



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

FROM CONCEPT TO CONSTRUCTION

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

tierney

Date: April 18, 2016
To: Interested Person
From: Kate Green, Land Use Services
503-823-5868 / Kate.Green@portlandoregon.gov

**NOTICE OF A TYPE II_x 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 15-239330 LDS

GENERAL INFORMATION

Applicant: Justin Dawson/Bridge City Construction LLC
17109 NW Blacktail Drive
Portland OR 97229

Property Owner Phillip Joseph/Brooklyn Street LLC
1824 SE 23rd Avenue
Portland OR 97214-3956

Representative: John Marquardt/Landmarq Consulting
P.O. Box 1928
Vancouver WA 98688

Site Address: 4942 SE Brooklyn Street

Legal Description: BLOCK 16 LOT 9, CRESTON
Tax Account No.: R185203450
State ID No.: 1S2E07BD 07100
Quarter Section: 3335

Neighborhood: Richmond / Douglas Klotz at 503-233-9161
Business District: Division-Clinton Business Association / Contact 503-706-3730
District Coalition: Southeast Uplift / Anne Dufay at 503-232-0010

Zoning: Multi-Dwelling Residential 1,000 (R1)

Case Type: Land Division-Subdivision (LDS)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer

Proposal: The applicant requests a **Land Division-Subdivision** to divide an approximately 5,504 square foot site into 4 lots; each lot will be approximately 1,375 square feet. A shared access and utility easement is proposed along the west side of each lot.

Water and sewer utilities are proposed via existing services in SE 50th Avenue. A single onsite drywell is proposed to provide stormwater management for the site.

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 4 units of land (4 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 a vacant property located on the southwest corner of SE Brooklyn Street and SE 50th Avenue. The site slopes up steeply from the street frontages and a number of trees flank the steep slopes along the north and east perimeters. The topography flattens out across the balance of the site and 2 trees are located near the west edge of the site.

The zoning along SE 50th Avenue includes a mix of multi-dwelling and commercial zones and development. Approximately 50 feet west of the site, the zoning changes to a single dwelling residential 5,000 zone (R5), and the nearby development includes one and two story houses and duplexes.

Infrastructure:

- **Streets** – The site has approximately 55 feet of frontage on SE Brooklyn Street and approximately 100 feet of frontage on SE 50th Avenue. At this location, the City's Transportation System Plan classifies SE 50th Avenue as a Neighborhood Collector, Major Transit Priority street, Local Service Bikeway, City Walkway and a Community Corridor. SE Brooklyn is classified as a Local Service street for all modes.

At this location, SE 50th Avenue is improved with a variable width of paving and a 4-6-2 sidewalk corridor within a variable width right-of-way. The paved section and right-of-way width of SE 50th vary at this location due to the curvature in the road. SE Brooklyn is improved with 28-feet of paving and a 4-6-1 sidewalk corridor within a 50-foot wide right-of-way.

Tri-Met provides transit service directly in front of the site along the SE 50th Avenue frontage via Bus Line 14. Parking is allowed on the SE Brooklyn frontage only.

There is an established street grid within 500 feet of the site; however, some of the nearby streets are incomplete, unpaved, or narrower than current standards require.

- **Water Service** – There is a 6-inch DI water main in SE 50th Avenue and an 8-inch CI main in SE Brooklyn Street. The estimated static water pressure for this location is 75-94 psi.
- **Sanitary Service** – There is an 8-inch VSP public combination sewer line in SE Brooklyn Street and a 12-inch VSP sewer line in SE 50th Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this site.

Zoning: The site is located in the **Multi-Dwelling Residential 1,000 (R1)** zone. *The R1 zone is a medium density multi-dwelling zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses.*

Generally, R1 zoning is applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

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 **November 19, 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:
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.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R1 zone. Density is based on the site area, type of development proposed, and whether any area is required for streets or right-of-way dedication(s). In the R1 zone, the minimum density is one unit per 2,000 square feet for lots less than 10,000 square feet in area (33.120.205.C.2) and the maximum density is one unit per 1,000 square feet (Table 120-3).

