



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** January 27, 2015  
**To:** Interested Person  
**From:** Kate Green, 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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 13-235349 LDS**

#### **GENERAL INFORMATION**

**Applicant:** Rob Humphrey / Faster Permits  
14334 NW Eagleridge Lane / Portland OR 97229

**Property Owner:** Vic Remmers / Everett Custom Homes Inc  
735 SW 158th Avenue, Suite 180 / Beaverton OR 97008

**Site Address:** vacant property at the SW corner of SE Francis Street and SE 36 Avenue

**Legal Description:** TL 7100 0.13 ACRES, SECTION 12 1S 1E; TL 6900 0.13 ACRES, SECTION 12 1S 1E; TL 7200 0.13 ACRES, SECTION 12 1S 1E; TL 7000 0.13 ACRES, SECTION 12 1S 1E

**Tax Account No.:** R991120730, R991121030, R991121100, R991121460

**State ID No.:** 1S1E12DB 07100, 1S1E12DB 06900, 1S1E12DB 07200, 1S1E12DB 07000

**Quarter Section:** 3434

**Neighborhood:** Creston-Kenilworth, contact Tyler King at 503-735-5818

**Business District:** Greater Brooklyn, contact David Weislogel at 503-872-9320

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010

**Zoning:** Multi-Dwelling Residential 2,000 (R2)

**Case Type:** Land Division-Subdivision (LDS)

**Procedure:** Type II<sub>x</sub>, an administrative decision with appeal to the Hearings Officer

**Proposal:** The applicant requests a **Land Division-Subdivision** to divide 4 vacant properties into 8 lots for detached houses. A 9-foot wide right-of-way dedication is proposed along SE 36<sup>th</sup> Avenue for street and sidewalk improvements.

Water and sanitary services for Lot 1 are proposed to be provided via existing connections in SE Francis Avenue. For Lots 2-8, those utilities are proposed to be provided via new connections to services in SE 36<sup>th</sup> Avenue.

Each lot is proposed to be 2,525 square feet in area (25 feet wide by 101 feet deep). Interior side yard setbacks are proposed to be 3-feet, as allowed per 33.120.270.D.1.

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 8 units of land (8 lots). Therefore this land division is considered a subdivision.

**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 subject site is made up of four 5,500 square foot properties, so the overall site area is approximately 22,000 square feet.

The site slopes up steeply from the abutting streets and is approximately 2 feet to 4 feet above the street grades; otherwise, the balance of the site is relatively flat. Based on city records, several houses that had been located on the property were removed prior to 1991. The site is presently vacant and covered in grass.

The abutting property to the west is developed with a senior care facility, and other properties within 500 feet of the site are developed with one and two-story houses and one-story apartment buildings.

### **Infrastructure:**

- **Streets** –The site has approximately 110 feet of frontage on SE Francis Street and approximately 200 feet of frontage on SE 36<sup>th</sup> Avenue. SE Francis is improved with 36-feet of paved roadway and a 4-6-2 sidewalk corridor within a 60-foot right-of-way. Several street trees are located along the SE Francis frontage. SE 36<sup>th</sup> Avenue is improved with 16-feet of paved roadway and a curb within a 20-foot wide right-of-way.

At this location, both streets are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). The City Public Right-of-Way Standards call for 50-foot wide rights-of-way with 28-foot wide roadways and two 11-foot wide pedestrian corridors. A Public Works Appeal was approved to allow a modification of this standard along SE 36<sup>th</sup> Avenue, which allows for a 16-foot wide pervious pavement roadway and an 11-foot wide sidewalk corridor. A 9-foot wide dedication is required for the SE 36<sup>th</sup> Avenue improvements. These improvements are being reviewed via Public Works Permit 14-232776 WT.

There is one curbcut along SE Francis, which is likely a remnant from driveway for a house that was removed from the site in approximately 1990.

Within approximately 1,000 feet of the site, Tri-Met provides transit service along SE Powell Boulevard via Bus Lines #9 and #66, and along SE Cesar Chavez Boulevard via Bus Line #75.

