



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

FROM CONCEPT TO CONSTRUCTION

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Date: February 20, 2014
To: Interested Person
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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 13-214934 LDS

GENERAL INFORMATION

Applicant: Kevin Partain / Urban Visions
223 NE 56th Ave / Portland OR 97213

Owners: Sandra L Kidd
6015 SE Carlton St / Portland, OR 97206-6721

Janice Craun Juday
1215 SE Clatsop St / Portland, OR 97202

Site Address: 4224 SE 101st Ave

Legal Description: TL 3000 0.79 ACRES, SECTION 09 1S 2E **Quarter Section:** 3440
Tax Account No.: R992094570 **State ID No.:** 1S2E09DD 03000
Neighborhood: Lents, contact Cora Potter at 503-823-4550.
Business District: Midway, contact Bill Dayton at 503-252-2017.
District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550.
Plan District: Johnson Creek Basin
Zoning: R5a (Single Family 5,000 square feet with "a" alternative design density overlay)

Case Type: LDS (Land Division Subdivision)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing a 7 lot land division. Proposed lots 1-5 and lot 7 will measure between approximately 3,905 square feet to 4,608 square feet and will accommodate new single family housing. The applicant is proposing to retain the existing house on lot 6 which will measure approximately 7,010 square feet. The applicant is proposing to preserve several trees located in the northeast corner of Lots 6 and 7 as shown on the attached site plan in order to meet the Zoning Codes Tree Preservation standards.

Relevant Approval Criteria:

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

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 7 units of land. Therefore this land division is considered a subdivision.

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 on an interior lot with frontage along SE 101st Avenue. The house on the site was built in 1922. This home has a detached garage located directly to the north and a barn located along the rear (eastern) property boundary. The development surrounding the site to the north, west and east is primarily made up of single family residential type development.

Infrastructure:

Streets –The site has approximately 271 feet of frontage on SE 101st Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, SE 101st Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 340 feet from the site at SE Holgate Boulevard via Bus 17.

SE 101st Avenue has a 28-foot curb to curb paved surface for the lower 2/3 of the sites frontage along SE 101st Ave that widens to a 32 feet of curb to curb paved surface for the northern 1/3 of the sites frontage along SE 101st Avenue within a 40-foot right-of-way with parking on both sides. Along the 271-foot wide site frontage the pedestrian corridor includes a curb, 5-foot sidewalk and a 1-foot wide buffer at the back of the sidewalk (0-5-1 configuration).

- **Water Service** – There is an existing 8-inch CI water main in SE 101st Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch VSP public sanitary only sewer line in SE 101st Avenue.
- **Stormwater Disposal** – The applicant has provided a locate report from McBee Boring & Excavating that identifies the stormwater discharge points from the existing house as to a drywell just east of the house, and just north of the front side of the house. The stormwater management facilities for the existing house will not conflict with stormwater setbacks to the proposed property lines as demonstrated on the provided Tentative Plan for Proposed Subdivision.

Zoning: The R5 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.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services.

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 **December 26, 2013**. One written responses have been received from a notified property owners in response to the proposal.

Neighborhood response (exhibit F-1): The neighborhood letter expressed concern that the new development will be out of character with the area due to the additional density which the letter indicated could result in increase crime. The letter also expressed concern about noise. Last, the letter expressed concern about property values, and the impact of rental homes on the area.

BDS response: Please see the finding below for information regarding the allowed density of the subject site which are subject to the regulations of the Portland Zoning Code (Title 33). It should be noted that the code does not regulate whether or not a new home becomes a rental home. However, the City does regulate noise through the City’s Office of Neighborhood Involvement.

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:
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	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

	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 public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian 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. 610 contains the density and lot dimension requirements applicable in the RF through R5 zones. The site has a maximum density of 7 units. The applicant is proposing 7 single family lots. The density standards are therefore met.

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

R5 Zone	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
	3,000	8,500	36	50	30
Lot 1	3,905 sq. ft.		32 ft.**	122 ft.	32 ft.
Lot 2	4,392 sq. ft.		36 ft.	122 ft.	36 ft.
Lot 3	4,393 sq. ft.		36 ft.	122 ft.	36 ft.
Lot 4	4,393 sq. ft.		36 ft.	122 ft.	36 ft.
Lot 5	4,608 sq. ft.		38.41 ft.	122 ft.	38.41 ft.
Lot 6	7,010 sq. ft.		55.76 ft.	122 ft.	55.76 ft.
Lot 7	4,427 sq. ft.		36.26 ft.	122 ft.	36.26

* 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.

