



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 23, 2015
To: Interested Person
From: Kate Green, Land Use Services
503-823-5868 / Kate.Green@portlandoregon.gov

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 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 14-210476 LDP

GENERAL INFORMATION

Applicant: Stacy Connery/Pacific Community Design
12564 SW Main Street / Tigard OR 97223

Property Owner: Christopher D Duffin
8001 SE Henderson Street / Portland OR 97206

Site Address: 8001 SE HENDERSON STREET
Legal Description: BLOCK 6 LOT 21, STERLING
Tax Account No.: R795002380
State ID No.: 1S2E20AD 06400
Quarter Section: 3738
Neighborhood: Brentwood-Darlington / David Messenheimer / trimes@hotmai.com
Business District: Eighty-Second Avenue of Roses Business Association / Frank Harris / 503-774-2832

District Coalition: Southeast Uplift / Bob Kellett / 503-232-0010
Zoning: Single Dwelling Residential 2,500 (R2.5)
Alternative Design Density (a) overlay

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

Proposal: The applicant requests a **Land Division-Partition** to divide an approximately 15,000 square foot property into 2 parcels. A 15-foot wide dedication for a public pedestrian pathway will be provided along the west lot line, which will provide additional frontage to both of the proposed parcels, and a 3-foot wide dedication will be provided along the site's SE Henderson frontage for street improvements.

Parcel 1 is proposed to be 3,914 square feet. The existing residence is to be remodeled, so that it will fit within the proposed configuration of Parcel 1. Parcel 2 is proposed to be 8,570 square feet

and is configured as a corner lot, with frontages on SE Henderson and the new pedestrian connection along the west lot line. Parcel 2 is proposed to be developed with a duplex.

Water and sewer services will be from existing service lines in SE Henderson Street. Stormwater management is proposed via onsite drywells on each parcel.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines "parcel" as a single unit of land created by a partition of land. The applicant's proposal is to create 2 units of land (2 parcels). Therefore this land division is considered a partition.

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

FACTS

Site and Vicinity: The subject site is a relatively flat, 15,000 square foot property that is developed with a one-story single dwelling house and attached garage. Other accessory additions (carport and garage) have been attached to the north of the house and are proposed to be removed. Two trees are located in the northwest corner of the site. The balance of the site is a large grassy area.

The site is situated approximately 600 feet west of a commercial and employment corridor along SE 82nd Avenue. The balance of the nearby development, within a 500-foot radius, consists of single dwelling residences in the R2.5 or R.5 single dwelling zones, though the properties on the south side of SE Henderson Street site are in a multi-dwelling zone (R2). There are many large trees on the surrounding residential properties. There are no curbs or sidewalks along most of the nearby streets.

Infrastructure:

Streets –The site has approximately 100 feet of frontage on SE Henderson Street. At this location, SE Henderson Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). SE Henderson is currently improved with 22-foot of center-strip paved roadway within a 50-foot wide right-of-way, and no curbs or sidewalks. Parking is allowed on both sides of the street. There is one driveway entering the site that serves the existing house.

Tri-Met provides transit service approximately 600 feet east of the site along 82nd Avenue via Bus Line 19.

Water Service – There is an existing 12-inch CI water main in SE Henderson Street. The existing house is served by a 5/8-inch metered service from this main.

Sanitary Service - There is an existing 8-inch PVC public sanitary-only sewer line in SE Henderson Street.

Stormwater Disposal – There is no public storm-only sewer currently available to this property. A public works permit (TF0022/EP123) is currently under review to construct swales along the site's SE Henderson frontage and the new pedestrian connection, and has been approved to move beyond the 30 percent concept review phase.

Zoning: The site is located in a **Single Dwelling Residential 2,500 (R2.5)** zone. *Single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.*

The site also has an **Alternative Design Density (a)** overlay designation. *The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.* The applicant has not elected to use the provisions of the a-overlay.

Land Use History: City records indicate there are two prior land use reviews for this site when it was within the jurisdiction of Multnomah County:

- MCF 17-82 and MCF 18-82 (LU 82-018297): Land Division with Exceptions: Approved with conditions. However, the conditions were not implemented, so the prior case is void.

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 January 12, 2015. No written responses have been received.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	The 2 trees on the site are noted as nuisance species and are exempt from these standards.
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.
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.
L	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.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.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. Since a pedestrian connection (street) is being created, the maximum density is one unit per 2,500 square feet, based on 85 percent of the site area; and the minimum density is one unit per 5,000 square feet based on 68 percent of the site area. Based on these calculations, the 15,000 square foot site has a maximum density of 5 units and a minimum required density of 2 units. The applicant is proposing 2 parcels, one for a single dwelling (existing house on proposed Parcel 1) and one for a duplex, for a total of 3 units. The proposed number of units satisfies the density standards.

