



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

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**Date:** July 9, 2014  
**To:** Interested Person  
**From:** Brandon Rogers, Land Use Services  
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**NOTICE OF A TYPE II<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 14-135325 LDP**

**GENERAL INFORMATION**

**Applicant:** Ed Christensen,  
 Welkin Engineering Pc  
 25260 SW Parkway Ave Suite G  
 Wilsonville OR 97070

**Owner:** Brian Mcmillen Llc  
 15151 SE Frye St  
 Happy Valley, OR 97086-2841

**Site Address:** 681 SW Maplecrest Dr, 681 SW Maplecrest Dr

**Legal Description:** LOT 2 EXC PT IN ST, PARTITION PLAT 2008-78  
**Tax Account No.:** R649883100  
**State ID No.:** 1S1E28DA 02702  
**Quarter Section:** 4028  
**Neighborhood:** Collins View, contact Dave and Dixie Johnston at 503-636-0959.  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.  
**Plan District:** None  
**Zoning:** R10; Residential 10,000  
**Case Type:** Land Division Partition  
**Procedure:** Type Iix, an administrative decision with appeal to the Hearings Officer.

**Proposal:**  
 The applicant is requesting to divide the 20,522 square foot site into two parcels. The proposed parcels are approximately 11,075 (Parcel 1) and 8,051 (Parcel 2) square feet in size. Parcel 2 is a flag lot and Parcel 1 is a standard lot. The site is currently vacant. Improvements are required on SW Maplecrest Drive, including construction of a 6-foot wide pedestrian facility along the frontage of the site. Seven trees are proposed to be preserved as part of the project.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (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 criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

## FACTS

**Site and Vicinity:** The site is located on the north side of SW Maplecrest Drive near its intersection with SW Maplecrest Court. A new single family residence is currently under construction on proposed Parcel 1 (permit 13-206201 RS). The surrounding development primarily consists of single dwelling development. The site is located near Tryon Creek State Natural Area, Marshall Park and Riverdale High School.

### Infrastructure:

- **Streets** – The site has approximately 63 feet of frontage on SW Maplecrest Drive, which is classified as a City Walkway and Local Service street for all modes in the Transportation System Plan. Tri-Met provides bus service approximately 1,000 feet east of the site on SW Terwilliger Blvd. via bus #39.

At this location, SW Maplecrest Drive is improved with 20 feet of paving in a 50 foot right of way. There is no curb or sidewalk.

- **Water Service** – There is an existing 8-inch cast iron water main in SW Maplecrest Drive which would serve the proposed parcels.

- **Sanitary Service** - There is an existing 8-inch sanitary sewer main located in SW Maplecrest Drive which will serve the proposed parcels.

- **Stormwater Disposal** – There is an existing storm drain ditch located adjacent to the frontage of the project site. The applicant has proposed on-site stormwater treatment and flow control with discharge to the existing roadside ditch.

**Zoning:** The R10 designation is one of the City’s single dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

**Land Use History:** City records indicate a previous land use review for this site; LU 07-173748 LDP AD (Land Division Partition and Adjustment). This land use review case approved a two lot partition, of which the subject project site is Parcel 2 of the partition. The case had a concurrent Adjustment, which allowed Parcel 2 to exceed the maximum lot area of 17,000 square feet for the R10 zone. Further division of Parcel 2 does not violate any conditions of approval or create density conflicts.

**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 **May 28, 2014**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
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 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Maximum density is calculated one unit per 10,000 square feet. The site has a maximum density of two units. Because the entire site is located within the potential landslide hazard area, the site has no minimum density. The applicant is proposing two single family parcels. The calculations for maximum density for the site are shown below. The density standards are therefore met.

**Maximum** = (20,522 square feet / 10,000 = 2.05 (which rounds down to a maximum of two lots per 33.930.020.B)

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

	<b>Min. Lot Area (square feet)</b>	<b>Max. Lot Area (square feet)</b>	<b>Min. Lot Width* (feet)</b>	<b>Min. Depth (feet)</b>	<b>Min. Front Lot Line (feet)</b>	<b>Min. Flag Lot Width** (feet)</b>	<b>Min. Flag Lot Depth** (feet)</b>
<b>R10 Zone</b>	6,000	17,000	50	60	30	40	40
Parcel 1	11,075		50	90	49	N/A	N/A
Parcel 2 (Flag Lot)	8,051		N/A	N/A	N/A ***	106	77

\* 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.