** Lot 7 is considered a “narrow lot” see findings below

Narrow Lots

Lot 7 is 32 feet wide — narrower than the minimum width for the R5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of Section 33.610.200.D

Consistent with the Purpose of Lot Dimension Regulations

The purpose of Lot dimension regulations are as follows:

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

The applicant has demonstrated that the proposed Lot 7 is consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that the proposed narrow lot can accommodate a reasonably sized house and garage while meeting the development standards of the zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that the narrow lot has access for utilities and services
- The proposed narrow lot is compatible with existing lots because it provides room for a reasonably sized single family detached home that matches the development pattern in the surrounding neighborhood and will accommodate onsite parking
- The proposed lot is not landlocked nor does it narrow to an unbuildable width close to the street

The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet

- Lot 7 will be developed with a detached house; however, the proposed lot is 32 feet wide, exceeding the 25 feet width requirement.

If the lot abuts an alley, then vehicle access is allowed only from the alley

- The site does not have access from an alley, so this standard does not apply.

Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development

- The applicant has demonstrated, with Exhibit C-1 that the narrow lot will be built with a house that is 22 feet in width and will be able to accommodate a garage that will occupy no more than 50% of the length of the street facing façade. The garage limitation standards of Subsection 33.110.253.E can be met.

60 percent landscaping requirement for attached houses

- The applicant has indicated that the narrow lot will be developed with detached houses; therefore, this requirement does not apply.

The findings above show that the applicable density and lot dimension standards are met. Therefore, this criterion is met.

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.2). Seven trees are subject to the preservation requirements of this chapter.

The inventory identifies the following trees on the site:

Tree #	Species	Diameter (inches)	Exempt? (per 33.630.030)	To be retained?	RPZ (Root Protection Zone)
522	Douglas Fir	36"	No	No	
523	Douglas Fir	28"	No	No	
524	Douglas Fir	39"	No	No	
525	Douglas Fir	32"	No	No	
526	Douglas Fir	24"	No	Yes	*see below
527	Douglas Fir	26"	No	Yes	*see below
528	Douglas Fir	38"	No	Yes	*see below

* Combined RPZ: 20 feet west of tree #528 and 15 feet south of tree #526, see exhibit A-2

The total non-exempt tree diameter on the site is 223 inches. The applicant proposes to preserve trees 526, 527, and 528 which comprise of 88 inches of diameter, or 39 percent of the total non-exempt tree diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total non-exempt tree diameter on the site to be preserved. The trees to be preserved and the required root protection zones are shown on the applicant's Tree Preservation Plan/Preliminary Land Division Plan (Exhibit C.1).

In order to ensure that future owners of the lots are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Requirements at the time of final plat.

This criterion is met, subject to the condition that development on Lots 6 and 7 be carried out in conformance with the Tree Preservation Plan/Preliminary Land Division Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.2) and an Acknowledgement of Tree Preservation Requirements is recorded with the final plat.

Therefore, with the conditions noted above, the criteria can be 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. All three of the trees proposed for protection are located in the rear of lots 6 and 7. This criterion is met.

A Preliminary Clearing and Grading Plan was not submitted with the land division application however, the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan and arborist report. This criteria is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic cesspool on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With a condition requiring final inspection for a decommissioning permit, the new lots can be considered suitable for new development, and this criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services.

Level of Service

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. Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. In relation to this project and to address the transportation-related approval criteria, the applicant has had a Traffic Impact Study (TIS) prepared by a professional traffic consultant (exhibit A-5).

To estimate the trips generated by the addition of 6 new single-family detached homes to the subject property, trip rates from the Manual *Trip Generation*¹ were used. The data for land use #210, *Single-Family Detached Housing* are used to calculate trip rates for the 6 added homes.

The trip generation calculations show that the proposed land division and the addition of 6 new lots with a single-family home on each lot will generate 5 additional trips during the morning peak hour and 6 additional trips during the evening peak hour. The new homes on the new lots are projected to generate 58 total additional weekday trips.