The required and proposed lot dimensions 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)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1 (existing house)	3,914		48	80	48
Parcel 2 corner lot (duplex)	8,570		36	147	36

* 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.

Based on the foregoing, the applicable density and lot dimension standards are met. Therefore, this criterion is met.

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

Findings: 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: The applicant provided a Preliminary Grading Plan (Exhibit C.3) that shows some minor grading for the new street and pedestrian connection improvements, as well as for the new driveway on Parcel 2. Other minor grading will be warranted for the changes to the existing structures and for foundations and utilities for new structures. No stockpile areas or erosion control measures are shown on the grading plan, and the legend does not describe several unlabeled lines on the plan. However, since the site is relatively flat, and is not located within the Potential Landslide Hazard Area, and no trees are required to be retained, it does not appear that any significant changes to the grades or drainage patterns are warranted to make the parcels developable. Further, stormwater runoff from the new street improvements and pedestrian connection is proposed to be managed with swales and has received concept approval through the public works review, as noted in the response from BES; and stormwater from the parcels is proposed to be managed by drywells. These measures should assure that the runoff will not adversely impact adjacent properties. Additionally, at the time of permit review, erosion control prevention requirements will apply to site work and new development.

Based on the foregoing, the extent of the grading will be minor, and measures will be implemented to avoid impacts to adjacent property. As such, 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. Although the site is currently connected to the public sanitary sewer, as noted in the response from Site Development: *Historic plumbing records show that the existing single family residence was serviced by one or more cesspools. City records do not show that the septic system on the site was decommissioned at the time the house was connected to the public sewer system. Prior to final plat approval, the applicant must decommission the system. The decommissioning inspection must be approved prior to Site Development approval of the final plat.*

Additionally, the applicant has proposed to remove a portion of the existing house, so it will be located entirely within proposed Parcel 1. As noted in the response from Life Safety, a permit must be obtained to remodel the existing house to meet all applicable standards, and ensure the building walls and eaves meet setback requirements. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for the removal of all structures that cross the proposed property line to demonstrate that the remaining structure(s) will comply with applicable building and zoning regulations relative to the new lot line, prior to final plat approval.

With these conditions, the new lots can be considered suitable for development, and 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.

The existing house is proposed to be retained on Parcel 1, which is on the north side of an east-west oriented street, and is considered interior lot. Parcel 2 is a corner lot, and is proposed for a duplex, so the solar provisions do not apply. In this context there is no preference that any one lot be wider or narrower than the other lots. As such, this criterion is met.

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

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): *The minimal expected added vehicle trips (2 AM peak hour trip/2 PM peak hour trip/20 total new daily trips) will not adversely impact the operations of area intersections. On-street parking will not be impacted given the lack of apparent high demand for on-street parking in the area. There appears to be an abundance of on-street parking spaces along the street (within the abutting roadway shoulders on both sides of the street). The proposed lot split will not have any effect to transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.*

Based on these factors, this criterion is 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:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods: <ul style="list-style-type: none"> • Public Street and Pedestrian Connection Improvements: Stormwater from these new impervious areas will be directed into infiltration swales located adjacent to the new walkways. BES has indicated that surface infiltration is the preferred method of public stormwater disposal at this site. The agency has confirmed that the proposed swales are an adequate size and design to provide infiltration for the quantity of water generated from the new impervious areas. The final design of the swales will be evaluated as part of the Public Works Permit for the construction of street and pedestrian connection improvements. The applicant must provide engineered designs and financial guarantees of performance for those improvements, prior to final plat approval. • Parcel 1 (existing house): The existing house is going to be modified, in order to meet setback requirements from the new property lines. The applicant must also modify the stormwater system for the existing house and paved areas as necessary to comply with Stormwater Management Manual, prior to final plat approval. Any required plumbing permits must have final inspection approval. The approved stormwater system must be shown on a Supplemental Plan. • Parcel 2: Stormwater from this parcel is proposed to be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. BES has indicated conceptual approval of the drywell. BES has noted that the applicant must also demonstrate that a feasible pollution reduction facility will be provided for the paved areas on Parcel 2. BES notes that there appears to be sufficient area for this facility, and this must be shown on a Supplemental Plan, prior to final plat approval. <p>With the implementation of the noted conditions, this criterion will be met.</p>
33.654.110.B.1 Through streets and pedestrian connections 33.654.130.C Future extension of proposed dead-end streets & pedestrian connections
Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart.
As noted in the response from Portland Transportation, the block on which the subject property is located does not meet the noted spacing requirements and a pedestrian connection is warranted:
<i>No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The location of the subject site within its block is not a desirable location to provide a new public street. However, given that the subject block is over 970-ft in length, and the subject site is near the midway portion of the block, a new pedestrian connection</i>

through the block is appropriate.