In this case, the total site area shown on the applicant's survey is 5,504 square feet; no multi-dwelling lots are proposed; and no streets or right-of-way dedications are required. Based on these factors, the minimum density is 3 units and the maximum density is 5 units.

As shown in the lot dimension table below, the R1 zone does not have any minimum lot area requirements for lots designated for attached houses, detached houses, or duplexes. The applicant is proposing an attached house on each lot; however, each of the lots also meets the minimum lot width and minimum front lot line dimensions for detached houses and duplexes.

R1 Lot Dimensions: required and proposed

R1	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Attached Houses	none	15	none	15
Detached Houses	none	25	none	25
Duplexes	none	none	none	10
Lot 1 (corner lot)	1,375	25	55	25
Lot 2	1,375	25	55	25
Lot 3	1,375	25	55	25
Lot 4	1,375	25	55	25

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

Therefore, to ensure the proposal will meet the minimum density and will not exceed the maximum density, a condition must be applied allocating a minimum and maximum density to each lot, as follows:

Density	Minimum	Maximum
Lot 1 (corner lot)	1	2
Lot 2	1	1
Lot 3	1	1
Lot 4	1	1
Total	4	5

With this condition, only Lot 1 has the option to be developed with a duplex.

Based on the foregoing and with the noted condition, the applicable density and lot dimension standards will be met. Therefore, this criterion will be met.

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

Findings: The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees.

In order to identify which trees are subject to these requirements, the applicant provided a site survey (Exhibit C.5) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.1) that identifies each tree, its condition and suitability for preservation or its exempt status, and, where applicable, specifies a root protection zone and tree protection measures for each tree to be preserved. There are discrepancies between the tree survey and the arborist report with regard to the tree sizes and species. BDS-staff will use the arborist report for tree size and species and the survey solely for tree location.

The arborist report indicates that all of the trees along the north and east perimeter are exempt from preservation, due to trunk decay and previous topping for overhead electrical lines, and another, interior to the site, is exempt as a nuisance species. Based on the arborist report, only one 9-inch diameter plum tree (Tree 23) is subject to the preservation requirements. The arborist has noted the tree is *viable with pruning*, so the tree is assumed to be healthy.

The applicant proposes to remove this tree, noting the tree is located where a shared driveway is proposed, which will provide access to the on-site parking for each lot (Exhibit A.1). The applicant explains that on-site parking is proposed, since street parking is limited adjacent to the site, given the street classification and nearby bus stop on SE 50th Avenue. Citing these factors as constraints to preserving the tree, the applicant has proposed to mitigate for the removal of the 9-inch diameter tree, by providing a payment to the City's Tree Fund.

In this case, the location of the plum tree in the area of the site where the applicant proposes to grade the property in order to install a shared driveway (and related stormwater facility) for vehicular access to each lot, does, in fact, limit the options to retain the regulated tree in accordance with these regulations. Additionally, because on-site parking has been determined to be needed to serve the proposed development (see findings in Criterion K, Transportation Impacts), it is reasonable to consider if other development or parking layouts or a reduction in density could allow for the retention of the regulated tree.

Due to the unique topography and small size of the site; limitations on vehicle access to and from the site along SE 50th Avenue; and the minimum driveway size needed for the shared driveway, the applicant's development and parking layout does not seem unreasonable. A scenario for fewer lots could reduce the amount of area needed for the shared driveway, which could afford more space to protect and retain the plum tree. However, the size and species of the tree may not warrant such an alternative. Therefore, staff concurs it is reasonable to consider mitigation options that will replace the functions of the plum tree to be removed.

Given the relatively small size of the proposed lots (1,375 square feet), options to replant trees on the lots are limited. In this case, staff agrees that providing a payment to the Tree Fund is an acceptable mitigation option. Payments into the Tree Fund allow for the purchase and installation of trees in areas that will afford more long term benefits for the neighborhood and the city as a whole. This mitigation will be consistent with the purpose of the tree preservation regulations, as it will provide for the installation of additional trees that will contribute to the general beauty and natural heritage of the City, help to absorb air pollutants and contamination, and filter stormwater runoff and the reduce the possibility for erosion.