- **Water Service** – There is an existing 8-inch CI water main in SE Francis Street and an existing 2-inch Galvanized water main in SE 36<sup>th</sup> Avenue. If permeable pavement is used as a roadway surface over a water main, as currently proposed in the Public Works permit, the applicant may be required to replace or share in the cost of replacement of the water main, as determined by the Water Bureau.

- **Sanitary Service** - There is an existing 12-inch CSP public combination sewer line in SE Francis Street, which can serve Lot 1. There is currently no sewer in SE 36<sup>th</sup> Avenue. A Public Works permit is currently under review for the sanitary extension to serve Lots 2-8, which has received concept design approval.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. A Public Works permit is currently under review for public drainage improvements in SE 36<sup>th</sup> Avenue, and the project has received conceptual design approval for pervious pavement in SE 36<sup>th</sup> Avenue.

**Zoning:** The site is situated in the **Multi-Dwelling Residential 2,000 (R2)** zone. The R2 zone is a low density multi-dwelling zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

**Land Use History:** City records indicate one of the properties within the land division site (R328103) has been under the same ownership as the residential care facility on the abutting property to the west (3540 SE Francis Street). The neighboring facility was approved through a 1963 Conditional Use Review (CU 026-63); however, it does not appear that the property in this land division site was within the boundary of the conditional use site. As such, the land division site is not subject to the requirements of the 1963 conditional use case. No other prior land use cases have been identified on the land division site.

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **November 10, 2014**. Two written responses have been received. Issues noted in the letters include: design of future houses, orientation of the lots, and traffic and parking impacts.

**Staff Response:** No specific house designs have been provided and none are required as part of this land use review. The design of the houses will need to comply with the standards for new development in the R2 zone.

The orientation of the lots is addressed in Criterion I, Solar Access, below.

Traffic and parking issues are addressed, below, in Criterion K, Transportation Impacts, and Criterion L, Services.

## 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>
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.

E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	No pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

**Applicable Approval Criteria are:**

**A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.**

**Findings:** Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 8 lots for detached single-dwelling houses, so the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. After deducting the 1,800 square foot dedication required along SE 36<sup>th</sup> Avenue, the remaining site area is 20,200 square feet. Therefore, site has a minimum required density of 8 units and a maximum density of 10 units.

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

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
<b>Attached Houses</b>	1,600	15	none	15
<b>Detached Houses</b>	1,600	25	none	25
Lot 1	2,525	25	101	25
Lot 2	2,525	25	101	25
Lot 3	2,525	25	101	25
Lot 4	2,525	25	101	25
Lot 5	2,525	25	101	25
Lot 6	2,525	25	101	25
Lot 7	2,525	25	101	25
Lot 8	2,525	25	101	25

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

Eight lot for detached houses are proposed at this time. However, the lots also meet the size standards for attached houses, so either housing type could be built. None of the lots meet the

dimensions for duplex or multi-dwelling structures. So, though the density provisions would allow a maximum of 10 units, none of the lots meet the dimensions to allow for that additional density.

Based on the foregoing, with the 8 lots proposed, the density standards are met, and the lots meet the dimensional standards for attached or detached houses. Therefore this criterion is met.

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

**Findings:** 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.

**Clearing and Grading:** In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. The site is vacant and covered in grass, so no significant clearing or grading will be required on the site to make the new lots developable.

Grading within the public right-of-way will be required to install the new utilities, paving, stormwater facilities, and sidewalk corridor in SE 36<sup>th</sup> Avenue, and this work will be performed under a Public Works Permit.

**Land Suitability:** Although the site is currently vacant, city records show there were residential uses on the site prior to 1990. Site Development has noted that historic records show a cesspool was not decommissioned at the time the house was demolished on proposed Lots 7 and 8, so Site Development will require a Disclaimer for Existing On-site Sewage Disposal System for all the lots at the time of building permit application. This will help to ensure this potential hazard is addressed and does not create limits on the suitability of the lots for development.