The applicant has shown a 15-ft wide property dedication along the western property line for public r.o.w. purposes to accommodate the proportionate share of a pedestrian connection. The applicant will be constructing the full pedestrian connection improvement to the satisfaction of the City Engineer. Said pedestrian connection will include a 6-ft wide sidewalk and landscaping/ stormwater management elements on either side of the sidewalk.

The proposed pedestrian connection will terminate at the north boundary of the subject site, which will allow it to be further extended to serve the abutting properties if they further develop in the future.

Portland Transportation has determined the width of the pedestrian connection right-of-way will be sufficient to accommodate expected users.

The inclusion of the public pedestrian connection will enhance connectivity in the area. Additionally, a new sidewalk will be provided along the SE Henderson Street frontage which will enhance the pedestrian environment as well. Given the flat topography and straight line connections, the users will be able to stand at one end of the pedestrian connection or new sidewalk along SE Henderson and see the other end of each walkway.

For the reasons described above, and with the implementation of the noted conditions, these criteria will be met.

33.654.110.B.2 Approval criterion for dead-end streets in OS, R, C, and E zones

The proposal includes a new pedestrian connection, which will be located in the public right-of-way. As discussed under the findings for through streets and pedestrian connections above, the public pedestrian connection will be a dead-end, but it will allow for a future connection, in the event the abutting properties are further divided in the future. Therefore, this criterion is met.

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment
33.654.120.E. Approval criterion for the width of pedestrian connections

Portland Transportation has identified that right-of-way improvements will be required along the SE Henderson Street frontage and to provide a new pedestrian connection along the west boundary of the site.

The required size and configuration of those improvements are based on the following:

For Local Service classified streets abutting R2.5-zoned sites, the City's public r.o.w. standards document requires a 56-ft r.o.w. width to accommodate a 26-ft wide roadway and two 15-ft wide sidewalk corridors (0.5-ft curb, 8-ft stormwater management facility, 6-ft sidewalk and 0.5-ft frontage zone). At this location, according to City GIS, SE Henderson is improved with 22-ft of center-strip paved roadway within a 50-ft wide r.o.w. (no curb or sidewalk).

There is insufficient r.o.w. along the street to accommodate the above referenced street section; accordingly, a 3-ft property dedication will be required. The new curb must be located 13-ft from the r.o.w. centerline.

The property dedication for these improvements as well as those related to the required (north-south) pedestrian connection will occur as part of the Final Plat phase of this subject land division request.

The applicant has shown a 15-ft wide property dedication along the western property line for public r.o.w. purposes to accommodate the proportionate share of a pedestrian connection. Said pedestrian connection will include a 6-ft wide sidewalk and landscaping/ stormwater management elements on either side of the sidewalk. The applicant will be constructing the full pedestrian connection improvement to the satisfaction of the City Engineer.

The r.o.w. improvements will need to be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit, which is separate from the Building Permit that will be necessary for construction of the proposed project. The applicant has submitted 15-100148 WT (and 15-100885 WE), the Public Works Permit(s) for said r.o.w. improvements and has already received "concept (30%)" approval.

With the noted improvements and the conditions described above, 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 will be 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:

- Duplexes in the R2.5 zone: Per Section 33.110.240.D, duplexes are allowed in the R2.5 zone if the following are met:
 1. *Density.* A maximum density of 1 unit per 2,500 square feet of site area is allowed. Density for this standard is calculated before public right-of-way dedications are made;
 2. *Development standards.* Duplexes must comply with the height, building setback, building coverage, and required outdoor area requirements of the base zone, overlay zone, or plan district; and
 3. *Front facade.* Fire escapes, or exterior stairs that provide access to an upper level are not allowed on the front facade of the building.

