



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

FROM CONCEPT TO CONSTRUCTION

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Date: April 8, 2014
To: Interested Person
From: Rachel Whiteside, Land Use Services
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NOTICE OF A TYPE I_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 13-186522 LDP

GENERAL INFORMATION

Applicant: Mark Dane Planning Inc | 13630 SW Butner Rd | Beaverton OR 97005
Owner: G&K Investments One | 8733 SE Division St #201 | Portland OR 97226
Site Address: 4105 SE 80TH AVE
Legal Description: TL 7400 0.33 ACRES, SECTION 08 1S 2E
Tax Account No.: R992080670
State ID No.: 1S2E08DD 07400
Quarter Section: 3438
Neighborhood: Foster-Powell, contact Li Alligood at 503-449-7709.
Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Plan District: None
Zoning: R2a – Multi-Dwelling Residential with the Alternative Design Density Overlay Zone
Case Type: LDP – Land Division (Partition)
Procedure: Type I_x – an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to partition the 14,000 square foot site into two parcels. Parcel 1 is proposed to be 3,380 square feet and would keep the existing house and driveway. At 10,897 square feet, proposed Parcel 2 is considered a multi-dwelling lot eligible for up to 5 units or a further land division.

Public water and sanitary sewer are located in SE 80th Avenue. Stormwater from existing and new development will be managed onsite through new drywells. A 2-foot right-of-way dedication is proposed to accommodate a wider sidewalk corridor.

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).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land. Therefore this land division is considered a partition.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant 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 site and overall vicinity is flat. There are no unique geological features that need to be factored into the site configuration besides existing trees. The one and a half story home is characteristic of existing housing stock in the area. There are also many small single-story homes, some mid-century multi-dwelling, and some newer multi-story housing. Essex park is two blocks to the northwest. One block east the zoning and development transition to commercial. Eastport plaza is due east.

Infrastructure:

- **Streets** – The site has approximately 82 feet of frontage on SE 80th Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, SE 80th Avenue is classified as a Local Service Street for all modes. It is improved with a 3-5-1 sidewalk configuration. The northern section of the frontage has a transition to a 4-5-1 sidewalk. Transit service is available roughly 548 feet from the site along SE 82nd Avenue, via Trimet bus #17.
- **Water Service** – There is an existing 8-inch CI water main in SE 80th Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch PVC public sanitary-only sewer line in SE 80th Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. There is a public underground injection control (UIC) system located in front of the site that receives stormwater runoff from the public right-of-way. The UIC consists of three inlets, a sedimentation manhole, and an infiltration sump.

Zoning: The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing. 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.

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 **January 31, 2014**. One written response has been received from a notified property owner in response to the proposal. The letter raised the following concerns (the City response follows in *Italics*):

- Trees 1 and 2 should be preserved rather than Tree 10.
Parcel 2 is intended for redevelopment with multi-dwelling development or possibly a further land division. It is not possible to meet the development standards of the R2 zone that govern on site vehicle areas and pedestrian connections and still preserve Trees 1 and 2. The root protection zone for Tree 1 would preclude any reasonable development on the site.
- Assurance that any branches and debris from the trees to be removed that hang over the shared property line will be cleaned-up from her property.
The City is not able to guarantee this level of assurance. Adjacent property owners will have to coordinate with the applicant to conduct any clean-up necessary on their site.
- The location of the drywells and the possibility of it creating a sinkhole on the adjacent property.
The Site Development Section of the Bureau of Development Services has reviewed this application for land suitability. An existing cesspool has been identified for proper decommissioning, thus eliminating a possible sinkhole source on the project site. There is no indication that permitted and inspected drywells contribute to sinkholes.
- Garages should be provided to ease onstreet parking congestion.
This review is for a land division only and not a specific proposal for development on future parcels. At the time of permit review development will have to meet the minimum parking requirements in Chapter 33.266, Parking and Loading.
- The neighborhood middle and high schools have been closed and the nearest schools are at full capacity.
The land division approval criteria do not have standards or criteria that are directly linked to school capacity. Portland Public Schools participates in the long-range planning processes that establish the potential density of an area.

