



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 20, 2013
To: Interested Person
From: Rachel Whiteside, Land Use Services
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NOTICE OF A TYPE Ix 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 13-198539 LDP

GENERAL INFORMATION

Applicant: Rob Humphrey
Faster Permits
14334 NW Eagleridge Lane
Portland, OR 97229

Owner: Thomas W and Richard L Butler
16814 SE Fisher Dr
Vancouver, WA 98683-9437

Site Address: 2621 SE YAMHILL ST

Legal Description: BLOCK 10 LOT 5 S 5' OF LOT 6, HANSONS ADD & 2ND
Tax Account No.: R358100910
State ID No.: 1S1E01BB 12200
Quarter Section: 3133

Neighborhood: Buckman, contact Matthew Kirkpatrick at 503-236-6350.
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: R2.5 – Single-Dwelling Residential

Case Type: LDP – Land Division (Partition)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to partition the 5,500 square foot corner lot into 3 parcels using the provisions of 33.110.240.E, Attached Houses on Corners. The existing house will remain on a 2,023 square foot parcel. Two attached houses are proposed for Parcels 2 and 3 which are

1,717 and 1,760 square feet in area. Vehicle access for Parcels 2 and 3 is proposed from SE Yamhill Street.

There is an existing water main and an existing combination sewer main in SE Yamhill Street. The applicant proposes new laterals from these existing lines to serve the proposed development. Drywells are proposed to manage stormwater from future development.

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 3 units of land (3 parcels). Therefore this land division is considered a partition.

This partition is reviewed through a Type Ix 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).

Relevant Approval Criteria:

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

FACTS

Site and Vicinity: The area slopes gently downward to the north, with roughly four feet of change in elevation from the south to north lot lines. Housing in the vicinity is a mix of large single-family homes, small plexes, and mid-century multi-dwelling. The area is single-family residential zoning to the south and a mix of commercial and multi-dwelling zoning to the north along SE Belmont Street.

The site is developed with a two-story wood-frame single-family home. There are three trees on the site, one of which is a nuisance species and the other are in poor condition due to open cavities and decay. Street trees exist along SE 27th Avenue, but no SE Yamhill Street. There are no curb cuts serving the existing development.

Infrastructure:

- **Streets** – The site has approximately 55 feet of frontage on SE 27th Avenue and 100 feet of frontage on SE Yamhill Street. At this location, both streets are classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 145 feet from the site on SE Belmont Street via Bus #15.

At this location, SE Yamhill Street is improved with 36 feet of paving within a 60-foot wide right-of-way. The pedestrian corridor includes a curb, 4-foot wide planter area, 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (4-6-2 configuration). Southeast 27th Avenue has a 24-foot curb to curb paved surface within a 60-foot right-of-way. The pedestrian corridor includes a curb, 10-foot wide planter area, 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (10-6-2 configuration).

- **Water Service** – There is an existing 8-inch CI water main in SE Yamhill Street. The existing house is served by a 5/8-inch metered service from this main. There is also water available from the existing 8-inch DI water main in SE 27th Avenue.

- **Sanitary Service** - There is an existing 8-inch public combination sewer line in SE 27th Avenue and a 6-inch public combination sewer line in SE Yamhill Street.

Zoning: The R2.5 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: 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. Exhibits “E” contain the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 5, 2013**. 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	The arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.2), has exempted all trees because they are unhealthy, a nuisance species, or located partially off the property.
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 have been proposed or will be 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.B - Existing	No public dead-end streets or pedestrian

	public dead-end streets and pedestrian connections	connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections 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. 611 contains the density and lot dimension requirements applicable in the R2.5 zone. Minimum density in the R2.5 zone is one unit per 6,250 square feet and the maximum density is one unit per 2,500 square feet. The site has a minimum required density of 1 unit and a maximum density of 2 units.

The applicant is proposing 3 parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 2 and 3 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 2 and 3 are developed with attached houses.

With a condition of approval limiting the development on Parcels 2 and 3 to attached houses, the density standards are met.

