



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

FROM CONCEPT TO CONSTRUCTION

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Date: April 22, 2013
To: Interested Person
From: Kate Green, Land Use Services
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NOTICE OF A TYPE I 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 it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 13-110865 LDP

GENERAL INFORMATION

Applicant: Mike Coyle, Faster Permits
14334 NW Eagleridge Lane
Portland OR 97229
Vlad Rudnitsky, Stratance LLC
PO Box 1251
Clackamas OR 97015

Property Owner: John Olson/KDO Enterprises LLC
PO Box 8065
Portland OR 97207

Site Address: 4120 SE 54TH AVENUE
Legal Description: BLOCK 3 LOT 11, ARCHER PL
Tax Account No.: R033700430
State ID No.: 1S2E07DC 03100
Quarter Section: 3436
Neighborhood: Creston-Kenilworth Tyler King at 503-735-5818
Business District: None
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010
Zoning: Single Dwelling Residential 5,000 (R5)
Case Type: Land Division-Partition (LDP)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA)

Proposal: The applicant proposes a **Land Division-Partition** to divide an approximately 5,186 square foot property into 2 parcels for attached houses. Each parcel will be approximately 2,593 square feet. In order to redevelop the site, the existing house and 2 sheds will be removed.

This partition is reviewed through a Type I land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or 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). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land (2 lots). Therefore this land division is considered a partition.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The site is located in a residential area approximately 3 blocks south of a commercial district along SE Foster Road.

The project site is shown as approximately 5,135 square feet in area on the Tax Map and as 5,186 square feet on the project plans. The site is situated about 2 feet about the adjacent sidewalk grade, but is relatively flat. A small single-story house is located on the north end of the site and a chainlink fence borders the perimeter of the site.

Within a 200 foot radius, the surrounding development consists primarily of one and two story houses on 5,000 square foot or larger lots, which are also in the R5 zone. The houses are of various styles and from a range of time periods (early 1900s to the present.

Infrastructure:

Streets – The site has approximately 111 feet of frontage on SE 54th Avenue, and approximately 46 feet along the SE Boise Street frontage. Both streets are classified as Local Service Streets for all modes, at this location. The streets are improved with curbs and sidewalks along both sides. The sidewalk corridors have a 6-foot sidewalk with a 3.5-foot planting strip with 1-foot between the back of the sidewalk and the property line. A curbcut is located at the southeast corner of the site. Parking is allowed on all street frontages.

Tri-Met provides bus service via Line #14 to the north on SE Foster Road, Line #71 to the west on SE 52nd Avenue, and Line #17 to the south on SE Holgate Boulevard.

Water Service – There is an existing 8-inch CI water main in SE 54th Avenue. The existing house is served by a 5/8-inch metered service from the main.

Sanitary Service - There are 8-inch VSP public combination sewers located in SE 54th Ave and in SE Boise that can serve the sanitary disposal needs of this project

Zoning: The site is located in the Single Dwelling Residential 5,000 (R5) zone. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

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 **March 7, 2013**. No written responses have been received.

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	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
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	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements are proposed or required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
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 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones.

The applicant is proposing 2 parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses. With a condition of approval limiting the development on those parcels to attached houses, the density standards are met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
Original lot before division in R5 zone	4,500	NA	NA	NA	NA
Original lot before division	5,186				
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Parcel 1	2,593		45	56	45
Parcel 2	2,593		56	45	56

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

Attached Houses on Corner Lots

Parcels 1 and 2 are smaller than would normally be allowed in the R5 zone. As described above, these lots are being created through a provision that allows attached houses on corner lots. To use this code provision, the original lot before the division must be at least 4,500 square feet.

As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Proposed Parcels 1 and 2 each exceed the minimum lot dimension standards. Therefore, the corner lot may be divided to create those parcels as proposed.

The findings above show that the applicable density and lot dimension standards are met. Therefore 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: 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.

Clearing and Grading: In this case, the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. The applicant has proposed to remove the existing house and 2 sheds and redevelop the site.