With a condition for a Public Works Permit, this criterion will be 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.

Lot 1 is a corner lot on the south side of the intersection of SE 36<sup>th</sup> Avenue and SE Francis Street), and Lots 2-8 are interior lots on the west side of the north/south oriented street (SE 36<sup>th</sup> Avenue). The solar access standards call for the interior lots on the west side of the north/south oriented street to be the widest lots. Each of the lots is proposed to be 25 feet in width.

Since there is no specific preference about the width of the corner lot, in this orientation, the proposal for each lot to be 25 feet in width is allowable, and this criterion is met.

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

**Findings:** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. 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.

Portland Transportation has reviewed the proposal and provided the following comments (see Exhibit E.2):

Street capacity and level-of-service: Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. The applicant included a professionally prepared Traffic Impact Study (TIS) to adequately address the above referenced approval criterion. The following discussion is based on PBOT's assessment of the submitted TIS and transportation impacts for this proposal.

The proposed land division will create 8 lots from the current site in order to accommodate 8 new detached single- homes. Referring to the ITE Trip Generation Manual, 9<sup>th</sup> Edition, there will be 6 new AM peak hour trip and 8 additional PM peak hour trip (80 total new daily trips) that may result from the development proposal on the site.

The applicant's traffic consultant conducted observations at the following several nearby intersections during the morning and evening peak hours to determine existing levels of service and to project the capacity of the intersections in relation to the proposed development:

<u>Intersection</u>	<u>Existing LOS (AM/PM)</u>	<u>Projected LOS (AM/PM)</u>
SE 36 <sup>th</sup> Ave/SE Francis (uncontrolled T-intersection)	A / B-C	A / B-C
SE 36 <sup>th</sup> Ave / SE Center (uncontrolled T-intersection)	A / A	A / A
SE 36 <sup>th</sup> Ave / SE Gladstone (stop controlled)	B / B-C	B / B-C
SE Cesar E Chavez Blvd/SE Francis (stop controlled)	B-C / E	B-C / E
SE Cesar E Chavez Blvd/SE Gladstone (signalized)	C / C	C / C
SE 33 <sup>rd</sup> Ave/SE Powell Blvd (signalized)	C / C	C / C

The expected vehicle trips associated with the proposed development will contribute 1-4 site trips (as determined by the traffic consultant's trip distribution assumptions) through each of the studied intersections during the peak hours. Said number of additional trips will have no significant effect on the operations of these intersections and they are projected to operate acceptably after the proposed development is constructed (as noted in the table above).

Vehicle access and loading: The subject site is located within a largely completed grid system. Accordingly, there are a variety of redundant routes to access the site. Convenient access to nearby arterial roadways are available.

Given the nature of SE 36<sup>th</sup> Ave, with a 16-ft wide paved section that will not be widened in relation to the proposed development, no parking is allowed along either side of the street. Therefore, access to each lot will be via individual driveways serving each of the 8 proposed lots. Said driveways will serve to accommodate loading activities for each lot. Loading activities

associated with residential land uses of this scale are typically light and infrequent and there is ample space for these activities to occur on each of the proposed lots.

On-street parking impacts: The parking demand that will be generated as a result of the proposed subdivision is estimated using rates from the Institute of Transportation Engineers (ITE), *Parking Generation Manual*, 4th Edition, 2010. The data utilized to determine the parking demand for the 8 new homes on the site was for land use #210, Single-Family Detached Housing. Based upon this data, the 85<sup>th</sup> percentile peak parking demand will be 17 parking spaces.

The applicant's traffic consultant conducted site observations during the overnight period (corresponding to the expected peak period for residential parking demand). The parking survey area included SE Francis between SE 35<sup>th</sup> Pl and SE 37<sup>th</sup> Pl and along SE Center St between SE 36<sup>th</sup> and SE 37<sup>th</sup> Avenues. Along SE Francis, 36 vehicles (69%) were observed parked within the approx 52 space supply on this street (segment). Of the approx 32 spaces available along SE Center St, 22 spaces (69%) were observed to be occupied by parked vehicles.