Therefore, with a condition that a payment equivalent to 9 inches must be paid to the City Tree Fund prior to final plat approval, the tree removal will be adequately mitigated, and this criterion will be 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 limits the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development.

Clearing and Grading: The site is situated 7 to 10-feet above the abutting sidewalk grades along the north and east property boundaries. Otherwise, the western half of the site is relatively flat. The site is not located in a designated landslide hazard area; and, in this situation no tree preservation measures are required.

The applicant provided a clearing and grading plan that shows two stages for the site grading. The Stage 1 plan shows the removal of all of the trees, and the existing and proposed grades for

the shared driveway and stormwater facilities, and retaining walls along the south and west perimeter of the site. The Stage 1 plan also shows a stockpile area adjacent to the driveway. The Stage 2 plan shows additional grading for the proposed residential structures. No erosion controls or limits of disturbance are shown on either plan, though a note indicates silt fencing will be installed around the perimeter of the site and erosion controls will be placed along the construction access. Additionally, the Stage 2 plan shows grading off-site onto the SE 50th and SE Brooklyn public rights-of-way, which would not be allowed, unless authorized and approved by Portland Transportation.

As outlined in the response from Site Development:

Full compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements, such as silt fences on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner, the developer of the land division and the builders of structures on the individual lots. Please refer to the City of Portland Erosion and Sediment Control Manual for additional information regarding erosion and sediment control requirements.

Site grading and the construction of the shared driveway and landscape retaining walls must be part of the scope of work for the first residential permit issued for the site.

At the time of building permit application please submit engineering calculations for landscape walls over 4 feet in height. The landscape wall footings must be designed to be located on-site only. No part of the wall may be located on adjacent property.

While both plans lack of detail and include unauthorized off-site grading, the Stage 1 plan appears to demonstrate that the grading necessary for the shared driveway could be accommodated as indicated on that plan. Since no specific development concept is being approved as part of this land use review, the Stage 2 or a final grading and erosion control measures will be evaluated as part of the permits for the new houses, and must be installed prior to starting any grading work. Additionally, if the grading continues to include alterations to the public rights-of-way, that grading work must be approved and conducted to the satisfaction of any affected parties. This review does not authorize any grading for either Stage 1 or Stage 2.

Overall, the Stage 1 clearing and grading appears reasonable given the site conditions, and the application of erosion control measures, at the time of permits, will help to limit the impacts of erosion and sedimentation and help to protect water quality and aquatic habitat.

Land Suitability: The site appears to have most recently been in use as the side yard for the adjacent home (4936 SE Brooklyn Street). There is no record of any other use in the past. The site does not have any known geological hazards. As such, there are no anticipated land suitability issues and the new lots can be considered suitable for new development.

Based on the foregoing, with the noted conditions regarding the timing for the site grading for the shared driveway and associated walls and elements, this criterion will be met.

H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

Findings: No tracts are proposed. The following easements are proposed and/or required for this land division:

- A Private Shared Access Easement is proposed to allow shared use of a driveway that will cross Lots 1 through 4;
- A Private Storm Sewer Easement is required across the relevant portions of Lots 1 through 4 for all shared stormwater management facilities.

The size of the easement must be sufficient to serve the intended purposes, which include vehicle maneuvering and stormwater management. These elements are evaluated in more detail in the

findings for Criterion K, Section 33.641, Transportation Impacts and Criterion L, Section 33.653, Stormwater Management.

Further, as stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

With the conditions discussed above, 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.

In this case, the applicant is proposing attached houses, and the solar standards only apply to detached houses. However, since the lots are wide enough to also allow detached houses, these standards must be considered.

As shown on the proposed plat (Exhibit C.1), Lot 1 will be a corner lot on the southwest corner of the intersection, and Lots 2 through 4 will be interior lots on the west side of a north-south street. Given this street and lot layout, the solar standards call for the interior lots to be the widest, and the standards do not indicate a preference for the width of the corner lot.

