



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

FROM CONCEPT TO CONSTRUCTION

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Date: April 18, 2014
To: Interested Person
From: Shawn Burgett, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 12-214838 LDP

GENERAL INFORMATION

Applicant: Mike Coyle / Faster Permits
14334 NW Eagleridge Lane / Portland, OR 97229

Owner: Jeff Fish / Trillium Homes
1834 SW 58th Av #102 / Portland, OR 97221

Site Address: 735 SE TACOMA ST

Legal Description: BLOCK 15 LOT 4, SELLWOOD **Tax Account No.:** R752701160
State ID No.: 1S1E23CC 01400 **Quarter Section:** 3831

Neighborhood: Sellwood-Moreland, contact Ellen Burr at 503-234-2233.
Business District: Sellwood-Westmoreland, contact Tom Brown at 503-381-6543.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Zoning: R2ad (Multi-Family Residential 2,000 square feet with "a" alternative design density overlay and "d" design overlay zone) with a "UC" Urban Commercial Comprehensive Plan Designation.

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

Proposal:

The applicant is proposing a 2 lot land division. Proposed Parcel 1 will measure approximately 2,502 square feet and retain the existing house. Proposed Parcel 2 will measure approximately 2,047 square feet and will accommodate a future dwelling unit.

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

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.

FACTS

Site and Vicinity: The site is located on a corner lot with frontage along SE 8th Avenue and SE Tacoma Street. The existing house was built in 1912. The main entrance to this home is oriented toward SE 8th Avenue. The development surrounding the site is primarily made up of single family residential type development.

Infrastructure:

Streets –The site is a corner lot which has approximately 100 feet of frontage on SE Tacoma Street and 50 feet of frontage along SE 8th Avenue. There is one driveway entering the site from SE 8th Avenue that serves the existing house on the site. At this location, SE 8th Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). SE Tacoma Street is classified as a District Collector with high volumes of traffic. Tri-Met provides transit service approximately 1,300 feet from the site at SE 13th Avenue via Bus 70.

SE Tacoma Street is improved with a 7.5 foot wide sidewalk corridor which includes a 7.5 foot wide curb tight sidewalk. SE 8th Avenue is improved with a 16-foot sidewalk corridor with an 8 foot wide planter area, curb, 6-foot sidewalk and 2-foot buffer at the back of the sidewalk.

- **Water Service** – There is an existing 12-inch CI water main in SE 8th Avenue. The existing house is served by a 5/8-inch metered service from this main. There is water available to Parcel 2 from the existing 8-inch water main in SE Tacoma Street.
- **Sanitary Service** - There is an existing 12-inch VSP public combination sewer line in SE Tacoma Street that can serve the sanitary disposal needs of this project. There is no sewer in SE 8th Avenue. According to 1912 City of Portland plumbing records and a 2/8/11 scope by Soil Solutions, the existing house at 735 SE Tacoma is connected to a private sewer near the proposed property line that is shared (partied) with the home at 8075 SE 8th Avenue. In 2011 the owner of the subject property granted a “Temporary Sewer Line Easement” to 8075 SE 8th. The easement is 10 feet wide and the centerline appears to be at the proposed property line. The purpose appears to be primarily for that residence’s sewer access. The sewer line was located and marked onsite by Locates Down Under, Inc according to a 10/9/13 invoice. The markings on the property appear to be within the existing easement based on a 12/9/13 BES site visit. The existing sewer lateral serving 8075 SE 8th and 735 SE Tacoma appears to be located on Parcel 2.
- **Stormwater Disposal** – The existing house discharges stormwater to black corrugated pipes that discharge onto Parcel 2.

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.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to

existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

The “UC” (Urban Commercial) Comprehensive Plan designation is consistent with the CS (Commercial Storefront) and CM (Mixed Commercial Residential) zones which are intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

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

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits “E” contain the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 15, 2013**. Three written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

Neighborhood Comments: The neighbor to the north (exhibit F-1) stated the existing sewer easement crossing the subject site serving his property must remain valid. The letter also expressed concern about the height of any new structures built on Parcel 2 in the future. In addition, the letter expressed support for the construction of an accessory dwelling unit (ADU) on the site which they felt would be more compatible with the neighborhood and the existing house than the development currently proposed.

The Neighborhood Association (Exhibit F-2) expressed concern that the proposal did not include the façade elevations of the future development proposed so input could be provided regarding the future design. This letter also expressed concern about safety, and why the future driveway from Parcel 2 to SE Tacoma Street is not constructed to allow forward motion as show on the public notice (Exhibit D-1).

