



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** October 18, 2016  
**To:** Interested Person  
**From:** Lois Jennings, 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 16-183402 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Robert Hawthorne  
Trekhaus Property, LLC  
2055 SE Claybourne Street  
Portland OR 97202  
503-389-0754 or [rob@pdxlivingllc.com](mailto:rob@pdxlivingllc.com)

**Owner:** Trekhaus Property, LLC  
2055 SE Claybourne St.  
Portland, OR 97202

**Site Address:** 4331 and 4335 SE TAYLOR ST  
**Legal Description:** BLOCK 4 LOT 9, GLENCOE PK  
**Tax Account No.:** R321700470  
**State ID No.:** 1S2E06BC 12000  
**Quarter Section:** 3135  
**Neighborhood:** Sunnyside, contact Neil Heller at [board@sunnysideneighborhood.com](mailto:board@sunnysideneighborhood.com)  
**Business District:** None  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.  
**Zoning:** R2.5-Detached or Attached Single Family (1 unit per 2,500 s.f.)  
**Case Type:** LDP (Land Division Partition)  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The existing duplex was built in 2011 under building permit # 2011-100735 RS/2011-101207 RS and for building code purposes was designed and constructed to Oregon Residential Specialty Code R302.2 requirement for townhouses. A duplex per the zoning code is a building that contains two primary dwelling units on one lot. An Attached House is defined as a dwelling, located on its own lot that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building.

The applicant is proposing divide an existing 5,000 s.f. lot into two 25 ft x 100 ft. attached housing lots. Parcel 1 and Parcel 2 will each be 2,500 s.f. in area. This land division will allow each existing dwelling unit within this existing duplex structure to be on its own lot. Each attached house will maintain on-site parking with access from SE Taylor Street.

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 lots. Therefore this land division is considered a partition.

## FACTS

**Site and Vicinity:** The existing duplex is set back 41 feet from the front property line which abuts SE Taylor Street. Southeast Taylor street is improved with curb and sidewalk. Houses adjacent to the site are one and two story single family houses which appear to be constructed in the early 20<sup>th</sup> century. St. Stephens church and school are the block to the south and west of this property. Duplexes and attached houses are scattered throughout the surrounding neighborhood. Properties abutting SE Belmont Street are developed with commercial development and apartment complexes depending upon the zoning.

### Infrastructure:

- **Streets:** The site has 50 feet of frontage on SE Taylor Street. There are two driveways entering the site that provides access to on-site parking for the existing dwelling units. At this location SE Taylor Street is classified as a City Bikeway and a Local Service Street for all other modes in the City’s Transportation System Plan (TSP). Tri-Met provides transit service approximately 411 feet north of the site on SE Belmont Street via the #15 –Belmont Bus line and also approximately over 1000 feet to the south on SE Hawthorne Boulevard via the #14 Bus (Hawthorne) Bus Line.

At this location SE Taylor has a 36-ft. paved roadway and a 12-ft. sidewalk corridor (in a 4-6-2 configuration), within a right-of-way (ROW) of 60- feet. For a Local Street classification, abutting an R2.5 zoned site, the City’s Pedestrian Design Guide recommends an 11-foot sidewalk corridor consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft. sidewalk, and 0.5 ft. frontage zone.

- **Water Service** – There is an existing 6-inch CI water main in SE Taylor Street. The existing duplex is served by this main. Each dwelling unit will be on its own parcel and currently has a separate service which meets the Water Bureau Code.

The fire hydrant at or closest to 4331 SE Taylor Street is estimated to flow at 2,000 gpm with system residual pressure set to 20 psi.

- **Sanitary Service** – There is existing 15 inch CSP combination sewer in SE Taylor Street. The existing structure on future Parcel 1 was constructed under permit #:11-100735 RS. The sanitary lateral was constructed under 11-117303 UC and is located 162 feet from

the manhole to the west. The lateral is approximately 21 feet east of the western property line and therefore within the frontage of Parcel 1. The existing structure on future Parcel 2 was constructed under permit # 11-101207 RS. The sanitary lateral was constructed under 11-117296 UC and is located 181 feet from the manhole to the west. The lateral is approximately 8 feet west of the eastern property line and is therefore within the frontage of Parcel 2.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant shows the existing development manages stormwater onsite through soakage trenches which were constructed and approved under permit # 11-100735 RS and 11-117303 RS. (discussed later in this report.)

**Zoning:** The R2.5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. The minimum density for new lots in this zone is 1 unit per 5,000 square feet and the maximum density is 1 unit per 2,500 square feet. Both detached and attached single-dwellings and duplexes are allowed in this zone.

Areas north of the site closer to SE Belmont are zoned CM (Mixed Commercial), CS (Commercial Storefront), R1 (Medium Density Multi Dwelling), CN2 (Neighborhood Commercial) and R2 (Low Density Multi-Dwelling).

**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 **August 30, 2016**. No written responses have been received from the Neighborhood Association. However, Two written responses were received from notified property owners in response to this proposal.

- A neighbor wrote in to verify that the proposal was only for two lots and two units and no new structures with additional dwelling units were being proposed.

Staff Response: This clarification was requested since the reduced site plan with the existing conditions and proposed site plan reflects an outline of a box created by the existing parking space and pedestrian connection existing property, which gives an appearance of a structure. The boxed area on the site plan is just existing landscaping where the existing stormwater facility is located; no new structures are being developed within this front yard area.

- Another neighbor wrote in opposition of creating two distinct lots with a lot area of 2,500 square feet. Density, lot size, and separate ownership were raised as a concern in relationship to preserving the existing neighborhood. The other topic raised was pedestrian and vehicle traffic on S.E. Taylor street due to St. Stephens School and Church is within this block and SE Taylor street as an access point to the school/church.