The lot dimensions required and proposed 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)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,023		36.0	55.0	36.0
Parcel 2 – see table below					
Parcel 3 – see table below					

	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 R2.5 zone	3,000	NA	NA	NA	NA
Original lot before division	3,477		55.0	64.0	55.0
New attached housing lots	No minimum lot dimension standards				
Parcel 2	1,717		32.0	55.0	32.0
Parcel 3	1,760		32.0	55.0	32.0

* 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 2 and 3 are smaller than would normally be allowed in the R2.5 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 3,000 square feet.

As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Proposed Parcels 2 and 3 each exceed the minimum lot dimension standards. Therefore, the corner lot may be divided to create Parcels 2 and 3 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:

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. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

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

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

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 Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. As a result of the proposed land division, the existing sewer connection that serves the house on proposed Parcel 1 will cross over Parcels 2 and 3 to reach the sewer main in SE 27 th Avenue. Prior to final plat approval, the applicant must demonstrate that the service branch for the existing structure is located on proposed Parcel 1, or cap the existing service branch for the future use of proposed Parcel 3 and establish a new service branch for the existing structure, to the satisfaction of BES. Permits for all required work must be obtained and finalized prior to plat approval.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant has provided a Simplified Approach stormwater report that shows an infiltration rate of 8 inches per hour is achievable on this site. The report and the preliminary utility plan propose Flo-Well drywells for new residences on Parcels 2 and 3. BES has no objections to the proposed stormwater management approach for Parcels 2 and 3 for the purpose of reviewing this land use application.

No stormwater disposal information was provided for the existing house proposed to remain on Parcel 1. It is the assumption of BES that the downspouts are plumbed to the sanitary line, consistent with other older homes in this area. At the time of final plat review, the applicant must provide a Supplemental Plan confirming that all stormwater facilities serving the existing development will remain on Parcel 1. If, as a result of final plat approval, the stormwater system for the existing home will extend beyond the boundaries of Parcel 1 (the lot with the existing home), 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.

This criterion is met with the noted condition of approval.

33.654.110.B.1 Through streets and 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. This criterion is met.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment

The Portland Bureau of Transportation (PBOT) has provided the following comments regarding transportation impacts and elements of the right-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.

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

The proposed land division will create 3 parcels (from the current lot) in order to accommodate the existing house that will be retained on Proposed Parcel 1 and 2 new attached single-dwelling residential homes on Proposed Parcels 2 and 3. Referring to the ITE Trip Generation Manual, 9th Edition, there will be 2 new AM peak hour trip and 2 additional PM peak hour trip (20 additional total new daily trips) that may result from the development proposal on the site. The new peak hour trips will have minimal impacts to the area's nearby intersections and do not warrant any mitigation to said intersections. The intersections will continue to operate at current levels without further degradation from the vehicle trips generated by the proposed project factored into the analysis.

No significant negative impacts are expected to occur in relation to any of the other evaluation factors. The site is served by nearby transit service north of the subject site along SE Belmont Street (via Tri-Met route #15 [Belmont/NW 23rd]). There are existing sidewalk corridors throughout the vicinity that facilitate pedestrian travel. There are identified bike facilities (Portland Bike/Walk

Map) in the area including a (painted) Bike Lane along SE Belmont, north of the subject site, a Shared Roadway along SE 25th Avenue, west of the subject site and a Neighborhood Greenway/signed-marked route, south of the subject site along SE Salmon Street.

With regard to impacts to on-street parking, the existing house on Proposed Parcel 1 will remain as it has, without any on-site parking opportunities and the new residences that will be developed on Parcels 2 and 3 will include on-site parking opportunities for at least one vehicle on each parcel. The applicant also conducted a parking survey to determine existing and future on-street parking supply and demand in the area. The parking observations were conducted along the east side of SE 27th Avenue (there is no parking allowed along the west side of the street) between SE Belmont and SE Yamhill Streets and along both sides of SE Yamhill between SE 26th and SE 27th Avenues during several time periods of expected high demand for residential parking. The results of those observations are as expected, that at the typical high demand periods for residential parking, most of the current on-street parking supply was occupied. It is critical to mention that the applicant's parking surveys also did not account for the loss of on-street parking opportunities due to the proposed curb-cut/driveway for the new attached homes on Parcels 2 and 3. A subsequent submittal by the applicant illustrates that there will be a loss of two on-street parking spaces associated with the new curb cut/driveway.

