



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** May 21, 2014  
**To:** Interested Person  
**From:** Brandon Rogers, Land Use Services  
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## **NOTICE OF A TYPE I<sub>x</sub> 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 14-125581 LDP**

#### **GENERAL INFORMATION**

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

**Owner:** Portland Redevelopment LLC  
Po Box 11778 / Portland OR 97211-0778

**Site Address:** 13015 SE SHERMAN ST

**Legal Description:** BLOCK 7 E 100' OF W 231' OF S 38.46' OF LOT 5 E 100' OF W 231' OF LOT 6, DAGMAR AC

**Tax Account No.:** R193904010

**State ID No.:** 1S2E02CD 02000

**Quarter Section:** 3243

**Neighborhood:** Hazelwood, contact Arlene Kimura at 503-252-9429.

**Business District:** Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.

**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Zoning:** R5a, Residential 5,000 with the "a" Alternative Design Density overlay district.

**Case Type:** LDP, Land Division Partition.

**Procedure:** Type I<sub>x</sub>, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant proposes to divide an undeveloped, 15,000 square foot lot into three parcels for detached, single family homes. Each of the three proposed parcels is 4,795 square feet in area.

Water and sewer service are available in SE Sherman Street and stormwater from future development is proposed to be managed through individual, onsite drywells. The street frontage will be improved with a planter strip and sidewalks. Three new driveways will be

constructed at the time of development of the detached dwellings.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four parcels are proposed; (3) none of the parcels, 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 3 units of land (3 parcels). Therefore this land division is considered a partition.

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

## FACTS

**Site and Vicinity:** The project site is located in a neighborhood zoned for single and multiple family residential uses along SE Sherman Street and a mix of residential and commercial uses along SE Division Street. The site is located within 500 feet of Lincoln Park Elementary School and Lincoln Park.

A single family residence was recently demolished at the site (RS 13-235307) and the site is currently undeveloped. The existing street frontage is improved with a vertical curb only, with no sidewalk. SE Sherman Street has some sections of 4-foot curb tight sidewalks within the vicinity of the site. The topography of the site is primarily flat, with no significant change in topography. The site contains a 32 inch Diameter and Breast Height (DBH) Cedar tree that will be preserved as part of the Tree Preservation requirements and a 32 inch DBH cedar tree which will be voluntarily preserved. The site contains two black locust trees which will be removed because they are a nuisance species as listed on the Portland Plant List. A Black Walnut tree will be voluntarily retained.

### Infrastructure:

- **Streets** – The site has 100 feet of frontage on SE Sherman Street. There is one existing driveway entering the site that previously served the house on the site. New driveways are proposed for each of the parcels and the existing driveway and curb cut will be removed. At this location, SE Sherman Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 636 feet south of the site at SE Division Street via Bus 4.

SE Sherman Street is comprised of a 40-foot wide right of way developed with a 32-foot roadway, curbs and some sections of 4 foot curb-tight sidewalks. The frontage of the project site is developed with a vertical curb and a driveway encroachment only, there are no sidewalks. The project conditions include construction of sidewalks and a planter strip as required by PBOT.

- **Water Service** – There is an existing six-inch ductile iron water main located in SE Sherman Street. Future homes located on the proposed parcels would be served from this main.

- **Sanitary Service** - There is an existing 8-inch PVC public sewer line in SE Sherman Street. Future homes located on the proposed parcels would be served from this line.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. Stormwater disposal will be provided by individual, on site drywells.

**Zoning:** The R5 zoning is one of the City’s single-dwelling zones intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The purpose of the “a” Alternative Design Density overlay district is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the overlay zone is to allow increased density for development that meets additional design compatibility requirements. The project does not propose to take advantage of the provisions offered by the “a” Alternative Design Density overlay district.

**Land Use History:** City records indicate that 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 **April 9, 2014**. The Hazlewood Neighborhood Association responded to the notice and indicated no opposition to the project (Exhibit F3). Two written responses were received from neighbors and are detailed below.

A neighbor’s letter (Exhibit F1) expresses a concern of an increase in traffic in the neighborhood. The next letter (Exhibits F2) expresses concerns regarding the narrow lots and whether the homes would be rental homes, neighborhood safety issues, traffic and on street parking.