Another letter (Exhibit F-3) noted that a large tree was removed from the subject site in 2012 without a permit. This letter expressed concern regarding the future design of new development on Parcel 2, including building height and setbacks.

BDS Response: The Zoning Code has development standards that will be enforced at the time of building permit application. Zoning Code chapter 33.120 has standards for properties located in Multi-dwelling residential (R2) zones that regulate height, setbacks and building coverage. At the time of future development, the applicant will be required to meet these standards along with the Community Design Standards (Zoning Code section 33.218) or go through Design Review since the site is located in the “d” (design overlay) zone.

The sewer easement crossing the site which was mentioned in Exhibit F-1 and currently serves the adjacent property to the north is required to be shown on the final plat survey.

The applicant is not required to provide elevations for future development in order to meet the land division approval criteria discussed later in this report. This information will be available at the time of building permit application and the proposal will be reviewed against the applicable Zoning Code development regulations described above. The Neighborhood Associations concerns regarding safety and access from Parcel 2 to SE Tacoma Street were forwarded on to Transportation (PBOT). PBOT re-examined the access issue and as a result of this review the applicant is now required to provide vehicles access from Parcel 2 to SE Tacoma Street in forward motion as described in the report below.

In regard to the tree described in exhibit F-3, planning staff forwarded this concern onto Urban Forestry who were able to determine from photographs of the site that the tree which

was removed was an Ailanthus tree which is on the nuisance plane list and not subject to Urban Forestry regulations (exhibit G-6).

Please see findings below for more information regarding the applicable approval criteria.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630- Tree Preservation	Not applicable, no trees larger than 6" in diameter are located on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	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	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.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 two parcels for detached dwelling units.

Single-dwelling detached development is proposed on both parcels; 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 5,000 square feet. Transportation (PBOT) is requiring a 4.5 foot dedication (for a total of 450 square feet) along SE Tacoma Street which must be subtracted from total site area to determine density. Following the dedication the site has 4,550 square feet. The site has a minimum required density of 2 units and a maximum density of 2 units.

In this zone, there are no minimum lot area requirements for lots designated for attached houses and detached houses.

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)
Attached Houses	none	15	none	15
Detached Houses	none	25	none	25
Parcel 1	2,047.5 square feet	45 feet	45.5 feet	45 feet
Parcel 2	2,502.5 square feet	45.5 feet	55 feet	45.5 feet

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

The applicant is proposing 2 parcels for detached housing, which will meet the required density and dimensional standards. The proposed parcels are also of sufficient size to allow for detached houses or attached houses on each lot. Since the site has a maximum density of 2 lots, each lot proposed could accommodate a maximum of one unit based on the minimum lot size standards in the R2 zone. Based on these factors, the applicable density and lot dimension standards are met, so this criterion is met.

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

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.**Findings:*****Clearing and Grading***

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

In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees that are required to be preserved. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. This criterion is met.

H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

Findings: No tracts are proposed or required for this land division, so criterion A does not apply.

The following easements are proposed and/or required for this land division:

- A Private Access Easement is proposed over Parcel 1 for the benefit of Parcel 2 to allow a driveway that will serve Parcel 2 to straddle the proposed lot lines between Parcels 1 and 2 as shown on Exhibit C-1;
- As indicated by BES (exhibit E-1). The owner of the subject property granted a "Temporary Sewer Line Easement" to the home located at 8075 SE 8th Avenue. The easement is 10 feet wide and the centerline appears to be at the proposed property line. The easement will be required to be shown on the plat and the plat notes will need to reference the already recorded document (Multnomah Co. 2011-061395).

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

"A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

With the conditions of approval discussed above, 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.

SE Tacoma Street is a District Collector with high volumes of traffic. Any on-site parking accessing SE Tacoma Street must be designed for forward ingress and egress only. The applicant has provided a site plan documenting how the forward ingress and egress can be accommodated (exhibit C-1). This site plan should be referenced as an exhibit that will be used during review of the future building permit. Any required easements for this driveway design must be included on the final plat. SE 8th Ave is a Local Service Street for all modes and is improved with a sidewalk that exceeds current minimum standards. No dedications or frontage improvements along SE 8th Ave will be required other than rebuilding the corner ramp.