As shown on the submitted plans, there will be opportunities for two vehicles to be parked on each of the 8 lots (1 vehicle on the driveway and 1 vehicle within the garage). There is sufficient on-site parking available on the project site for nearly all of the expected demand noted above, for the proposed development. There is ample on-street parking available within the immediate area to accommodate the additional parking (demand) generated by the proposed new residences, even if all new residents elected to utilize the on-street parking supply. However, although the submitted plans show sufficient area to accommodate 2 on-site parking spaces on each of the proposed lots, these plans were submitted for illustrative purposes only and will not be approved as part of the land use decision. Therefore, in order to ensure sufficient on-street parking supply, PBOT will recommend a condition of approval requiring that future development on each of the proposed lots will include sufficient area to accommodate at least 2 parking spaces/lot.

Availability of transit service and facilities and connections to transit: Tri-Met offers bus service in proximity to the subject site via route #9, (Powell Blvd) to the north, #75, (Cesar Chavez/Lombard) to the east and #17 (Holgate/Broadway) to the south. Continuous sidewalks throughout the vicinity of the site (except along SE 36<sup>th</sup> Ave) make up a robust system for pedestrians to access these bus lines.

Impacts on the immediate and adjacent neighborhoods: Associated impacts from new subdivisions include those related to new trips generated into the transportation system and those related to on-street parking supply. As described previously, the expected trips from the 8 new homes will not result in significant degradation of the studied intersections. Further, there is ample on-street parking supply in the area to accommodate the existing uses as well as the expected demand from the development. To ensure adequate on-street parking opportunities, PBOT will recommend a condition of approval requiring the future development of each of the lots to include sufficient area to accommodate at least 2 parking spaces/lot.

Safety for all modes: The applicant's traffic consultant examined crash records for the most recent 5-year reporting timeframe (2009-2013) available for the studied intersections. From the crash records, the applicant's traffic consultant was able to calculate crash rates for each intersection; said rates are typically expressed as a number of crashes per million entering vehicles. A crash rate in excess of 1 or 2 crashes per million may indicate a significant safety hazard and warrant appropriate mitigation. The crashes associated with studied intersections ranged from 0-18 crashes, however, the calculated crash rates for all of the intersections were well below 1 crash/million entering vehicles. Given the volumes of vehicles at the studied intersections, neither the detailed crash histories nor the observed operations suggest any potential safety deficiencies with any one intersection.

With regard to bicyclists, there are identified bike facilities (Portland Bike/Walk Map) in the area, including a painted Bike Lane street along SE Gladstone to the south of the subject site and a Shared Roadway along SE 33<sup>rd</sup> Ave (west of the subject site).

*A robust system of sidewalks exists in the surrounding area of the site, as well as signalized and marked pedestrian crossings to facilitate pedestrian passage. Said pedestrian system exists, except along SE 36<sup>th</sup> Ave. However, in relation to the proposed development, the applicant will be upgrading the existing sidewalk corridor along the site's SE Francis frontage to current City standards and constructing a new sidewalk corridor along the site's SE 36<sup>th</sup> Ave frontage. These improvements will enhance the already well established and nearly completed sidewalk system in the area. The existing streets and infrastructure in the vicinity are sufficient to provide safe access for all travel modes.*

*In summary, as analyzed above and as evidenced in the submitted TIS, with acceptable analyses, methodologies and conclusions, all of which PBOT staff supports, the applicant has clearly demonstrated that "the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area".*

A neighbor suggested that orienting Lots 1-4 toward SE Francis Street could reduce parking impacts along SE 36<sup>th</sup> Avenue. However, no on street parking is or will be allowed along the site's SE 36<sup>th</sup> Avenue frontage; whereas, orienting those lots towards SE Francis could end up removing existing on street parking spaces for new curb cuts to those lots. Overall, the proposed lot layout is not expected to impact on street parking.