It must also be noted that the proposed partition request will result in a greater demand for parking. The parking demand that will be generated as a result of the proposed project is estimated using rates from the Institute of Transportation Engineers (ITE), *Parking Generation Manual, 4th Edition, 2010*. The data utilized to determine the parking demand for the two new attached dwellings were for land use #230, *Residential Condominium/Townhouse*. Based upon this data, the 85th percentile peak parking demand for the three new attached homes is three parking spaces (1.52 spaces/unit).

As mentioned, the proposal includes a paired curb cut/driveway to serve Proposed Parcels 2 and 3. There will be created on-site parking opportunities for at least two vehicles, therefore, conservatively considering this analysis, there will be an expected increase in demand of one space for the limited on-street parking opportunities. During all of the observations, there will be at least one parking space (factoring in the loss of two spaces due to the length of the paired curb-cut/driveway) within the parking survey area available to support the existing and proposed uses in the area. With on-site parking opportunities for at least one vehicle on each of the proposed lots, on-street parking impacts will be minimized.

There appears to be clear and sufficient line of sight looking in any direction along the property frontage to allow for safe access onto/from the proposed parcels. SE Yamhill is a straight, generally flat street with no sight obstructions. Parking is allowed on both sides of both streets and typical of streets that allow parking, sight distance can be partially obstructed by parked vehicles.

Given the area in which the site is located, the minimal increase in vehicle trips that will be generated by the proposed partition, and the classification of the street within the transportation system, PBOT expects that the transportation system will be able to support the existing development in the area as well as the proposed development.

For these reasons provided by PBOT, 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.

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.

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.

1. The address and main entrance of each house must be oriented to a separate street frontage.
2. Development on Parcel 2 must be oriented toward SE Yamhill Street and development on Parcel 3 must be oriented toward SE 27th Avenue.
3. The height of the two units must be within 4 feet of each other
4. The exterior finish material must be the same, or visually match in type, size and placement.
5. The predominant roof pitch must be the same.
6. Roof eaves must project the same distance from the building wall.
7. Trim must be the same in type, size and location.
8. Windows must match in proportion and orientation.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. 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 R2.5 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 are several Zoning Code standards that relate to existing development on the site:

- Minimum Setbacks – The existing house identified to remain on the site 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 10 feet from the new property line. Therefore, the required setbacks are being met. 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 building relative to the adjacent new lot lines.
- Required Outdoor Area – In this zone, a minimum 12-foot by 12-foot outdoor area is required. The side yard currently exceeds this requirement for the existing house. As a result of this land division, the majority of the existing open area will be on a different lot. In order to ensure that the outdoor area requirements continue to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the required outdoor area 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
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development

	Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
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 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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 the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant spacing and flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Parcel 1 prior to final plat approval. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 3-parcel partition, as shown on the attached preliminary plan (Exhibits C.3 and C.4). 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: existing development, sanitary sewer connections, and fire code requirements.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition, that will result in one standard lot for detached housing and two lots for attached housing on a corner, as illustrated with Exhibits C.3 and C.4, 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 Review, BES, and Fire 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;
- An area that meets the minimum outdoor area requirement in Section 33.110.235;
- The location of any existing stormwater facilities for the development to remain on Parcel 1;
- Fire apparatus access routes to the satisfaction of the Fire Bureau;
- The nearest residential fire hydrant; and
- Any other information specifically noted in the conditions listed below.