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:
E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
I	33.639 - Solar Access	The proposed development includes lots 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 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 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing one single-family parcel and one multi-dwelling parcel. Therefore, the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 14,443 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. A street dedication is required that totals 164.6 square feet. Therefore the resulting lot size for calculating density is 14,278 square feet. The site has a minimum required density of 6 units and a maximum density of 7 units.

Because Parcel 1 is developed with one dwelling unit, the remainder of the minimum density for the site as a whole must be met on Parcel 2 at the time of development. Because the proposed area of Parcel 2 would only trigger a minimum density requirement of 4 units according to Table 120-3, conditions are needed to ensure that the density requirements of the land division site will be met on Parcel 2.

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

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Multi Dwelling	4,000	33	70	30
Detached Houses	1,600	25	none	25
Parcel 1 – detached SFR	3,380	46.3	73.0	46.3
Parcel 2 – multi-dwelling	10,897	90	175	36.0

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

The findings above show that the applicable density and lot dimension standards are met. Therefore 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). A total of six trees have been exempted because they are too small, unhealthy or a nuisance species, leaving 5 trees subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 93 inches. The applicant proposes to preserve trees 3, 8, and 10, which comprise of 54 inches of diameter, or 58 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 Preliminary Land Division Plan (Exhibit C.2).

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 Parcels 1 and 2 be carried out in conformance with the Preliminary Land Division Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.2) and an acknowledgement of tree preservation requirements is recorded with the final plat.

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, by preserving trees at the edges of the site, there is adequate room for redevelopment of Parcel 2. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old cesspool on the site. The City has no record that 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. The applicant has proposed to remove the existing garage. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of the garage prior to final plat approval. If the structure to be removed is less than 200 square feet in area and 10 feet in height, the applicant may submit before and after photos of the removal (with the same perspective).

With these conditions, the new lots can be considered suitable for new development, and this criterion is met.

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

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.

The proposal will not result in any additional units that could not already be constructed under the existing R2 zoning by right with just a building permit. Additionally, existing sidewalks along both sides of the area streets provide adequate pedestrian facilities and cyclists can safely share the roadway because of low vehicle speeds and volumes on SE 80th Avenue. Therefore, PBOT has determined that a traffic analysis is not required. (Exhibit E.2 contains PBOT's full analysis). 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: 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> <ul style="list-style-type: none"> • Parcel 2: The applicant provided test results that show sufficient onsite infiltration. This lot has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized development. BES has indicated conceptual approval of a soakage trench or drywell. • Parcel 1 (the lot with the existing house): According to City plumbing records, part of the stormwater system serving the exiting house appears to be on Parcel 2. The applicant has proposed a new drywell system for the existing house. Infiltration test results of 2-4 inches per hour are sufficient for onsite infiltration. Prior to final plat approval the applicant will be required to retrofit the stormwater management system on the existing house to meet the current Stormwater Management Manual (SWMM).
<p>33.654.110.B.1 Through streets and pedestrian connections</p> <p>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 in the north-south direction. Therefore, there should be an east-west through street provided in the vicinity of the site.</p> <p>While the site contains sufficient width to allow the creation of a public east-west connection, the properties adjacent to the portion of the site where the street would terminate were recently redeveloped, and not configured in a manner that would allow the further extension of a street or pedestrian connection from the site. So, although the optimum spacing criteria would indicate the need for an east-west through street or pedestrian connection at</p>

this site, there is no practicable opportunity to provide them in this land division.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply. For the reasons described above, this criterion is met.

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

Based on the zoning and street classification, the standard sidewalk corridor is 11 feet in width, consisting of a 0.5-foot curb, 4-foot furnishing zone, 6-foot sidewalk, and a 0.5-foot frontage zone between the back of the sidewalk and the property line. To accommodate an 11-foot pedestrian corridor, a 2-foot dedication is required.

While a dedication is required to ensure adequate width for right-of-way elements, the applicant was granted approval of a public works administrative appeal (through a separate process) to maintain the existing sidewalk corridor at this time (13-217249 PW). This appeal was granted because the existing improvements are within 1-foot of the standard.