Based on the foregoing, with the noted improvements required along the SE 36<sup>th</sup> Avenue and SE Francis Street frontages, the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. Accordingly, these criteria will be met.

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

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

<p><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, as noted on page 2 of this report. The water service standards of 33.651 have been verified. However, Water also noted that the water main may need to be replaced, in the event permeable pavers are used as a roadway surface over the main.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.</p> <p>As noted on page 2 of this report, the Bureau of Environmental Services has indicated that service is available to serve Lot 1; however, there is no public sanitary sewer available in SE 36<sup>th</sup> Avenue to serve Lots 2-8. Therefore, the applicant must obtain a public works permit to extend the public sewer to this site prior to final plat approval. With a condition to this effect, these standards will be met.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1</p> <p>No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods:</p> <ul style="list-style-type: none"> <li>• <b>Public Street Improvements:</b> As outlined in the response from BES, the SE 36<sup>th</sup> Avenue frontage is required to be reconstructed as part of the proposed development, and the applicant has received concept design approval for pervious pavement, as a method of stormwater management for that street. BES also notes that the sidewalk will need to be reconstructed on along the SE Francis frontage, and designing the sidewalk to slope toward a vegetated area and/or planting street trees could be viable methods to address stormwater management for that walkway. Overall, BES will require that the applicant submit approval engineered plans and financial guarantees for these improvements, to verify the required stormwater management provisions are met.</li> </ul>



- **Lots 1-8:** Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. BES has indicated conceptual approval of the drywells.

With the noted conditions, this criterion will be met.

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

Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Also, these facilities should be at least 200 feet apart.

As noted in the response from Portland Transportation: *No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject site is situated on a block that does not satisfy the above referenced connectivity goals; the subject block is approx 780-ft (east-west) x 470 (north-south).*

However, the subject site is a corner lot with 110 feet of frontage along SE Francis Street and 200 feet of frontage along SE 36<sup>th</sup> Avenue. And, though the southern end of the site aligns with SE Center street (to the east), a new connection to that street is not warranted on the subject site, given the size of the subject site and the location of existing street connections and the 200 foot spacing provision called for by this standard.

Based on these factors, this criterion is met.

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

As noted on page 2, and in the Portland Transportation responses, a 9-foot wide right-of-way dedication and improvements are warranted along the SE 36<sup>th</sup> Avenue frontage to provide the required roadway and pedestrian facilities. Additionally, improvements are required to provide the required pedestrian facilities along the SE Francis Street frontage.

With a condition that the right-of-way dedication necessary to accommodate the new public improvements on SE 36<sup>th</sup> Avenue must be shown on the final plat, and a condition that the applicant must provide plans and financial assurances for the street improvements, prior to final plat approval, this criterion will be met.

### **33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)**

At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. 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. As such, 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.

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

- Detached Houses - Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat review.**
- Attached Houses - Section 33.120.270.C of the Zoning Code allows attached houses, subject to specific building setback, building coverage, building length, and appearance provisions. The applicant has not proposed attached houses; however, the lots are of a size

that allows for attached houses. In the event attached houses are proposed at the time of development, those houses must comply with the noted standards.

## 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.

- **Fire Bureau:** The applicant must meet the requirements of the Fire Bureau in regards to fire apparatus access, fire flow/water supply, addressing, and aerial fire department access roads. These requirements are based on the technical standards of Title 31 and the 2014 Oregon Fire Code.
- **Urban Forestry:** The applicant will be required to meet the requirements of Urban Forestry for street tree planting at the time of development, per the standards of Title 20.

## CONCLUSIONS

The applicant has proposed an 8-lot subdivision, as shown on the attached preliminary plan (Exhibit C.3). 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:

- Right-of-way dedication and street improvements
- Fire Bureau requirements
- On-site parking
- On-site sewage disposal system disclaimer

In addition, several neighborhood comments were submitted regarding future development on the lots, the orientation of the lots, and traffic and parking. As noted previously, no specific house designs have been provided and none are required as part of this land use review. All new development on the properties will be subject to the development standards at the time permits are requested for the future improvements. The orientation of the lots was addressed in Criterion I, Solar Access; and traffic and parking issues were addressed, in Criterion K, Transportation Impacts, and Criterion L, Services.