The narrow lot standards and approval criteria are discussed in detail within the Zoning Code Approval Criteria, below. The proposal is consistent with the Approval Criteria regarding narrow lots.

The comments regarding occupancy of homes by renters and neighborhood safety issues are not directly relevant to the Land Division Approval Criteria.

The Transportation Impacts Approval Criteria are further discussed in detail within the Zoning Code Approval Criteria, below. The Portland Bureau of Transportation has reviewed the proposal and has determined that the project will not have a significant impact to the level of service of intersections, street capacity or on street parking and has determined that no mitigation is necessary.

## **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.

<b>Criterion</b>	<b>Code Chapter/Section and Topic</b>	<b>Findings: Not applicable because:</b>
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	A phased land division or staged final plat has not been proposed.

	Plat	
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.
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. Parcels. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.**

**Findings:** Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. The applicant is proposing 3 single family parcels. A summary of the calculations for minimum and maximum density are shown in the table below. The density standards are therefore met.

Minimum Density	(15,000 square feet x .80) / 5,000 square feet	= 2.40 which rounds down to 2 lots
Maximum Density	15,000/ 5,000 square feet	= 3 lots

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
<b>R5 Zone</b>	3,000	8,500	36	50	30
Parcel 1	4,795		33.33	143.89	33.33
Parcel 2	4,795		33.33	143.89	33.33

Parcel 3	4,795	33.34	143.89	33.34
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\* 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.

#### Narrow Parcels

Parcels 1 and 2 are 33.33 feet wide and Parcel 3 is 33.34 feet wide — narrower than the 36 foot minimum width for the R5 zone, as shown in the table above. The Zoning Code allows narrower parcels if the future development can meet the regulations of Section 33.610.200.D.2. The proposal is consistent with Section 33.610.200.D.2, as discussed below, therefore narrower parcels are allowed.

#### ***Consistent with the Purpose of Lot Dimension Regulations***

As stated in Chapter 33.610.200.A, 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) parcels are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) parcels 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) parcels are compatible with existing parcels; (6) parcels are wide enough to allow development to orient toward the street; (7) parcels 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) parcels are not landlocked.

The applicant has demonstrated that the proposed parcels are consistent with the purpose of lot dimension regulations for the following reasons:

- It has been demonstrated that the proposed lot(s) can accommodate a reasonably sized house and garage while meeting the development standards of the zoning code.
- The applicant has provided an example of a building footprint that meets all applicable setback requirements.
- The proposed parcels are 4,795 square feet in size and are not of a size that would seem to be dividable in the future.
- Each of the proposed parcels is 143.89 feet deep, exceeding the minimum lot depth of 50 feet. This provides for a large, private outdoor area.
- The proposed parcels are compatible with existing parcels because the character of the surrounding neighborhood includes a variety of lot sizes and configurations, including row houses with front lot lines as narrow as 20 feet and flag lots that have no minimum front lot line.
- The proposed parcels are wide enough to allow for development to orient toward the street because the length of the parcels is deeper than the width. Additionally, the 33 foot wide lots would allow for a 23 foot wide home given the required 5-foot side building setbacks.
- The proposed lots are rectangle in shape, with an equal front and rear lot line and therefore do not narrow to an unbuildable width close to the street.
- The proposed parcels have access from SE Sherman Street.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services.
- The proposed parcels are not landlocked because the parcels have access to SE Sherman Street.

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

- The parcels will be developed with detached houses; however, the proposed parcels are a fraction greater than 33 feet wide, which exceeds the 25 foot minimum.

#### ***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.

***Parcels 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 preliminary plan shows proposed building footprints that are 23 feet wide. A house that is greater than 22 feet in width is 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.

***If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.***

- Parking is required. Therefore, the garage limitation requirements described above must be met. The site is not located on an alley, so this portion of the standard does not apply.