In order to ensure that the nearby transportation system is capable of supporting the new trips from the proposed land division, the intersection of SE 101st Ave/SE Holgate Blvd was analyzed using the unsignalized intersection analysis methodologies in the *Highway Capacity Manual (HCM)*² and with actual traffic counts collected by the applicant's traffic consultant.

As outlined in the TIS, the studied intersection currently operates at level of service (LOS) B during the morning peak hour, and at LOS C during the evening peak hour. Following the addition of the trips generated by the proposed land division, the intersection is expected to continue to operate at LOS B during the morning peak hour, and at LOS C during the evening peak hour. This is well within the City of Portland's operational standards. The small number of new trips expected will not significantly increase delays at or degrade the performance of any intersection or facility in the study area.

The parking demand that will be generated as a result of the proposed project was estimated using rates from *Parking Generation*. The data utilized to determine the parking demand for the 6 additional detached single-family homes were for land use #210, *Single-Family Detached Housing*. Based upon this data, the 85th percentile peak parking demand for the 6 additional homes is 13 parking spaces.

There is ample on-street parking available in the site vicinity to accommodate the additional parking generated by the planned new residences. During a mid-day site visit, only 4 vehicles were observed to be parked along the paved segment of SE 101st Ave that runs from just north of the subject site to the intersection of SE 101st Ave/SE Holgate St. The approximate supply of parking along this segment is at least 40 spaces. While each of the 6 planned homes will include a garage and a driveway, there will be little impact on the supply of on-street parking in the neighborhood even if all new residents choose to utilize on-street parking. The on-street parking in the neighborhood is therefore adequate to serve both existing and proposed uses.

Tri-Met Bus route #17 (*Holgate/Broadway*) provides service along SE Holgate Blvd, with the closest stop to the subject site located near the intersection with 100th Ave. The subject site is also located approximately one-half mile from the SE Holgate Boulevard MAX station, which is served by the MAX Green Line.

The impacts associated with the additional 6 lots that the proposed subdivision will create are expected to be minor, and primarily consist of the small increase in vehicular traffic associated with the new homes to be constructed on the subdivision site. As described previously, these added trips will not have a significant effect on efficiency or safety of the nearby street system, and the proposal is not likely to significantly increase the demand for on-street parking. The proposal will therefore have minimal impacts on the neighborhood.

Crash data from ODOT was examined for the intersection of SE 100th Ave/SE Holgate Blvd for the most recent available five years (2008-2012). Two crashes were reported during the analysis period, and the crash rate was calculated to be 0.08 crashes per million entering vehicles (CMEV). Crash rates greater than 1.0 CMEV are generally indicative of a need for further investigation and possible mitigation. Based on the detailed crash data and the calculated crash rates, there are no apparent existing safety deficiencies at this intersection.

For bicycles, SE 101st Ave is a low-volume, low-speed roadway that can be safely and comfortably shared with motor vehicles. SE Holgate St is a nearby City Bikeway that features a buffered bike lane in each direction and connects to the I-205 Multi-Use Path as well as a number of other low-traffic north-south routes that can be utilized safely and comfortably for bicycling.

The opportunity for safe and comfortable pedestrian travel is also available in the vicinity of the project site. SE 101st Ave and SE Holgate Blvd have continuous sidewalks, providing people walking with routes to nearby transit stops and other local destinations. While the segment of SE 101st Avenue north of the site does not have sidewalks, speeds and volumes are low enough along this unpaved segment that it can safely be shared between users of multiple modes, and thus provides an opportunity for safe travel to SE Powell Blvd and other destinations to the north of the site.

The impact to nearby intersections resulting from construction of the proposed 6 new detached single-family residential homes will be minimal. New site trips are not expected to significantly alter the operation or safety of the existing facilities, and on-street parking in the area is sufficient to meet the new demand. The transportation impact approval criterion is met for the proposed partition, as the transportation system is capable of safely supporting the proposed use in addition to existing uses.

At this location, the City's Transportation System Plan classifies SE 101st Ave as a Local Service street for all modes. According to City GIS, SE 101st Ave is improved with 28-ft of paving width (for approx the lower 2/3 of the length of the frontage, after which the street widens to 32-ft of paving width) and a 0-5-1 sidewalk corridor within a 40-ft wide right-of-way. The City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor (0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, 0.5-ft wide frontage zone) for Local Service streets abutting R2.5 zoned sites. The existing sidewalk corridor along the site frontage does not satisfy this standard.