This criterion is met, with the condition that the required right-of-way dedication is shown on the Final Plat.

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.

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 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

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

- Accessory Structures – Structures are not allowed to remain on a proposed lot line. Therefore, in order for the proposed new lots to be approved, the accessory structure that straddles the line between proposed Parcels 1 and 2 must be removed prior to final plat. If the structure exceeds 200 square feet in area or 10 feet in height, a demolition permit is required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary. If the structure is small enough to not require a demolition permit, the applicant must submit before and after photos to document removal of the structure. To ensure that this standard is met, a condition of approval is necessary.

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.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.2). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: tree preservation, the width of the right-of-way, standards existing and future development, and Fire Code standards.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in one single-dwelling parcel and one multi-dwelling parcel, as illustrated with Exhibit C.2, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use 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;
- Any onsite stormwater facilities on the site at the time of final plat application; and
- The location of the nearest fire hydrant.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 80th 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.6 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "An Acknowledgement of Tree Preservation Requirements has been recorded as document no. _____, Multnomah County Deed Records."

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

Utilities

1. 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.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate residential hydrant spacing. The applicant must provide verification to the Fire Bureau that Appendix C of the Fire Code is met.
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.

Existing Development

4. The applicant must obtain a finalized demolition permit for removing the garage that straddles the lot line on Parcels 1 and 2. Prior to removal of this structure, tree protection must be installed in accordance with the approved Tree Preservation Plan, per Condition D.1. If the structure is less than 200 square feet and 10 feet in height, the applicant may submit before and after photos of the removal (with the same perspective).
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 provide finalized plumbing permits for modifications to the stormwater system that result in a system that meets City requirements.

Required Legal Documents

6. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Parcels 1 and 2. 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 Parcels 1 and 2 shall be in conformance with the tree preservation shown on the Preliminary Site Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.2). Specifically, trees numbered 3, 8, and 10 are required to be preserved, with the root protection zones indicated on Exhibit C.2. 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 minimum and maximum density for the lots in this land division are as follows:

Lot	Minimum Density	Maximum Density
1	1	1
2	5	6

3. The applicant must meet the addressing requirements of the Fire Bureau at the time of building permit.
4. The applicant shall provide adequate fire flow and number of hydrants as required by Appendix B and C of the Fire Code at the time of development.
5. The applicant will be required to meet all fire department access requirements, including 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.
6. If necessary, the applicant will be required to meet any conditions of approval identified through a Fire Code Appeal. This could include installation of residential sprinklers in the new dwelling units on Parcel 2. Please refer to the final plat approval report for details on whether or not this requirement applies.

Staff Planner: Rachel Whiteside

Decision rendered by: RWhiteside **on April 4, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed April 8, 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 July 30, 2013, and was determined to be complete on January 27, 2014.

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 July 30, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant extended the 120-day review period by 10 days (Exhibit A.3). Additionally, the applicant was notified on March 10, 2014 that additional information was necessary for approval and failed to provide that information until March 31, 2014. Unless further extended by the applicant, **the 120 days will expire on: June 6, 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.**