Each lot is proposed to be the same width, 25-feet. While the standards indicate the interior lot must be the widest, this only applies if detached houses are proposed. As noted above, the lots could be developed with attached or even a duplex in the case of Lot 1 (the corner lot). Given this range of allowed housing types, a corner lot that is the same width as the interior lots is not expected to create a conflict with the solar provisions. As such, 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 evaluated the proposal and provided the following response: *The minimal expected added vehicle trips (5 AM peak hour trip/ 5 PM peak hour trip/ 50 total new daily trips) will not adversely impact the operations of area intersections. The proposed subdivision will not have any negative effect to transit service or any other mode of travel. Existing sidewalks can be found throughout the area to facilitate pedestrian passage. There are existing bicycle facilities pursuant to Portland Bike/Walk Map to facilitate bicycling, including a Neighborhood Greenway/signed & marked route along SE Clinton (north of the site) and a Shared Roadway along SE 45th Ave (west of the site).*

With regard to the on-street parking and neighborhood impacts evaluation factors, PBOT had expressed initial concerns about what appeared to be a high demand for on-street parking in the immediate area. Accordingly, PBOT directed the applicant to have a professionally prepared parking analysis submitted. The parking analysis that was submitted included multiple

observation periods to identify the existing supply/demand in the area and to determine potential impacts from the proposed subdivision. The expected increase in demand for parking from the proposed subdivision is an additional 6 (parking) spaces. The results of the analysis suggest that there is a sufficient supply of on-street parking to accommodate the existing uses as well as the proposed subdivision. This finding is made taking into consideration the proposed accommodations for on-site parking (one space/unit). If the applicant did not intend to provide any on-site parking, the resulting impact to on-street parking (and to the neighborhood) would not be acceptable to PBOT as on-street parking during the peak residential period would reach a level where mitigation is typically required. Accordingly, PBOT will recommend a condition of approval requiring the provision of at least one on-site parking space on each of the proposed lots.

With the aforementioned on-site parking condition, “the transportation system is capable of safely supporting the proposed development in addition to existing uses in the area”.

Additionally, TriMet, noted interest in maintaining the bus stop along the site’s 50th Avenue frontage, which will help to serve and accommodate additional density in the area.

Also to address vehicle access, the size of the shared driveway easement must be sufficient to allow vehicles to maneuver safely within the area allocated for that use. The applicant has not submitted any turning or circulation diagrams to demonstrate how this will be accomplished with the proposed driveway design; and the Zoning Code does not prescribe specific dimensions for shared driveways serving multiple individual houses. However, since the proposed development is comparable to multi-dwelling development and the form and function of the shared driveway is similar to a private alley, by applying the vehicle parking and access standards of the Zoning Code and the Private Street Rule, this should provide guidance about whether the proposal will provide adequate maneuvering.

For multi-dwelling development, the Zoning Code (Table 266-4/33.266.130.F.2) calls for a minimum 20-foot wide aisle to serve perpendicular (90 degrees) parking spaces, and it requires vehicles to enter and exit the site in a forward motion. Likewise, a minimum 16-foot by 16-foot backing area is required for each perpendicular (90 degree) parking space along a private alley, per the Private Street Rule (Template 6).

The Proposed Site Improvement Plan (Exhibit C.1) shows a 20-foot deep vehicle area directly adjacent to each perpendicular parking space and a 16-foot wide paved area over the length of the driveway surface. This closely aligns with the dimensions noted in the standards above, and is expected to be sufficient to allow efficient onsite maneuvering and forward ingress and egress to and from the shared driveway for the majority of vehicle types anticipated.

Additionally, the driveway includes a shared stormwater management facility, as addressed in more detail in the Stormwater Management findings below, so the size of the easement must also provide adequate space for that element.

To ensure an effective shared driveway design is implemented, a condition will be applied, which requires that any permit that includes the driveway construction must provide a minimum 20-foot deep paved area behind each parking space and a minimum 16-foot wide paved surface for the length of the driveway, in substantial conformance with the Proposed Site Improvement Plan (Exhibit C.1).

Based on the foregoing, with the noted conditions regarding on-site parking and shared vehicle access, this criterion 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:

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.

All new and existing water services must meet City Title 21 requirements for location and sizing.

