



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** July 10, 2014  
**To:** Interested Person  
**From:** Brandon Rogers, Land Use Services  
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## **NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

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

### **CASE FILE NUMBER: LU 14-144654 LDP**

#### **GENERAL INFORMATION**

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

**Owners:** John Hanson, Tricia Steine-Hanson  
6117 SE 65th Ave / Portland, OR 97206

Geoffrey Schumacher,  
1176 SW Binford Lake Pkwy / Gresham OR 97080

**Site Address:** 6117 SE 65TH AVE

**Legal Description:** BLOCK 24 LOT 14&15, TREMONT PL  
**Tax Account No.:** R842406760  
**State ID No.:** 1S2E17CC 03600  
**Quarter Section:** 3637  
**Neighborhood:** Mt. Scott-Arleta, contact Nicole Green at 503-816-1310.  
**Business District:** Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832.

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Plan District:** None  
**Zoning:** R2.5a, Residential 2,500 with the "a" Alternative Design Density Overlay Zone.

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

**Proposal:**

The applicant is proposing a three parcel land division of a 9,600 square foot site. The project would create three parcels; two 3,200 square foot parcels and one 3,192 square foot parcel. The existing house and accessory structures will be demolished.

**Relevant Approval Criteria:**

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no

other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 3 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 a corner lot with frontage on SE Carlton Street and SE 65<sup>th</sup> Avenue. The site abuts an alley at the northern property line. The site is developed with a single dwelling built in 1904 and an accessory structure. The immediate neighborhood is developed with primarily single dwellings. Brentwood Park and Mt Scott Park are located within a half mile of the site.

### Infrastructure:

**Streets** – The site has approximately 120 feet of frontage on SE 65<sup>th</sup> Avenue with a driveway serving the existing house on the site. The site has approximately 89 feet of frontage on SE Carlton Street. Tri-Met provides bus service approximately 930 feet south of the site at SE Duke Street via Bus 19.

At this location, the City’s Transportation System Plan (TSP) classifies SE 65<sup>th</sup> Ave as a Local Service street for all modes. According to City GIS, SE 65<sup>th</sup> is improved with 32-ft of paving and a 0-6-8 sidewalk corridor within a 60-ft ROW. The TSP classifies SE Carlton as a Local Service street for all modes. According to City GIS, SE Carlton is improved with 28-ft of paving and an 8-6-2 sidewalk corridor within a 60-ft ROW.

- **Water Service** – There is an existing 8-inch cast iron water main in SE Carlton Street. The existing house is served by a 3/4-inch metered service from this main.
- **Sanitary Service** - There is an existing 12-inch public combination sewer line in SE Carlton Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant has proposed on site drywells for stormwater disposal.

**Zoning:** The R2.5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for single-dwelling housing. The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not taking benefit of the provisions of the “a” overlay.

**Land Use History:** City records indicate there is an expired variance for this site from 1981 (VZ 202-81).

**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**. Written responses have been received from neighbors (Exhibit F.1, F.2) in response to the proposal. No written responses were received from the Neighborhood Association.

**Neighbor Response:** A neighbor expressed concerns regarding removal of a birch tree. The neighbor was concerned that backyard sun would be blocked if the building envelope were adjusted to the north to preserve the tree (Exhibit F.1.)

In addition, a neighbor expressed concerns regarding overcrowding on the block, the addition of two driveways on Carlton Street with regards to the safety of children, tree removal and yard size (Exhibit F.2.)

**Staff Response:** Tree preservation is discussed below. The arborist report shows that the birch tree is a nuisance species as listed on the Portland Plant List. Therefore, the tree is exempt from the tree preservation regulations per Subsection 33.630.030.A of the Portland Zoning Code. The applicant has proposed to remove the tree; therefore the building envelope would not have to be changed to accommodate preservation of the tree.

The purpose of the R2.5 zone in which the site is located is to provide housing opportunities for individual households. Among the six different single dwelling zones, the R2.5 zone is designated as the zone with the highest residential density. For the purpose of the proposed land division partition, the project must demonstrate compliance with the Approval Criteria for land divisions in open space and residential zones as discussed in detail below.