The applicant is advised that in relation to the construction of the new homes on the new lots, the existing sidewalk corridor will need to be re-constructed to the above referenced 11-ft wide standard. To accommodate the 11-ft wide standard sidewalk corridor, the applicant is also advised that a 5-ft wide dedication of property along the site frontage will be required. The dedication will occur as a condition of Final Plat approval.

PBOT has no objections to the proposed subdivision request, subject to the following condition of approval:

Sidewalk corridor construction to the satisfaction of the City Engineer across the frontage of the subject site shall be occur as a condition of the Building Permit for the homes on the new lots. An Over-the-Counter Permit from PBOT shall be obtained for said sidewalk corridor construction. The sidewalk construction must occur in front of the existing house on Lot 6 prior to final plat approval.

These criteria are met.

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 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.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1</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> <p>Public Street Improvements:</p> <p>As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.</p> <ul style="list-style-type: none"> • Lots 1-5 and 7: BES has reviewed the Simplified Approach stormwater report (Exhibit A-6) and infiltration test (exhibit A-3) from 7/22/12 as well as the Presumptive Approach infiltration testing from Rapid Soil Solutions dated 11/8/13. Infiltration rates were found to be 4 and 20 inches per hour, respectively. The applicant proposes onsite infiltration by means of a drywells for the proposed structures on the new lots. BES has no objections to the proposed stormwater management approach for the purposes of land

use review.

- **Lot 6 (the lot with the existing house):** The applicant has provided a locate report from McBee Boring & Excavating (exhibit A-4) that identifies the stormwater discharge points from the existing house as to a drywell just east of the house, and just north of the front side of the house. The stormwater management facilities for the existing house will not conflict with stormwater setbacks to the proposed property lines as demonstrated on the provided Tentative Plan for Proposed Subdivision.

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 does not meet the noted spacing requirements. Therefore, there should be an east-west through street provided in the vicinity of the site.

The site contains sufficient width to allow the creation of a public east-west through street. However, the properties adjacent to the portion of the site where the street would terminate are already developed, and not configured in a manner that would easily allow the further extension of a street from the site. So, although the optimum spacing criteria would indicate the need for an east-west through street or pedestrian connection at this site, there is no practicable opportunity to provide them in this land division.

The site is within the Portland Master Street Plan for the Southeast District where no new street connections have been identified. Therefore, the proposal is consistent with the master street plan.

For the reasons described above, 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:

- Narrow Lots-- development on Lot 1 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.2times the width of the structure, per 33.110.215.B.2; and
 - Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.E.3.a

Existing development that will remain after the land division. The existing development on the site will remain and be located on Lot 6. 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 R5 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 5 feet from the new southern property line. In addition, the detached garage associated with the home and the barn are also both located 5 feet from the adjacent property lines. 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.

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 fire hydrant spacing or installing a new hydrant; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement and recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers; 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 new planter strip adjacent to Lot 6 prior to final plat approval. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 7 lot subdivision, 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.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 7-lot subdivision, that will result in six standard lots and one narrow lot 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 off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- The fire apparatus access
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 101st Avenue. The required right-of-way dedication must be shown on the final plat.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.7 and C.8 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Acknowledgement of (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor along the frontage of Lot 6, where the existing house will be retained, it must be constructed prior to final plat approval.

Utilities

2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.
3. The applicant shall provide information to the satisfaction of the Fire Bureau that Fire Hydrant spacing is adequate. If necessary, the applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant. The applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.
4. 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.

5. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way 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 Lots 1-5 and 7, 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

6. The applicant must plant street tree(s) in the planter strip on SE 101st Avenue street adjacent to Lot 6. 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.

Required Legal Documents

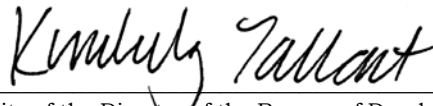
7. If required per condition C.3-C.5 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Lots 1-5 and Lot 7 to contain internal fire suppression sprinklers, per Fire Bureau Appeal no *. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.
8. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Lots 6 and 7. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be recorded with Multnomah County and referenced on the final plat.