\*\* For flag lots: (1) width and depth are measured at the midpoint of the opposite lot lines in the "flag" portion of the lot; and (2) lot area calculations do not include the pole portion of the lot.

\*\*\*Flag lots are exempt from minimum lot line standard per paragraph 33.610.400.E.1, PCC.

#### Flag Lots

##### **When allowed**

In this case the applicant is proposing two parcels, only one of which is a flag lot. The site has dimensions which preclude a land division that meets the minimum lot width standard. The minimum density standards are met. Therefore the thresholds for when a flag lot is allowed to be created have been met.

##### **Dimensions**

The proposed flag lot meets applicable Zoning Code standards found in 33.610.400 because it has a "pole" at least 12 feet wide that connects to a street, and as shown above, meets the minimum lot area, width and depth standards.

##### **Vehicle Access**

Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

In this case portions of Parcel 1 and the pole of Parcel 2 will provide shared driveway access for off street parking for both Parcel 1 and Parcel 2. The shared vehicle access minimizes the need for additional curb-cuts along the street and reduces impervious area resulting from paved surfaces for vehicle access. A reciprocal access easement will be placed over the entirety of the driveway area located within Parcel 1 and the pole portion of Parcel 2 to allow shared access.

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 applicant has provided an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.4). The site contains 23 trees, two of which are exempt because they are a nuisance species as determined by the Portland Plant List. Therefore, 21 trees are subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 311 inches. The applicant proposes to preserve 7 trees, which comprise of 117 inches of diameter, or 37 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. All trees required to be preserved as part of the land division that created the site will continue to be preserved by the current land division with exception of one tree which is a nuisance species (Tree 634 Sweet Cherry). The trees to be preserved and the required root protection zones are shown on the applicant's Tree Preservation 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 is carried out in conformance with the Tree Preservation Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.4) and an Acknowledgement of Tree Preservation Requirements is recorded with the final plat.

**D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.**

**Findings:** The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site is reasonably limited.

In order to evaluate the proposal against this criterion, the applicant has submitted a Landslide Hazard Study and Infiltration Report for the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A.3). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability.

The applicant's geotechnical evaluation indicates that the risk of potential landslide hazard at the site is relatively low, given the soil composition, topography, and other risk factors. The proposed land division will result in lots, buildings, services, and utilities that will not significantly increase the risk of landslide potential on the site or other properties in the vicinity of the site. In addition, the geotechnical evaluation has concurred that the applicant's proposed method of off-site stormwater disposal will not have a significant detrimental impact on the slope stability on or around the site. This conclusion was reached because stormwater will not be disposed on the site itself, it will be treated and discharged into an existing drainage ditch located along the street frontage of the site.

Overall, the Geotechnical Report concludes that the site does not pose a significant slope stability risk to the proposed development; that the development does not pose a significant risk to adjacent properties; and that off-site landslide hazards do not pose a significant risk to the development. The report states that specific measures are to mitigate for landslide hazards are not warranted.

Site Development has concurred with the findings of the applicant's geotechnical report, but notes that further geotechnical evaluation may be required for specific building plans at the time of construction plan review. 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 located within a Potential Landslide Hazard area. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

A preliminary grading plan was submitted with the land division application (Exhibit C.2) and a Landslide Hazard Report was submitted (Exhibit A.3) which describes how clearing and grading should occur on the site to minimize erosion risks. The applicant also provided a Tree Protection Plan (Exhibit C.2) that designates root protection zone areas on the site where grading should not occur in order to protect the roots of the trees on the site that will be preserved, and an arborist report (Exhibit A.4) that further discusses grading on the site. These reports generally recommend protective fencing to be installed at the edge of root protection zones and limited grading within root protection zones. The Arborist Report recommends reduced root protection zones for some of the trees to be preserved, as shown in Attachment 3 of the Arborist Report. A condition of approval will require that development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan.

It is anticipated that the grading will primarily involve excavating for the foundations of the new houses and construction of the driveway and trenching for the utilities. Stormwater runoff from the lots will be appropriately managed by on-site collection and treatment and offsite disposal to assure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report). In addition, clearing and grading will be limited within the root protection zones of the trees on the site that are required to be preserved. Tree preservation will help limit erosion by assuring that the tree roots will help to hold the soil in place. Stockpiling is proposed on Parcel 1 outside of the required RPZ's for the preserved trees.