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

Utilities

1. The applicant must demonstrate that the service branch for the existing structure is located on proposed Parcel 1, or cap the existing service branch for the future use of proposed Parcel 3 and establish a new service branch for the existing structure, to the satisfaction of BES. Permits for all required work must be obtained and finalized prior to plat approval.
2. The applicant shall meet the requirements of the Fire Bureau for residential hydrant spacing. The applicant must provide verification to the Fire Bureau that Appendix C of the Fire Code is met or provide an approved Fire Code Appeal prior final plat approval.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way for Parcels 2 and 3, as required in Chapter 5 of the Oregon Fire Code. Alternately, the applicant will be required to install residential sprinklers in the new house on Parcels 2 and 3, if applying the exception. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

Existing Development

5. 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 home will extend beyond the boundaries of Parcel 1 (the lot with the existing home), 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.
6. The applicant must plant 1 street tree in the planter strip on SE Yamhill Street adjacent to Parcel 1. 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.

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

1. Parcels 2 and 3 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
2. The applicant must meet the addressing requirements of the Fire Bureau for Parcels 2 and 3. The location of the sign must be shown on the building permit.
3. If required as a result of conditions above, the applicant must meet any requirements identified through a Fire Code Appeal. This may include the installation of residential sprinklers in the new dwelling units on Parcels 1-3. Please refer to the final plat approval report for details on whether or not this requirement applies.
4. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet

in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Rachel Whiteside

Decision rendered by: RWhiteside **on December 18, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed December 20, 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 August 28, 2013, and was determined to be complete on November 1, 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 August 28, 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: March 1, 2014.**

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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

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.

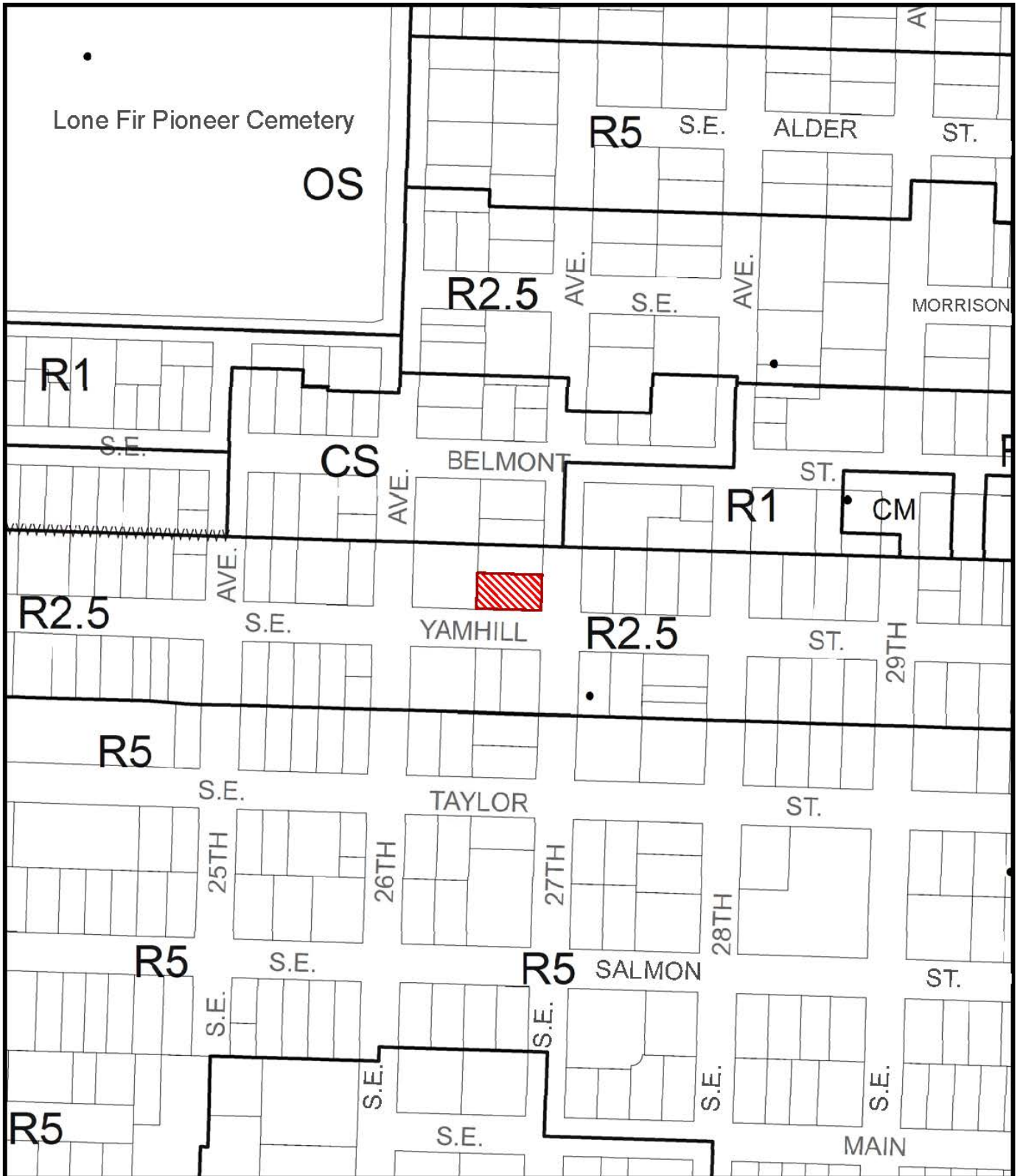
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Original Narrative
 - 2. Arborist Report
 - 3. Response to Incomplete Letter, dated October 15, 2013
 - 4. Simplified Approach Stormwater Report
 - 5. Parking impact plan, received December 13, 2013
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Vicinity Map
 - 2. Existing Conditions Plan
 - 3. Preliminary Plat (attached)
 - 4. Preliminary Utility and Site Plan (attached)
 - 5. Preliminary Grading Plan
 - 6. Stamped Boundary Survey
- 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. Incomplete Letter, sent September 17, 2013