Existing Development: The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2.5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

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

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The applicant has indicated the existing house will be remodeled to meet the required 5-foot setbacks from the new property lines. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.
- Building Coverage -The permit must show the modified existing residence will meet the building coverage provisions in the R2.5 zone based on the size of proposed Parcel 1.
- Required Outdoor Area- The permit must show there is sufficient outdoor area on Parcel 1 to meet the minimum area of 250 square feet and minimum dimensions of 12 feet by 12 feet. The Proposed Improvement Plan shows the outdoor area within the front building setback, and the outdoor area must be located outside of the front setback.
- Tree Standard – Residential development has a tree requirement that is currently met on the site. Due to the land division, and associated tree removal, Parcel 1 with existing house will no longer meet this standard. Parcel 1 is 3,914 square feet, so 8 inches of trees are required. Prior to final plat approval, the applicant must meet this requirement by either planting 8 caliper inches of trees on Parcel 1 or making the equivalent payment into the City Tree Fund.

With these noted conditions, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- Fire Bureau: The applicant must meet the requirements of the Fire Bureau in regards to fire flow/water supply, fire department access, addressing of structures, no parking sign requirements, turning radius, driving surfaces, 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 must meet the requirements of Urban Forestry for street tree planting as part of the public works permit for the frontage improvements on SE Henderson Street. This requirement is based on the standards of Title 20.
- Life Safety: The existing house must be remodeled so it located entirely on one parcel and meets all applicable building codes and ordinances. Permits must be obtained for the alterations, demolitions, and new construction.

CONCLUSIONS

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

- Right-of-way dedication and improvements
- Cesspool decommissioning
- Modifications to the existing development
- Stormwater management
- Fire Bureau requirements

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition that will result in 2 standard lots, as illustrated with Exhibit C.1, subject to the following conditions:

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

- Any buildings or accessory structures and stormwater facilities on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed general location of future building footprints and stormwater facilities for each vacant parcel, per Condition C.7;
- A fire department access, per Condition C.4;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE Henderson and a new pedestrian connection. The required right-of-way dedication must be shown on the final plat.

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

Streets

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

Utilities

2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the cesspool(s) on the site.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior to final plat approval.
4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire department access. Alternately, if applying the 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.

Existing Development

5. The applicant must obtain a finalized building permit(s) for modifications to the existing house that will remain on proposed Parcel 1 that demonstrate compliance with all applicable building codes and ordinances and with the following zoning code standards in relation to the proposed new lot lines and any required right-of-way dedications:
 - 33.110.220, Setbacks-The permit plan(s) must show removal of sufficient portions of the attached carport and garage, so the residence will meet the rear setback requirement of 5 feet in the R2.5 zone on proposed Parcel 1.
 - 33.110.225, Building Coverage-The permit plan(s) must show the residence will meet the building coverage provisions in the R2.5 zone based on the size of proposed Parcel 1.
 - 33.110.235, Required Outdoor Area-The permit plan(s) must show there is sufficient outdoor area on proposed Parcel 1 to meet the minimum area of 250 square feet and minimum dimensions of 12 feet by 12 feet.


The following note must be included on the permit plans: *This permit is required to fulfill the requirements of Condition C.5 of LU 14-210476 LDP.*

6. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 1. The gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines, and this information must be shown on the Supplemental Plan. If modifications to the system are required by BES, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.
7. The applicant must meet the requirements of BES for a feasible pollution reduction facility for the driveway on Parcel 2. The pollution reduction system must meet the Stormwater Management Manual requirements and must be shown on the Supplemental Plan.
8. The applicant must meet the tree requirement on proposed Parcel 1 with the existing house by either planting 8 caliper inches of trees on that parcel or making the equivalent payment into the City Tree Fund. A finalized Zoning Permit must be obtained to document tree planting prior to final plat approval. The following note must be included on the permit plan(s): *This permit is required to fulfill the requirements of Condition C.8 of LU 14-210476 LDP.*

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

1. The applicant must meet the Fire Bureau requirements for addressing, no parking signs, turning radius, driving surfaces, and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured 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:  **on March 19, 2015**
 By authority of the Director of the Bureau of Development Services

Decision mailed March 23, 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 September 10, 2014, and was determined to be complete on **January 6, 2015**.

