



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

FROM CONCEPT TO CONSTRUCTION

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Date: November 16, 2016
To: Interested Person
From: Diane Hale, Land Use Services
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NOTICE OF A TYPE IX DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 15-186513 LDP

Applicant: Chris Fischborn, Ztec Engineers / (503) 235-8795
3880 SE 8th Ave Ste 280, Portland, OR 97202

Gabe Headrick, Steelhead Architecture / (503) 348-8874
2800 NW Thurman St, Portland, OR 97210

Owner: Chris Dawkins, LB Residential Properties LLC / (503) 444-9039
919 NE 19th Ave #100, Portland, OR 97232

Site Address: 4405 SE DIVISION ST

Legal Description: BLOCK 2 W 45 1/2' OF LOT 18, DIVISION ST ADD
Tax Account No.: R147127
State ID No.: 1S2E06CC 14600
Quarter Section: 3235
Neighborhood: Richmond, contact Douglas Klotz at 503-233-9161.
Business District: Division-Clinton Business Association, contact at 503-706-3730.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Zoning: R1m (multi-family residential 1,000 with an "m" main street corridor overlay zone)

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 applicant is proposing a 3-parcel land division for this 4,550 square foot site, resulting in 2 new parcels for attached single-family homes and 1 new parcel for a detached single-family home. Each parcel will be ~1,500 square feet. The site is currently developed with a house and detached garage built in 1922. The applicant proposes to remove both structures. Off-street parking is proposed for all 3 parcels. There are 3 trees on the site. The applicant proposes to remove all of the trees.

This partition is reviewed through a Type 1x 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 3 units of land (3 parcels). Therefore, this land division is considered a partition.

Relevant Approval Criteria:

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

FACTS

Site and Vicinity: This 4,550 square foot site is a developed corner lot. Medium density residential and commercial development is located along SE Division in this area. Lower density residential development is located north of the site. Richmond Elementary School is 2 blocks to the west.

Infrastructure:

- **Streets** – The site has approximately 45.5 feet of frontage on SE Division Street and approximately 100 feet of frontage on SE 44th Avenue. There is one driveway entering the site from SE 44th Avenue that serves the existing house on the site.

At this location, according to City GIS, SE Division is improved with approximately 36-ft of paving width and a 4-6-2 sidewalk corridor within a 60-ft wide right-of-way (r.o.w). The City's Transportation System Plan classifies SE Division as a Neighborhood Collector, Major Transit Priority street, Local Service Bikeway, City Walkway and a Community Main street.

At this location, according to City GIS, SE 44th Ave is improved with approximately 28-ft of paving width and a 4-6-1 sidewalk corridor within a 50-ft wide r.o.w. At this location, the City's Transportation System Plan classifies SE Division as a Neighborhood Collector, Major Transit Priority street, Local Service Bikeway, City Walkway and a Community Main street. Tri-Met provides transit service adjacent to the site at SE Division Street via Bus 4.

- **Water Service** – There is an existing 8-inch CI water main in SE Division Street and an existing 16” CI water main in SE 44th Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 36-inch RCP public combination sewer line in SE Division Street and an existing 8-inch VSP public combination sewer line in SE 44th Avenue that terminates just north of the site.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: R1m. Multi-family residential 1,000 with an “m” main street corridor overlay zone

The R1 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

The Main Street overlay zone regulations encourage higher density residential uses by allowing greater building heights, reducing required building coverage for residential

development and allowing more flexibility in site design. The intent of the zone is to provide transit-supportive levels of residential uses, in addition to commercial uses along the main street, between centers of commercial and mixed-use activity.

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 **January 13, 2016**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

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.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.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 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 1 parcel for single family detached development and 2 parcels for single-family attached housing.

Single-dwelling or duplex development is proposed for the entire site, therefore the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3. Minimum density for sites less than 10,000 square feet in the R1 zone is one unit per 2,000 square feet and the maximum density is one unit per 1,000 square feet. The total site area shown on the applicant's survey is 4,550 square feet. The site has a minimum required density of 2 units and a maximum density of 4 units.

In this zone, there are no minimum lot area requirements for lots designated for attached houses, detached houses, or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division, to avoid further division of lots in the future that could result in non-compliance with the overall density requirements of the site as it exists in this proposal.