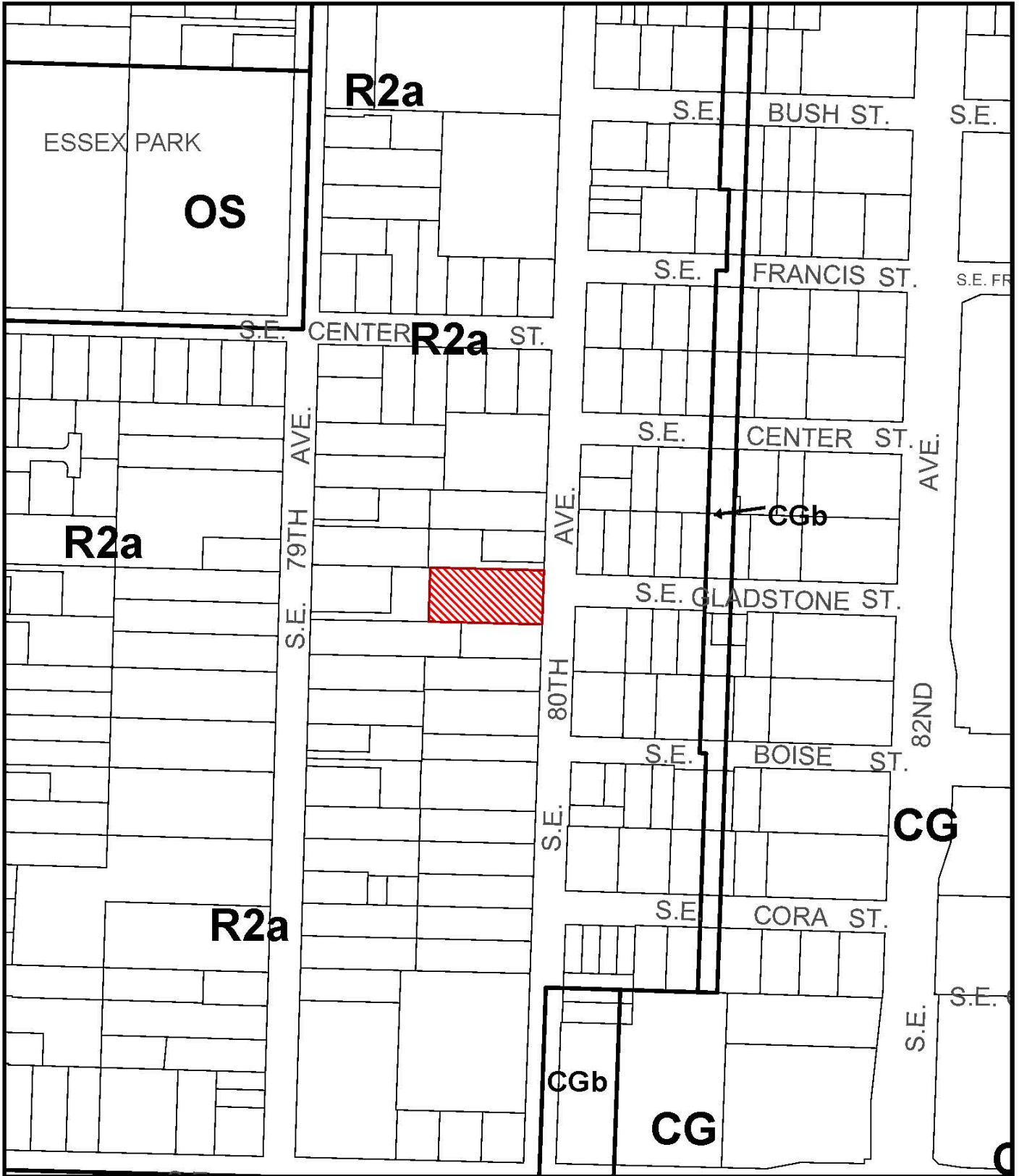
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement:
 - 1. Original Narrative
 - 2. Arborist Report
 - 3. Response to Incomplete Letter
 - 4. Limited Geotechnical Investigation
 - 5. Public Works Appeal Decision (13-217249 PW)
 - 6. Infiltration Test Results
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Survey
 - 2. Preliminary Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 1b. Addendum to Bureau of Environmental Services Response
 - 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:
1. Debra and Alfredo Zavala, email received 3/3/14, in opposition of proposal
- G. Other:
1. Original LU Application
 2. Incomplete Letter, sent August 21, 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



File No. LU 13-186522 LDP
 1/4 Section 3438
 Scale 1 inch = 200 feet
 State_Id 1S2E08DD 7400
 Exhibit B (Aug 02, 2013)

PRELIMINARY SITE PLAN

4105 SE 80th

PROJECT NO: **SAM-015**
 FILE: **SAM-015**
 DATE: **5/15/13**
 DRAWN: **MSD**
 TOWNSHIP/RANGE/SECTION: **T11N R10D**
 COUNTY: **MULTNOMAH**
 TAX LOTS: **11600**
 SHEET TITLE: **PRELIMINARY PLAT**
 SHEET NUMBER: **D2**