The project meets the required approval criteria for standard lot size, lot dimensions and residential density of the R2.5 zone as discussed below. The project meets the required approval criteria for transportation impacts as discussed below, including driveway spacing from the intersection. The criteria do not directly address the safety of children playing within the sidewalk areas, however the Transportation related criteria address safety for all modes of transportation as discussed below. The project meets the approval criteria for tree preservation as discussed below. At the time of development, the proposed parcels will demonstrate compliance with Section 33.110.235 of the Zoning Ordinance, which provides a minimum standard for required outdoor areas. The preliminary plan demonstrates conceptual compliance with this standard.

## 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 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.
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 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Minimum density in the R2.5 zone is one unit per 5,000 square feet and the maximum density is one unit per 2,500 square feet. The site has a minimum required density of 2 units and a maximum density of 3 units. The applicant is proposing 3 single family parcels. The density standards are therefore met.

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>R2.5 Zone</b>	1,600	N/A	36	40	30
Parcel 1	3,192		39.87	80.00	39.87
Parcel 2	3,200		40.00	80.00	40.00
Parcel 3	3,200		40.00	80.00	40.00

\* 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.

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

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

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

The arborist report inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.3). Three trees are located at the project site. Two of the trees are exempt because one is unhealthy and the second is a nuisance species. Therefore, one tree is subject to the preservation requirements of this chapter.

There is only one tree located at the project site that is suitable for preservation, an 8-inch Hedge Maple. The arborist report specifies an 8-foot Root Protection Zone (RPZ) for this tree, which would substantially restrict the building envelope of Parcel 3. The applicant has proposed to remove the tree in order to provide a suitable building envelope of Parcel 3.

The total non-exempt tree diameter on the site is 8-inches. The proposal does not meet any of the tree preservation options in 66.630.100. The applicant proposes, instead, to use the mitigation options of 33.630.300. The applicant has submitted a tree mitigation plan that provides for the same caliper inches as Option 1 of the Tree Preservation Chapter. Option 1 would require that 35% or 3 inches of the existing non-exempt tree diameter on site be preserved.

Section 33.248.020.H, known as the T1 tree planting standard, requires trees to be planted on new lots as part of the approval of future building permits. The T1 tree standard requires the planting of at least 2 inches of tree caliper per 1,000 square feet of site area, which would result in 6 inches of new trees planted for each of the proposed parcels. Due to the size of the parcels, it is not practical for additional trees beyond the T1 standard to be planted without jeopardizing the overall health of all of the trees on the site. Therefore, offsite mitigation in the form of payment into the City Tree Fund is appropriate for this proposal. The payment of 3 inches into the tree fund is equivalent to the 3 inches that would be required to be preserved. Payment into the Tree Fund will contribute to the general beauty and natural heritage of the City, if not directly on the site. Therefore, with the conditions noted above for mitigation, the criteria can be met.

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

**Findings:**

***Clearing and Grading***

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

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

***Land Suitability***

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

The applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat

approval. With this condition, the new lots can be considered suitable for 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 Private Sanitary Sewer Easement is required across the relevant portions of Parcel 3, for a sanitary sewer lateral connection that will serve Parcel 1.

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.

**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 lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

In this proposal, the site layout is necessary to meet the Sanitary Sewer Disposal Service requirements of 33.652. Sanitary sewer service is not available within SE 65<sup>th</sup> Avenue. Parcels 2 and 3 are oriented towards SE Carlton Street, where sanitary sewer service is available. Those other requirements supersede 33.639; therefore, the solar access criteria do not apply.

**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.

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.

At this location, the City’s Transportation System Plan (TSP) classifies SE 65<sup>th</sup> Ave as a Local Service street for all modes. According to City GIS, SE 65<sup>th</sup> is improved with 32-ft of paving and a 0-6-8 sidewalk corridor within a 60-ft ROW. At this location, the TSP classifies SE Carlton as a Local Service street for all modes. According to City GIS, SE Carlton is improved with 28-ft of paving and an 8-6-2 sidewalk corridor within a 60-ft ROW.

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 two (2) new parcels from the current lot in order to accommodate three (3) new detached single-dwelling homes. The existing parcel currently is developed with a single-family home which will be razed. Referring to the ITE Trip Generation Manual, 9th Edition, the net new trips for the proposed land division will be two (2) new AM peak hour trip and two (2) additional PM peak hour trip (20 additional total new daily trips).