With conditions that address the issues noted throughout this report, this proposal can be approved.

## **ADMINISTRATIVE DECISION**

**Approval** of a Preliminary Plan for an 8-lot subdivision that will result in 8 lots for single dwelling or attached houses, as illustrated on Exhibit C.3, subject to the following conditions:

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

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 36<sup>th</sup> Avenue. The required right-of-way dedication must be shown on the final plat.

**B. 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 frontages. 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 Bureau of Environmental Services (BES) for extending a public sewer main and constructing public drainage improvements in the SE 36<sup>th</sup> Avenue. The public sewer extension and public drainage improvements require a Public Works Permit, which must be initiated and at a stage acceptable to BES prior to final plat approval. As part of the Public Works Permit, the applicant must provide engineered designs, and performance guarantees to the satisfaction of BES.
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 apparatus access. The fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Alternately, if applying an exception, the applicant will be required to install residential sprinklers and 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. If the Fire Bureau requires an Acknowledgement of Special Land Use Conditions form, the applicant shall execute an acknowledgement and the acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

**Other requirements**

6. If the applicant intends to apply Section 33.120.270.D of the Zoning Code, which allows reduced side setbacks (3-feet from property lines) for detached houses on lots that are at least 25 feet wide, this allowance for the reduced side setbacks must be shown on a supplemental survey for the land division.

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

1. Two parking spaces must be provided on each lot. Each parking space must meet the Zoning Code standards in 33.266.
2. The applicant must meet the addressing requirements of the Fire Bureau. The location of the sign(s) must be shown on the building permits.
3. If applicable, the applicant must meet any requirements identified through a Fire Code Appeal or Fire Code Exception. Please refer to the final plat approval report for details on whether or not this requirement applies.
4. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

**Staff Planner: Kate Green**

**Decision rendered by:** Kimberly Tallant **on January 23, 2015**  
By authority of the Director of the Bureau of Development Services

**Decision mailed January 27, 2015**

**About this Decision.** This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on December 6, 2013, and was determined to be complete on June 4, 2014.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 6, 2013.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period (Exhibit A.2). The **120 days will expire on: June 3, 2015.**

**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 February 10, 2015** 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.