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. As outlined in the BES response:

The applicant has proposed a manufactured stormwater treatment system to serve all of the lots and the shared driveway that crosses the lots. The stormwater facility is proposed to be located within a Private Shared Access and Storm Sewer Easement across the west side of the lots. Typically, each lot must have an individual stormwater management system; however, the applicant has obtained approval of plumbing code appeals and a special circumstance review to allow a shared facility. As noted in the comments from BES, based on these factors, the size of the easement is expected to be sufficient to serve the required stormwater functions.

To ensure an allowable stormwater management design is implemented, the following conditions will be applied: a maintenance agreement must be provided for the shared stormwater facility within the easement; the shared stormwater facility must be sized to include the impervious area from the driveway and the structures on each of the lots; and the shared stormwater facility must be constructed with the first house permit to the satisfaction of BES. With the application of these conditions, this criterion will be met.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through street should be between 200 and 530 feet apart and pedestrian connections should be between 200 and 330 feet apart. The subject property is on a corner in an area with a developed street grid and no additional through street or pedestrian connections are warranted on this location. As such, this criterion is met.

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

Portland Transportation reviewed the proposal and determined no additional right-of-way dedication or improvements will be required and the existing improvements are sufficient, based on the following:

For classified Neighborhood Collector streets (SE 50th Ave) abutting R1-zoned lots, the City's Pedestrian Design Guide requires a 12-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and 1.5-ft wide frontage zone. Although the site's existing 12-ft overall sidewalk corridor width is consistent with the standard noted herein, the existing 3.5-ft wide furnishing zone is 0.5-ft shy of the 4-ft wide standard. PBOT will accept the existing sidewalk conditions as the standard for this block length, as identified in 15-249294 PW. No additional r.o.w improvements or property dedication will be required in relation to the subject land use review.

For classified Local Service streets (SE Brooklyn) abutting R1-zoned lots, the City's Pedestrian Design Guide requires an 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and 0.5-ft wide frontage zone. Although the site's existing

4-6-1 sidewalk corridor elements are not consistent with the standard corridor note herein, the site and existing sidewalk corridor satisfy the characteristics of Administrative Rule TRN-1.22. Accordingly, the existing sidewalk configuration along SE Brooklyn will be accepted as the standard sidewalk configuration for the block length. No additional r.o.w improvements or property dedication will be required in relation to the subject land use review.

Accordingly, this criterion is 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 in the multi-dwelling zones 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 approval.**

Existing Development: The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R1 zone.

With the condition noted above regarding future development, 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 11 – 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; addressing of structures; and aerial fire department access. These requirements are based on the technical standards of the 2014 Oregon Fire Code, Title 31 and Fire Bureau Policy B-1.
- Urban Forestry: The applicant must meet the requirements of Urban Forestry for street tree planting, in accordance with Title 11, at the time of development.

CONCLUSIONS

The applicant has proposed a 4-lot subdivision, as shown on the attached preliminary plan (Exhibit C.1). The primary issues identified with this proposal are:

- Density
- Tree Mitigation
- Onsite parking
- Stormwater Management
- Shared Private Access and Private Storm Sewer Easement and Maintenance Agreement

As discussed in this report, the relevant standards and approval criteria have been met or can be met with conditions. Accordingly, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 4-lot subdivision and a common shared driveway and stormwater easement, that will result in 1 lot (Lot 1) for a single dwelling attached or detached house or a duplex, and 3 lots (Lots 2, 3, 4) for single dwelling attached or detached houses, as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. *If proposing detached houses with reduced side setbacks allowed under 33.120.270.D, then three copies of a supplemental plan shall be submitted with the final plat survey for Land Use review and approval.*

B. The final plat must show the following:

1. A Private Shared Access and Storm Sewer Easement shall be shown and labeled on the final plat, extending from SE 50th Avenue and adjacent to the rear lot lines of Lots 1-4 and at least 20-feet wide, as shown on Exhibit C-1. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for, and must accommodate the stormwater management facilities as required by the Bureau of Environmental Services and Bureau of Development Services.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.2 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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

Utilities

1. 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.