PBOT finds that site generated vehicle trips as a result of two additional dwelling units will have negligible impacts to the capacity of nearby intersections. Additionally, the subject property is located in an area that has numerous opportunities for alternative modes of transportation including transit, biking, and pedestrian connectivity which could potentially reduce the number of vehicle trips generated by the additional dwelling unit.

#### **Vehicle access and loading**

Access to the proposed units will be via individual driveways with access for Parcel 1 proposed via SE 65th and access for Parcels 2 and 3 via SE Carlton. The City's Transportation System Plan (TSP) classifies SE 65th and SE Carlton as Local Service streets for all modes. The site's frontage along both roadways exceeds the recommended sidewalk corridor requirements and connects to a fully improved pedestrian and vehicular grid system.

Loading is expected to take place using the private driveways for individual homes and on-street parking. 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**

Each unit will have an on-site parking space via an attached garage and sufficient space has been provided in front of each garage to accommodate an additional parked vehicle for a total of 6 on-site spaces. There is an existing curb-cut/driveway on SE 65th that serves the existing house. As stated, access to Parcel 1 is proposed via SE 65th. While the location of the driveway is proposed to be modified, no additional curb-cuts/driveways on SE 65th are proposed as a result of this land division. Based upon the submitted site plan, there will be enough space to accommodate approximately 5 on-street parking spaces on SE 65th.

Each lot on SE Carlton will be 40-ft wide with a 10-ft wide driveway which will leave enough open curb for one on-site parking space in front of each lot. Staff finds that with provision of adequate on-site parking the proposed three-lot land division will not result in an appreciable impact on on-street parking in the vicinity.

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

The site and area is served by transit via Tri-Met Route #19 (Woodstock/Glisan) with a stop at corner of SE 65th and SE Duke approximately 850-ft south of the site. An existing and well connected system of sidewalk facilities provides excellent access to transit service.

#### **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 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**

Pedestrian and vehicle travel is accommodated in the vicinity of the site via a well connected sidewalk and street system that meets/exceeds City standards. There are also identified

bike facilities in the area (Portland Bike/Walk Map) including bike lanes on SE Duke to the south and SE Woodstock to the north. Additionally, SE 60th and SE 67th, to the west and east respectively, are Shared Roadways. Additionally, a number of marked crosswalks are available in the surrounding area. The vicinity of the proposed 3-lot partition is currently safe for all modes and will not be adversely affected by the proposed new residence. No mitigation measures are needed or recommended.

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:** Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<p><b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.</p> <p>The Water Bureau has indicated that service is available to the site from SE Carlton Street, as noted on page 3 of this report. There is no existing water service on SE 65<sup>th</sup> Avenue. The nearest water service is located in SE Carlton Street. The applicant must make arrangements to extend a new water main in SE 65<sup>th</sup> Avenue to ensure service is available to Parcel 1. In order to meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the Water Bureau prior to final plat approval. The water service standards of 33.651 have been verified.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that sanitary sewer service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified. The existing sanitary sewer lateral serving the existing residence will be capped and may be reused for proposed development on Parcel 2. The applicant has obtained approval of a BDS Plumbing Code Appeal to allow a private sanitary sewer lateral within a 5-foot easement located on Parcel 3 to serve Parcel 1.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1 &amp; E.5</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods</p> <ul style="list-style-type: none"> <li>• <b>Parcels 1, 2 and 3:</b> Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots 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.</li> </ul>
<p><b>33.654.110.B.1 Through streets and pedestrian connections</b></p> <p>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.</p> <p>No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. While the subject property is located on a block that is approximately 628-ft long, the existing block and lot pattern, the site's corner location, as well as the established residential development in the area, 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</p>



land division partition. 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**

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.

This section requires approval by PBOT for the elements within the right-of-way. The existing 8-6-2 sidewalk corridor on SE Carlton exceeds the City standards. The applicant will be required to repair any portion of the sidewalk damaged as the result of construction.

The existing 0-6-8 sidewalk corridor on SE 65th does not meet the configuration of a standard 11-ft sidewalk corridor (0.5-ft curb/4-ft furnishing zone/6-ft sidewalk/0.5-ft frontage zone). The site does not comply with Administrative Rule 1.22 “Infill Development on Streets with an Existing Sidewalk Corridor” as there is an existing utility pole located within the pedestrian through zone and reconstruction of the frontage would be required to comply with current standards.