Staff Response: The issues of density and lot dimensions are addressed below under approval criteria 33.660.120. A (specifically for the R2.5 zone Chapter 33.611.100 – Density Standards and 33.611.200 Lot Dimension Regulations).

## 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	No trees in excess of 6 inches in diameter are located fully or partially on the site.
C	33.631 – Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 – Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 – Phased Land Division or Staged Final Plat	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.
G	33.635- Clearing, Grading, and Land Suitability	No clearing and grading is being proposed. There is no record of past use of a septic system at this site. The site is relatively flat and contains no known geological hazards. The City approved the existing duplex development on the site under permit# 2011-100735 RS/2011-101207 RS.  The site is currently in residential use, and it will be retained.
I	33.639 - Solar Access	This criterion applies to detached single dwelling development. Attached housing is proposed.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site
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	No public dead-end streets or pedestrian

	public dead-end streets and pedestrian connections	connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

**Applicable Approval Criteria are:**

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

**Findings:** Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Based on the applicant's survey, the site area is 5,000 square feet. The maximum density in the R2.5 zone is one unit per 2,500 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area.

The site has a maximum density of 2 units and a minimum required density of 1 unit. The existing development is considered a duplex and contains two dwelling units within one structure on one lot. During the building permit process this duplex was designed and constructed to meet the Oregon Residential Specialty Code R302.2 requirement for townhouses. The new proposed property line will be located on the firewall which separates each dwelling unit structure and therefore allowing each structure to be on its own parcel.

The applicant is converting the existing duplex structure to be attached housing through this land division proposal. The applicant is proposing two attached housing parcels which will allow each dwelling unit to be on its own separate parcel after this land division is completed. There is no increase in density by allowing each dwelling unit to be on its own separate lot.

The density standards are therefore met.

	<b>Min. Lot Area (square feet)</b>	<b>Max. Lot Area (square feet)</b>	<b>Min. Lot Width* (feet)</b>	<b>Min. Depth (feet)</b>	<b>Min. Front Lot Line (feet)</b>
<b>New attached housing lots meet R2.5 Zone dimensions</b>	1,600	NA	36	40	30
Parcel 1	2,500 s.f.		25 ft.	100 ft.	25 ft.
Parcel 2	2,500 s.f.		25 ft.	100 ft.	25 ft.

\* 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.

Parcel 1 and 2 are only 25 feet wide, which is narrower than the minimum width for the R2.5 zone, as shown in the table above.

Narrow Lots

Parcel 1 and Parcel 2 are considered Narrow Lots. The Zoning Code, however, allows narrower lots if the future development, in this case the existing development converting to an attached house on its own lot, can meet the regulations of Section 33.611.200.C discussed below:

***On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations.***

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are wide enough to allow development to orient toward the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9) lots are compatible with existing lots while also considering the purpose of this chapter.

The applicant has demonstrated that the proposed attached housing parcels are consistent with the purpose of lot dimension regulations for the following reasons:

- The supplemental survey of existing conditions shows the new lot width allows the existing development to remain in current location, but with each unit on a separate lot and still be in compliance with attached housing setbacks. Internal lot line of zero and side setback of 5 feet. The applicant has also demonstrated by the supplemental plans and site plan (Exhibit A.5, A.6, A.7 and C.3) that the existing development as an attached house on own lot can meet the development standards of the zoning code. Each attached house will still be oriented towards the SE Taylor street.
- The applicant has provided a utility plan that demonstrates that each lot has access for utilities and services (Exhibit C.2 & C.3).
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street.
- Each lot is 2,500 s.f. in area which exceeds the minimum lot area of 1,600 s.f. for this zone. Lot sizes within this neighborhood vary from 1,540 s.f., 1,650 s.f., 2,500 s.f., 3,300 s.f., 5,000 s.f. up to 8,400 s.f. (Exhibit G.3).
- The proposed narrow lots are compatible with existing lots when considering the purpose of this chapter, which allows lots to vary in size and shape to develop appropriate structures provided the planned intensity of the R2.5 zone is respected. The R2.5 zone allows for a variety of housing types, duplexes, attached housing and single family development. Existing lots within this area are developed with duplexes, attached houses and single family residences. Converting the existing duplex into an attached house, with each dwelling unit on its own lot is compatible with development within this neighborhood.

***The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet***

- The lots will be developed with attached houses; therefore, this standard does not apply.

***If the lot abuts an alley, then vehicle access is allowed only from the alley***

- The site does not have access from an alley, so this standard does not apply.

***Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development***

- No parking is required for this site per the Portland Zoning Code Section 33.266.110.D. since the site is located within 500 feet of a transit street, SE Belmont Street, which is well served by transit with 20-minute peak hour service.
- The existing duplex has on-site parking. Currently, the existing conditions site plan (Exhibit C.1) shows the parking space not meeting the minimum parking space requirement of a 9ft. x 18 ft. parking space outside the front setback of 10 feet. The applicant provided a proposed site plan (Exhibit A.5, A.6 and C.3) which shows each parking space being extended on the site to meet the minimum parking requirement. As part of this land division to convert the existing duplex to attached housing, each existing dwelling unit will have a minimum of a 9 ft. x 28 ft on-site parking space on its

own lot. As a condition of approval the existing driveway/parking space will be modified to meet the minimum parking space requirement of Section 33.266.120.C and D. or completely removed prior to final plat approval.

**60 percent landscaping requirement for attached houses**

- Each attached house lot is 25 feet wide, which will allow for the 60 percent landscape standard to be met in area not devoted to driveway. The applicant has shown with modifications (removal of accessory structure, walkway etc.) to the existing site Exhibit A.5 and A.6. that each Parcel will meet be able to meet the 60% landscape area (not including the area devoted to driveway pavement). A zoning permit will be required to be approved, issued and receive final inspection prior to final plat approval.