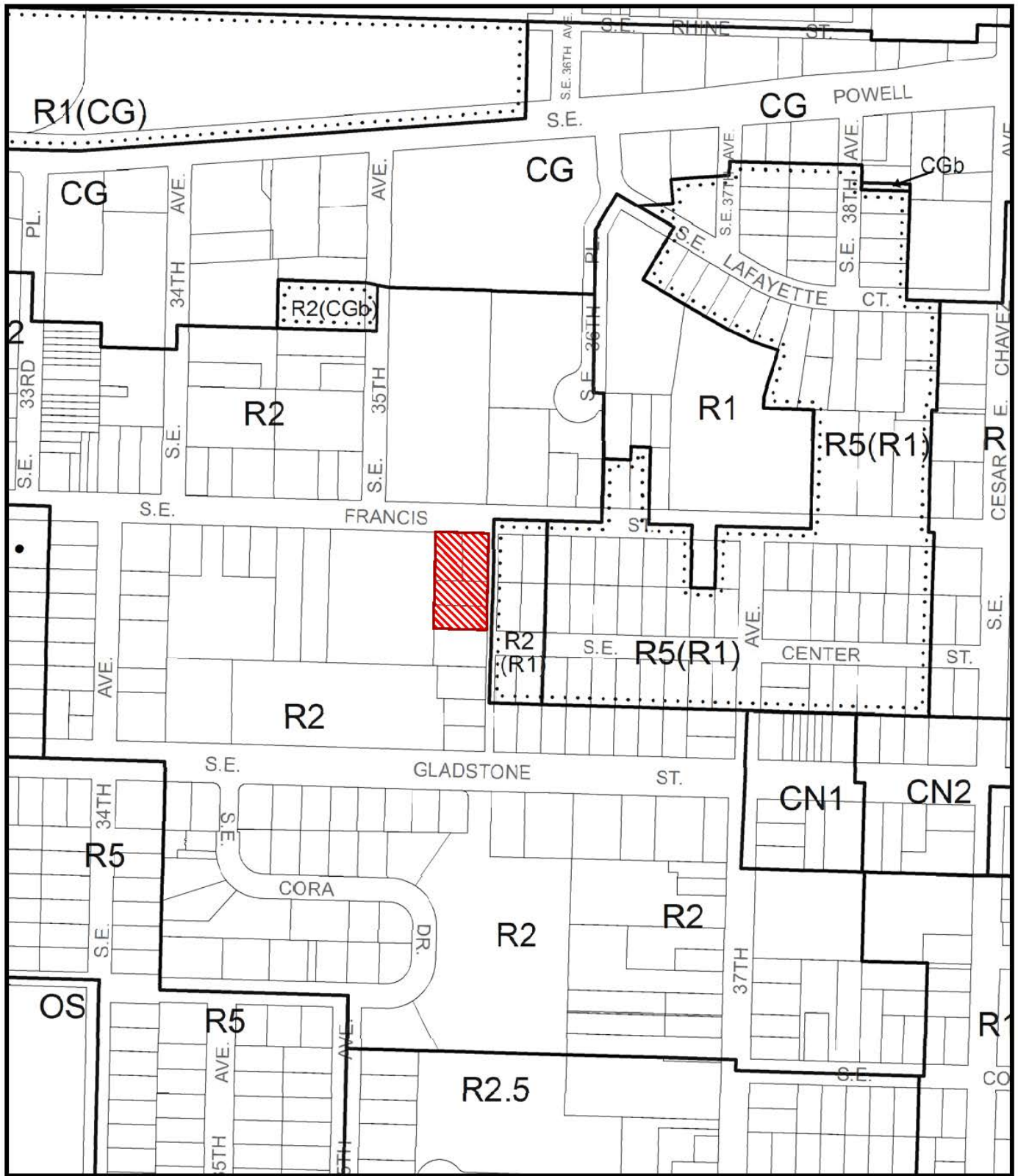
Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity 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 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. Initial Submittal
  - 2. 120-day Timeline Extension
  - 3. Revised Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. cover Sheet/Vicinity Map
  - 2. Existing Conditions Plan
  - 3. Preliminary Plat (reduced copy attached)
  - 4. Preliminary Site/Utility Plan
  - 5. Preliminary Grading Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development/BDS
  - 6. Urban Forestry
- F. Correspondence:
  - 1. Barbara Skinner, November 13, 2014, re: concerns about house designs and parking
  - 2. Thomas G Klein, November 12, 2014, re: concerns about lot orientation, traffic and parking impacts
- G. Other:
  - 1. Original LU Application
  - 2. Letter to applicant re: incomplete application