As identified above, density and lot dimension regulations 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 and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The arborist report reflects an inventory of trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.2). Two Black Locust (*Robinia pseudoacacia*) trees have been exempted because they are a nuisance species as determined by the Portland Plant List. A 32-inch diameter at breast height Deodar Cedar (*Cedurs deodara*) is subject to the preservation requirements of this chapter and will be preserved with a 32 foot root protection zone. A 28-inch Deodar Cedar (*Cedurs deodara*) and a 14-inch Black Walnut (*Juglans nigra*) are proposed to be voluntarily retained at the site by the applicant.

The total non-exempt tree diameter on the site is 74 inches. The applicant proposes to preserve one tree which comprise of 32 inches of diameter, or 43 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 parcels 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 2 and 3 is 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.

**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, with an elevation change of two feet across the site. The site 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 parcels developable. In addition, the preserved tree is located outside of the building envelopes and utility areas. This criterion is met.

***Land Suitability***

The site has a history of residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards.

Although the former single family residence was connected to the public sanitary sewer, there was also an old septic system on the site. The City has a permit record (13-235307-RS) confirming that this facility was formally decommissioned. The Site Development Section of the Bureau of Development Services has recognized the decommissioning of this facility and has determined that the proposed parcels are suitable for new development.

The applicant has removed the previously existing house and garage in order to redevelop the site. A permit was obtained and finalized for demolition of all structures on the site and the sewer was capped in order to ensure that the new parcels are suitable for development. Therefore, this criterion is met.

**I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.**

**Findings:** The solar access regulations encourage variation in the width of parcels to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties. All of the proposed parcels are on the north side of an east-west oriented street, and are considered interior parcels (not on a corner). In this context there is no preference that any one lot be wider or narrower than the other parcels. This criterion is therefore 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.

Based on the available evidence, PBOT estimates that the two new residences will generate approximately 20 new daily vehicle trips occurring in each of the AP and PM Peak Hours. This small increase in peak hour vehicles will not have a significant impact on intersection levels of service of street capacity. No mitigation is needed.

Each of the new parcels will have two on-site parking spaces. This is typically provided with one required space in a garage and the other non-required space between the garage setback and the street-facing property line. With on-street parking allowed on both sides of the streets abutting the site, impacts to on-street parking is expected to be minimal.

Tri Met Bus Line #4 is available to serve the site 0.2 miles to the south at Division and 130th. The site is being developed with 2 new single-family residences in compliance with the existing R5 zoning. In addition, standard frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles. New sidewalks along the site frontage will provide adequate pedestrian facilities. Given the low vehicle speeds and volumes on SE Sherman, cyclists can safely share the roadway.

PBOT staff has determined that there will be a minimal impact on existing facilities and capacity and no mitigation is required. 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:

<b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 3 of this report. The water service standards of 33.651 have been verified.
<b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 23 of this report. The sanitary sewer service standards of 33.652 have been verified.
<b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. Stormwater from the proposed parcels will be directed to individual drywells that will treat and slowly infiltrate the water into the ground. Each of these parcels 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 drywells as detailed in Exhibit E.1.
<b>33.654.110.B.1 Through streets and pedestrian connections</b>
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. PBOT has indicated that the site is located 100-ft from the north/south running SE 130th Ave. The connectivity standards do not apply. Therefore, this criterion is met.
<b>33.654.120.B &amp; C Width &amp; elements of the right-of-way</b> – See Exhibit E.2 for bureau comment
The existing street configurations are noted on page 2 of this report. At this location, SE Sherman Street is classified as a Local Service Street for all modes. It is a 40-ft wide ROW improved with a 32-ft roadway, curbs, and some sections of 4-ft curb tight sidewalks. Based on the R5 zoning and Local Walkway classification, an 11-ft sidewalk corridor will be required to be constructed. The 11-ft consists of the existing 0.5-ft curb, 4-ft furnishing zone with street trees, 6-ft sidewalk and a 0.5-ft frontage zone. In order to provide adequate ROW width for this new sidewalk, a 7-ft dedication shall be a condition of final plat approval. With conditions, this criterion is met.
<b>33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)</b>
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 parcels is developed.

**Existing development that will remain after the land division.** All of the existing structures have been removed from the site, therefore the division of the property will not cause any existing structures to move out of conformance or further out of conformance with any development standard applicable in the R5a zone.