A Public Works Alternative Review (14-169533-PW) was approved for the site that allowed the existing sidewalk to remain in its current configuration provided the sidewalk on SE 65th is reconstructed adjacent to the utility pole to provide an unobstructed 6-ft wide walkway. Additionally, street trees are required to be planted behind the existing sidewalk per the City Forester’s recommendation.

In this case Portland Transportation has determined that sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible adjacent to the proposed development. At the time of building permits approval for Parcel 1, the sidewalk along SE 65<sup>th</sup> Ave adjacent to the utility pole shall be reconstructed to provide an unobstructed 6-foot wide walkway around the pole. With those improvements, two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided. With the conditions of approval requiring reconstruction of the sidewalk as described above, this criterion is met.

**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 applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, 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 requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

## CONCLUSIONS

The applicant has proposed a 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 mitigation, sanitary sewer easement.

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 three parcels for detached housing as illustrated with Exhibit C.1, subject to the following conditions:

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

1. A private sanitary sewer easement, for the benefit of Parcel 1, shall be shown and labeled over the relevant portions of Parcel 3.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.5 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.”

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

#### Utilities

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.

2. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water main extension in SE 65<sup>th</sup> Avenue.
3. The applicant shall provide information to the satisfaction of the Fire Bureau that Fire Hydrant spacing is adequate. If necessary, the applicant shall meet the requirements of the Fire Bureau for installing new fire hydrants. The applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of the fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.
4. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

### **Existing Development**

5. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures. The demolition permit for removal of the existing house shall include decommissioning of the existing on-site sewage disposal system unless the applicant obtains final approval of decommissioning permits.
6. The applicant must obtain a finalized demolition permit for removing the existing garage.

### **Required Legal Documents**

7. A Maintenance Agreement shall be executed for the private sewer easement described in Condition A.1 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.

### **Other requirements**

8. The applicant must pay into the City Tree Fund the amount equivalent to 3 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

1. The applicant must meet the addressing requirements of the Fire Bureau for Parcels 1, 2 and 3. The location of the sign must be shown on the building permit.
2. As a condition of building permit approval for Parcel 1, the sidewalk along SE 65<sup>th</sup> adjacent to the utility pole shall be reconstructed to provide an unobstructed 6-ft wide walkway around said pole.
3. As a condition of building permit approval for Parcel 1, Parcel 2, and Parcel 3, street trees shall be installed behind the sidewalk per the City Forester's recommendation.
4. The applicant must meet the Fire Bureau requirements for addressing and 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:** Kimberly Tallant **on July 9, 2014**  
By authority of the Director of the Bureau of Development Services

**Decision mailed July 10, 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 18, 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 18, 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: September 18, 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).