All modifications to the existing site to meet the 60% landscape standard on each parcel must be completed prior to approval of the final plat.

***If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.***

- There is no alley adjacent to this site and no garage proposed for this existing development.
- An on-site parking space is being retained for each primary dwelling unit on its own lot.
- On-site parking is not required for this site per the Portland Zoning Code Section 33.266.110.D, since the site is located within 500 feet of a transit street (SE Belmont) that is well served by transit with 20-minute peak hour service. This provision of the code is not being utilized by the applicant. Therefore a covenant is not required.

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

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

**Findings:** No tracts are proposed or required for this land division, so criterion A does not apply.

Utility easements are addressed under 33.654.130.A.

The final plat will reflect the location of the public utility easement. With this as a condition, 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. Mitigation may be necessary to reduce impacts.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

The applicant provided a written statement (A.4) that individually addresses each evaluation factor individually. Lack of a professional analysis may cause the request to be denied or delayed if request is challenged.

The applicant is proposes a partition to create two lots from one existing lot. The proposed development will not increase the number of dwellings located on the subject parcels, and no changes are proposed to the existing building, in which two residences are located within one structure. No changes will occur to the existing driveway locations. The proposed partition will not generate an increase in trips. Therefore, no frontage improvement or dedications are required in relation to the request.

There are existing transit opportunities in the area with the closest bus top (Trimet #15) located at 45<sup>th</sup> & SE Belmont or SE 42<sup>nd</sup> & SE Belmont street. To the south of the site on SE 43<sup>rd</sup> & SE Hawthorne, the Trimet Bus Line #14 –provides frequent transit service. The proposed partition will not have any effect on transit service or any other mode of travel.

PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed land division to allow the conversion of the existing duplex to attached houses on individual lots, 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. Fire Bureau has no concerns regarding the existing fire hydrant within this area being able to provide adequate capacity and pressure to serve the existing development.</p> <p>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 &amp; E.5</p>
<p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant’s utility site plan (Exhibit C.3) shows that the existing duplex disposes stormwater on-site to a soakage trench. As part of the land division proposal the applicant has demonstrated that each attached house (separate primary dwelling unit) will be served by an existing 30-inch x 22.5 ft. soakage trench on its own lot. The site utility plan shows the soakage trench 5 feet from the new lot line and a minimum 10 feet from the existing structure.</p> <p>Bureau of Environmental Services states Onsite Stormwater Management: Stormwater runoff from this project must comply with all applicable standards of the SWMM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director’s designee. BES has reviewed this proposal and notes the following:</p> <ol style="list-style-type: none"> <li>a. The soakage trenches shown on the plans are consistent with the building permits that were finalized in 2012. The applicant has shown that trenches meet the required</li> </ol>



setbacks to structures and property lines.

- b. The existing driveways are paved with pervious pavers. BES does not have required setbacks from pervious pavement.
- c. The applicant has demonstrated independent stormwater management systems that are within their respective lots.

BES finds the applicant's proposed stormwater management acceptable for the purpose of reviewing this land division proposal against the stormwater management approval criterion.

The stormwater management standard and criteria have been met.

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

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

The subject property is located 50 feet from SE 44<sup>th</sup> Avenue, the nearest north-south pedestrian connection and through street, and 100 feet from SE Yamhill, the east-west pedestrian connection and through street to the north of this site. Approximate 450 feet to the west is SE 42<sup>nd</sup> Avenue, a north-south pedestrian connection and through street.

The Bureau of Transportation has reviewed this land division proposal and determined the subject property is complies with noted spacing requirements for connection. For the reasons described above, this criterion is met.

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

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development.

Standard ROW improvements recommended by the Portland Pedestrian Design Guide for Local Service Streets in an area zoned R2.5, such as SE Taylor, at this location, recommend an 11-ft. sidewalk corridor to consist of a 0.5-ft. curb, 4-ft. furnishing zone, 6-ft. sidewalk, and 0.5-ft. frontage zone.

Portland Transportation has indicated that the existing street, SE Taylor, has a 36-foot paved roadway and a 12-ft. sidewalk corridor (in a 4-6-2 configuration) within a ROW of 60 feet. The existing sidewalk corridor does not appear to be constructed to city standards. However, at this location, PBOT's Temporary Administrative Rule 1.22 "Infill Development on Streets with and Existing Sidewalk Corridor" will apply to SE Taylor. Therefore, in relation to the proposed development, the existing sidewalk will be accepted as the standard configuration. No improvements or property dedication will be required on SE Taylor street. The existing street is currently improved in a manner that is sufficient to serve the expected users. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that existing duplex being converted to attached house (each dwelling unit on it's own lot) can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met.

### **33.654.120. Design of Rights of Way –specifically H. Standard for Street Trees**

The City Forester reviews this land division proposal for its impact on existing street trees, heritage trees, street tree requirements and related mitigation, in accordance with Title 11, Trees.

In 2011 the approved site plan for this duplex noted the City Forester's requirement of a street tree being planted within the planting strip with a note "one 2 inch caliper street tree required. Choose from 3 1/2 ft street tree list". The existing conditions site plan does not reflect a street tree within this planting strip (see Exhibit C.2 ).

As part of this land division application the applicant provided a street tree plan as shown on Exhibit C.3 and the City Forester found the proposal of adding a street tree as shown to be an acceptable area. City Forester specific comments " Proposed street tree as indicated on the site plan will suffice" Therefore with the condition a street tree be planted within the planting strip area in front of this frontage as proposed, this criterion is met.

