



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** January 27, 2016  
**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 mailed copy of this document is only a summary of the decision.

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 15-248968 LDP**

**GENERAL INFORMATION**

**Applicant:** Kevin Partain/Urban Visions Planning Services Inc.  
223 NE 56th Avenue  
Portland, OR 97213

**Owner:** JGT Investments Inc.  
PO Box 66178  
Portland, OR 97290

**Representative:** Virginia Byrnes/JGT Investments, Inc  
PO Box 66178  
Portland, OR 97290

**Site Address:** 11705 SE HOLGATE BLVD

**Legal Description:** BLOCK F W 81' OF S 110' OF LOT 17 EXC PT IN ST, SUBURBAN  
HMS CLUB TR

**Tax Account No.:** R804308280, R804308280

**State ID No.:** 1S2E10DD 03500, 1S2E10DD 03500

**Quarter Section:** 3442

**Neighborhood:** Powellhurst-Gilbert, contact Powellhurst-Gilbert at  
[pgnaboard@gmail.com](mailto:pgnaboard@gmail.com)

**Business District:** Midway, contact Bill Dayton at 503-252-2017.

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

**Plan District:** Johnson Creek Basin

**Zoning:** Residential 5,000 (R5) with the "a" Alternative Design Density overlay zone.

**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 proposes to divide the 8,100 square foot parcel into two parcels for development of attached houses on a corner lot. The existing house will remain on Parcel 1 and a new, attached single family residence will be constructed on Parcel 2. The partition proposes to use the provisions of subparagraph 33.110.240.E.3.b *Duplexes and attached houses on corners*. Water and sanitary sewer services will be provided by existing utilities located in SE Holgate Blvd and SE 117<sup>th</sup> Ave. Stormwater will be provided by on-site drywells. Access to Parcel 1 will be provided by the existing driveway approach on SE Holgate Blvd., while Access to Parcel 2 will be provided by a new driveway approach on SE 117<sup>th</sup> Ave.

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 two 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 corner lot site is developed with a single family residence which will remain. The topography of the site is flat, sloping down gently to the south east. The surrounding neighborhood is developed primarily with single dwellings, with a higher mix of multi-family dwellings located to the east.

### Infrastructure:

- **Streets** – The site has approximately 81 feet of frontage on SE Holgate Blvd and approximately 100 feet of frontage on SE 117<sup>th</sup> Avenue. There is one driveway entering the site from SE Holgate Blvd that serves the existing house on the site.

At this location, the City’s Transportation System Plan (TSP) classifies SE Holgate as a Neighborhood Collector, a Transit Access street, a City Bikeway, a City Bikeway, and a Major Emergency Response street. According to City GIS data, SE Holgate is improved with 66-ft of paving in an 80-ft wide ROW. There is an existing 6.5-ft curb tight sidewalk and a 0.5-ft frontage zone separating the back of sidewalk from the property line making the pedestrian corridor configuration a 0-6.5-0.5.

At this location, the City’s Transportation System Plan (TSP) classifies SE 117<sup>th</sup> Avenue as a Local Service Street for all transportation modes. According to City GIS data, SE 117<sup>th</sup> Ave is improved with 32-ft of paving in a 50-ft wide ROW. There is an existing curb but no sidewalk along the site’s frontage.

- **Water Service** – There is an existing 8-inch CI water main in Se Holgate Blvd. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There are existing 8-inch public sewer lines located in SE Holgate Blvd and SE 117<sup>th</sup> Avenue. The existing house is served from the main located in SE 117<sup>th</sup> Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

**Zoning:** The R5 zone is a single-dwelling zone which is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The “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. The project does not propose to use the provisions of the “a” overlay.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on December 8, 2015. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

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

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

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

<b>Criterion</b>	<b>Code Chapter/Section and Topic</b>	<b>Findings: Not applicable because:</b>
B	33.630 – Tree Preservation	The site contains three trees in excess of 6 inches in diameter, however two of these trees are exempt because they are nuisance species and one tree is exempt because it is located within 10-feet of a building to remain on the site. See Exhibit A.4 for the applicant’s arborist report.
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.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
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.1 Through streets and pedestrian connections	The site is a corner lot, therefore no through streets or pedestrian connections are required.