A 4.5-ft dedication on SE Tacoma Street will be required. The sidewalk and corner ramp will be required to be reconstructed to meet current City requirements of a 12-ft sidewalk corridor consisting of the existing 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and a 1.5-ft frontage zone. A bond and contract for the public works permit and the dedications will be conditions of final plat approval. Since the existing house on the corner of SE Tacoma Street and SE 8th Avenue will be retained, reconstruction of the sidewalk corridor and ADA upgrades to the corner ramp shall be conditions of final plat approval.

Street Capacity and Levels of Service

The proposal will result in a net increase of 1 single-family residence. This residence can be expected to generate 10 daily vehicle trips with 1 trip occurring in each of the AM and PM Peak Hours. This small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed.

Connectivity

The site is a corner lot. Connectivity requirements do not apply.

Vehicle Access/Loading

The new lot will have a driveway to provide access to parking and loading.

On-Street Parking Impacts

The new lot will have at least one on-site parking space. Impacts to the on-street parking supply should be minimal.

Availability of Transit

Tri Met Bus Line #70 is available to serve the site 0.3 miles to the east at Tacoma and 13th

Neighborhood Impacts

The site is being developed with a new single-family residence in compliance with the existing R2 zoning. In addition, standard frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles.

Safety for All Modes

Sidewalks along both sides of the area streets provide adequate pedestrian facilities. Given the low vehicle speeds and volumes SE 8th Avenue, cyclists can safely share the roadway. SE Tacoma Street is classified as a Local Service Bikeway.

RECOMMENDATION

No objection to approval subject to the following conditions of final plat approval:

- A 4.5-ft dedication shall be provided along SE Tacoma Street
- A bond and contract for the SE Tacoma Street sidewalk and corner ramp upgrades shall be a condition of final plat approval. The corner ramp upgrade must be constructed under a separate public works permit. PBOT public works engineering staff shall determine the level public works permit.
- Vehicle access to SE Tacoma must be provided with a driveway design that allows forward ingress and egress per the supplemental site plan provided by the applicant and reviewed by PBOT traffic engineering staff. All easements associated with the approved driveway design must be provided on the final plat.

NOTE: If the sidewalk for Parcel 2 is not part of the sidewalk and corner ramp reconstruction public works permit for Parcel 1, then reconstructing the sidewalk in front of Parcel 2 shall be a condition of building permit approval.

Based on the conditions described above, this criterion can be 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>According to 1912 City of Portland plumbing records and a 2/8/11 scope by Soil Solutions, the existing house at 735 SE Tacoma is connected to a private sewer near the proposed property line that is shared (partied) with the home at 8075 SE 8th Avenue.</p> <p>In 2011 the owner of the subject property granted a “Temporary Sewer Line Easement” to 8075 SE 8th. The easement is 10 feet wide and the centerline appears to be at the proposed property line. The purpose appears to be primarily for that residence’s sewer access.</p> <p>The sewer line was located and marked onsite by Locates Down Under, Inc (exhibit A-5) according to a 10/9/13 invoice. The markings on property appear to be within the existing easement based on a 12/9/13 BES site visit. The easement will be required to be shown on the plat and the plat notes will need to reference the already recorded document (Multnomah Co. 2011-061395).</p> <p>The existing sewer lateral serving 8075 SE 8th and 735 SE Tacoma appears to be located on Parcel 2. Based on a 12/9/13 BES site visit the sewer lateral is located 58 feet from the southeast property corner and about 1 to 3 feet west of the proposed property line</p> <p>The applicant will be required to establish a new and conforming connection to the sewer for Parcel 1, with plumbing and connection permits finalized, prior to BES approval of the final plat. A new lateral for Parcel 2 will need to be constructed to the public main at the applicant’s or owner’s expense at the time of development.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits 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>Parcel 2: Stormwater from this lot will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. 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 home. BES has indicated conceptual approval of the drywell. The plan also shows that the shared driveway will be paved with pervious materials. Pervious pavers or Grasscrete are considered impervious area reduction techniques therefore additional stormwater management facilities will not be required for pollution reduction or flow control. The applicant will need to provide an escape route as part of the building permit. An escape route for the driveway area can consist of grading the area toward the ROW, or potentially constructing an inlet in the grass below the grade of the driveway with a hard connection to the proposed drywell.</p> <p>Parcel 1 (the lot with the existing house): The existing house discharges stormwater to black corrugated pipes that discharge onto Parcel 2. BES requires that the downspouts on Parcel 1 be retrofitted according to the SWMM prior to BES approval of the final plat.</p>

Prior to final plat approval, the applicant must also provide a Supplemental Plan verifying the storm system for the existing house and the direction stormwater runoff flows on the site. Stormwater runoff from Parcel 1 cannot impact Parcel 2.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located meets the noted spacing requirements.