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

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. The applicant has proposed a 4-foot public utility easement adjacent to the proposed public street. This utility easement will be noted on the final plat and encompass the utility vault. The supplemental survey needs to accurately reflect the location of the utility vault, so the location of utility easement can be accurately reflected on the final plat survey. Therefore with the conditions noted above, this criterion is met.

## **DEVELOPMENT STANDARDS**

Introduction to Title 33 –Portland Zoning Code "How to Use This Document", section of the zoning code states "To determine the Land Division regulations applicable to a site, you must first find the site on the Official Zoning Maps". This map will show the base zone, if any overlay, plan district, and if the site contains a historical landmark or recreational trail. This will tell you which chapters to look at in this Title. All of these regulations will tell you what uses are allowed, what housing types may be considered, and what development regulations affect your site. Some of these development standards will help you determine how to design your Land Division.

For this site, the development regulations which affect the design of this land division proposal when converting the existing duplex to an attached house to allow each primary dwelling unit to be on its own lot is the development standards which apply to attached houses in the R2.5 zone. Chapter 33.110 states the development standards and also references other Chapters of Title 33 and Title 11-Tree Code which would apply to this development proposal when reviewing this land division, such as the parking requirement under Section 33.266.110.

**Existing development that will remain after the land division.** The existing duplex development on the site will remain, however each primary dwelling unit will be now located on its own individual lot. The existing duplex was built in 2011 under building permit # 2011-100735 RS/2011-101207 RS and for building code purposes was designed and constructed to Oregon Residential Specialty Code R302.2 requirement for townhouses

An Attached House is defined as a dwelling, located on its own lot that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The proposal to convert the existing duplex structure to attached house(s) would qualify to be an attached house since the primary dwelling units share a common wall for more than 25 percent of its length on the new proposed interior property line. Each primary dwelling unit structure on its own lot would be defined as an attached house. Therefore the division of the property may not cause the attached house structure on its new lot 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 No Adjustments or Planned Development was requested as part of this land division application. (Please see section on Other Technical Standards for Building Code standards.)

Due to this existing duplex structure already being designed and constructed to Oregon Residential Specialty Code R302.2 requirement for townhouses a building permit is not required to convert this structure to an attached housing development type. The land division when completed will separate the primary dwelling units to be on their own individual lot to be legally defined as an attached house.

Therefore as part of this land division proposal the Zoning Code standards that relate to existing duplex development being converted into attached house on their own lot must be reviewed and shown to be met or can be met prior to final plat approval. Land Use Review Section reviewed plans (C.2, C.3, A.5, A.6 and A.7) submitted by the applicant to verify the development standards are met or could be met. The list below is reflecting only the development standards remaining which must be shown to be in compliance prior to final plat approval:

- Landscape Standards for Attached Housing (33.110.240.C.3): The following landscape standards must be met on lots in the R2.5 zone that do not meet the minimum lot width standard of 33.611.200.C.1. Modifications of these standards is allowed through Planned Development Review (Chapter 33.638). Adjustments are prohibited:
  1. All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; And
  2. Sixty percent of the area between the front lot line and front building line must be landscaped. At a minimum, the required landscaped area must be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios.

The applicant submitted a landscape plan area calculation, to show how the site can be in compliance with this development standard. The plan submitted reflects modifications to the existing site, to meet this development standard. Modifications on the site include removal of the existing accessory structure to allow for more landscape area on Parcel 1. Removal of the east/west concrete paver walkway closer to the dwelling units, to allow more landscape area.

The landscape area calculation plan does not reflect any shrubs being planted along the foundation of the street facing façade(s) and the type of ground cover plants planted within the landscape area not utilized as walkways/patio or patios. The applicant must obtain a finalized Zoning Permit for modifying the existing landscape area between the front lot line and front building line and adding shrubs along the foundation of the street facing facades of these attached houses to show compliance with this development standard prior to final plat approval.

- Detached Accessory Structures and Setbacks –The original approved building permit site plan showed a covered accessory structure for a charging station (4 ft. x 8 ft and less 6 ft tall) for an electric car. In 2011 the zoning code allowed a covered accessory structure if 6 feet or less in height in the side and rear setback but not in the front setback. In 2016 the zoning code changed and for this zone a detached covered accessory structure to be within the side or rear setbacks must be 40 feet from a front lot line and meet additional standards as stated in 33.110.250.C.b.

There is an existing detached covered accessory structure shown on Parcel 1 (4331 SE Taylor). This covered accessory structure is 5.1 x 8.1 ft. and is utilized as a garbage/recycling area. The location of this accessory structure is not 40 feet from the front property line and interferes with the required parking space of 9 ft. x 18 ft. space being located outside the front setback of 10 feet being met. The applicant is proposing to remove this accessory structure to be able to

extend the on-site parking space to be in compliance with the zoning code for required parking spaces. For the applicant to relocate the accessory structure on this site it would need to be in compliance with 33.110.250.C.b. Prior to final plat approval the existing shed will need to be removed from Parcel 1 or relocated on Parcel 1 to be in compliance the zoning code.

- Parking and Loading (33.110.275 and 33.266.120.C & D)- The on-site parking space must be a minimum of 9 feet x 18 feet and located out of the front setback (10 feet) for the lot with the existing development. The approved building permit (2011-100735 RS/2011-101207 RS) site plan showed this development standard being met. However, the existing conditions survey submitted with this land division proposal shows the existing on-site parking space for each new parcel is less than 28 feet in depth and therefore not meeting the code requirement. The applicant as part of this land division proposal is proposing to extend the existing driveway on each lot to be in compliance with the code (see Exhibit) The accessory structure on Parcel 1 will need to be removed or relocated on site to be able to extend the parking space to meet the code requirement. The applicant must obtain a finalized Zoning Permit for extending the on-site parking space (s) on each attached housing lot to meet the code requirement. This zoning permit must be completed 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 existing duplex was built in 2011 under building permit # 2011-100735 RS/2011-101207 RS and for building code purposes was designed and constructed to Oregon Residential Specialty Code R302.2 requirement for townhouses.