	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

**Applicable Approval Criteria are:**

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

**Findings:** Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. The maximum density is calculated at one unit per 5,000 square feet. Minimum density is calculated at one unit per 5,000 square feet, based on 80 percent of the site area. Therefore, the 8,100 square foot site has a minimum required density of 1 units and a maximum density of 1 unit.

The applicant is proposing two single dwelling parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses. The applicant intends to convert the existing structure on the site to attached housing. The additional lot is allowed provided that the structure is converted to an attached house, or if the existing house is removed and replaced with an attached house. A condition of approval requiring a "Covenant Not to Sell New Lots Separately and Restricting Development for Future Compliance with Zoning Regulations" will be required to be recorded with Multnomah County prior to approval of the Final Plat. The covenant will ensure that the parcels are not sold separately until attached houses are constructed. With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards are met.

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)
<b>Original lot before division in R5 zone</b>	4,500	NA	NA	NA	NA
Original lot before division	8,100				
<b>New attached housing lots meet</b>	1,600	NA	36	40	30

<b>R2.5 Zone dimensions</b>				
Parcel 1	3,560	45.94	77.50	45.94
Parcel 2	3,802	49.06	77.50	49.06

\* 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.

#### Attached Houses on Corner Lots

Parcels 1 and 2 are being created through a provision that allows attached houses on corner lots. To use this code provision the original lot before the division must be at least 4,500 square feet. At 8,100 square feet, the site meets this requirement. Additionally, the lots must meet the lot dimension standards of the R2.5 zone. As shown in the table above, taken the required lot dimension requirements are met and the proposed parcels each exceed the minimum lot dimension standards of the R2.5 zone. Therefore, the corner lot may be divided to create these parcels as proposed. The findings above show that 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:**

##### ***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 at the site. 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, 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. 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. PBOT has provided the following findings (see Exhibit E.2):

The applicant is proposing this partition in order to develop the subject site with one new single-family residence which will result in duplex because an existing single-family dwelling on the property will remain. Therefore, the project will result in a net addition of one new single-family home which will have one on-site parking space. The minimal expected added vehicle trips – one AM peak hour trip and one PM peak hour trip for a total of 10 total new daily trips (ITE Trip Generation Manual, 9th Edition) will not adversely impact the operations of area intersections. On-street parking will not be adversely impacted given the on-site parking opportunities being provided on the new lot. The proposed land division 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.

PBOT has reviewed and concurs with the information supplied and concludes that 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, as noted on page 2 of this report. 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 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.</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. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:</p> <ul style="list-style-type: none"> <li>• <b>Stormwater from Parcel 2</b> (the vacant parcel) will be directed to a drywell that will treat the water and slowly infiltrate it into the ground. This lot 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 drywell.</li> <li>• <b>Stormwater from Parcel 1</b> (the parcel with the existing house). The existing house has downspouts that drain onto the ground. BES has noted that the downspouts on the existing house meet the required setbacks.</li> </ul>
<p>The stormwater management criteria and standards of 33.653.020 &amp; .030 have been verified.</p>
<p><b>33.654.120.B &amp; C Width &amp; elements of the right-of-way</b> – See Exhibit E.2 for bureau comment</p>
<p>At this location, the City’s Transportation System Plan (TSP) classifies SE Holgate as a Neighborhood Collector, a Transit Access street, a City Bikeway, a City Walkway, and a Major Emergency Response street. According to City GIS data, SE Holgate is improved with 66-ft of paving in an 80-ft wide ROW. There is an existing 6.5-ft curb tight sidewalk and a 0.5-ft frontage zone separating the back of sidewalk from the property line making the pedestrian corridor configuration a 0-6.5-0.5. The City’s Transportation System Plan (TSP) classifies SE 117th as a Local Service Street for all transportation modes. According to City GIS data, SE 117th is improved with 32-ft of paving in a 50-ft wide ROW. There is an existing curb but no sidewalk along the site’s SE 117th frontage.</p> <p>In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. In this case Portland Transportation has determined that curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, additional right-of-way must be dedicated along the frontage of the site. With those improvements, one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.</p> <p>The applicant sought and was subsequently denied relief from standard frontage improvements called out in the Request for Completeness stage of this development proposal (15-282215-PW). The Public Works Alternative Review Committee found that standard</p>

frontage improvements along this site's SE Holgate frontage are reasonable and therefore will be required.