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 September 10, 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 extended the 120-day review period by 21-days (Exhibit A.3). Unless further extended by the applicant, **the 120 days will expire on: May 27, 2015.**

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

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or

development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

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

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

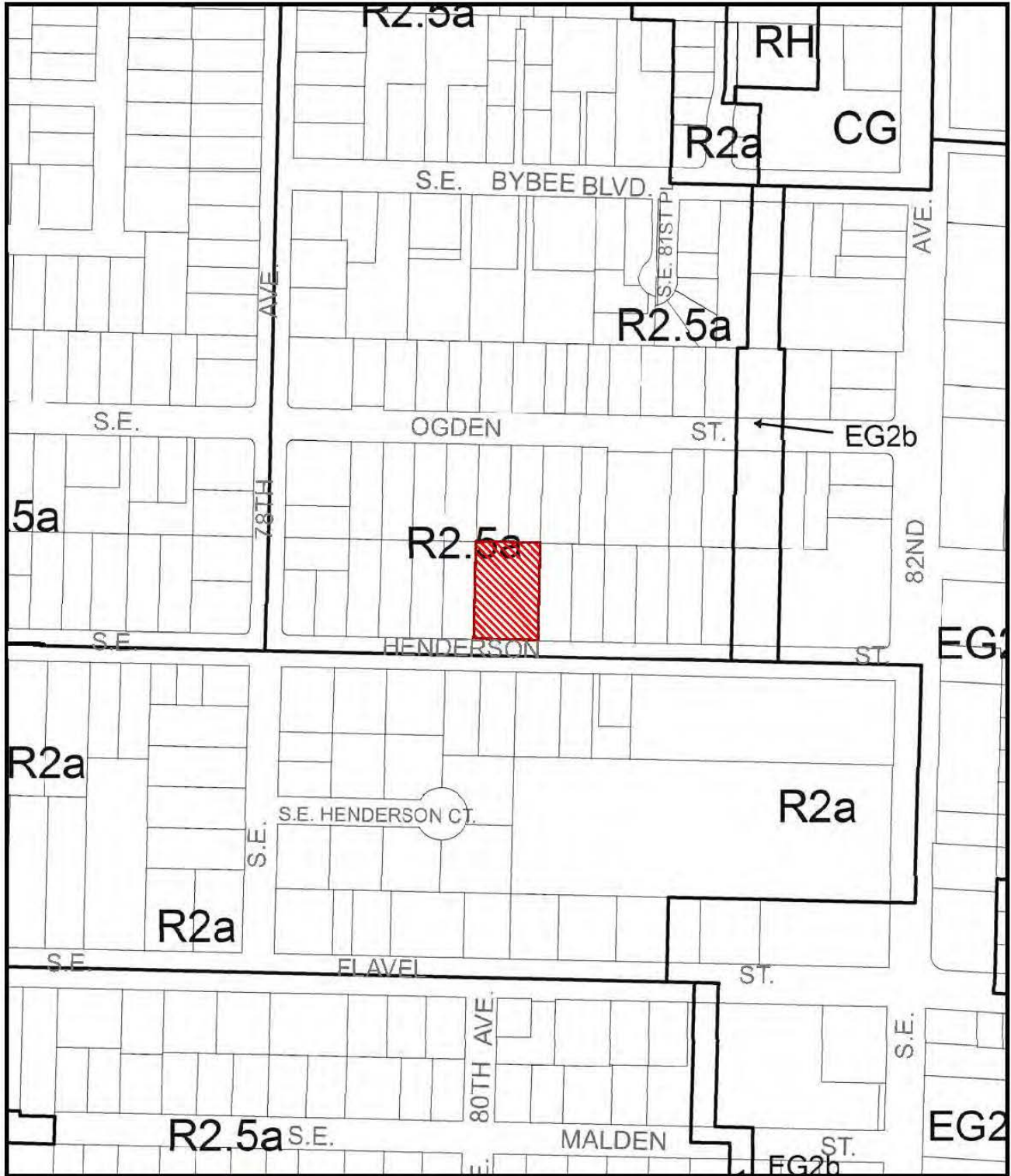
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

EXHIBITS

NOT ATTACHED UNLESS INDICATED

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| <ul style="list-style-type: none"> A. Applicant's Statement <ul style="list-style-type: none"> 1. Initial Submittal 2. Revised Narrative 3. 120-day Extension (21 days) B. Zoning Map (attached) C. Plans/Drawings: <ul style="list-style-type: none"> 1. Preliminary Plat (reduced copy attached) 2. Proposed Improvements Plan 3. Preliminary Grading Plan 4. Utility Plan 5. Full Plan Set D. Notification information: <ul style="list-style-type: none"> 1. Mailing list 2. Mailed notice | <ul style="list-style-type: none"> E. Agency Responses: <ul style="list-style-type: none"> 1. Bureau of Environmental Services 2. Portland Transportation 3. Water Bureau 4. Fire Bureau 5. Site Development/ BDS 6. Urban Forestry/ Parks 7. Life Safety/ BDS F. Correspondence: (none received) G. Other: <ul style="list-style-type: none"> 1. Original LU Application 2. Letter to applicant re: incomplete application 3. Emails to/from applicant |
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The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