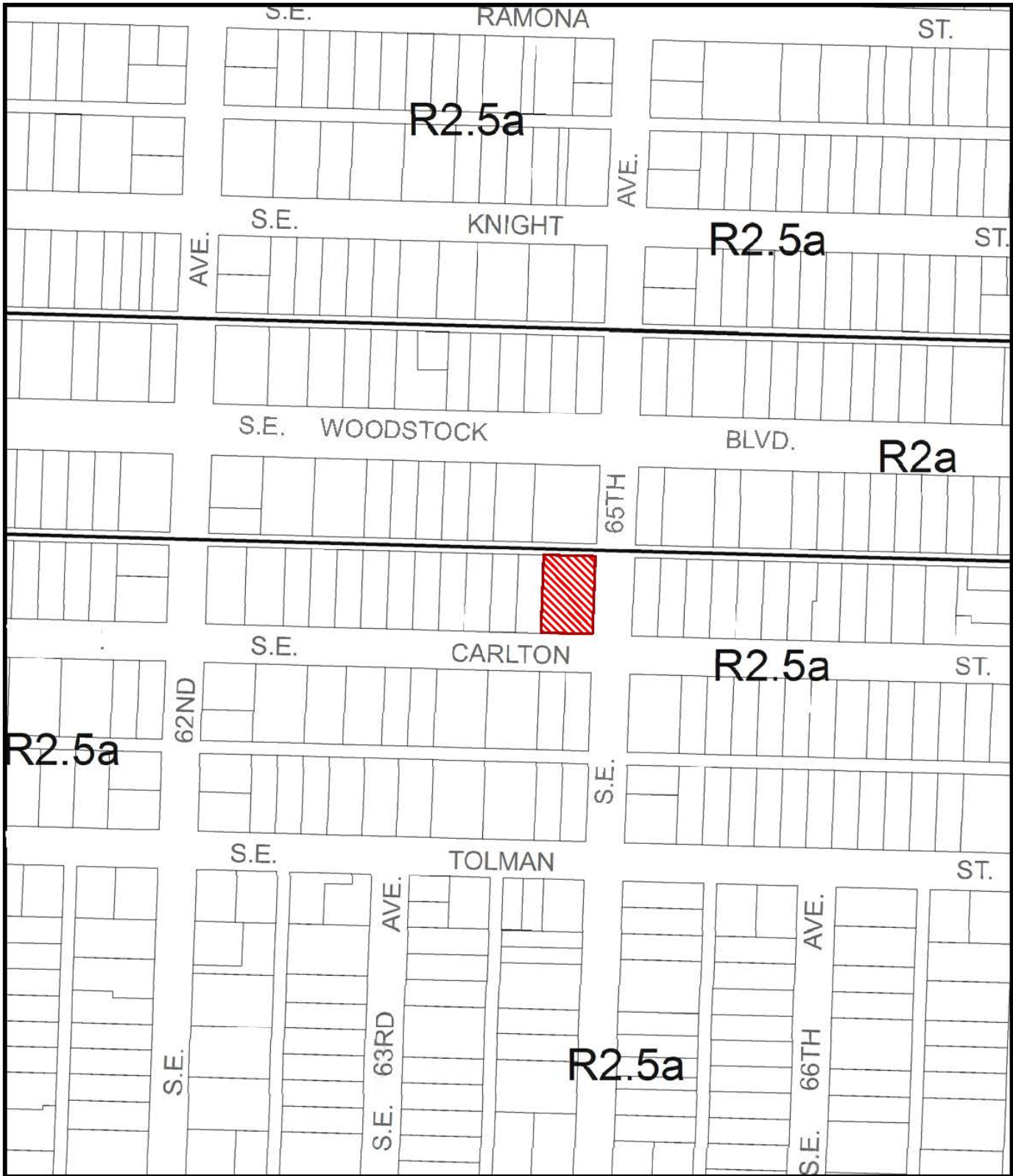
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Applicant's Narrative
  - 2. Simplified Approach
  - 3. Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plan (attached)
  - 2. Existing Conditions Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety Section of BDS
- F. Correspondence:
  - 1. Jarmila Darby, June 14 2014
  - 2. Lea and Greg Barozzi, June 22, 2014
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter dated May 8, 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