The proposed development on the subject site will trigger the need for the applicant to construct standard pedestrian corridor improvements on both SE 117th and SE Holgate, to the satisfaction of the City Engineer. The frontage improvements are specified below:

**SE Holgate:** For a Neighborhood Collector Street and City Walkway, abutting an R5 zoned site, the City's Pedestrian Design Guide recommends a 12-ft wide sidewalk corridor consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and 1.5-ft frontage zone behind the sidewalk. Based upon GIS data, a 5-ft dedication of property will be required to accommodate the sidewalk corridor behind the existing curb.

**SE 117th:** For a Local Service Street (SE 117th), abutting an R5 site, the City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and 0.5-ft frontage zone behind the sidewalk. Based upon GIS data, a 3.5-ft dedication of property will be required to accommodate the sidewalk corridor behind the existing curb.

**Reconstruct the corner to City ADA Standards:** Because this is a corner location with frontage improvements required on both frontages, the corner must be constructed to meet City ADA Standards.

The above listed dedications to the public ROW (5-ft dedication on SE Holgate & 3.5-ft dedication on 117th), and the required pedestrian corridor improvements fronting the existing home shall occur prior to Final Plat approval. Construction of the pedestrian corridor along the new property frontage shall be required as a condition of the building permit approval for the new home.

This criterion is met, with the condition that standard pedestrian corridor improvements are constructed, and the required right-of-way dedication is shown on the Final Plat.

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

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

## **DEVELOPMENT STANDARDS**

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

### **Future Development**

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

- **Attached Houses on Corner Lots**-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
  1. The address and main entrance of each house must be oriented to a separate street frontage.
  2. Development on Parcel 1 must be oriented toward the SE Holgate Street and development on Parcel 2 must be oriented toward SE 117<sup>th</sup> Avenue.
  3. The height of the two units must be within 4 feet of each other
  4. The exterior finish material must be the same, or visually match in type, size and placement.
  5. The predominant roof pitch must be the same.
  6. Roof eaves must project the same distance from the building wall.
  7. Trim must be the same in type, size and location.

8. Windows must match in proportion and orientation.

**Existing development that will remain after the land division.** 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 R5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there is one Zoning Code standard that relates to existing development on the site:

- **T11 Tree Density Standard** – Residential development has a tree requirement that is moving out of conformance. Due to the land division, Parcel 1 with existing house will no longer meet this standard. The applicant must meet the Title 11 on site tree density requirement on Parcel 1 with the existing house by either planting any combination of large, medium or small trees to satisfy the Required Tree Area as determined by Table 50-1, or making the equivalent payment into the City Tree Fund prior to final plat approval.

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

## OTHER TECHNICAL REQUIREMENTS

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

<b>Bureau</b>	<b>Code Authority and Topic</b>
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 –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 proposes to construct an addition on to the house that will provide a firewall along the new property line. Prior to Final Plat approval, the applicant must execute a *Covenant Not to Sell New Lots Separately and Restricting Development for Future Compliance with Zoning Regulations* with the City that states that the parcels and homes cannot be sold separately until building permits to convert the structure to an



attached house has received final inspection approval. The covenant must be recorded with Multnomah County.

- The applicant must meet the requirements of the Fire Bureau in regards to 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 and addressing. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

## CONCLUSIONS

The applicant has proposed a two 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: attached houses on a corner lot development standards, right of way improvements, cesspool decommissioning, fire flow, addressing and access, street tree planting at the time of right of way improvements. With conditions of approval that address these requirements this proposal can be approved.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a two-parcel partition, that will result in two single dwelling lots for development of attached houses only as illustrated with Exhibit C.1, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- 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 Holgate Blvd and SE 117<sup>th</sup> Avenue. The required right-of-way dedications 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 street frontages. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor. The improvements along the frontage of Parcel 1, where the existing house will be retained, must be constructed prior to final plat approval, including the corner. The improvements along the frontage of the undeveloped Parcel 2 may be constructed with development on each lot as per the City Engineer's discretion.

### Utilities

2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the cesspool on the site.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the

Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

**Existing Development**

4. A "Covenant Not to Sell New Lots Separately and Restricting Development for Future Compliance with Zoning Regulations" shall be recorded prior to approval of the Final Plat. Final inspection approval of all permits must be obtained prior to release of covenant.
5. The applicant must meet the Title 11 on site tree density requirement on Parcel 1 with the existing house by either planting any combination of large, medium or small trees to satisfy the Required Tree Area as determined by Table 50-1, 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.