### Future Development

Among the various development standards that will be applicable to the new parcels, the applicant should take note of:



- Narrow Parcels-- development on all parcels will be subject to the following standards at the time of development permitting:
  - Height of the structures will be limited to 1.2 times the width of the structure, per 33.110.215.B.2.a; 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
  - Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b. Detached dwelling units are not permitted on parcels that are less than 25 feet in width.

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.

<b>Bureau</b>	<b>Code Authority and Topic</b>
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	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 of structures, dead end fire apparatus access roads and turnarounds and aerial Fire Department access roads. These requirements are based on the technical standards of Title 31 and Oregon Fire Code (Exhibit E.4).

## CONCLUSIONS

The applicant has proposed a 3 parcel partition as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: tree preservation, sidewalk improvements and lot dimension regulations.

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

## ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3 parcel partition that will result in narrow lots for

detached housing, as illustrated in Exhibit C-1, subject to the following conditions:

**A. The final plat must show the following:**

1. The applicant shall meet the street dedication requirements of the City Engineer for SE Sherman 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 acknowledgement of tree preservation or acknowledgements of special land use conditions, as required by condition B.3 below. The recording block shall at a minimum include language substantially similar to the following example: "An acknowledgement of Tree Preservation land use conditions has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

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

1. Dead-end fire apparatus access roads in excess of 300 feet in length shall be provided with an approved area for turning around fire apparatus. See Fire Code Appendix D for approved turnaround dimensions. The applicant is proposing additional lots on a public street longer than 300 feet in length that does not have an adequate fire department turnaround that meets the Fire Code requirements. The applicant shall obtain a separate Fire Code Appeal for approval.
2. If required by the fire code appeal, an acknowledgement of special land use conditions describing any fire code requirements must be referenced on and recorded with the final plat.

**Required Legal Documents**


3. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Parcels 2 and 3. 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.

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

1. Development on Parcels 2 and 3 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.2). Specifically, the tree numbered 250 is 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 shall meet the requirements of the City Engineer for right-of-way improvements along SE Sherman Street.
3. The applicant must meet the addressing requirements of the Fire Bureau.
4. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal. Please refer to the final plat approval report for details on whether or not this requirement applies.

5. 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 measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

**Staff Planner: Brandon Rogers**

**Decision rendered by:**  **on May 16, 2014.**

By authority of the Director of the Bureau of Development Services

**Decision mailed May 21, 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 parcels 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 March 11, 2014, and was determined to be complete on **April 4, 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 March 11, 2014.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 1, 2014.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