As shown above, the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the applicant's Landslide Hazard Study as well as any additional geotechnical information required at the time of permit submittal to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan and arborist report. With the conditions noted above requiring that the building permits for lot Parcels 1 and 2 comply with the recommendations of the arborist report this criteria is met.

***Land Suitability***

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

**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 Reciprocal Access Easement is proposed to allow shared use of a driveway that will straddle proposed lot lines;
- A Private Storm Sewer Easement is required across the relevant portions of Parcel 1 for a shared stormwater facility that will provide stormwater disposal for both parcels.

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.

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

In support of this partition request, the applicant submitted a written narrative addressing the evaluation factors associated with the transportation-related approval criteria.

**Street capacity and level-of-service**

The industry standard used for estimating trip generation for new developments or redevelopments is the Institute of Transportation Engineers (ITE) Trip Generation Manual. ITE facilitates the application of technology and scientific principles to research, planning, functional design, operations and services for all modes of ground transportation. The most current Trip Generation Manual, 9th edition, was used in this analysis.

The proposed land division will create one (1) new parcel from the current lot in order to accommodate one additional single-family detached home. Referring to the ITE Trip Generation Manual, 9th Edition, the net new trips as the result of the proposed land division will be one (1) new AM peak hour trip and one (1) additional PM peak hour trip (10 additional total new daily trips).

PBOT finds that site generated vehicle trips as a result of one additional dwelling unit will have negligible impacts to the capacity of nearby intersections.

**Vehicle access and loading**

Access will be via a shared driveway on SW Maplecrest, which is classified as a City Walkway and Local Service street for all other transportation modes.

Loading is expected to take place using the private driveways for individual homes. Loading activities associated with residential land uses are typically light and infrequent, and there is ample space for these activities to occur. Accordingly, vehicle access and loading space at this location are able to sufficiently accommodate the existing uses as well as the proposed land division.

**On-street parking impacts**

On-site parking will be provided on each parcel and staff is supportive of the shared driveway as it minimizes the number of curb-cuts/driveways along the roadway. The area in the vicinity of the subject property is developed with low-density single-family residential uses with lots large enough to accommodate several on-site parking spaces. There is minimal demand for on-street parking and staff finds that the proposed partition will not result in negative impacts upon on-street parking in the area.

**Availability of transit service and facilities and connections to transit**

The nearest Tri-Met bus stop is 1/3 of a mile east at the intersection of SW Terwilliger and SW Maplecrest for bus line #38. Given that traffic volumes are relatively low on SW Maplecrest, pedestrians and bicycles will be able to access transit service safely.

**Impacts on the immediate/adjacent neighborhoods**

Traffic volumes on area roadways and at area intersections are not expected to change significantly upon approval of the proposed land division which will result in the ability to develop one additional dwelling unit. The additional site trips during the peak hours will have no noticeable impacts to immediate and adjacent neighborhoods. No significant operational or safety problems were identified and vehicle parking will be accommodated on-site minimizing the impacts that the additional dwelling unit could have upon on-street parking in the area.

**Safety for all modes**

In this area, SW Maplecrest is a relatively isolated roadway with low traffic volumes. Additionally, the applicant will be required to construct a 6-ft wide separated pedestrian facility along the site's frontage as a condition of final plat approval. A four-lot subdivision to the west of the site was also recently approved with the same requirement for sidewalk improvements. Accordingly, staff finds that the existing conditions in the vicinity of the site, combined with the recent/required pedestrian improvements will allow the additional lot to be developed in a manner that will not adversely impact safety for all modes.

PBOT has reviewed and concurs with the information supplied, the methodology, assumptions and conclusions made by the applicant's traffic consultant. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

**L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.**

**Findings:** The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:



**33.651 Water Service standard** – See Exhibit E.3 for detailed bureau comments.

The Water Bureau has indicated that service is available to the site, as noted on page two of this report. The water service standards of 33.651 have been verified.