The site is within the Portland Master Street Plan for the Southeast District. No through street or pedestrian connections are proposed at this location. 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.

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 R1 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several Zoning Code standards that relate to existing development on the site:

- **Setbacks** – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 10 feet from the new common property line and at least 5 feet from the side property line along SE Tacoma Street following the street dedication. Therefore, the required building 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.
- **Accessory Structures** – Structures are not allowed to remain on a proposed lot line. The existing house has a deck located along the south and western facades which appears to be more than 2.5 feet above grade. The Zoning Code only allows decks more than 2.5 feet above grade to encroach 20 percent into a required setback. Therefore, in order for the proposed new lots to be approved, the deck that straddles the line between proposed Parcels 1 and 2 must be removed prior to final plat. The deck must be outside of the proposed access easement. The applicant must provide documentation prior to final plat approval that all portions of the deck 2.5 feet above grade are able meet the setback standards described above. Demolition permits are 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. In addition, portions of the deck that are removed must be shown on the supplemental survey.

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 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; if required, recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcel 2; meeting 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. Street trees will be a requirement of any street improvement permit and will be included in all street plans.

CONCLUSIONS

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

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 two parcels for attached houses or detached houses as illustrated with Exhibit C-1, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and 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
- Driveway design for Parcel 2 showing ingress and egress to SE Tacoma St.
- Any other information specifically noted in the conditions listed below.
- Documentation of the location of the stormwater disposal system for the existing house as noted in Condition C.5 below
- Documentation that shows the height of the deck associated with the existing house on Parcel 1 and that it meets applicable setback standards as noted in Condition C.7 below

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE Tacoma Street. 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 Conditions C.8 and C.9 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."
3. A private access easement, for the benefit of Parcel 2, shall be shown and labeled over the relevant portions of Parcel 1 as shown on Exhibit C-1.
4. The existing private sanitary sewer easement for the benefit of 8075 SE 8th Avenue; shall be shown and labeled over the relevant portions of Parcels 1 and 2. This easement will need to reference the previously recorded document.

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

Utilities

1. 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.
2. 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.
3. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way for Parcel 2, 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 Parcel 2, 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.

4. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. A bond and contract for the SE Tacoma Street sidewalk and corner ramp upgrades shall be a condition of final plat approval. The corner ramp upgrade must be constructed under a separate public works permit. PBOT public works engineering staff shall determine the level public works permit.

If the sidewalk for Parcel 2 is not part of the sidewalk and corner ramp reconstruction for Parcel 1, then reconstructing the sidewalk in front of parcel 2 shall be a condition of building permit approval.

Street trees will be a requirement of any street improvement permit and will be included in all street plans as required by Urban Forestry.

Existing Development

5. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by BES, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.
6. As required by BES, the applicant will be required to establish a new and conforming connection to the sewer for Parcel 1, with plumbing and connection permits finalized, prior to BES approval of the final plat.
7. Any portions of the deck associated with the existing house on Parcel 1 that are 2.5 above grade must be removed within the any easement area and must not encroach more than 20 percent into any required setback area based on the new lot configuration. The applicant must final a building permit for removal of the deck prior to final plat approval. The location of the deck following the required modifications must be shown on the supplemental plan as required under condition A above.

Required Legal Documents

8. If required per Conditions C.2 or C.3 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcel 1 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.
9. A Maintenance Agreement shall be executed for the Private Access Easement described in Condition B.3 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.


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

1. 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 Parcel 2. Please refer to the final plat approval report for details on whether or not this requirement applies.
2. 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.

3. The applicant is required to provide vehicle access from Parcel 2 to SE Tacoma Street with a driveway design that allows forward ingress and egress as approved by the City Engineer and shown on Exhibit C-1 and the Supplemental Plan required under condition A above.

Staff Planner: Shawn Burgett

Decision rendered by:  **on April 16, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed April 18, 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 December 12, 2012, and was determined to be complete on **June 11, 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 December 12, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit A-2.

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.