**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



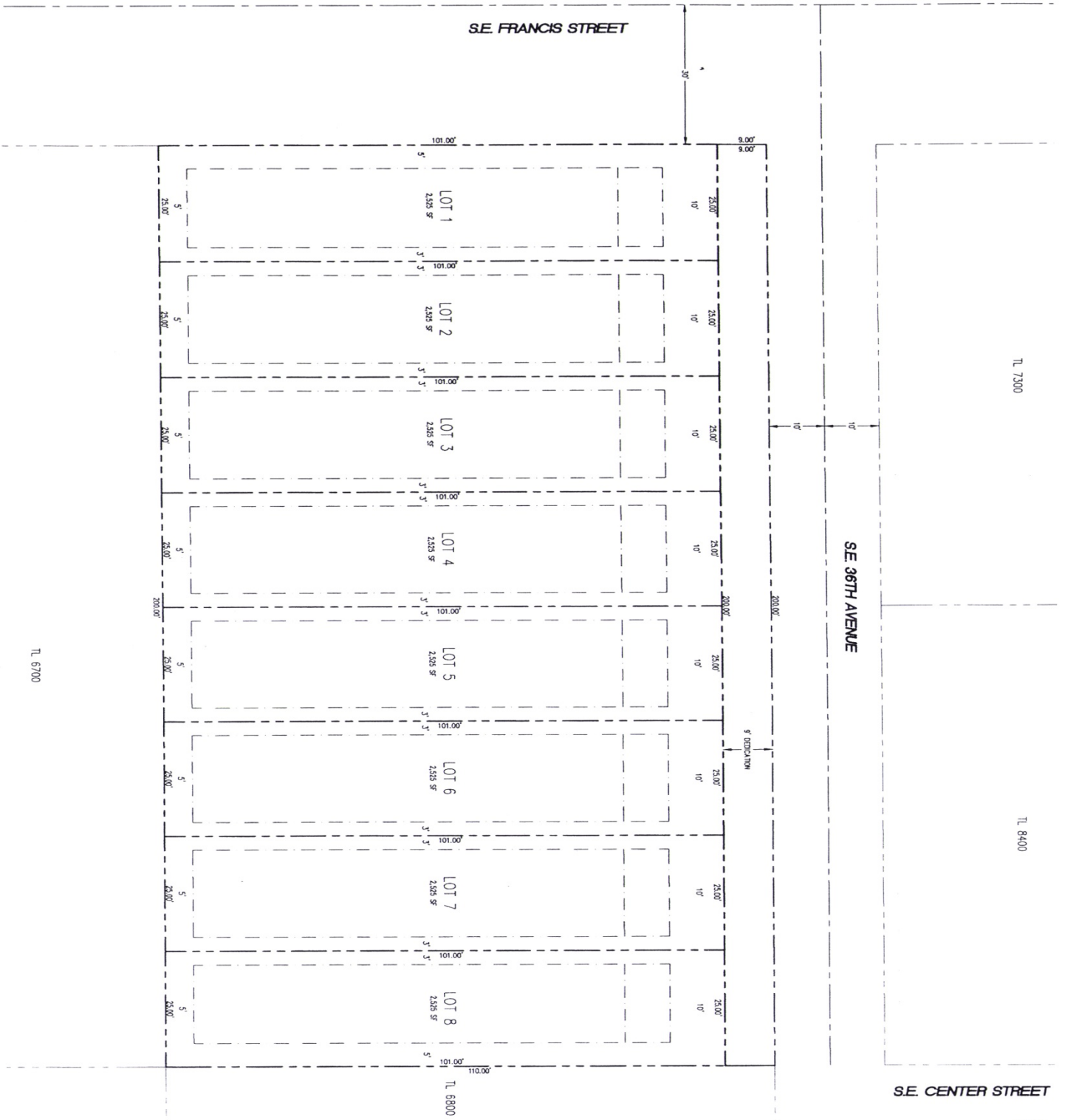
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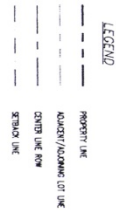
NORTH

File No. LU 13-235349 LDS  
 1/4 Section 3434  
 Scale 1 inch = 200 feet  
 State\_Id ISIE12DB 7100  
 Exhibit B (Dec 10, 2013)





SE 36TH AVENUE



SHEET 3 OF 5	<b>EMERIO</b> <i>Design</i> 6107 SW MURRAY BLVD, SUITE 147 BEAVERTON, OREGON 97008 PH: (503) 515-5528	REVISIONS		PRELIMINARY PLAT	SE FRANCIS STREET 8-LOT SUBDIVISION TAX MAP T1S R1E 12DB TAX LOTS 6900, 7000, 7100 & 7200 MULTNOMAH COUNTY, OREGON
		NO. DATE DESCRIPTION			

13.235349 Exhibit C.3