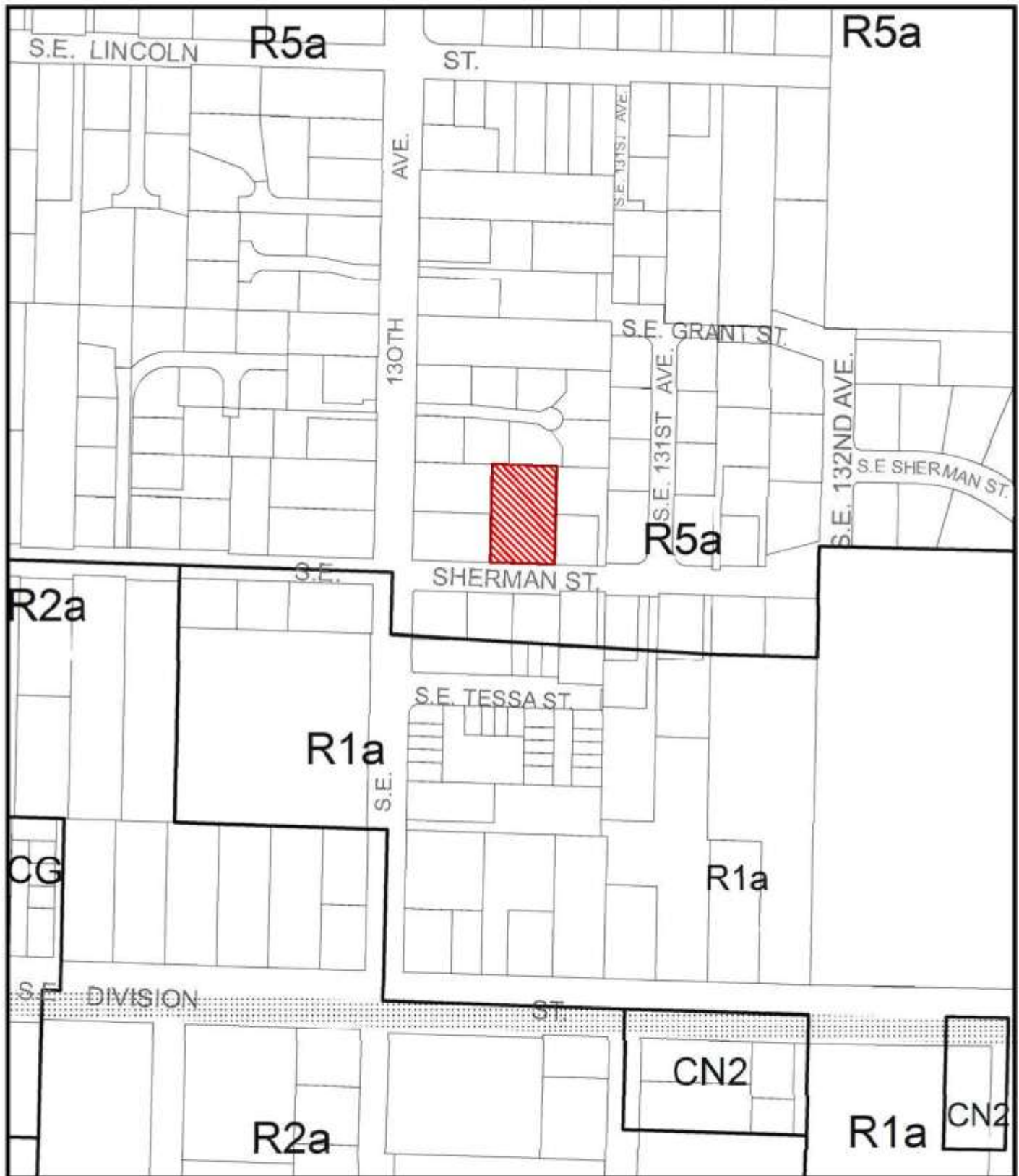
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Land Division Approval Criteria narrative.
  - 2. Arborist Report
  - 3. Simplified Stormwater Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Land Division 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
- F. Correspondence:
  - 1. Yi Wen Chen, May 6, 2014. Traffic concerns.
  - 2. Man-Yiu Yan & Min-Mei Liu, May 9, 2014. Narrow lots, rental homes, neighborhood safety issues, traffic, street parking.
  - 3. Hazelwood Neighborhood Association, May 9, 2014. No Opposition.
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter with RFC responses, sent April 1<sup>st</sup>, 2014