PLANNER
 MARK DANE PLANNING INC.
 1300 SW O'BRIEN RD
 BEAVERTON, OR 97005
 503-332-7167

OWNER
 G AND K INVESTMENTS ONE
 8733 SE DIVISION #201
 PORTLAND OR 97226
 503-257-6674

SURVEYOR
 MARK ASSOCIATES
 18615 E. BURNSIDE STREET
 PORTLAND OR 97233
 503-666-8566

APPLICANT
 G AND K INVESTMENTS ONE
 8733 SE DIVISION #201
 PORTLAND OR 97226
 503-257-6674

NOTES
 PROPERTY ID: **R555145**
 SITE ID: **1S2E08D - 7400**
 ACCOUNT NO: **R99208070**
 ADDRESS: **4105 SE 80TH AVENUE**
 PARCEL SIZE: **14,429 SF**
 ZONING: **R2**

APPLICANT IS APPEALING PMI TO RETAIN EXISTING S/W STRIP, AND CURB.
 APPLICANT IS HOWEVER DEDICATING 2-FT OF RIGHTOF-WAY, AND WILL
 SIGN A WAIVER OF REMONSTRANCE AGAINST FUTURE IMPORVMENTS

**NO PUBLIC IMPROVEMENTS ARE
 PROPOSED WITH THIS PARTITION**

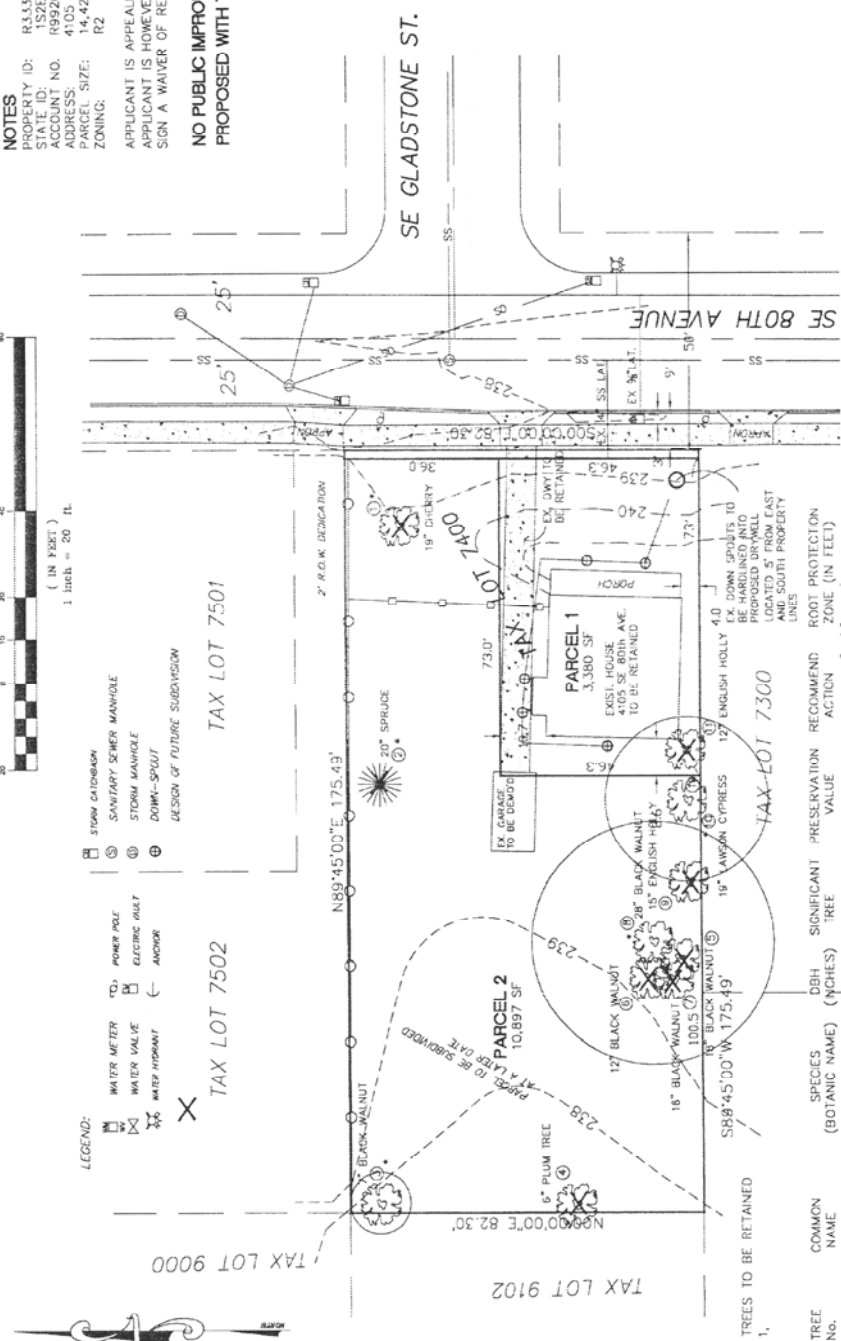
SITUATED IN THE SE 1/4 OF SECTION 8 T.1S., R.2E. W.M.
 CITY OF PORTLAND MULTNOMAH CO., OREGON