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

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
Parcel 1 – attached	1,547	34	45.5	34
Parcel 2 – attached	1,486	32.67	45.5	32.67
Parcel 3 – detached or duplex	1,516	33.33	45.5	33.33

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

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

To satisfy these requirements, the applicant must provide a tree plan that demonstrates, to the greatest extent practicable, the trees to be preserved provide the greatest environmental and aesthetic benefits for the site and the surrounding area. The tree plan must also show

that trees are suitable for preservation considering the health and condition of the tree and development impacts anticipated. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites. Trees that are unhealthy, a nuisance species, within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone are exempt.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey and arborist report (Exhibit A.6) that shows the location and size of trees on and adjacent to the site and identifies each tree, its condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection measures for each tree to be preserved. The survey identified 3 trees on the site. Tree D11, a 6" Prunus avium (Cherry), is a nuisance species not subject to the preservation regulations. Two trees are subject to the preservation regulations, a 6" apple tree and a 7" apple tree, which provide a total of 13 inches of tree diameter.

In this case, the two apple trees subject to the preservation regulations cannot be preserved. The trees are located within the proposed development footprint for proposed Parcel 3, and the general scale of development anticipated in the R1 zone, with the provision of services (water, sewer, street, storm), limits options to retain trees in accordance with these regulations. The arborist also noted that the apple trees are in poor condition and are not a good choice for preservation. Therefore, it is reasonable to consider mitigation options that will replace the functions of the trees to be removed.

The applicant has proposed to mitigate for the removal of the two trees by planting new trees on the site. The Title 11 tree density standards will require that trees be planted on the parcels at the time of building permit. Given the required tree planting, the small size of the proposed parcels, and the anticipated development intensity of the R1 zone, there is not sufficient room on the parcels for additional tree planting to mitigate for tree removal without jeopardizing the overall health of the trees as they mature. Therefore, offsite mitigation in the form of payment into the City Tree Preservation and Planting Fund is more appropriate for this proposal.

One of the tree preservation standards requires up to 35 percent of the total non-exempt tree diameter on the site be preserved. This amounts to 5 inches on this site. With the condition that a payment equivalent to 5 inches be paid to the City Tree Planting and Preservation Fund prior to final plat approval, tree removal will be adequately mitigated.

This mitigation will be consistent with the purpose of the tree preservation regulations since it will provide for the installation of other trees that will contribute to the general beauty and natural heritage; help absorb air pollutants and contamination; provide buffering from noise and wind; and filter stormwater runoff and the reduce the possibility for erosion of the City, if not directly on the site. In order to ensure the mitigation is provided, the applicant must make a payment to Tree Planting and Preservation Fund for 5 inches of trees.

With the implementation of the noted condition, the approval criteria 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:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. The applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. With this condition, the new lots can be considered suitable for development, and this criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services.

PBOT has provided the following findings (see Exhibit E.2):

The applicant hired a licensed traffic engineer to professionally prepare a Transportation Impact Study (TIS) to address the above referenced approval criterion (See Exhibit A.5). In general, the analyses, methodologies, assumptions and references that were included in the submitted TIS, all of which PBOT accepts as industry standards, concludes that “the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area”.

More specifically, PBOT has reviewed the submitted TIS and offers the following assessment:

- The TIS includes typically prepared trip generation/trip distribution analyses which conclude that the minimal additional expected vehicle trips associated with the proposed land division proposal (2 am peak trip/2 pm peak trip and 20 total daily trips) will not have adverse impacts to the operations of the studied intersection at SE Division and SE 44th Ave. Said intersection currently operates well within City of Portland performance measures and will continue to do so once the proposed homes associated with this land division are constructed.
- The TIS accurately identifies the expected additional parking demand (4 vehicles/spaces). The TIS includes a parking analysis that, given the observations made during the typical peak parking demand period for residential uses, indicates that although there is an existing high demand for on-street parking, there will be an adequate remaining supply to accommodate the proposed and existing uses.
- The TIS adequately addresses the remaining evaluation factors, including existing transit availability, and pedestrian and bicycle facilities, none of which will be compromised by the proposed land division.
- The lack of any reported crashes at the SE Division/SE 44th Ave intersection within the most recent available history timeframe (2010-2014) from ODOT’s Crash Analysis and Reporting Unit, indicates no safety concerns.

PBOT supports the conclusions reached in the submitted TIS and as required, the applicant has adequately demonstrated that “the transportation system is capable of supporting the proposed use in addition to the existing uses in the area”.