Life Safety Comments: Based on the information provided, there appears to be no conflicts between the building codes. A maintenance agreement must be completed for the townhouse.

BDS Land Use Review Comments: The original building was constructed on one lot and even though built to townhouse standards did not require a maintenance agreement. Now each primary dwelling unit will be on its own lot as attached house(s) and the shared common elements (firewall, roof, exterior finish materials etc..) requires a Maintenance Agreement. This Maintenance Agreement is required to be submitted, reviewed, and approved by the City prior to final plat approval.

## CONCLUSIONS

The applicant has proposed a two parcel minor 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 are standards relating to narrow lots and zoning development standards which relate to this duplex being converted into an attached house where each primary dwelling unit will be on its own lot. To be in compliance with narrow lot standards for landscaping for an attached housing development the applicant is proposing to modify the existing site prior to final plat approval. These modifications to the existing site include removal and/or relocation of the accessory structure, removal/reconfiguration of some hard surface walkways to provide more landscape area, and adding shrubs along the foundation of the building to be in compliance with landscape standard for attached housing development.

Each primary dwelling unit (Attached House) will be on its own lot and each dwelling unit currently shares common elements (fire wall, exterior wall, foundation etc..), the Life Safety Section of BDS requests a maintenance agreement be completed for this townhouse to be in compliance with the Building Code requirements at the time the lots are sold.

Density and lot size was raised as a concern by a neighbor. As mentioned in the approval criteria under density and lot area, there is no change in density with this land division proposal. Two primary dwelling units exist currently and two primary dwelling units will be retained on the site. Lot size of 25 ft. x 100 ft. with an area of 2,500 s.f. is compatible with existing lot sizes within the neighborhood. Attached housing is a development type which is allowed in the R2.5 zone. The lot size can accommodate the existing duplex being converted to an attached house on its own lot and be in compliance with the development standards of zoning and building code.

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

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a two lot minor partition for two attached housing lots. These two parcels are considered narrow lots, as illustrated with Exhibit C.1, subject to the following conditions:

**A. Supplemental Plan.** Two copies of an additional supplemental survey which show existing conditions and existing improvements shall be submitted with the final plat survey for Land Use Review Section of BDS to review and approval. In addition, surveyor shall attest to and certify the following on the supplemental survey:

- Removal or relocation of the accessory structure on Parcel 1;
- Document that existing site has been modified so the on-site parking space(s) have been extended and is a full 28 feet in depth from the front property as required by Condition C.3.
- Document that the street tree is planted within the planting strip adjacent to this property as required by Condition C.4
- Location of utility vaults

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

1. A public utility easement for the utilities which benefit both Parcel 1 and Parcel 2.

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

1. The applicant must remove the accessory structure on Parcel 1 or relocate it on Parcel 1 to be in compliance with the zoning code. The applicant must submit before and after photos of the removal or relocation (with the same perspective) of this accessory structure.
2. The applicant must obtain a finalized zoning permit for modification of the existing landscape area between the front lot line and front building line. The plans submitted for the zoning permit must show a complete site/landscape plan. These modifications are required to demonstrate compliance with the development standard listed below. The permit plans must include the note: *This permit fulfills requirements of Condition C.2 of LU 16-183402 LDP.*
  - 33.110.240.C.2.d (standards for Landscape standard for attached houses lots in R2.5 zone that do not meet the minimum lot width standard).
3. The applicant must obtain a finalized zoning permit for modifications to the on-site parking spaces on each separate lot. The plans submitted for the zoning permit must show a complete site plan. These modifications are required to demonstrate compliance with the development standard listed below. The permit plans must include the note: *This permit fulfills requirements of Condition C.3 of LU 16-183402 LDP.*
  - 33.266. C & D –Parking Area Locations and Parking Space size. The existing on-site parking space will be extended on Parcels 1 and 2 to show a minimum 9 ft. x 18 ft. parking space located outside of the front setback (10 feet) on each lot.
4. The applicant must meet the requirements of Urban Forestry to plant one street tree in the planter strip on SE Taylor Street adjacent to this property. The applicant must contact Urban Forestry at 503-823-TREE (8733) prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit.

**Required Legal Documents**

5. A Maintenance Agreement for these Attached Houses (Townhouses) shall be submitted for review and approval by Life Safety Section of BDS. All requirements of the Life Safety Section of BDS in association to this Maintenance Agreement must be met prior to final plat approval (see Exhibit E.7).

**Staff Planner: Lois Jennings**

Decision rendered by:  on October 17, 2016  
By authority of the Director of the Bureau of Development Services

**Decision mailed October 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 June 6, 2016, and was determined to be complete on August 24, 2016.

*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 June 6, 2016.