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

1. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
2. 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 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.
3. The applicant shall meet the requirements of the City Engineer for Right of Way improvements along the frontage of Parcel 2.

**Staff Planner: Brandon Rogers**

**Decision rendered by:**  **on January 25, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed January 27, 2016**

**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 October 9, 2015, and was determined to be complete on **December 3, 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 October 9, 2015.

*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: April 1, 2016.**

**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 Assessor’s 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.**

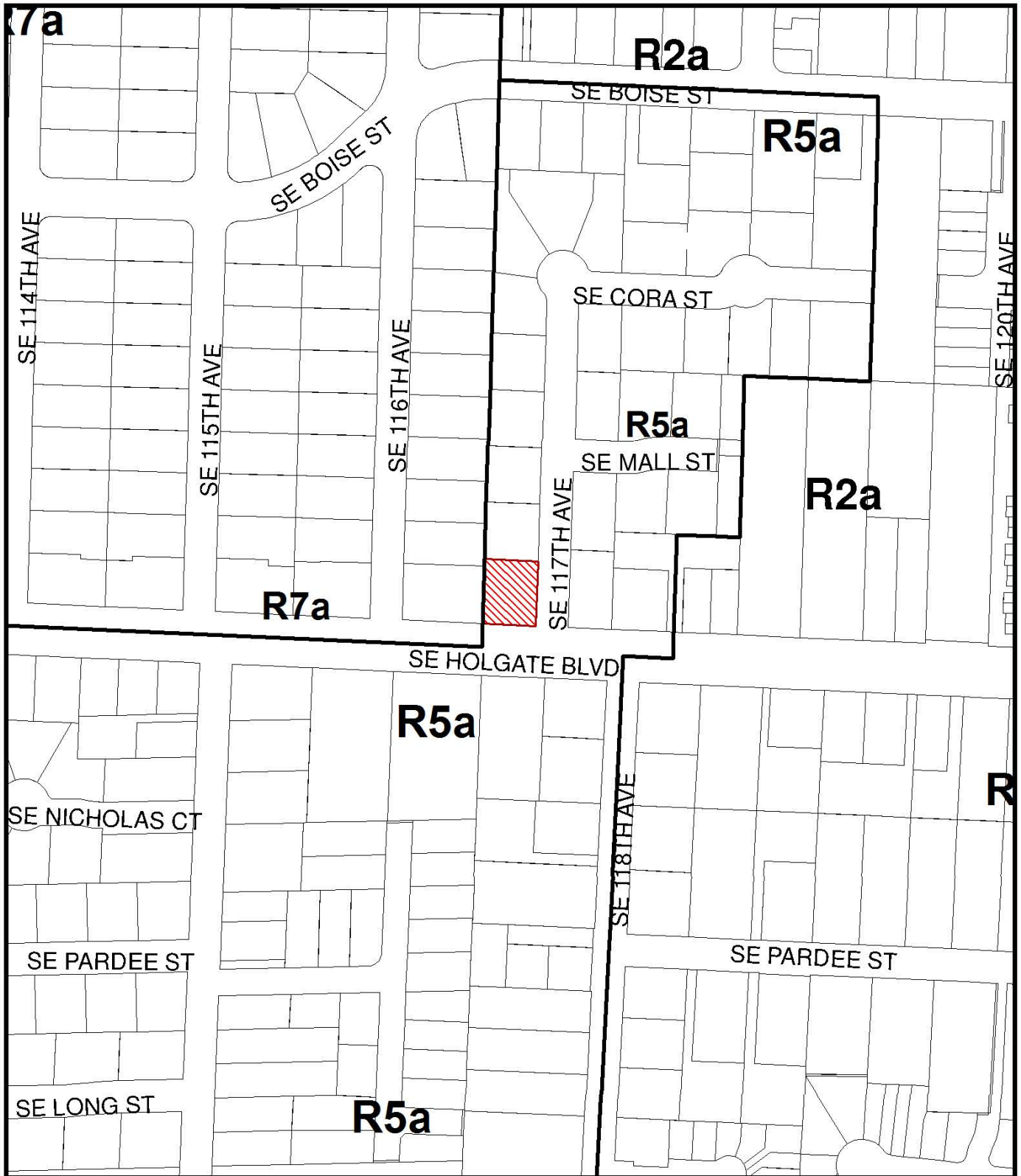
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
  - 1. Original Submittal/Applicant’s Narrative
  - 2. Revised Submittal/Applicant’s Response to Incomplete Letter
  - 3. Simplified Stormwater Report
  - 4. Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions Plan/Preliminary Land Division Plan/Proposed Improvements Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:

1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Site Development section of BDS
  6. Urban Forestry
  7. Life Safety Section of BDS
- F. Correspondence: none
- G. Other:
1. Original Land Use Application
  2. Incomplete Letter

**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



This site lies within the:  
JOHNSON CREEK BASIN PLAN DISTRICT

File No. LU 15-248968 LDP  
 1/4 Section 3442  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E10DD 3500  
 Exhibit B (Oct 14, 2015)

**EXISTING CONDITIONS, TREE SURVEY AND TENTATIVE PLAN  
FOR A PROPOSED PARTITION PLAT,  
WEST 81' OF THE SOUTH 110' OF LOT 17,  
SUBURBAN HOMES CLUB TRACT  
PER DOCUMENT NO. 2014-119922**

SITUATED IN THE SE 1/4 OF SECTION 10 T.1S., R.2E. W.M.  
MULTNOMAH CO., OREGON  
CITY OF PORTLAND

**MARK ASSOCIATES**  
18615 E. BURNSIDE STREET  
PORTLAND, OR 97233  
TEL: 503-667-5550  
FAX: 503-666-8666  
EMAIL: DALE@MARKASSOCOS.NET

DATE DRAWN: MAY 28, 2015  
DRAWING NO. 15038EXC  
ACCOUNT NO. 15038  
REVISED: JUNE 11, 2015  
REVISED: OCTOBER 1, 2015  
REVISED: OCTOBER 5, 2015  
REVISED: NOVEMBER 20, 2015

**NOTES & LEGEND:**

- "-E-" DENOTES EXISTING WATER LINE
- "-P-" DENOTES PROPOSED WATER LINE
- "-M-" DENOTES EXISTING WATER METER
- "-S-" DENOTES EXISTING SANITARY LINE
- "-SP-" DENOTES PROPOSED SANITARY LINE
- "-SE-" DENOTES EXISTING SEWER LINE
- "-SEP-" DENOTES PROPOSED SEWER LINE
- "-C-" DENOTES EXISTING CATCH BASIN
- "-SB-" DENOTES EXISTING MANHOLE
- "-S-" DENOTES EXISTING POWER OR UTILITY POLE
- "-D-" DENOTES DOWNSPOUT TO SURFACE
- "123.456" DENOTES CURB (OUTTER) ELEVATION
- "123.456" DENOTES GROUND ELEVATION
- "123.45" DENOTES SPOT ELEVATION
- "123.456" DENOTES GROUND ELEVATION AT ITEM NOTED
- "123.456" DENOTES GUTTER ELEVATION (ALL ELEVATIONS ARE AT THE DECIMAL POINT UNLESS OTHERWISE NOTED)
- "C/L" DENOTES CHAIN LINK FENCE
- "-O-" DENOTES BOARD FENCE
- "-B-" DENOTES BOARD FENCE
- "-T-" DENOTES TO BE REMOVED