**33.652 Sanitary Sewer Disposal Service standards** – See Exhibit E.1 for detailed comments.

The Bureau of Environmental Services has indicated that service is available to the site, as noted on page two of this report. The sanitary sewer service standards of 33.652 have been verified.

**33.653.020 & .030 Stormwater Management criteria and standards** – See Exhibits E.1 & E.5

No stormwater tract is proposed or required. Therefore, criterion A is not applicable

The applicant has proposed the following stormwater management methods

- **Shared Driveway:** Stormwater will be directed to an infiltration basin located within the shared driveway easement. The applicant has submitted stormwater calculations and soil test results that indicate the size of the proposed swale can accommodate the volume of stormwater runoff from the impervious areas of the street. BES has indicated conceptual approval of the proposed swale location and size. BES has requested a supplemental plan with the final plat to verify the correct sizing of stormwater facilities.
- **Public Street Improvements:** BES has reviewed the 30% Concept Review plans for nonstandard frontage improvements as approved by Public Works Appeal 13-221993 and has determined that there are no further requirements related to the preliminary land division plan. Further, BES finds that stormwater management requirements related to public frontage improvements can be satisfied.
- **Parcels 1 and 2** Stormwater from these lots will be directed into flow-through planters that remove pollutants and suspended solids. The water will drain from the planters to the existing ditch located adjacent to SW Maplecrest Drive. Each lot has sufficient size for individual flow through planter boxes, and the Bureau of Environmental Services has indicated that the treated water can be directed to the existing drainage ditch at the frontage of the site.

**33.654.110.B.1 Through streets and pedestrian connections**

This section requires street and pedestrian connections where appropriate and practical, taking a number of factors into consideration. The following discussion is based on PBOT's assessment of the connectivity potential in the area. The City's spacing goals for public through streets and public pedestrian connections is a maximum of 530-ft and 330-ft, respectively.

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. While the recommended spacing goals for public through streets and pedestrian connections are not met in this area, the existing development pattern in the area and roadway configuration make it impractical to apply the pedestrian connectivity spacing goals in association with this land division.

PBOT has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition.

The only new through pedestrian connections included in the proposal are new sidewalks which will be constructed by the applicant along the frontage of the site along SW Maplecrest Drive. This is a straight-line connection on which users will be able to see the ending of the pedestrian route from the entrance.

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

SW Maplecrest is improved with 20-ft of pavement within a 50-ft ROW without curbs or sidewalks. A Public Works Administrative Appeal (13-221993-PW) was approved to allow the applicant to construct a 6-ft wide separated pedestrian facility along the site's frontage in lieu of half-street improvements. A 4-ft dedication of property for right-of-way purposes is required to accommodate future street improvements.

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. In this case Portland Transportation has determined that curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. With those improvements, two dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the condition that frontage improvements are made, and 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 new single family residence and detached garage currently under 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 R10 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:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 10 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.

**Future Development**

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

- Flag Lots-- special setback standards apply to flag lots in the RF-R2.5 zone, and special landscape standards apply to flag lots that are 10,000 square feet or less in area in the R7-R2.5 zones (33.110.240.F). These standards apply to Parcel 2.

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 <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 requirements; posting of "No Parking" signs within the shared driveway; fire hydrant spacing; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; providing an Emergency Vehicle Access Easement and Maintenance Agreement over the shared driveway; recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcels 1 and 2; fire apparatus access, including aerial access. Additional information about fire flow will be needed prior to final plat approval. The applicant will need to demonstrate compliance with Fire Bureau requirements for addressing and aerial access at the time of development on the lots. 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.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: street frontage improvements and stormwater management. 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 flag lot and one standard lot as illustrated with Exhibit C.1 and 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 the Land Use Review section and BES 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 other information specifically noted in the conditions listed below.
- Stormwater facilities.

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

1. The applicant shall meet the street dedication requirements of the City Engineer for SW Maplecrest Drive. The required right-of-way dedication must be shown on the final plat.
2. A private storm sewer easement, for the benefit of Parcels 1 and 2, shall be shown and labeled over the relevant portions of Parcel 1. The easement may be combined with the access easement identified below.
3. A Reciprocal Access Easement over the area of the shared driveway on Parcel 1 and Parcel 2 shall be shown and labeled on the final plat. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for.
4. 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.5 through C.7 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."

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

**Streets**

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.