In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. With this condition, the new lots can be considered suitable for development, and this criterion will be 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:

33.651 Water Service standard - See Exhibit E.3 for detailed bureau comments.
The water standards of 33.651 have been verified. Water is available to serve the proposed development from the water main in SE 54 th Avenue.
33.652 Sanitary Sewer Disposal Service standards - See Exhibit E.1 for detailed comments.
The sanitary sewer standards of 33.652 have been verified. There are 8-inch VSP public combination sewers located in SE 54 th Ave and in SE Boise that can serve the sanitary disposal needs of this project. Parcel 1 has an existing sewer service from the main in SE 54 th Avenue.
33.653.020 & .030 Stormwater Management criteria and standards - See Exhibits E.1
BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods

- **Parcels 1 and 2:** The applicant proposes on-site infiltration by means of drywells for the proposed structures. BES has no objections to the proposed stormwater management approach for the purposes of land use review.

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

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located meets the noted spacing requirements, and both street frontages have sidewalks that provide straight-line connections for pedestrians. Portland Transportation noted the sidewalk corridor is anticipated to have a 4.5 foot planter between the curb and the sidewalk; however, the applicant received approval of a Public Works Administrative Appeal (13-122547) to retain the existing sidewalk configuration, which includes a 3.5 foot planter between the curb and sidewalk.

In any event, no additional street or pedestrian connections are required, and this criterion is met.

33.641 - Transportation Impacts - 33.641.020 and 33.641.030

33.654.120.B & C Width and elements of the street right-of-way

33.654.130.D Partial Rights of way

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 estimates that the increase in daily trips will be less than 10 total trips per day, with the majority of trips occurring during non-peak hours (according to *Institute of Transportation Engineers – Trip Generation Manual*, 8th ed.). As such, Portland Transportation has determined that one additional dwelling can be safely served by the existing streets without having any significant impact on the level of service provided. Accordingly, this criterion is met.

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

At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. 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. As such, this criterion is met.

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 parcel is developed.

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

Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.

- The address and main entrance of each house must be oriented to a separate street frontage.
- Development on Parcel 1 must be oriented toward SE 54th Avenue and development on Parcel 2 must be oriented toward SE Boise Street.
- The height of the two units must be within 4 feet of each other
- The exterior finish material must be the same, or visually match in type, size and placement.
- The predominant roof pitch must be the same.
- Roof eaves must project the same distance from the building wall.
- Trim must be the same in type, size and location.
- Windows must match in proportion and orientation.

Existing Development: The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 - Water availability
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 - Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17, Transportation System Plan Design of public street
Development Services/503-823-7300 www.portlandonline.com/bds	Titles 24 -27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets

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.

- **Life Safety:** The issuance of a permit to demolish a single family residence in a Residential Zone is subject to a 35-day delay, as outlined in the response from Life Safety.
- **Fire Bureau:** The applicant must meet the requirements for fire hydrant flow and spacing, addressing of structures, and aerial fire department access roads.
- **Urban Forestry:** Street trees will be required at the time of development .

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are:

- Demolition of the existing house and 2 sheds;
- Provisions for Attached Houses on Corners; and
- Fire Bureau requirements for fire hydrant flow, spacing, access, and addressing.

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 2 parcels for attached houses as illustrated with Exhibit C.1, subject to the following conditions:

- A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for 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 vehicle parking areas on the site at the time of the final plat application;
 - 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 fire hydrant flow and hydrant spacing requirements to the satisfaction of the Fire Bureau.

Existing Development

- 2. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.

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

- 1. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
- 2. The applicant must meet the addressing and aerial fire department access requirements to the satisfaction of the Fire Bureau.

Staff Planner: Kate Green



Decision rendered by: _____ **on April 17, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed April 22, 2013

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 January 30, 2013, and was determined to be complete on March 5, 2013.

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 January 30, 2013.

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. Unless further extended by the applicant, **the 120 days will expire on: July 4, 2013.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 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.portlandonline.com.