Required Legal Documents

2. A Maintenance Agreement shall be executed for the Private Shared Access and Storm Sewer Easement described in Condition B.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney, the Bureau of Development Services, and the Bureau of Environmental Services and approved as to form, prior to final plat approval.
3. If the Fire Bureau has required Acknowledgement of Special Land Use Conditions, then the applicant shall execute an acknowledgement, which must be recorded with Multnomah County and referenced on the final plat.

Other requirements

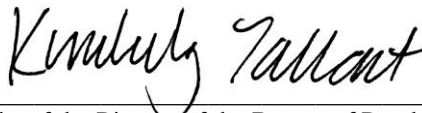
4. The applicant must pay into the City Tree Fund the amount equivalent to 9 inches of trees. Payment must be made to the Bureau of Development Services, which administers the fund for the Parks Bureau.

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

1. The minimum and maximum density for the lots in this land division are as follows:

Lot	Minimum Density	Maximum Density
1	1	2
2	1	1
3	1	1
4	1	1
Total	4	5

2. One on-site parking space must be provided on each of the proposed lots. A minimum 20-foot deep paved vehicle area must be provided directly adjacent to each parking space in substantial conformance with Exhibit C.1.
3. The shared driveway and shared stormwater system shall be installed within the Private Shared Access and Storm Sewer Easement shown on the plat and completed as part of the first permit for development on any of the lots to the satisfaction of BDS and BES. The driveway construction must provide a minimum 16-foot wide paved area over the length of the driveway surface, in substantial conformance with Exhibit C.1. The shared stormwater facilities must be sized to include the impervious area from the private driveway and the structures on each of the lots.
4. The applicant must meet the addressing requirements of the Fire Bureau. The location of the sign(s) must be shown on the building permit.
5. 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: _____ **on April 14, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed April 18, 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 September 21, 2015, and was determined to be complete on November 17, 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 21, 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 requested that the 120-day review period be extended a total of 180 days (Exhibit A.5). Unless further extended by the applicant, **the 120 days will expire on: September 12, 2016.**

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 May 2, 2016** 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 5th 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 .

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.