PBOT has reviewed and concurs with the information supplied and the methodology, assumptions and conclusions made by the applicant’s traffic consultant. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p> <p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available in SE Division Street for Parcel 1, as noted on page 2 of this report.</p> <p>There is no public sanitary sewer available in SE 44th Avenue to serve Parcels 2 and 3. The nearest available sewer is located in SE 44th but terminates just north of the site. The applicant has obtained 30% approval of Public Works Permit #EP278 to extend the sanitary sewer line in SE 44th to serve Parcels 2 and 3. Prior to final plat approval the applicant will either need to submit approved plans, provide a financial guarantee, pay all outstanding fees and provide a signed permit document, or construct the public sewer and pay associated fees under a BES Simplified Permit.</p> <p>With the condition noted above, the approval criteria and sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed the following stormwater management methods:</p> <p>Parcels 1 to 3: Stormwater from these lots will be directed into flow-through planters that remove pollutants and suspended solids. The water from Parcel 1 will drain from the planters to the existing combined sewer in SE Division Street. The water from Parcels 2 and 3 will drain from the planters to the proposed combined sewer in SE 44th Avenue. The applicant has obtained 30% approval of Public Works Permit #EP278 to extend the sanitary sewer line in SE 44th to serve Parcels 2 and 3. Prior to final plat approval the applicant will either need to submit approved plans, provide a financial guarantee, pay all outstanding fees and provide a signed permit document, or construct the public sewer and pay associated fees under a BES Simplified Permit.</p> <p>Each lot has sufficient size for individual planter boxes, and the Bureau of Environmental Services has indicated that the treated water can be directed to the existing and proposed combination sewers in SE Division Street and SE 44th Avenue at the frontage of the site.</p>
<p>33.654.110.B.1 Through streets and pedestrian connections</p> <p>Generally, through streets should be provided no more than 530 feet apart and at least 200</p>

feet apart. Pedestrian connections should be provided no more than 330 feet apart.

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject site is situated at a corner, making it an undesirable location to further the above referenced connectivity goals. PBOT therefore has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition.

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.

At this location, according to City GIS, SE Division is improved with approximately 36-ft of paving width and a 4-6-2 sidewalk corridor within a 60-ft wide r.o.w. The City's Transportation System Plan classifies SE Division as a Neighborhood Collector, Major Transit Priority street, Local Service Bikeway, City Walkway and a Community Main street.

At this location, according to City GIS, SE 44th Ave is improved with approximately 28-ft of paving width and a 4-6-1 sidewalk corridor within a 50-ft wide r.o.w. The City's Transportation System Plan classifies SE Division as a Neighborhood Collector, Major Transit Priority street, Local Service Bikeway, City Walkway and a Community Main street.

The site frontages do not meet the standard configuration. However, the site and conditions along both site frontages satisfy the provisions of Administrative Rule TRN-1.22. Accordingly, the existing sidewalk configurations will be accepted as the standard sidewalk configuration for the entire block length. No additional r.o.w. improvements or property dedication will be required

Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided. This criterion is met.

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

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

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review have not been addressed in the review but will have to be met at the time that each of the proposed lots is developed. *Conceptual* development is displayed on the site plans to demonstrate that development can be accommodated on the site. The conceptual development has not been evaluated for compliance with the development standards and it's inclusion on the site plans does not imply compliance. Future development will be reviewed against the Zoning Code in effect at the time of development.

Future Development

Among the various development standards that will be applicable to this site 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 for Parcel 3. **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.**
- Attached Houses – Section 33.120.270 outlines the additional requirements that apply to attached houses in multi-dwelling zones. Alternative setbacks, building coverage, maximum building length and limitations on garage wall area apply.
- Division Main Street Overlay – The regulations of 33.460 will apply at the time of development. Among other things, portions of the site within 25 feet of a site zoned R5 through R2.5 are subject to a 35-foot height limit and exterior finish materials on all building facades are limited to a discrete set of materials outlined in 33.460.310.D.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, 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. Therefore, 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.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 3-parcel partition as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met or can be met with conditions. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition that will result in 2 single dwelling parcels for attached housing (Parcels 1 and 2) and 1 parcel that could accommodate single dwelling or duplex development (Parcel 3) as illustrated with Exhibit C.1, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The reduced side setbacks for detached structures allowed under 33.120.270.D; and
- Any other information specifically noted in the conditions listed below.

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

Utilities

1. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main in SE 44th Avenue. The applicant must either use a Public Works Permit to submit approved engineered plans, a performance guarantee and a signed permit document, or construct the public sewer and pay associated fees under a BES Simplified Permit.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Existing Development

3. The applicant must obtain a finalized permit for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.
4. The applicant must obtain a finalized demolition permit for removing the garage on Parcel 3.