*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: December 22, 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 Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City’s approval of the preliminary plan.**

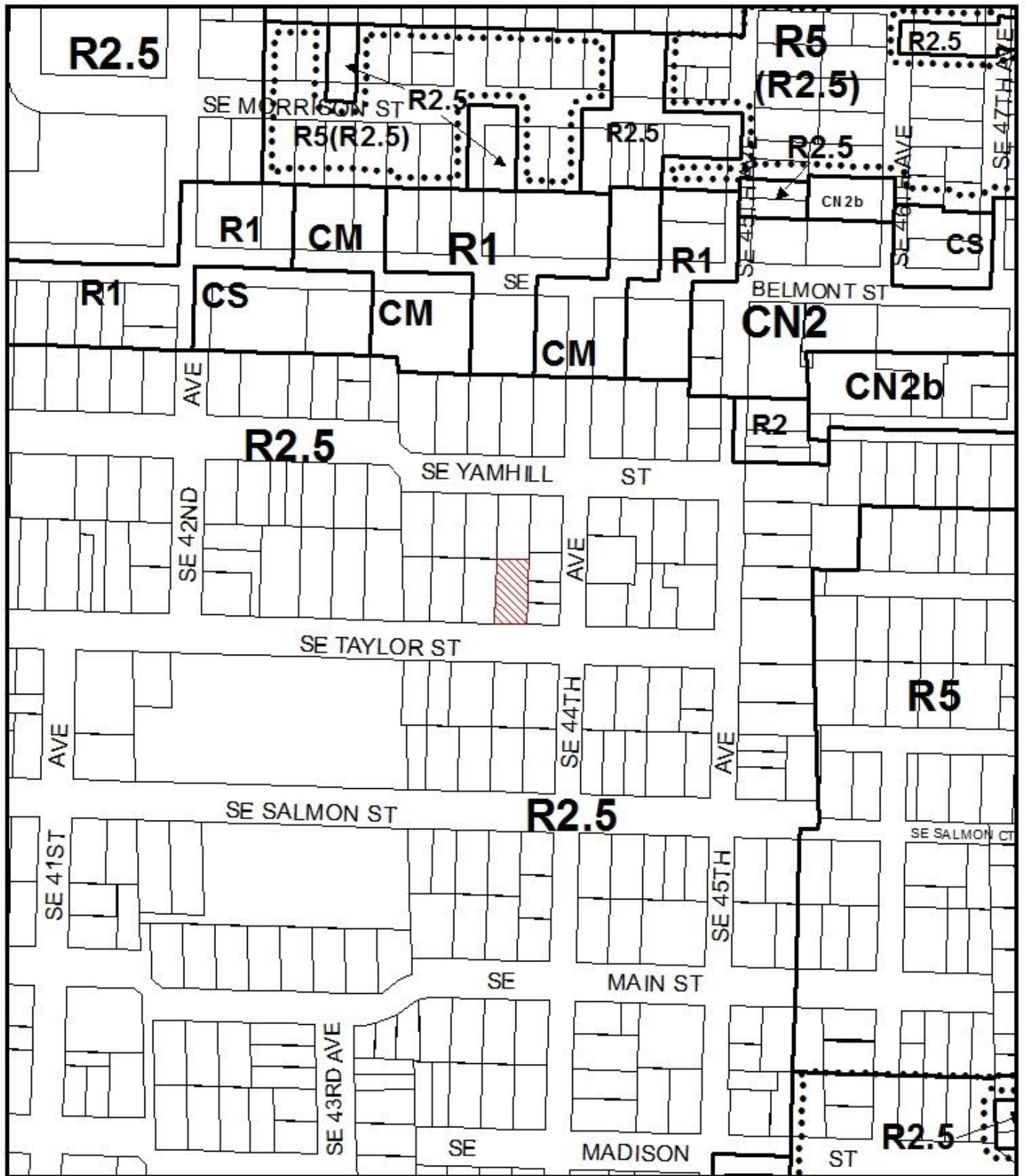
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Preliminary Land Division proposal
  - 2. Existing Conditions Site Plan with Land Division Proposal
  - 3. Cover Letter submitted on August 24, 2016
  - 4. Narrative Addressing Approval Criteria submitted on August 24, 2016
  - 5. Existing Conditions, Utility & Proposed Site Plan submitted on August 24, 2016
  - 6. Landscape Area and Tree Calculations Plan submitted on August 24, 2016
  - 7. Architectural Building Plans submitted August 24, 2016
  - 8. Fire Hydrant Fire Flow Information from Applicant via e-mail
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Land Division Proposal (Attached)
  - 2. Existing Conditions Site Plan with Preliminary Land Division proposal (attached)
  - 3. Existing Conditions Site & Utility Plan with Proposed Site Plan with Preliminary Land Division Proposal
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety Section of BDS
- F. Correspondence:
  - 1. Ann Masters, September 9, 2016
  - 2. Jackie Engle, September 23, 2016
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter dated June 21, 2016
  - 3. Tax Assessor's Quarter Section Map
  - 4. E-mail Correspondence with 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).**