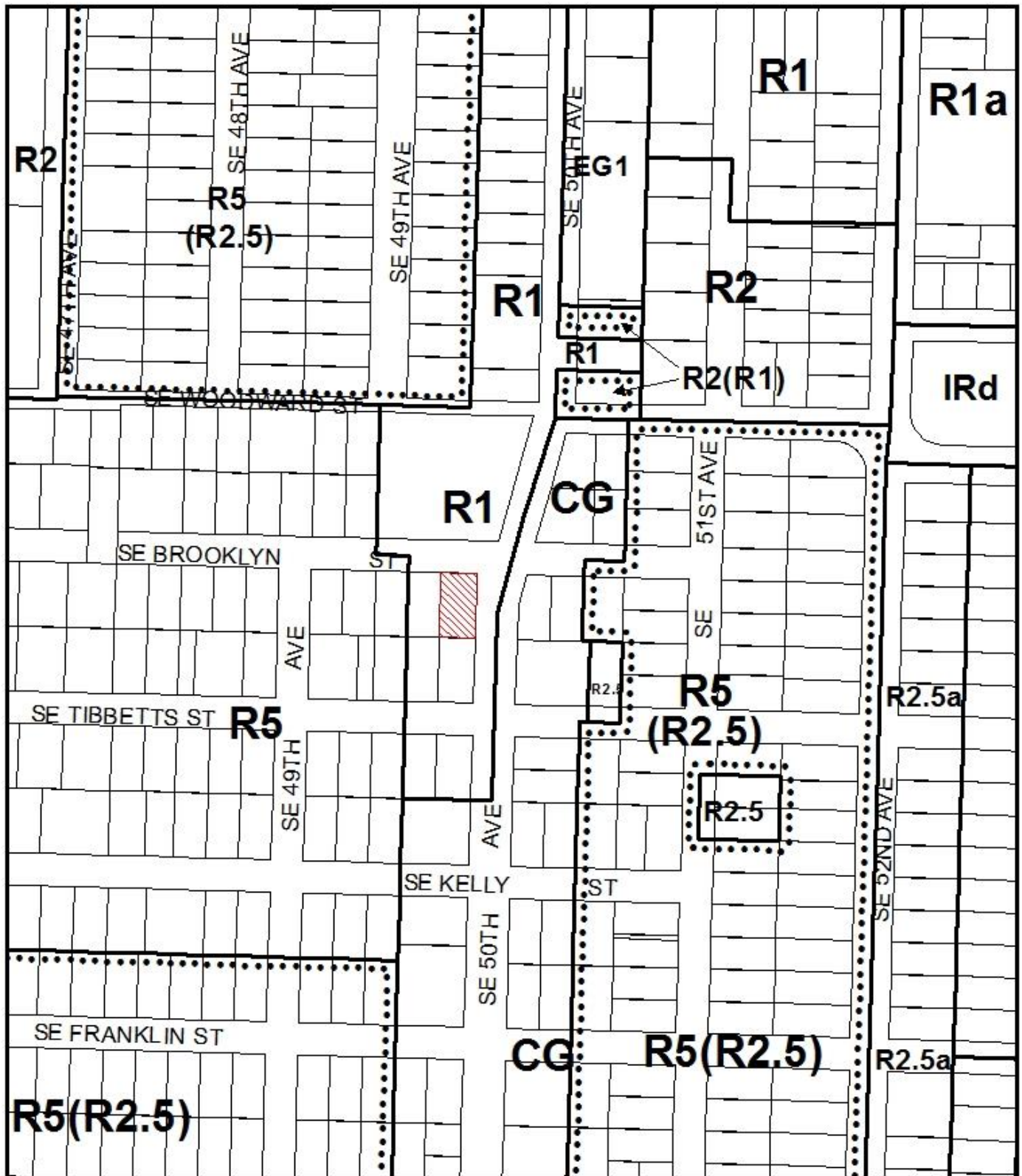
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessor's Office after it is signed by the Planning Director 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. Initial Submittal
 - 2. Supplemental Narrative (November 16, 2015)
 - 3. Revised Narrative (February 29, 2016)
 - 4. Additional Narrative (March 25, 2016)
 - 5. Timeline Extensions (180 days total)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat and Conceptual Site Plan (attached)
 - 2. Preliminary Utility Plan
 - 3. Preliminary Grading Plans, Stage 1 and Stage 2
 - 4. Existing Conditions Plan
 - 5. Site Survey
- 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
 - 7. Life Safety/BDS
 - 8. TriMet
- F. Correspondence: (none received)
- G. Other:
 - 1. Original LU Application
 - 2. Letter to applicant re: incomplete application
 - 3. Emails to/from applicant

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

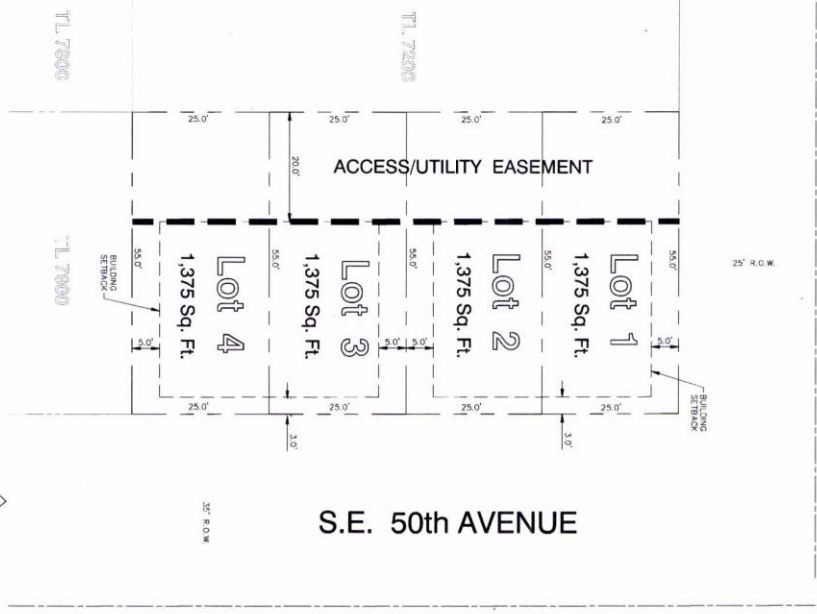
 Site



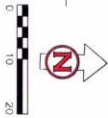
File No. LU 15-239330 LDS
 1/4 Section 3335
 Scale 1 inch = 200 feet
 State_Id 1S2E07BD 7100
 Exhibit B (Sep 23, 2015)

S.E. BROOKLYN ST.