Other requirements

5. The applicant must pay into the City Tree Fund the amount equivalent to 5 inches of trees. Payment must be made to the Bureau of Development Services, who administer 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:

Parcel	Minimum Density	Maximum Density
1	1	1
2	1	1

3	1	2
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2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Diane Hale

Diane Hale

Decision rendered by: _____ **on November 10, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed November 16, 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 19, 2015, and was determined to be complete on November 24, 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 June 19, 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 by 245 days, as stated with Exhibit G.3. Unless further extended by the applicant, **the 120 days will expire on: November 23, 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.

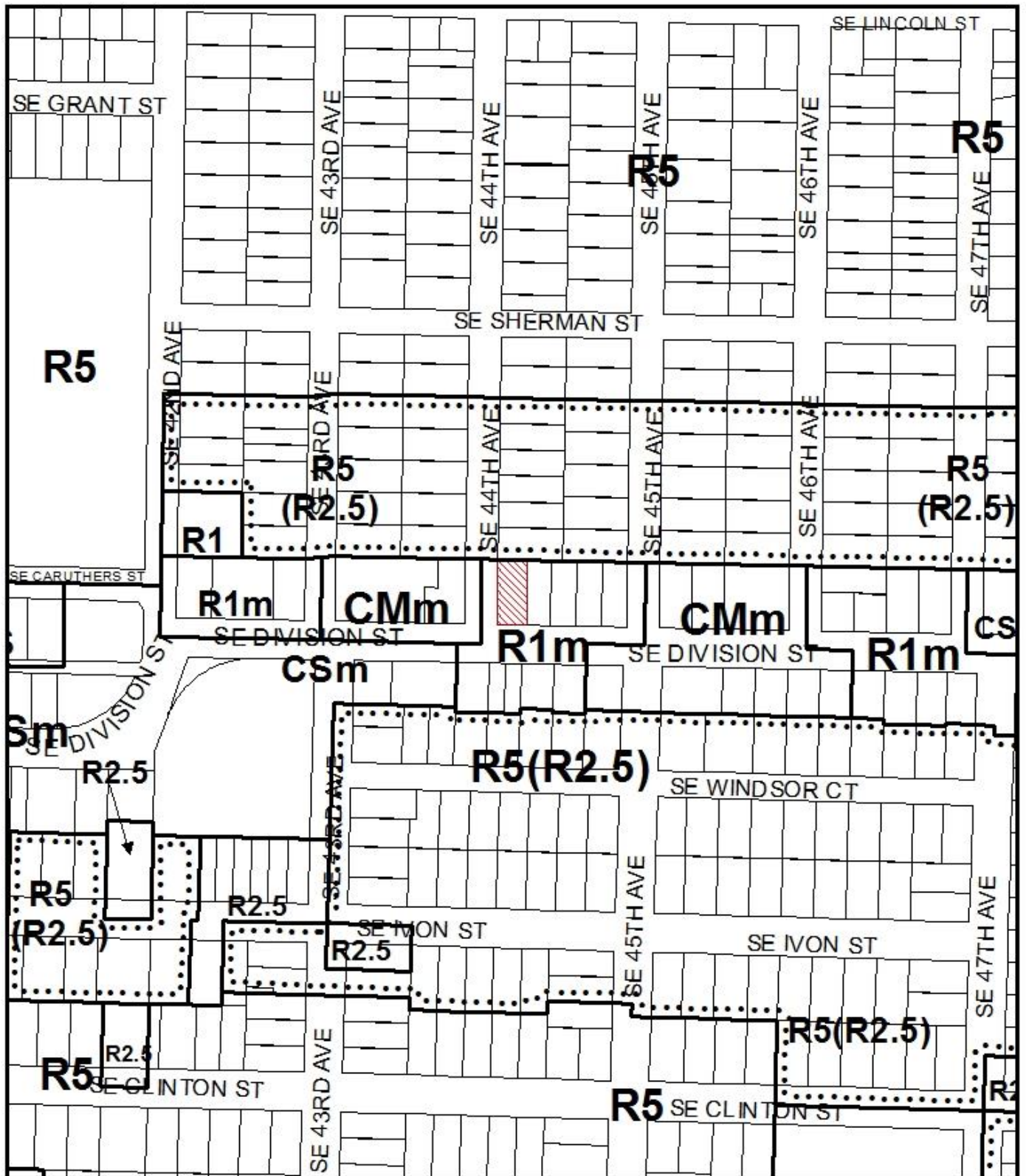
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Applicant's original submittal and plans
 - 2. Applicant's response, January 6, 2016
 - 3. Applicant's response, February 8, 2016
 - 4. Applicant's response, March 30, 2016
 - 5. Transportation Analysis
 - 6. Arborist Report and Supplemental Information, 1/6/16 and 3/30/16
 - 7. Stormwater Report and Infiltration Testing, 6/1/16 and 6/27/16
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Partition Plat and Improvement Plan (attached)
 - 2. Existing Conditions and Demolition Plan
- 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. Life Safety Section of BDS
 - 7. Parks Urban Forestry
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Extension Form