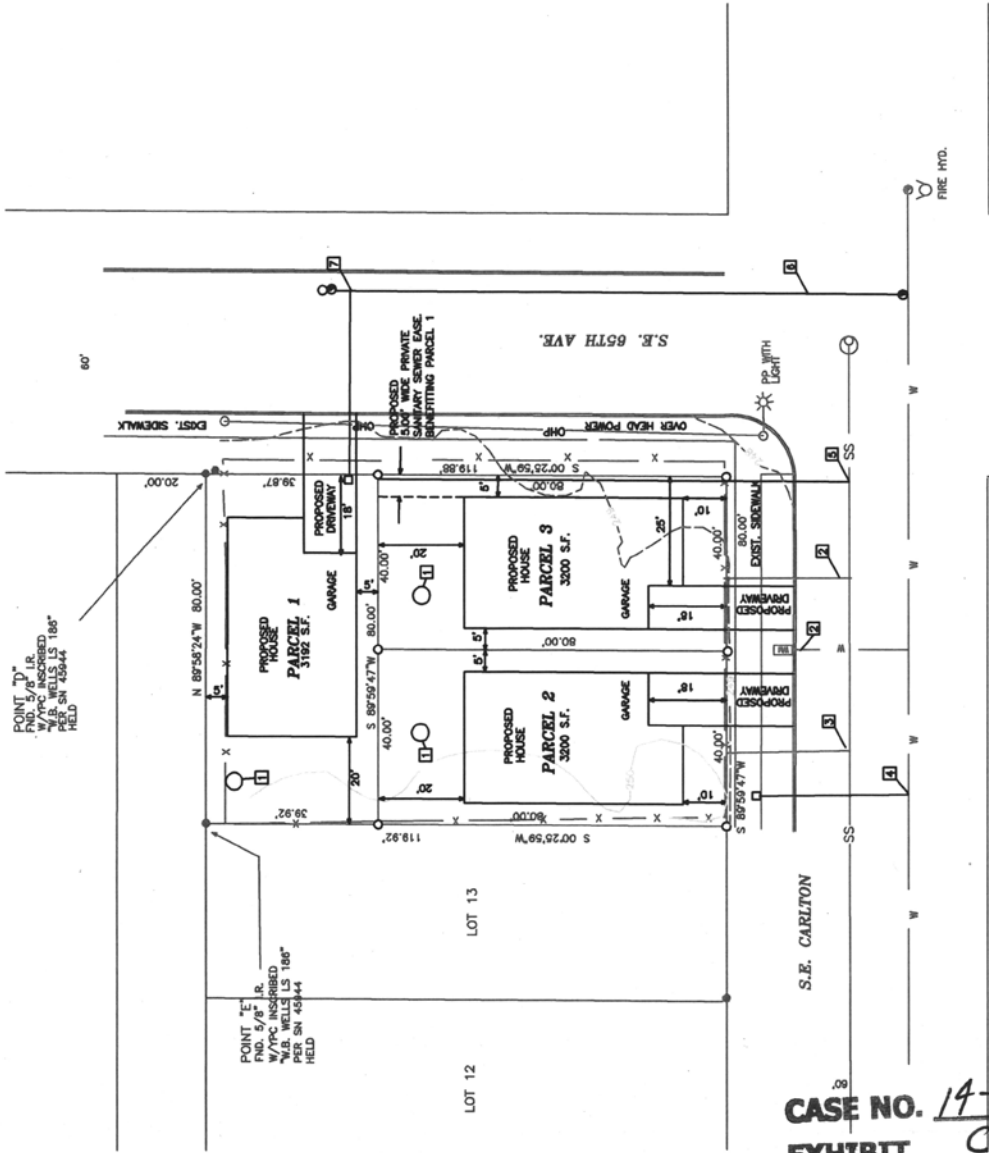
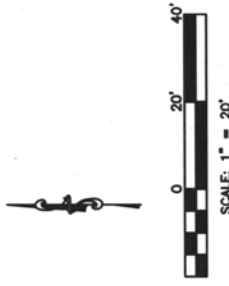


File No. LU 14-144654 LDP  
 1/4 Section 3637  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E17CC 3600  
 Exhibit B (Apr 22, 2014)

**TENTATIVE PARTITION PLAN**

LOTS 14 AND 15, BLOCK 24,  
 "TREMONT PLACE"  
 IN THE NE 1/4 OF SEC. 18, T1S, R2E, W4M,  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON.

DATE: MAY 12, 2014 SCALE: 1" = 20'



**NOTES:**

- 1 PROPOSED 4' X 5' DRYWELL, MIN. 10' FROM STRUCTURE AND 5' FROM PROPERTY LINE.
- 2 EXISTING WATER SERVICE AND SEWER LATERAL TO REMAIN ON PARCEL 3.
- 3 EXISTING SEWER LATERAL TO REMAIN ON PARCEL 2.
- 4 NEW WATER SERVICE FOR PARCEL 2
- 5 PROPOSED SEWER LATERAL FOR PARCEL 1
- 6 NEW PROPOSED PUBLIC WATER LINE
- 7 NEW WATER SERVICE FOR PARCEL 1

REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
 MICHAEL LEE MANWELL  
 LICENSE NO. 57148  
 EXPIRES 12-31-14

**LEGEND:**

- FND. SURVEY MONUMENT AS INDICATED
- I.R.
- I.P.
- FND. FOUND
- SN
- ( ) RECORD DATA AS INDICATED
- TO BE SET 5/8" BY 30" I.R. WITH ORANGE PLASTIC CAP MARKED, "MANWELL LS 57148"

**MICHAEL LEE MANWELL**  
 Professional Land Surveyor  
 2847 SE 18TH CIRCLE  
 GRESHAM, OREGON 97080  
 (503) 661-5270  
 email: mmanwella@aol.com

**CASE NO. 14-199654**  
**EXHIBIT C.1**