**Utilities**

2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire access way including turning radius and grade for Parcels 1 and 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 Parcels 1 and 2 if applying the exception for access. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

**Required Legal Documents**

5. A Maintenance Agreement shall be executed for the reciprocal driveway access and shared stormwater facility described in Conditions B.2 and 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.
6. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcels 1 and 2 to contain internal fire suppression sprinklers, if a Fire Bureau Appeal is requested and approved. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.
7. 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 Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.4). Specifically, trees numbered 622, 626, 627, 628, 630, 633, 635 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 applicant must meet the addressing requirements of the Fire Bureau for Parcels 1 and 2. The location of the sign must be shown on the building permit.
3. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal. Please refer to the final plat approval report for details on whether or not this requirement applies.
4. The applicant must meet the addressing and aerial fire department access road requirements of the Fire Bureau. All fire access lanes shall have a turning radius of 28 feet inside, 48 feet outside. Facilities, buildings or portions of buildings constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

**Staff Planner: Brandon Rogers****Decision rendered by:** Kimberly Tallant **on July 7, 2014**

By authority of the Director of the Bureau of Development Services

**Decision mailed July 09, 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 April 3, 2014, and was determined to be complete on May 22, 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 April 3, 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, applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: September 19, 2014.**

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

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

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

**Appealing this decision.** This decision may be appealed to the Hearings Officer which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 23, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.ci.portland.or.us](http://www.ci.portland.or.us) .

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

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

**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the City Planning Director, 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.**

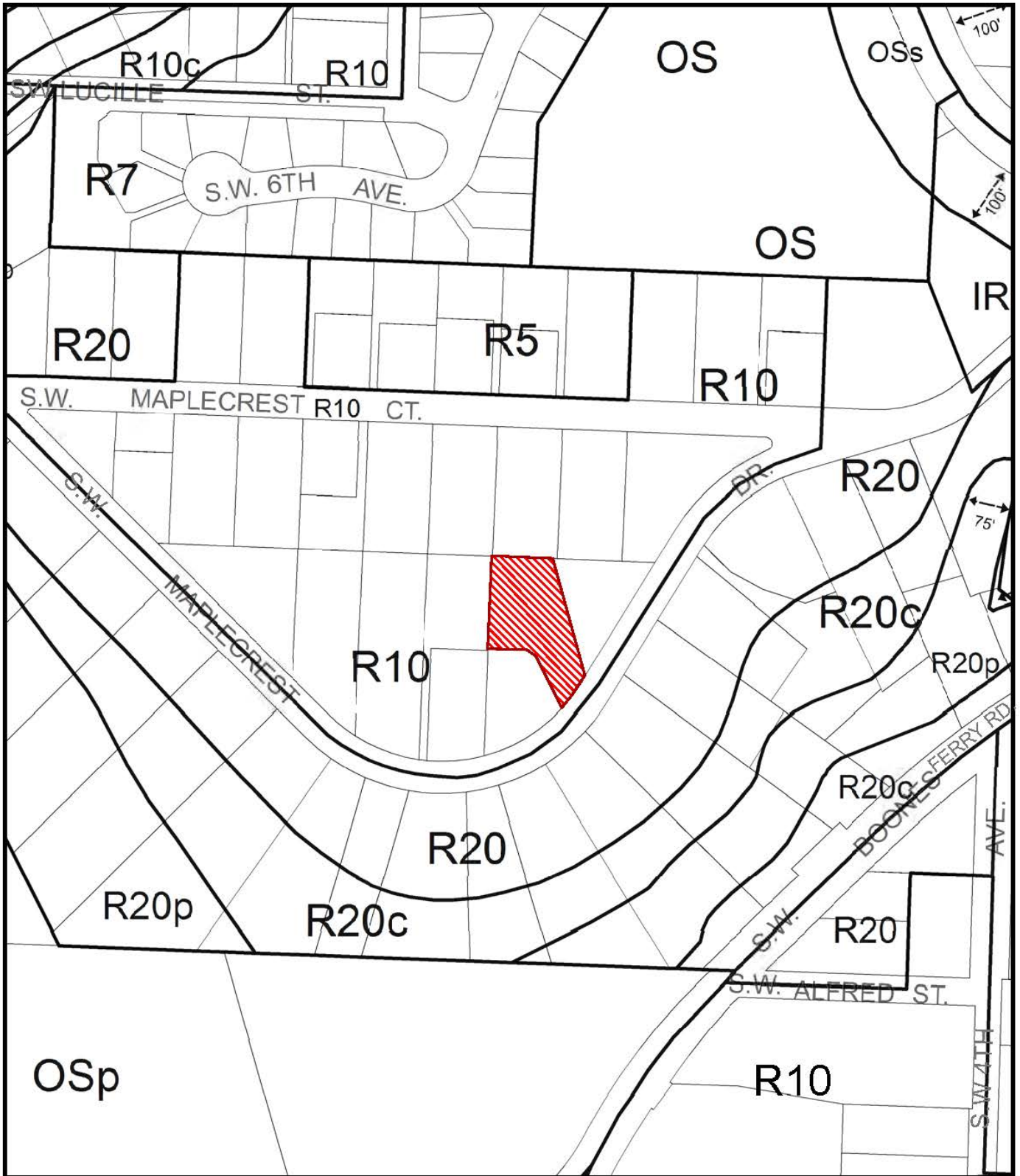
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Submittal
  - 2. Applicant's Response
  - 3. Landslide Hazard Study and Stormwater Report Update
  - 4. Revised Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plan (attached)
  - 2. Site Plan, Grading Plan and Tree Preservation 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 (PBOT)
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Life Safety Section of BDS
- G. Other:
  - 1. Original LU Application
  - 2. Neighborhood Contact documentation
  - 3. Incomplete Letter dated April 24, 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