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 15-186513 LDP

1/4 Section 3235

Scale 1 inch = 200 feet

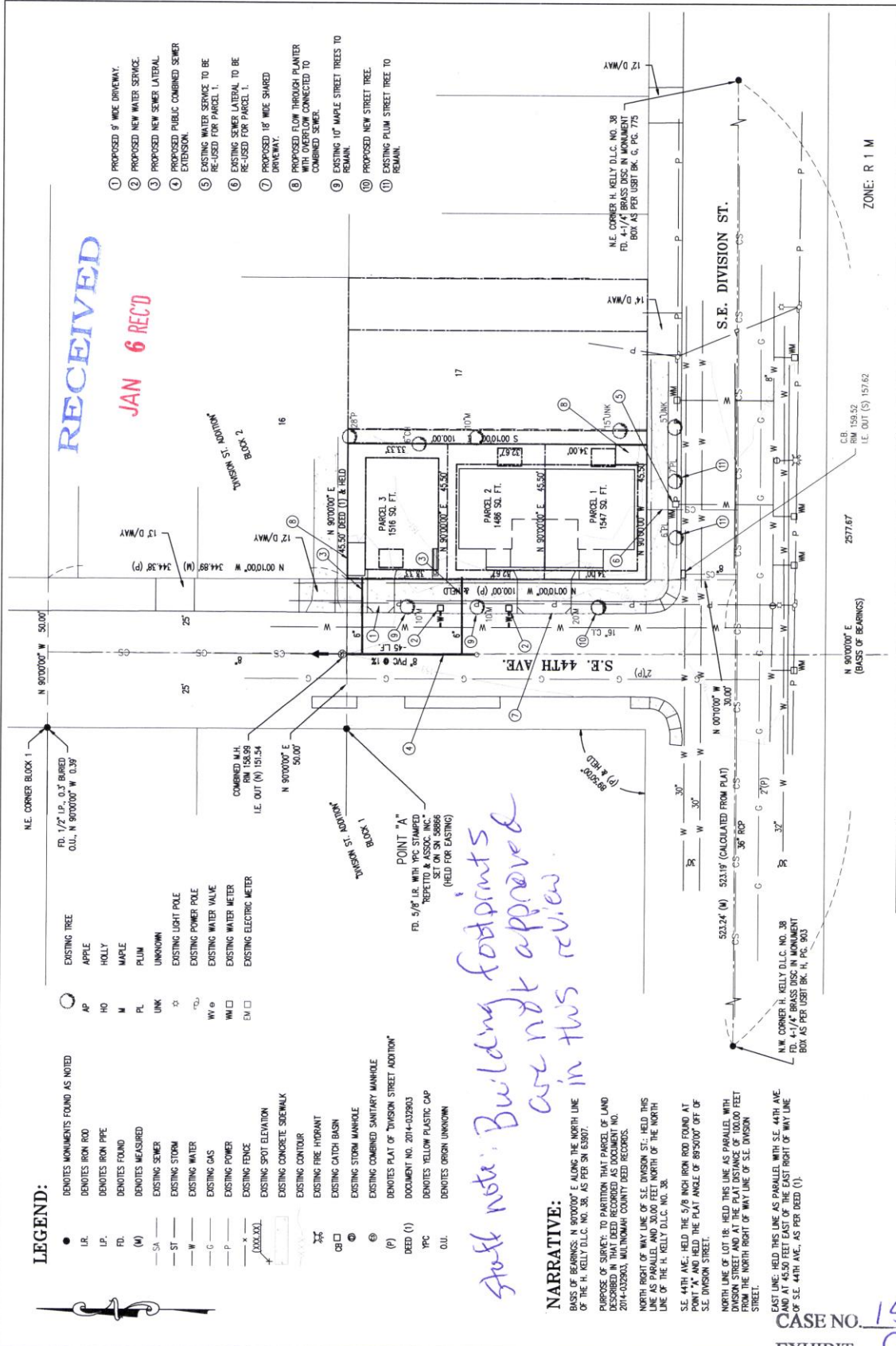
State Id 1S2E06CC 14600

Exhibit B (Jun 22, 2015)