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

1. Development on Lots 6 and 7 shall be in conformance with the Tree Preservation Plan (Exhibit C-1) and the applicant's arborist report (Exhibit A-2). Specifically, trees numbered 526, 527, and 528 are required to be preserved, with the root protection zones indicated on Exhibit C-1. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.
2. The applicant must meet the addressing requirements of the Fire Bureau. The location of the sign must be shown on the building permit.
3. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling unit on Lots 1-5 and 7. 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.

5. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage to install the required sidewalk corridor. The improvements along the frontage of Lots 1-5 and Lot 7 may be constructed with development on each lot as per the City Engineer's discretion

Staff Planner: Shawn Burgett

Decision rendered by:  **on February 14, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed February 20, 2014

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 October 10, 2013, and was determined to be complete on December 20, 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 October 10, 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. **The 120 days will expire on: April 19, 2014.**

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 March 6, 2014** 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Arborist Report
 - 3. Infiltration testing
 - 4. Video inspection report
 - 5. Transportation Analysis
 - 6. Early Neighborhood notification documentation
 - 7. Stormwater report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (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

7. Life Safety

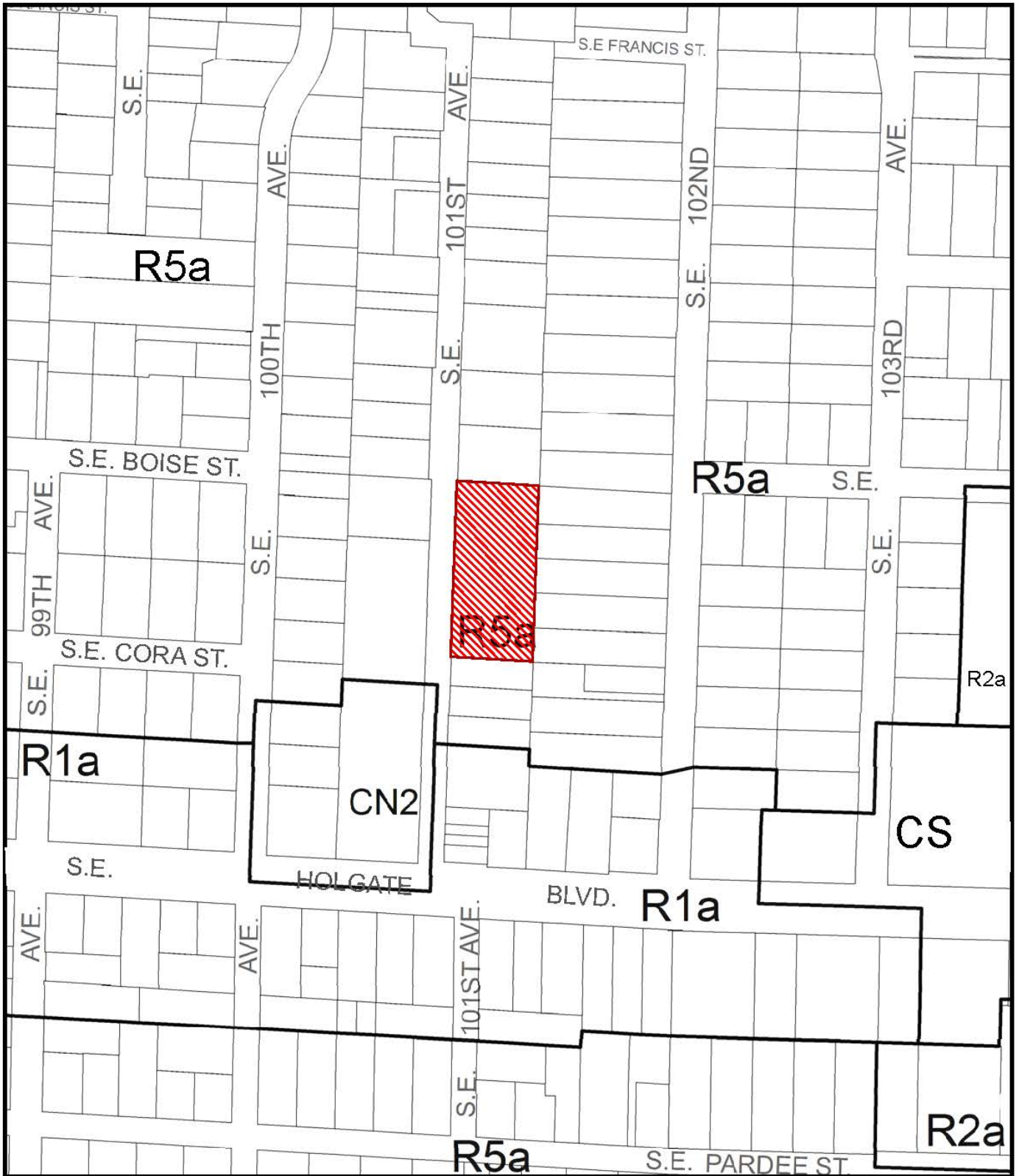
F. Correspondence:

1. Leslie & Chris Ross, 4325 SE 102nd Ave Portland, OR 82266

G. Other:

1. Original LU Application
2. Incomplete Letter
3. Land Use History

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



NORTH

This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No. LU 13-214934 LDS
 1/4 Section 3440
 Scale 1 inch = 200 feet
 State_Id 1S2E09DD 3000
 Exhibit B (Oct 16, 2013)

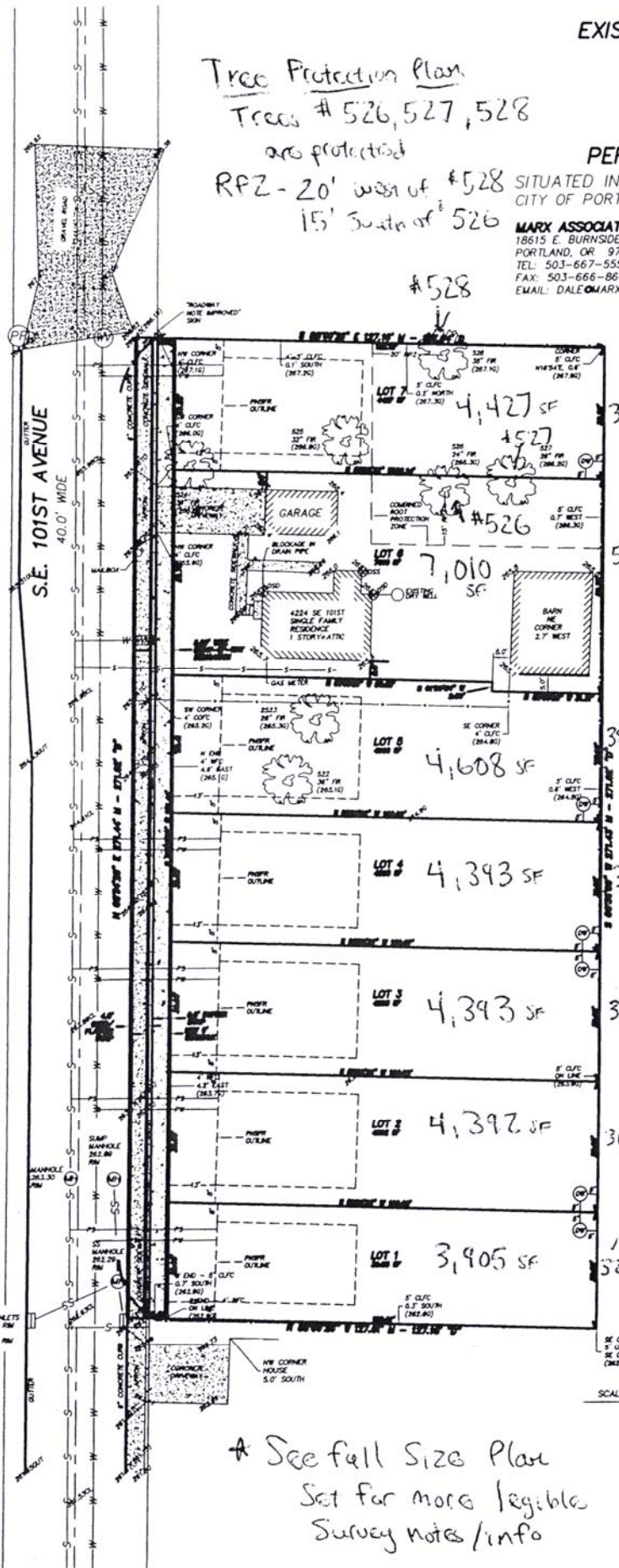
**EXISTING CONDITIONS, TREE SURVEY
AND TENTATIVE PLAN
FOR PROPOSED SUBDIVISION
"CRAUN ESTATES"
1S2E09DD TAX LOT 03000
PER DOCUMENT NO. 2006-057230**