Site



File No. LU 14-135325 LDP  
 1/4 Section 4028  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E28DA 2702  
 Exhibit B (Apr 07,2014)



**PARTITION PLAT NO.**  
**A REPLAT OF "PARCEL 2, PARTITION PLAT 2008-78**  
**IN THE S.E. 1/4 OF SECTION 28, T.1S., R.1E., W.M.**  
**CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON,**

**CITY-CASE FILE NO. LU XXXX**  
**DATE: JUNE 17, 2014**

**MONUMENT NOTES**

- Ⓐ FOUND 1" IRON PIPE SET IN S.N. 2046.
- Ⓑ FOUND 1/2" IRON PIPE PER PLAT OF MAPLECREST.
- Ⓒ N.W. CORNER LOT 23 MAPLECREST. FOUND 1/2" IRON PIPE PER PLAT OF MAPLECREST. FROM WHICH 5/8" IRON ROD UP 1.0' BEARS S89°00'E 0.21.
- Ⓓ FOUND 1/2" GALVANIZED IRON PIPE SET IN SN 2046.

**LEGEND**

- SET 2/8" X 30' IRON ROD W/PPC "MELAN ENGINEERING P.C. ON
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ANDY PARRIS & ASSOC. INC.", UNLESS OTHERWISE NOTED.
- R/W RIGHT OF WAY
- W/PPC WITH YELLOW PLASTIC CAP MARKED AS NOTED
- IP IRON PIPE
- IP IRON PIPE
- IP SHARED ACCESS AND UTILITY EASEMENT.
- S.A.U.E. CITY OF PORTLAND.
- C.O.P. SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS.
- S.N. RECORD DATA
- ( ) PARTITION PLAT NO. 2008-78, MULTNOMAH COUNTY SURVEY RECORDS.
- SF SQUARE FEET
- NTS NOT TO SCALE