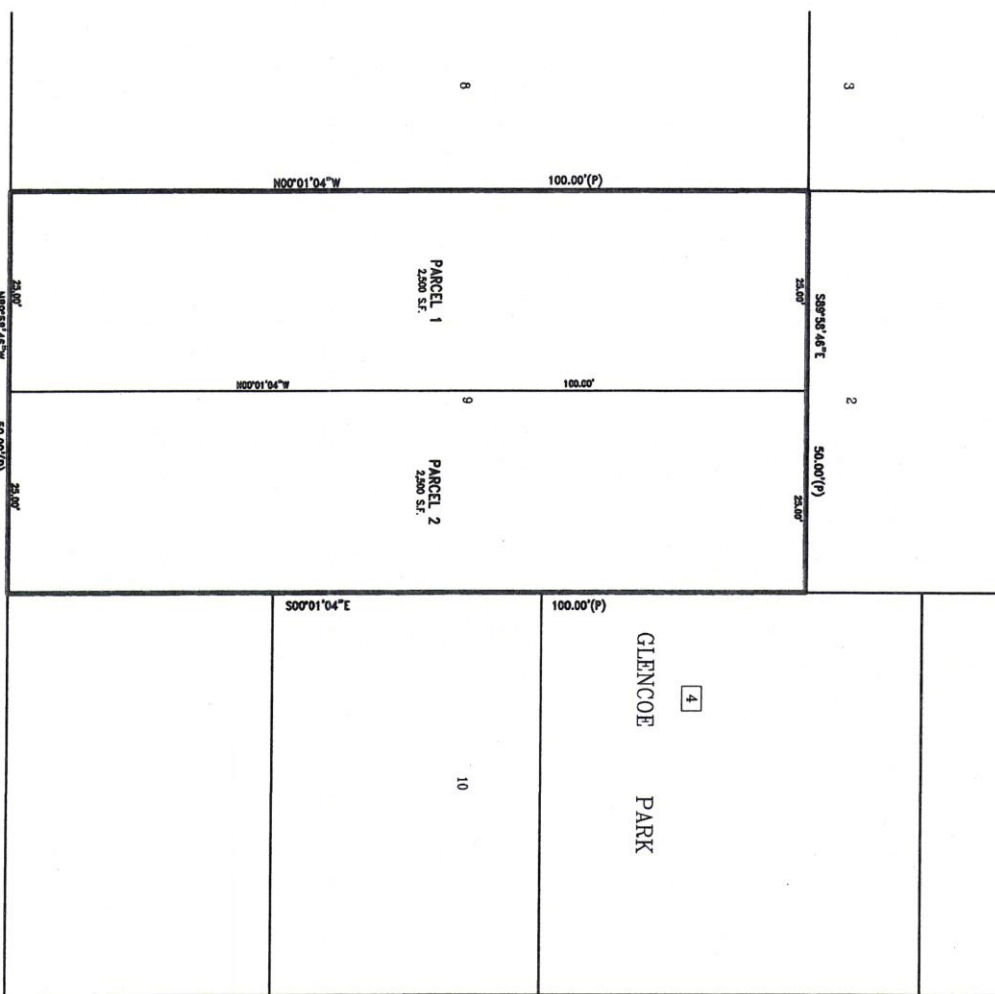
# ZONING

 Site



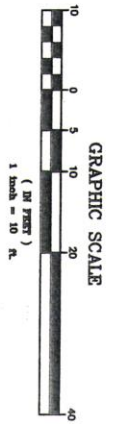
File No.	<u>LU 16-183402 LDP</u>
1/4 Section	<u>3135</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1S2E06BC 12000</u>
Exhibit	<u>B</u> (Jun 08, 2016)

CASE NO. 16-183402  
 EXHIBIT C-2  
 0.1



SE TAYLOR ST  
 60' WIDE

SE 44TH AVE  
 40' WIDE



**LEGEND**  
 (P) BEGINS AND THE PLAT OF  
 TAYLOR ST. BEGINS  
 COUNTY PLAT RECORDS  
 BLOCK NUMBER



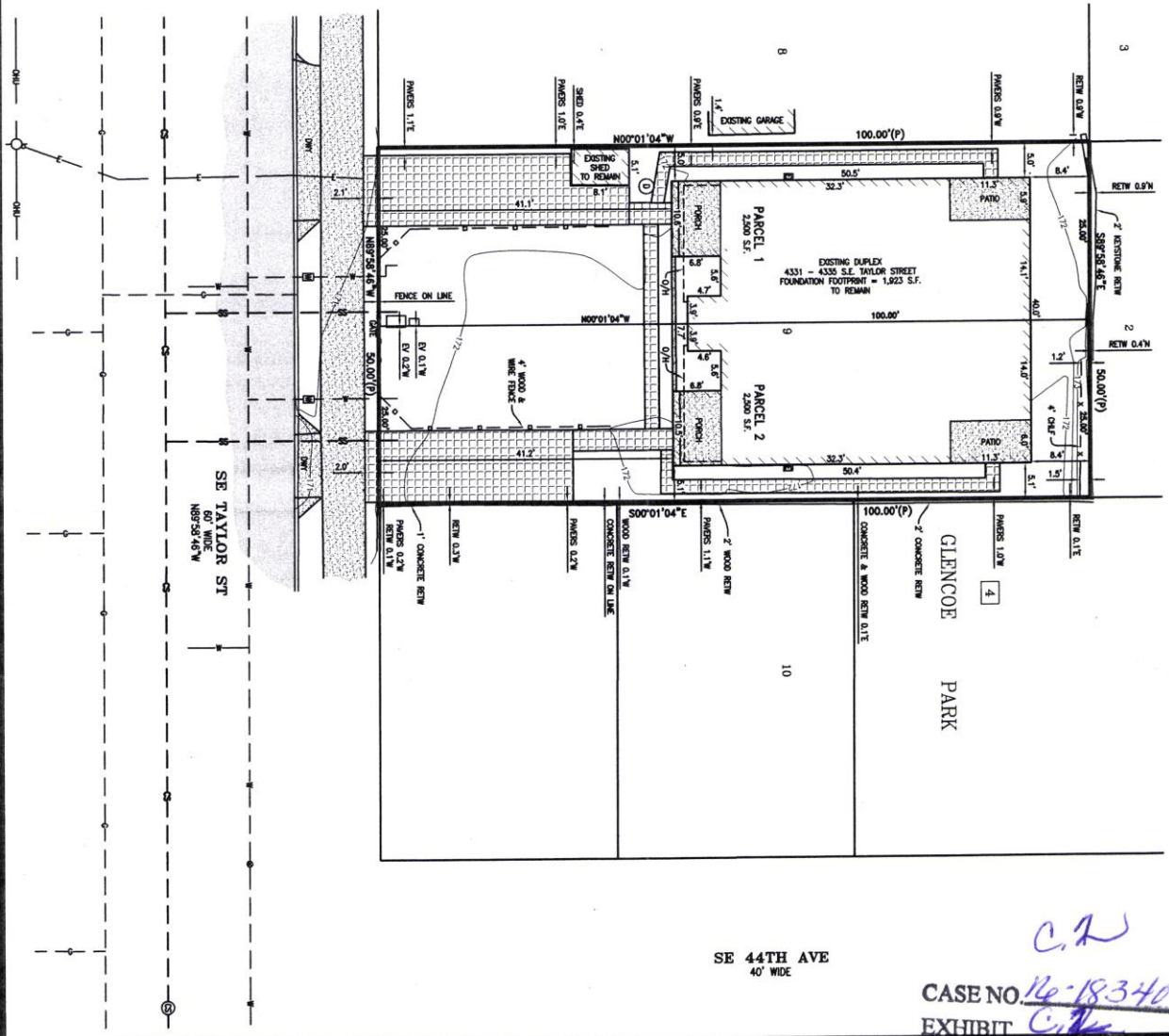
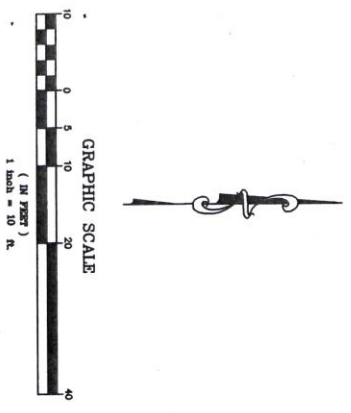
LV 16-183402DP