PRELIMINARY LAND DIVISION PLAN

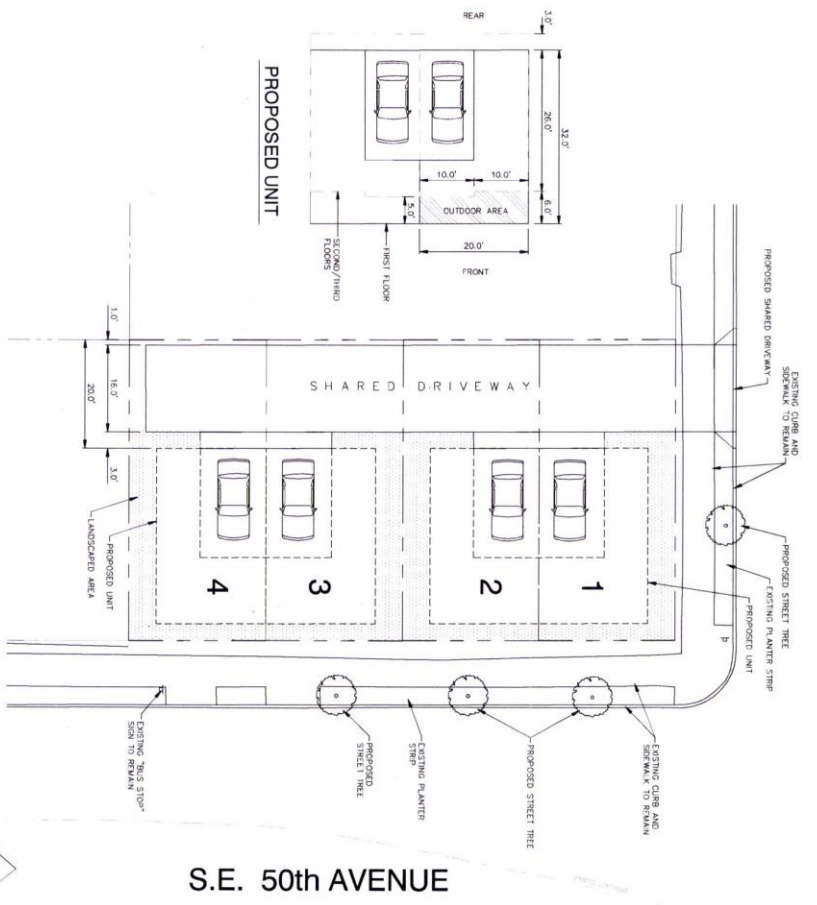


S.E. 50th AVENUE

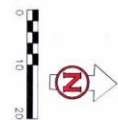


S.E. BROOKLYN ST.

PROPOSED SITE IMPROVEMENTS PLAN



S.E. 50th AVENUE



15.239330
Exhibit C.1 (Reduced)
Copy

BROOKLYN TOWNHOMES

PRELIMINARY PLAT AND SITE PLANS

SUBDIVISION:
City of Portland
TAX LOT 161
15.2E 07BD 7100
ADDRESS:
4942 SE Brooklyn
SCALE:
1" = 20'
DATE:
05/09/2015
DESIGNED BY:
JIM

SHEET NUMBER
2

PROJECT CITY:
PORTLAND, OREGON
17109
HWY BLACKHALL DR
PORTLAND, OR
97228
503-756-9752
DEVELOPMENT
WITH DESIGN

LandMar
Landscape Group
LAND USE PLANNING
AND DEVELOPMENT
P.O. BOX 1928
VANCOUVER, WA
98001
360-901-2299