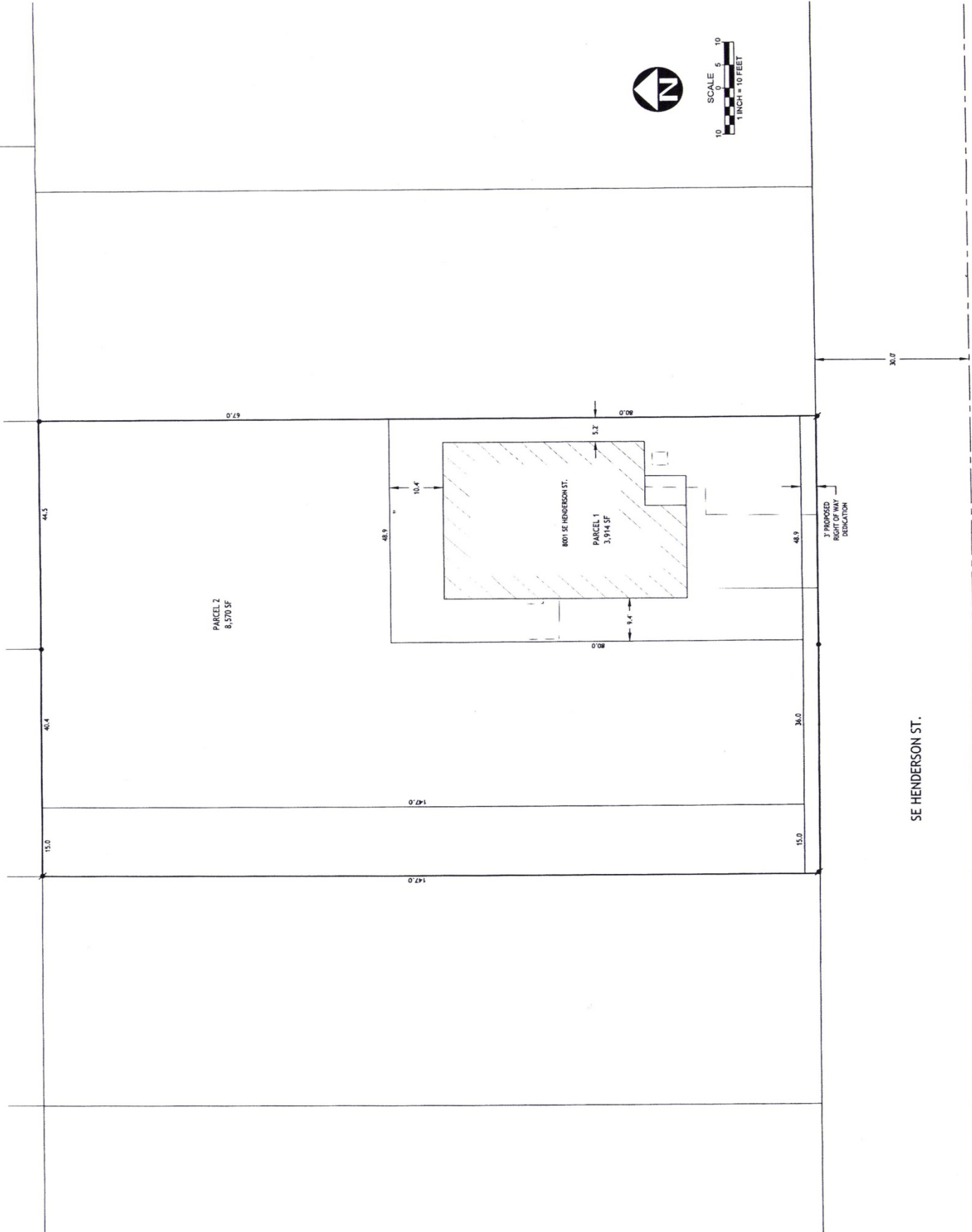
File No. LU 14-210476 LDP
 1/4 Section 3738
 Scale 1 inch = 200 feet
 State_Id 1S2E20AD 6400
 Exhibit B (Sept. 10, 2014)

REVISIONS

NO.	DATE	DESCRIPTION
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DUFFIN PARTITION

PRELIMINARY PLAT



14. 20476

Exhibit C.1