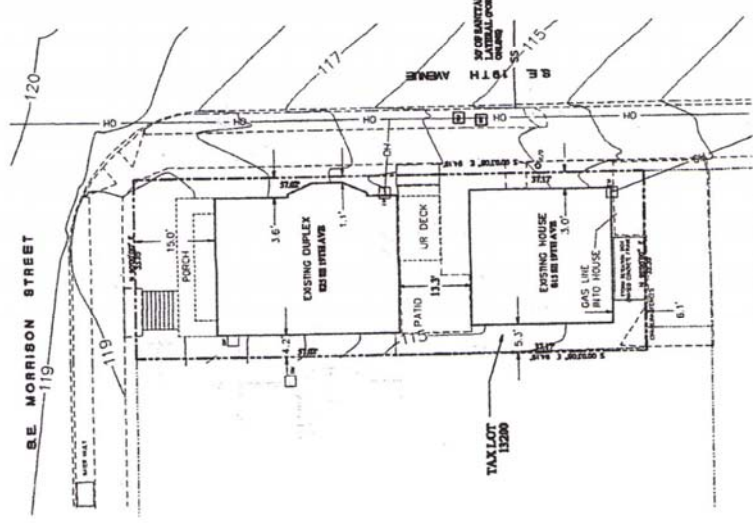
CODE REQUIREMENTS & CONFORMANCE

CURRENT ZONING: R1
COMPREHENSIVE PLAN DESIGNATION: RESIDENTIAL MEDIUM DENSITY
CITY OF PORTLAND MUNICIPAL CODE CH 31.12C, CHAPTERS 120-3 & 120-4

- MINIMUM SETBACKS
FRONT YARD: 8 FEET
SIDE YARD: 5 FEET
REAR YARD: 5 FEET
- MAXIMUM LOT COVERAGE: 60% OF LOT AREA
PROPOSED PARCEL 1: 14,200 SF (100% OF LOT AREA)
PROPOSED PARCEL 2: 14,200 SF (100% OF LOT AREA)
- MAXIMUM BUILDING LENGTH
PARCEL 1: 40 FEET
PARCEL 2: 40 FEET
- MINIMUM LANDSCAPE AREA: 20% OF PARCEL
PARCEL 1: 2,840 SF
PARCEL 2: 2,840 SF
- REQUIRED OUTDOOR AREA: 48 SQ FT (UNIT & 6' X 8' MIN. SPACE)
PARCEL 1: 24 SQ FT
PARCEL 2: 24 SQ FT



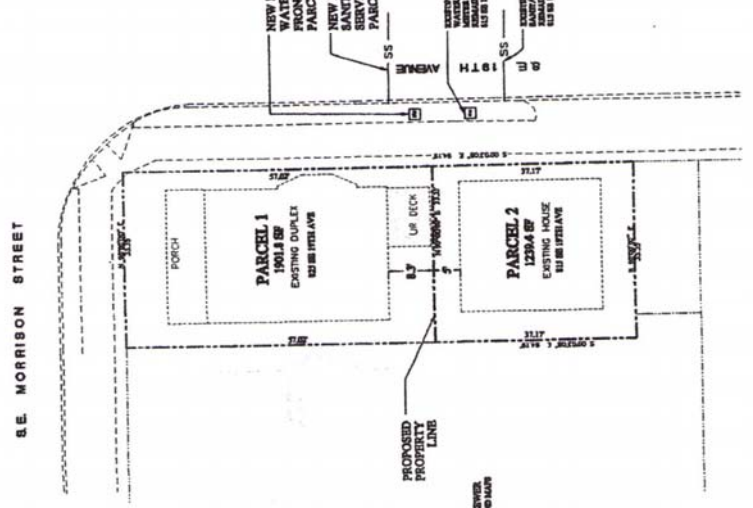
VICINITY MAP



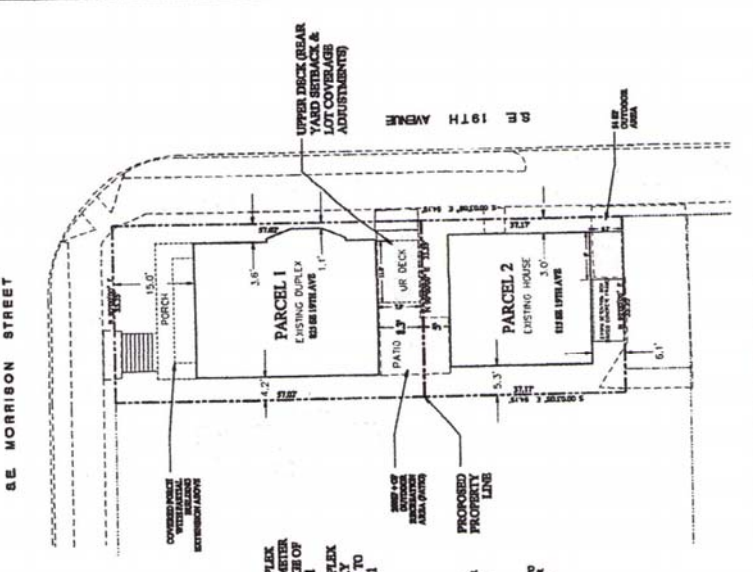
EXISTING CONDITIONS WITH UTILITIES

TAX LOT 13200 TOTAL AREA 3141.2 SF

- BASED FROM ANDY PABIS & ASSOCIATES SURVEY REPORT
- UTILITIES FROM PORTLAND UTILITY DEPARTMENT
- UTILITIES SERVICE SERVICE TO NEIGHBORHOOD FIELD LOCATIONS



PRELIMINARY LAND DIVISION PLAN



ADJUSTMENTS PLAN

PLAN ALSO ILLUSTRATES OUTDOOR AREAS



Land Planning
Landscape
Architecture
1000 NE Oregon Street
Portland, OR 97232
503.241.1111

SCALE: AS SHOWN
DESIGNED BY: WPA
CHECKED BY: WPA
DATE: 08/29/11



PRELIMINARY LAND DIVISION PLAN
815 & 825 SE 19TH AVE, PORTLAND, OR
MR. NEZ HALLETT III

2 of 1

Exhibit C-2

L412-155227