 <b>W.B. WELLS &amp; associates, inc.</b> ENGINEERS-SURVEYORS-PLANNERS 6130 NE 78TH CT, STE. C-11 PORTLAND, OREGON 97218 PHONE: (503) 284-5986 FAX: (503) 284-5530 e-mail address: info@wbwells.com	REGISTERED PROFESSIONAL LAND SURVEYOR OREGON JULY 15, 2005 DEBORAH T. MACKAY 73437 EXPIRES 12-31-18	<b>PRELIMINARY PLAT</b> FOR <b>PDX LIVING LLC</b> 4331-4335 S.E. TAYLOR STREET LOT 4, BLOCK 9, "GLENCOE PARK" LOCATED IN THE NW 1/4 OF SECTION 6, T15, R02, E14, IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON		REVISIONS: _____ _____ _____
		DRAIN BY: AMJ DATE: 04/22/18 PLOT DATE: 04/25/18 FILE: P:\18-027\18-027 PRELIM MP.DWG	CHECKED BY: DTM SCALE: 1"=10' JOB NO: 18-027	

- ### LEGEND
- CHAIN LINK FENCE
  - BROWNING
  - IV ELECTRIC MOUNT
  - BUILDING OVERHEAD
  - RETN REMAINING WALL
  - S.F. SQUARE FEET
  - UNDERGROUND ELECTRIC/PHONE LINE
  - GAS LINE
  - COMBINED SEWER LINE
  - SANITARY SEWER MEDIA
  - OVERHEAD UTILITY LINES
  - WATER LINE
  - ELECTRIC METER
  - WATER METER
  - COMBINED SEWER MANHOLE
  - OPENING
  - POWER/TELEPHONE POLE
  - CHAIN LINK FENCE
  - WOOD FENCE
  - ASPHALT
  - CONCRETE
  - CONCRETE PAVES
  - RECORD FOR THE PLAT OF "GLENCOE PARK, MULTNOMAH COUNTY, OREGON"
  - BLOCK NUMBER

- ### NOTES
1. THE UNDERGROUND UTILITY LINES SHOWN HEREON ARE FROM A COMBINATION OF FIELD VERIFICATIONS AND VARIOUS UTILITY, PRIVATE, AND GOVERNMENT SUPPLIED AS-BUILT MAPS AND ARE APPROXIMATE ONLY. THE SURVEYOR MAKES NO WARRANTY AS TO THE ACCURACY OF ANY SUCH INFORMATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
  2. SITE AREA = 5,000 S.F., 0.11 ACRES

**BENCHMARK**  
 CITY OF PORTLAND BENCH MARK NO. 728  
 LOCATED AT SE BELMONT ST. AND 44TH AVE.  
 S.M. COR. 1" W.  
 ELEVATION: 174.018 CITY OF PORTLAND DATUM



C.R.  
 CASE NO. 16-18340-2  
 EXHIBIT C.R.

CV 16-183402LDP

<p><b>W.B. WELLS &amp; associates, inc.</b>        ENGINEERS-SURVEYORS-PLANNERS        6130 NE 78TH CT, STE. C-11        PORTLAND, OREGON 97218        PHONE: (503) 284-5886 FAX: (503) 284-8537        e-mail address: info@wbwells.com</p>	<p>REGISTERED PROFESSIONAL LAND SURVEYOR        OREGON        JULY 14, 2005        DEBBON T. MACKAY        72427        EXPIRES 12-31-16</p>	<h2>EXISTING CONDITIONS</h2> <p>FOR</p> <h3>PDX LIVING LLC</h3> <p>4331-4336 S.E. TAYLOR STREET        LOT 4, BLOCK 9, "GLENCOE PARK"        LOCATED IN THE NW 1/4 OF SECTION 8, T1S, R2E, W4E, IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON</p>		<p>REVISIONS:</p> <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>								
<p>SHEET 2 OF 2</p>	<p>DRAWN BY: AMJ        DATE: 04/22/18        PLOT DATE: 04/25/18        FILE: P:\16-027\16-027 PRELIM MP.DWG</p>	<p>CHECKED BY: DTM        SCALE: 1"=10'        JOB NO: 16-027        PRELIM MP.DWG</p>										