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



NORTH

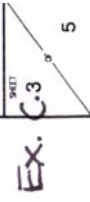
File No. LU 13-198539 LDP
 1/4 Section 3133
 Scale 1 inch = 200 feet
 State_Id 1S1E01BB 12200
 Exhibit B (Aug 29, 2013)

2621 SE YAMHILL STREET
 TAX MAP T1S R1E 01B8
 MULTNOMAH COUNTY, OREGON

PRELIMINARY PLAT

NO.	DATE	DESCRIPTION

EMERIGO
Design
 6107 SW ALBANY BLVD. SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503) 515-5528



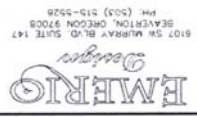
LEGEND
 PROPERTY LINE
 ADJACENT/CONTIGUOUS LOT LINE
 CENTER LINE ROW
 SET BACK LINE

SETBACKS
 FRONT: 20 FT.
 GARAGE: 18 FT.
 REAR: 5 FT.
 SIDE: 5 FT. (8 FT. ADJUST)



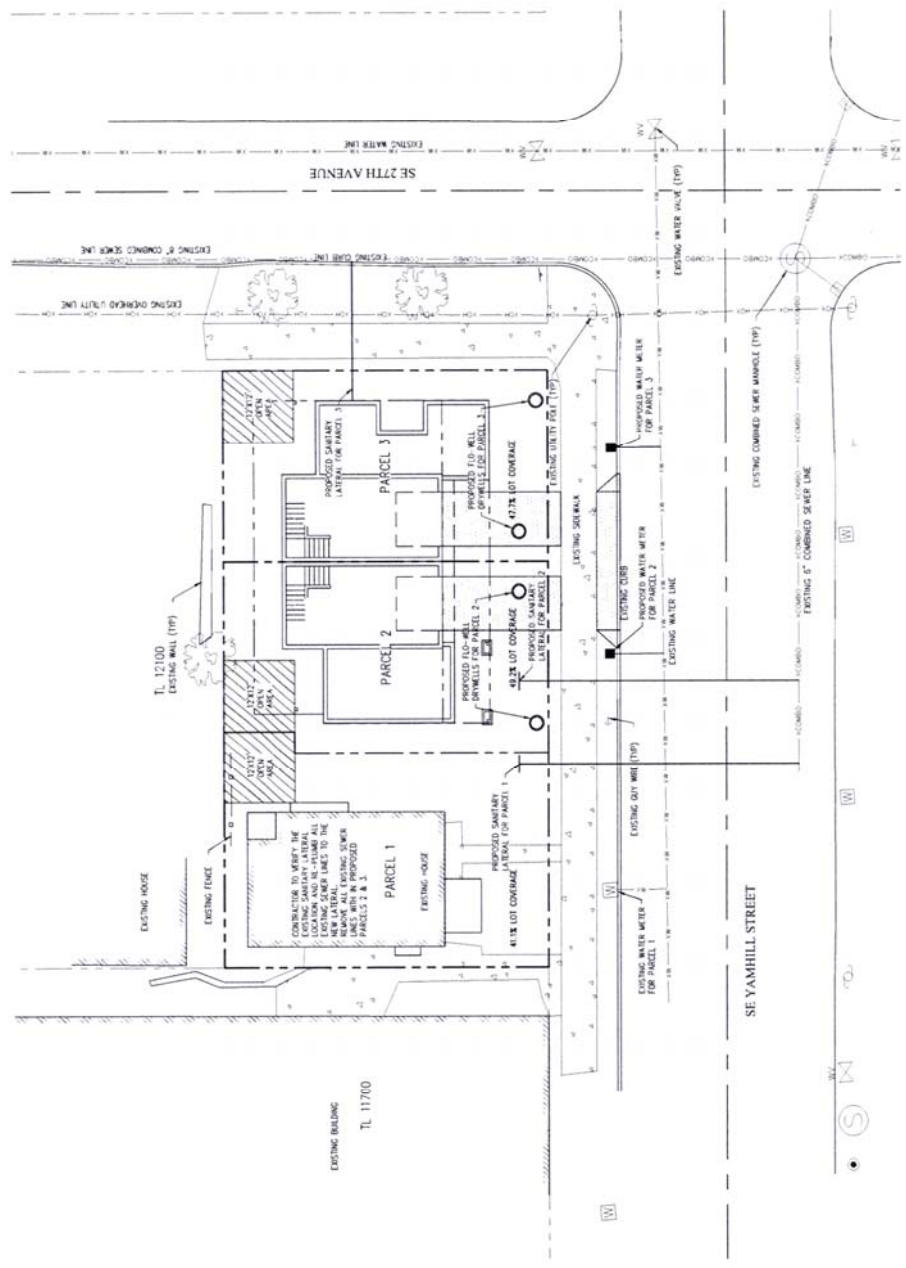
LW 13-198539 LPP

PRELIMINARY
 UTILITY PLAN



LEGEND

--- (dashed line)	BOUNDARY LINE
- - - - (long dashed line)	ADJACENT/ADJOINING LOT LINE
- - - - (short dashed line)	CONVEY LINE ROW
○ (circle)	EXISTING SANITARY SEWER MANHOLE
○ (circle with cross)	EXISTING WATER METER
○ (circle with dot)	EXISTING WATER VALVE
○ (circle with cross-hatch)	EXISTING GAS VALVE
○ (circle with diagonal lines)	EXISTING STUTY AND LIGHT POLE
○ (circle with horizontal lines)	EXISTING SANITARY SEWER LINE
○ (circle with vertical lines)	EXISTING WATER LINE
○ (circle with diagonal lines 2)	EXISTING GAS LINE
○ (circle with horizontal lines 2)	EXISTING FENCELINE
○ (circle with vertical lines 2)	EXISTING SANITARY LATERAL
○ (circle with diagonal lines 3)	PROPOSED WATER METER



LU 13-198539 LDP