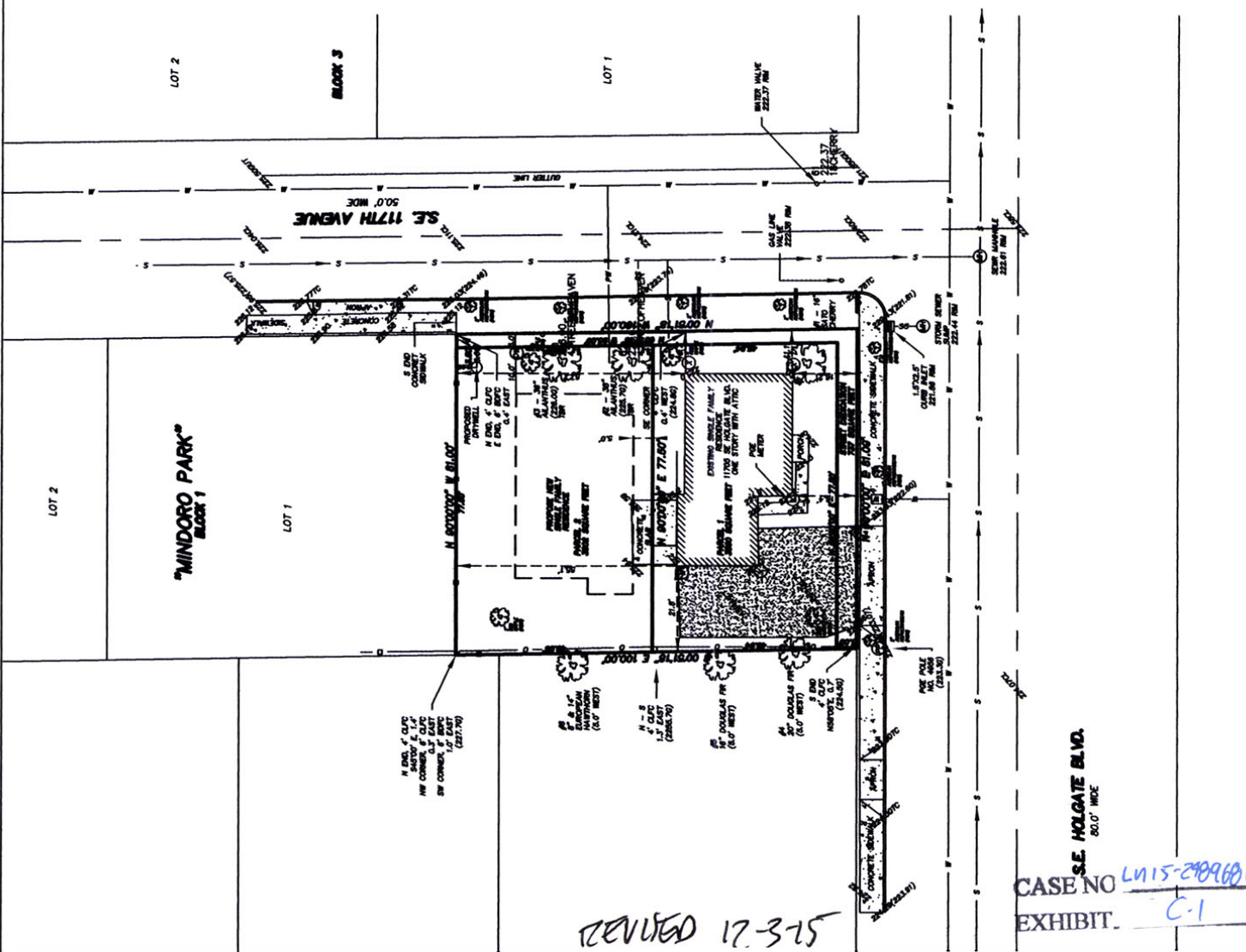
BENCH MARK IS CITY OF PORTLAND BENCH MARK NO. 4298, TIED IN A PREVIOUS SURVEY, THE 2" BRASS DISC IN SHERWELL 5.5' WEST OF CENTERLINE, SE 123RD AVENUE, NE 21778th, CITY OF PORTLAND, OREGON.

VERTICAL CURVE DATA AS SHOWN PER FIELD TIES OR CITY OF PORTLAND AS BUILT DATA.

**2014**  
RS 0

**0718**  
WEST 81' OF THE SOUTH 110' OF LOT 17,  
SUBURBAN HOMES CLUB TRACT  
PER DOCUMENT NO. 2014-119922

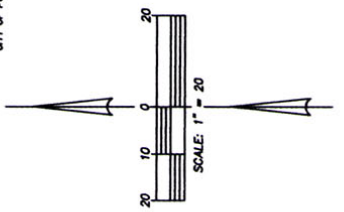
**NOTES:**  
FIRE HYDRANT IS AT SE CORNER, S.E. 117TH AVENUE,  
WEST 81' OF THE SOUTH 110' OF LOT 17,  
SUBURBAN HOMES CLUB TRACT,  
PER DOCUMENT NO. 2014-119922.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
FEDERAL LICENSE  
DANIEL R. BAUER  
2183

EXPIRATION DATE: 12/31/15



REVISED 17-315

CASE NO. LN15-208968LDP  
EXHIBIT. C-1