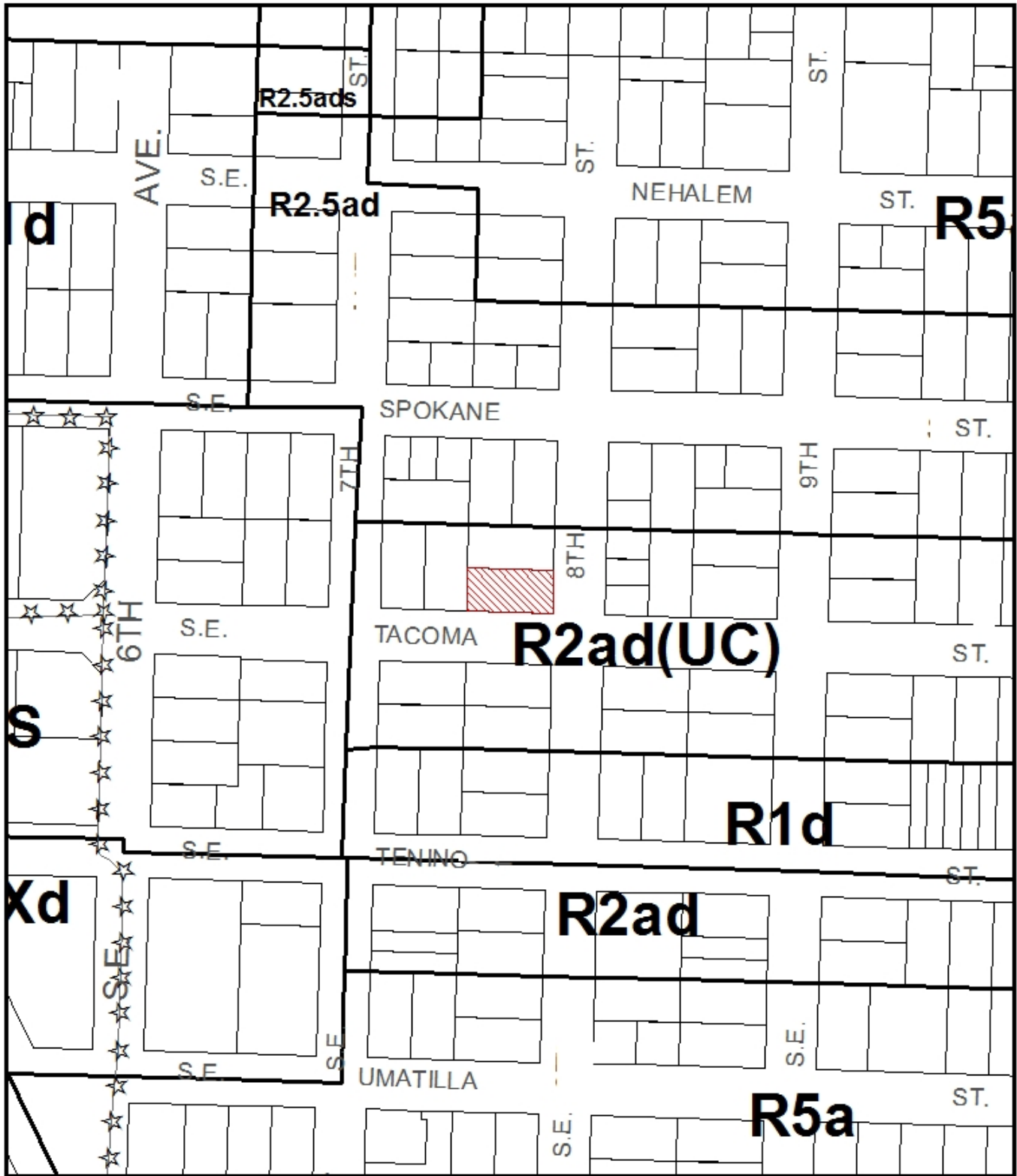
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Narrative
 - 2. 120 day waiver
 - 3. SIM Form
 - 4. Driveway Analysis
 - 5. Sewer locate
 - 6. Sight distance study
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
- 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. David Ashman & Laura Carim Todd, 8075 SE 8th Avenue Portland, OR 97202
 - 2. Ellen Burr, Land Use Chair, Sellwood Moreland Improvement League
 - 3. Tom Biornstad, 8082 SE 8th Avenue Portland, OR 97202
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Land Use History
 - 4. E-mail correspondence with City Forester
 - 5. E-mail correspondence with PBOT
 - 6. E-mail correspondence with applicant

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 12-214838 LDP
1/4 Section	3831
Scale	1 inch = 150 feet
State_Id	1S1E23CC 1400
Exhibit	B (Dec 14, 2012)