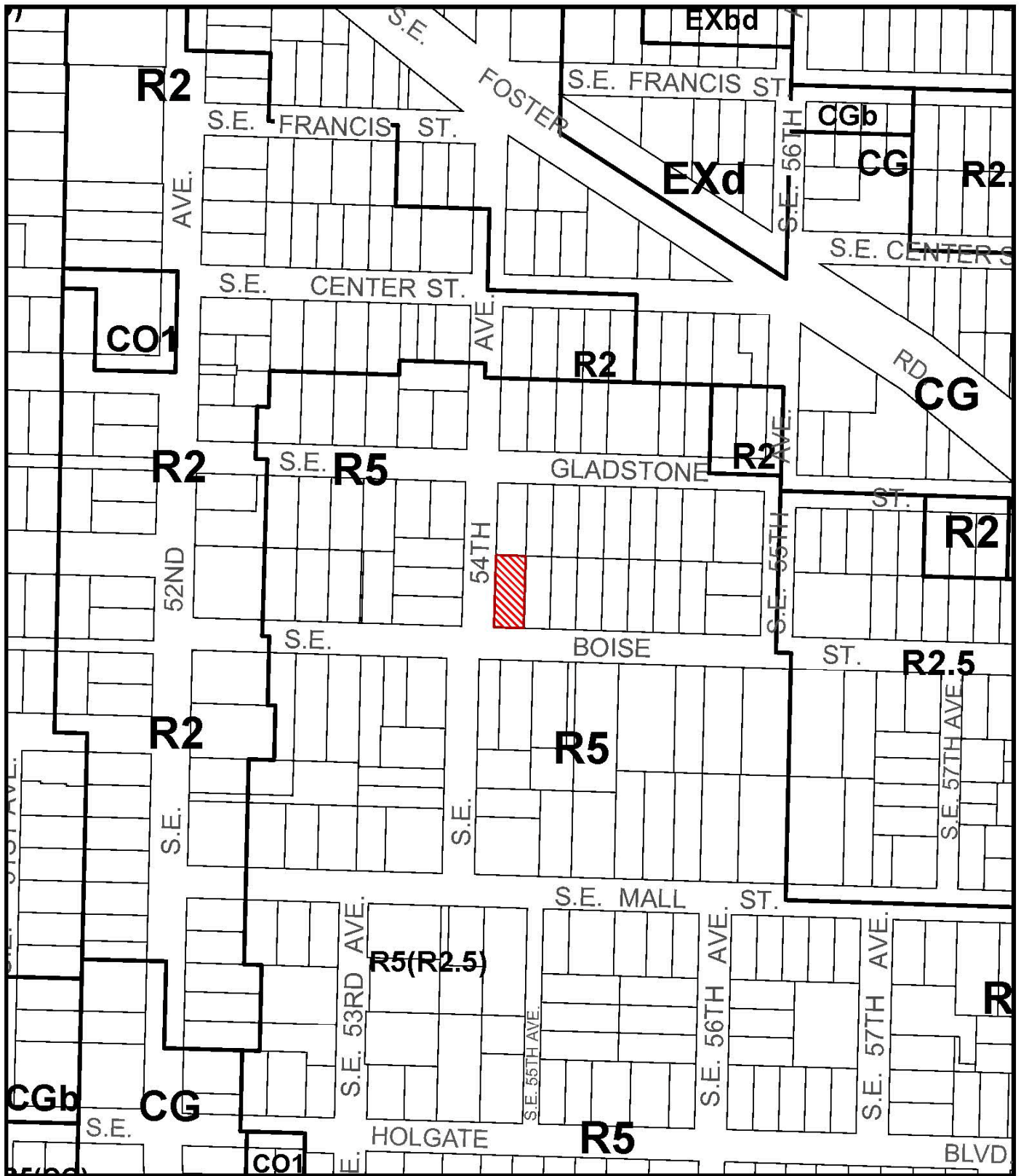
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Stormwater Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat (attached)
 - 2. Existing Conditions Plan
 - 3. Preliminary Utility Plan
 - 4. Preliminary Grading Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development-BDS
 - 6. Urban Forestry Division
 - 7. Life Safety-BDS
- F. Correspondence: (none received)
- G. Other:
 - 1. Original LU Application
 - 2. Letter to applicant re: incomplete application

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



File No. LU 13-110865 LDP
 1/4 Section 3436
 Scale 1 inch = 200 feet
 State_Id 1S2E07DC 3100
 Exhibit B (Jan 31, 2013)



Exhibit C.1
 W13-110865 LDP

SHEET
 3
 5

EMERIO
Design
 6107 SW MURRAY BLVD, SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503) 515-5528

REVISIONS	
NO.	DATE

PRELIMINARY PLAT

4120 SE 54TH AVENUE
 TAX MAP T1S R2E 07DC
 TAX LOT 3100
 MULTNOMAH COUNTY, OREGON