**NARRATIVE**

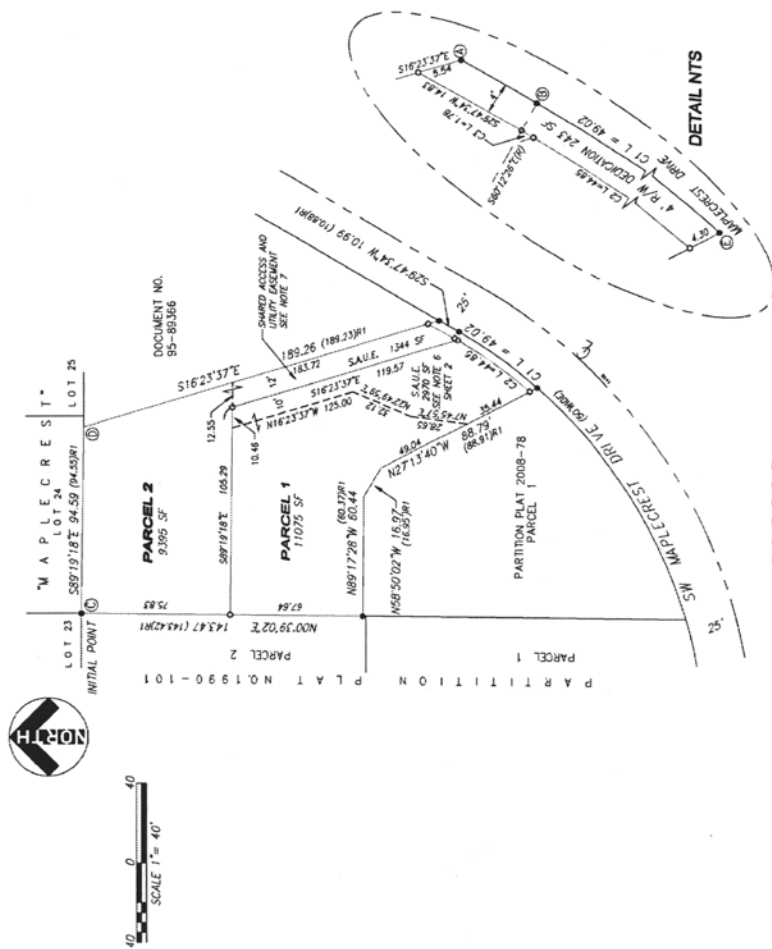
THE PURPOSE OF THIS SURVEY IS TO PARTITION THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED NO. 2014-004742, MULTNOMAH COUNTY DEED RECORDS, BEING PARCEL 2 OF PARTITION PLAT 2008-78.

RECOVERED AND HELD MONUMENTS "A" AND "B" FOR THE BASIS OF BEARINGS PER R1. HELD FOUND MONUMENTS AS SHOWN ON ADJACENT MAP.

**PLAT NOTES:**

1. THIS PLAT IS SUBJECT TO COVENANT OF FUTURE COMPLIANCE WITH ZONING REGARDING AN EXISTING GARAGE, RECORDED DECEMBER 31, 1997 IN BOOK 2089, PAGE 564.
2. THIS PLAT IS SUBJECT TO CONDITIONS AND RESTRICTIONS CONTAINED IN LAND USE REVIEW FILE NO. LUR LU 07-173748 (DP AD, RECORDED FEBRUARY 21, 2008 AS FEE NO. 2008-026094).
3. THIS PLAT IS SUBJECT TO STORM SEWER WAIVER, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED MAY 5, 2008 AS FEE NO. 2008-068424.
4. THIS PLAT IS SUBJECT TO A STREET WAIVER, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED MAY 5, 2008 AS FEE NO. 2008-068425.
5. THIS PLAT IS SUBJECT TO COVENANT RESTRICTION FOR DETACHED ACCESSORY STRUCTURE, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED AS FEE NO. 2008-072638.
6. THIS PLAT IS SUBJECT TO A OPERATIONS AND MAINTENANCE PLAN FOR SHARED ACCESS, SANITARY SEWER, STORM SEWER AND UTILITY EASEMENT BENEFITTING PARCELS 1 AND 2, INCLUDING THE TERMS AND PROVISIONS THEREOF.

**REGISTERED PROFESSIONAL SURVEYOR**  
**PRELIMINARY ONLY**  
 DATE PLOTTED: JUL 03, 2014 - 3:06pm  
 REVISION 1887  
 JANUARY 1887  
 DAN SPORER  
 Z266  
 RENEWS: 06-30-16  
 I CERTIFY THIS TRACING TO BE AN EXACT COPY OF THE ORIGINAL.



**CURVE TABLE**

CURVE	DELTA	LENGTH	RADIUS	CHORD
C1	1714.03"	49.02	250.00	S25°44'46"W 48.94
(C)R1	(1715'26"R1)	(49.12'PI)	(250.00'RI)	(S25°40'54"W 49.04'RI)
C2	10726.46"	44.85	246.00	S35°46'25"W 44.79
C3	024'52"	1.78	246.00	S30°20'43"W 1.78

**CASE NO.** 14-135325  
**EXHIBIT** C-1