Tree Protection Plan
Trees # 526, 527, 528
are protected
RPZ - 20' west of #528
15' South of #526

SITUATED IN THE SE 1/4 OF SECTION 9 T.1S., R.2E. W.M.
CITY OF PORTLAND
MULTNOMAH CO., OREGON

MARK ASSOCIATES
18615 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-667-5550
FAX: 503-666-8666
EMAIL: DALE@MARKASSOC.S.NET

DATE DRAWN: JULY 23, 2013
DRAWING NO. 13061EXC
ACCOUNT NO. 13061
REVISED: JULY 26, 2013
REVISED: AUGUST 29, 2013
REVISED: NOVEMBER 18, 2013
REVISED: NOVEMBER 18, 2013



ZONING:
R50

SITE SIZE:
34485 SQUARE FEET

PARCEL DATA:
1S2E09DD TAX LOT 03000 PER DOCUMENT NO. 2006-057230, MULTNOMAH COUNTY DEED RECORDS.

BENCH MARK:
CITY OF PORTLAND 2" BRASS DISC, BM NO. 4580, EAST CURB, SE 101ST AVENUE, 630' NORTH OF CENTERLINE, SE HOGGATE, ELEVATION = 266.362 COP DATUM

NOTES & LEGEND:

- * (P) DEPICTS POWER POLE
- * (S) DEPICTS SANITARY SEWER MANHOLE UNLESS OTHERWISE NOTED
- * (W) DEPICTS 1.5X5 CURB INLET
- * (V) DEPICTS WATER VALVE
- * (M) DEPICTS WATER METER
- * 123.450" DENOTES GROUND ELEVATION (ELEVATION IS AT DECIMAL POINT)
- * (123.450)" DENOTES GROUND ELEVATION AT ITEM NOTED
- * 123.45(123.05)" DENOTES TOP CURB ELEVATION (GUTTER ELEVATION) (ELEVATION IS AT DECIMAL POINT OF TOP CURB)
- * 123.45TC" DENOTES TOP CURB ELEVATION (ELEVATION IS AT DECIMAL POINT)
- * 123.45CL" DENOTES CENTERLINE ELEVATION (ELEVATION IS AT DECIMAL POINT)
- * 123.45GUT" DENOTES GUTTER ELEVATION (ELEVATION IS AT DECIMAL POINT)
- * "W" DEPICTS WATER LINE
- * "S" DEPICTS SEWER LINE
- * "SS" DEPICTS STORM SEWER LINE
- * "PS" DEPICTS PROPOSED SANITARY SEWER LINE
- * "PW" DEPICTS PROPOSED WATER LINE
- * (D) DEPICTS DOWNSPOUT
- "DSO" DENOTES DOWNSPOUT TO DRAIN OR DRYWELL
- "DSS" DENOTES DOWNSPOUT TO SPASHBLOCK
- "CLFC" DENOTES CHAIN LINK FENCE
- "-o-" DEPICTS CHAIN LINK FENCE
- "WFC" DEPICTS WIRE FENCE
- "-x-" DEPICTS WIRE FENCE
- "RPZ" DENOTES ROOT PROTECTION ZONE
- "SF" DENOTES SQUARE FEET.
- "PNSFR" DENOTES PROPOSED NEW SINGLE FAMILY RESIDENCE
- * (DW) DEPICTS PROPOSED DRYWELL, 5' DIMENSIONS ARE TO THE CENTERLINE OF THE PROPOSED DRYWELL

- NOTES:**
1. UTILITY LOCATIONS ARE FROM FIELD TIES AND CITY OF PORTLAND AS BUILT DATA. ACTUAL LOCATIONS SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION.
 2. THERE ARE NO DOWNSPOUTS OR GUTTERS ON THE BARN/GARAGE.

** See full size plan
Set for more legible
Survey notes/info*

REGISTERED
PROFESSIONAL
LAND SURVEYOR
DJB
FEBRUARY 14, 1989
DANIEL B. BAUER
ELP3
EXPIRATION DATE: 12/31/13

CASE NO. 13-214934
EXHIBIT C-1