BENCH MARK:
 CITY OF PORTLAND 2" BRASS DISC, BM NO. 2021, ELEVATION = 238.273 COP
 DATUM

DATE DRAWN: **JULY 15, 2013**
 DRAWING NO. **13059EXC**
 ACCOUNT NO. **13059**
 REVISED:

REGISTERED PROFESSIONAL LAND SURVEYOR
 DANIEL R. BAUER
 EXPIRATION DATE: 12/31/13

GRAPHIC SCALE
 1 inch = 20 ft.



AT THE TIME OF THE SUBDIVISION OF PARCEL 2
 TREES 1 AND 2 BEING IN THE STREET WOULD BE
 EXCLUDED FOR THE TREES THAT COULD BE KEPT
 REDUCING THE RETAINED DBH TO 54". OF WHICH
 19" WOULD BE REQUIRED TO BE RETAINED
 RETAINING TREE 10 WOULD MEET THAT REQUIREMENT

TREE No.	COMMON NAME	SPECIES (BOTANIC NAME)	DBH (INCHES)	SIGNIFICANT TREE	PRESERVATION VALUE	RECOMMENDATION ACTION	ROOT PROTECTION ZONE (IN FEET)
01	CHERRY TREE	PRUNUS SPECIES	19*	NO	MEDIUM	SAVE - <i>Optional 19</i>	
02	BLUE SPRUCE	PICEA PUNGENS	20*	YES	MEDIUM	SAVE - <i>Optional 20</i>	
03	BLACK WALNUT	JUGLANS NIGRA	7*	NO	MEDIUM	SAVE - <i>Required 7</i>	
04	PLUM TREE	PRUNUS COCCINILLIA	6	NO	LOW	REMOVE	
05	BLACK WALNUT	JUGLANS NIGRA	18	NO	LOW	REMOVE	
06	BLACK WALNUT	JUGLANS NIGRA	12	NO	LOW	REMOVE	
07	BLACK WALNUT	JUGLANS NIGRA	16	NO	LOW	REMOVE	
08	BLACK WALNUT	JUGLANS NIGRA	28*	YES	MEDIUM	SAVE - <i>Required 28</i>	
09	ENGLISH HOLLY	ILEX AQUAFOLIUM	19	NO	NUISANCE	REMOVE	
10	LAWSON CYPRESS	CHAMPECYPARIS LAWSONIANA	19*	NO	MEDIUM	SAVE - <i>Required 19</i>	
11	ENGLISH HOLLY	ILEX AQUAFOLIUM	12	NO	NUISANCE	REMOVE	

TOTAL DBH (INCHES) 93*
 DBH RETAINED 93*
 TOTAL NUMBER OF TREES 11
 TWO SIGNIFICANT TREES
 OF THE TOTAL 156" OF TREES ON SITE 63" ARE RECOMMENDED TO BE REMOVED
 OF THE 93" TREES THAT COULD BE KEPT THE APPLICANT IS REQUIRED TO RETAIN 35%
 THUS THE APPLICANT IS REQUIRED TO KEEP 31"

CASE NO. 13-106522 COP

C-2