RECEIVED
JAN 6 REC'D

- 1 PROPOSED 8' WIDE DRIVEWAY.
- 2 PROPOSED NEW WATER SERVICE.
- 3 PROPOSED NEW SEWER LATERAL.
- 4 PROPOSED PUBLIC COMBINED SEWER EXTENSION.
- 5 EXISTING WATER SERVICE TO BE RE-USED FOR PARCEL 1.
- 6 EXISTING SEWER LATERAL TO BE RE-USED FOR PARCEL 1.
- 7 PROPOSED 18' WIDE SHARED DRIVEWAY.
- 8 PROPOSED FLOW THROUGH PLANTER WITH OVERFLOW CONNECTED TO COMBINED SEWER.
- 9 EXISTING 10' MAPLE STREET TREES TO REMAIN.
- 10 PROPOSED NEW STREET TREE.
- 11 EXISTING PLUM STREET TREE TO REMAIN.



LEGEND:

- DENOTES MONUMENTS FOUND AS NOTED
- LR DENOTES IRON ROD
- LP DENOTES IRON PIPE
- FD DENOTES FOUND
- (M) DENOTES MEASURED
- SA— EXISTING SEWER
- ST— EXISTING STORM
- W— EXISTING WATER
- G— EXISTING GAS
- P— EXISTING POWER
- F— EXISTING FENCE
- (XXX) EXISTING SPOT ELEVATION
- EXISTING CONCRETE SIDEWALK
- EXISTING CONTOUR
- EXISTING FIRE HYDRANT
- CB EXISTING CATCH BASIN
- EXISTING STORM MANHOLE
- EXISTING COMBINED SANITARY MANHOLE
- (P) DENOTES PLAT OF "DIVISION STREET ADDITION"
- DOC(1) DOCUMENT NO. 2014-022803
- YPC DENOTES YELLOW PLASTIC CAP
- O.U. DENOTES ORIGIN UNKNOWN

Staff note: Building footprints are not approved in this review.

NARRATIVE:

BASES OF BEARINGS: N 90°00'00" E ALONG THE NORTH LINE OF THE H. KELLY D.L.C. NO. 38, AS PER SN 63307.
 PURPOSE OF SURVEY: TO POSITION THAT PARCEL OF LAND DESCRIBED IN THAT DEED RECORDS AND TO CORRECT THE 2014-022803, MULTNOMAH COUNTY DEED RECORDS.
 NORTH RIGHT OF WAY LINE OF S.E. DIVISION ST.: HELD THIS LINE OF THE H. KELLY D.L.C. NO. 38.
 S.E. 44TH AVE.: HELD THE 5/8 INCH IRON ROD FOUND AT POINT "A" AND HELD THE PLAT ANGLE OF 89°50'00" OFF OF S.E. DIVISION STREET.
 NORTH LINE OF LOT 18: HELD THIS LINE AS PARALLEL WITH DIVISION STREET AND AT THE PLAT DISTANCE OF 100.00 FEET FROM THE NORTH RIGHT OF WAY LINE OF S.E. DIVISION STREET.
 EAST LINE: HELD THIS LINE AS PARALLEL WITH S.E. 44TH AVE AND AT 45.50 FEET EAST OF THE EAST RIGHT OF WAY LINE OF S.E. 44TH AVE., AS PER DEED (1).

ZTEC ENGINEERS INC. 3980 S.E. 8TH AVE., SUITE 280, PORTLAND, OR 97202 PH: (503) 235-8795 FAX: (503) 233-7880		THE DAWKINS GROUP 4405 SE DIVISION ST	
JOB#: Y4164-1 DATE: 8-28-14 SCALE: 1"=20' DRAWN: JHH CHECK: CCGF		REGISTERED PROFESSIONAL LAND SURVEYOR OREGON CHRIS FISCHBORN 1944 RENEWAL DATE: 1/7/2018	
FILE: Y4164-1 PLOT: 1-5-16		PRELIMINARY PARTITION PLAT & IMPROVEMENT PLAN	

A PORTION OF LOT 18, BLOCK 2 OF "DIVISION ST. ADDITION" LOCATED IN THE S.W. 1/4 SECTION 6, T.15S., R.2E., W.M., IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON.

CASE NO. 15-186513 WOP
EXHIBIT C.1