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



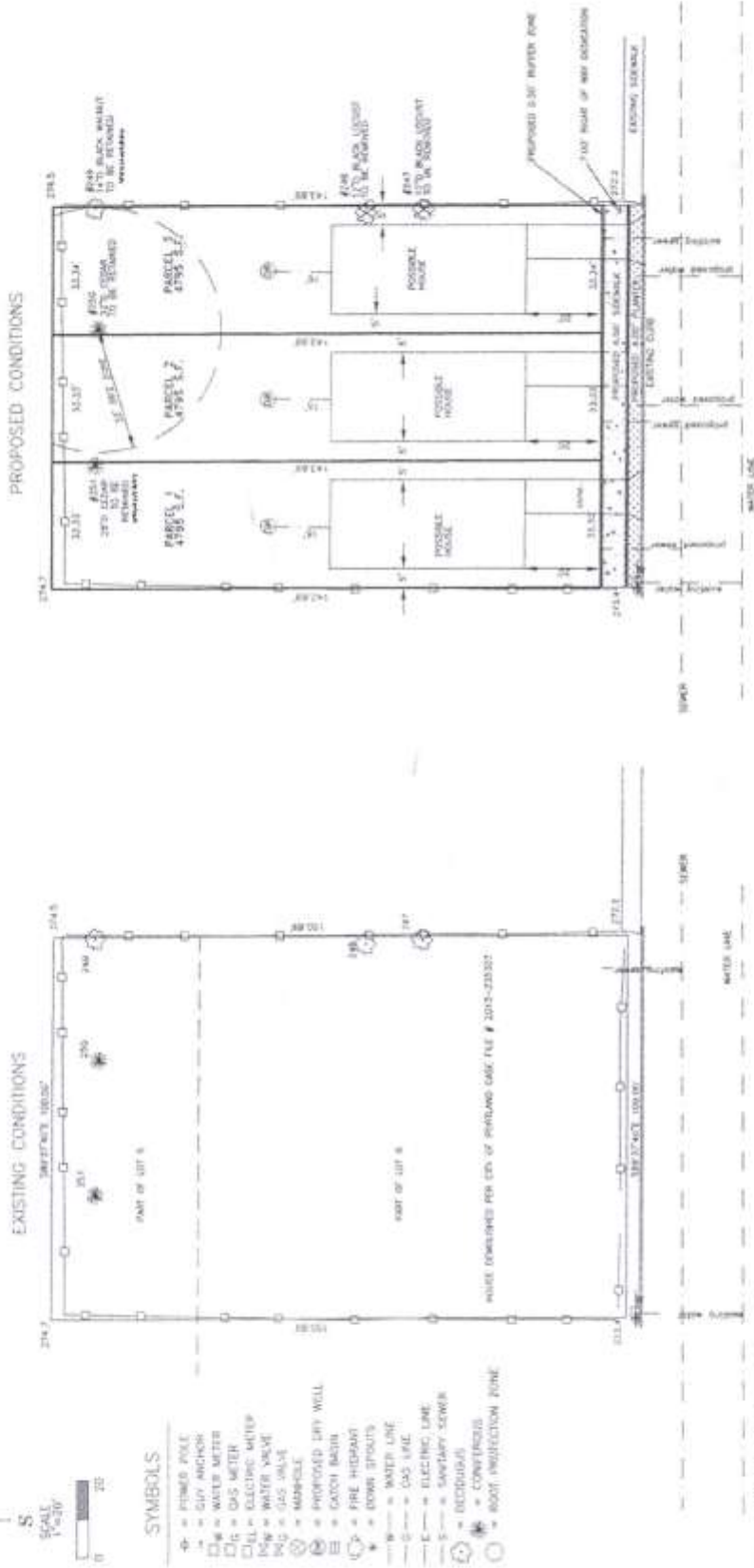
# ZONING



File No. LU 14-125581 LDP  
 1/4 Section 3243  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E02CD 2000  
 Exhibit B (Mar 12, 2014)

# SITE PLAN

IN LOTS 5 AND 6, BLOCK 7, DAGMAR ACRES  
 SITUATED IN THE SOUTHWEST 1/4 OF SECTION 2, T.15., R.2E., W.M.,  
 IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON  
 DATE: DECEMBER 19, 2013



- SYMBOLS**
- ◊ = FINISHED POLE
  - = GUY ANCHOR
  - = WATER METER
  - = GAS METER
  - = ELECTRIC METER
  - = WATER VALVE
  - = GAS VALVE
  - = MANHOLE
  - = PROPOSED DRY WELL
  - = CATCH BASIN
  - = FIRE HYDRANT
  - = DOWN SPOUT
  - = WATER LINE
  - = GAS LINE
  - = ELECTRIC LINE
  - = SANITARY SEWER
  - = OCCUPANCY
  - = CONCRETE
  - = ROOF PROJECTION ZONE



SE SHERMAN ST.  
 (WIDTH VARIES)

NOTES ARE NUMBERED PER THIS REPORT BY MARY GERSON CONSULTING ARCHITECT

REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
 JULY 25, 2009  
 JOE H. FERGUSON  
 NUMBER: 000000000000000000  
 APR 03 2014

CLIENT:  
 PORTLAND REDEVELOPMENT

Ferguson Land Surveying, Inc.  
 646 SE 105TH AVENUE, PORTLAND, OR 97216  
 Phone: (503) 408-0601 Fax: (503) 408-0602  
 REVISED 4.1.2014

CASE NO. LU 14-125591  
 EXHIBIT C1