



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

FROM CONCEPT TO CONSTRUCTION

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Date: November 22, 2016
To: Interested Person
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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 16-144753 LDP

GENERAL INFORMATION

Applicant: Michael Susak
6663 SW Beaverton-Hillsdale Hwy #194
Portland, OR 97225
503-888-2333

Owner: DK Homes LLC
PO Box 90277
Portland, OR 97290-0277

Site Address: 7835 SE RAYMOND ST

Legal Description: LOT 11 TL 7000, MARYSVILLE
Tax Account No.: R543500760
State ID No.: 1S2E17AA 07000
Quarter Section: 3538
Neighborhood: Foster-Powell, contact Shawn Morgan at 503-622-3933.
Business District: Eighty-Second Ave of Roses Business Association, contact Nancy Chapin at nchapin@tsgpdx.com

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
Zoning: R2.5a (Single-Dwelling Residential 2500 with an Alternative Design Density 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 proposes to remove the existing home and detached garage on this 10,000 square foot lot and divide it into three parcels: one at 3,520 square feet, and two at 3,240 square feet each. Because these lots do not meet the 36-foot lot-width standard of the R2.5

zone, they are considered “narrow lots” and must meet additional approval criteria. The applicant’s arborist has determined that there are 15 trees on this site and along the property line of the school site to the west. Thirteen of these trees are exempt from tree preservation because they are nuisance species. The applicant proposes to remove these trees, with permission from the School District for the ones that are either partially or completely on the school property. Also proposed for removal is one of the two “non-exempt” trees on the site which is a 26-inch wide Douglas Fir located at the front of proposed Parcel 3. The 25-inch wide Black Walnut at the rear of proposed Parcel 1 will be preserved with a root protection fence per the arborist recommendation.

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 three units of land (3 lots). 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.

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. This application was submitted on April 4, 2016 and determined to be complete on September 30, 2016.

FACTS

Site and Vicinity: The site is located on SE Raymond Street on a lot adjacent to the east of the Marysville School site. There is an existing small single-dwelling home and detached garage on this site which are proposed to be demolished. Except for the school site, this lot is surrounded primarily by single-family residential development. The north side of SE Raymond Street on this block is zoned single-dwelling (R2.5) however the south side of this street is zoned R1 a higher density multi-dwelling zone that allows one unit/lot per 1,000 square feet of site area. The area zoned R1 on this block has not yet been developed at the scale and density allowed by this zone.

Infrastructure:

Streets –The site has approximately 90 feet of frontage on SE Raymond Street. At this location, the City’s Transportation System Plan (TSP) classifies SE Raymond as a City Bikeway, and a Local Service Street for all other modes.

The information in this document is derived from City of Portland GIS data, which may be inaccurate. A survey will be necessary for accurate ROW information. According to City GIS, at this location, SE Raymond has a 28-ft paved roadway and a 11-ft sidewalk corridor in a 4-6-1 configuration.

Water Service – Parcel 1 & 3 have existing 5/8” metered domestic services. Services may be used for the new development if they are adequate. At the time of permit submission, the meter size will be reviewed and, if found to be inadequate the service will be resized at the

expense of the applicant. Water is available to Parcel 2 from the 8" main in SE Raymond Street. Static pressure is estimated as 69 – 84 psi.

Sanitary Service - According to best available GIS data, there is an 8-inch CSP combined gravity main in SE Raymond Street (BES as-built # 0947). According to City records, the existing house to be removed is connected to the combined sewer in SE Raymond Street via a wye connection located approximately 117 feet from the manhole in SE 79th Avenue. This indicates that the existing western lateral may not be within the frontage of proposed Parcel 2. In addition, Marysville School appears to be connected to this wye. BES has noted (per Exhibit D.2) that this connection will be addressed at the time of building permit submittal.

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 "a" overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the "a" overlay.

Land Use History: A Property Line Adjustment review (15-111984 PR) that moved the line between this lot and the lot to the east was approved by the City of May 8, 2015.

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 **October 7, 2016**. No written responses have been received from either 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	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.
I	33.639 Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

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

Applicable Approval Criteria are:

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

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Minimum density in the R2.5 zone is one unit per 5,000 square feet. Maximum density in the R2.5 zone is one unit per 2,500 square feet. The site is 10,000 square feet in area and has a maximum density of four lots and a minimum density of two lots. The applicant is proposing three single family lots. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	3,520 sq. ft.		32 ft.	110 ft.	32 ft.
Parcel 2	3,240 sq. ft.		29.46 ft.	110 ft.	29.46 ft.
Parcel 3	3,240 sq. ft.		29.46 ft.	110 ft.	29.46 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.

Narrow Lots

All of these lots are narrower than the minimum width and front lot line requirements for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots in this zone if the future development can meet the regulations of Section 33.611.200.C. These regulations are analyzed below.

Consistent with the Purpose of Lot Dimension Regulations

The purpose of Lot dimension regulations are as follows:

In the R2.5 zone, 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 lots are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street, demonstrating that the proposed lots can accommodate a reasonably sized house while meeting the development standards of the zoning code including a 12x12-foot outdoor area
- The lot sizes are such that they cannot be further divided.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services.
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street.
- The proposed narrow lots are compatible with existing lots because there are two lots just around the corner from this site on SE 79th Ave within the R2.5 zone that are 28.25 feet wide. See Zoning Map (Exhibit B). These narrow lots will also allow appropriate structures in accordance with the planned intensity of the R2.5 zone.

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

The lots are all greater than 25 feet so this standard is met.

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

None of these lots abut an alley so this standard is not applicable.

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

Parcel 1 is proposed to be developed with a house that is 22 feet wide and so an attached garage may be provided per this section. Since proposed Parcels 2 and 3 are less than 22 feet they must be developed with detached garages. The applicant has proposed a shared driveway to access detached garages at the rear of these lots so the houses will not have attached garages. With the condition that this shared driveway access be shown on the final plat and a covenant for a reciprocal access easement be recorded prior to final plat approval, this standard can be met.

Sixty percent landscaping requirement for attached houses

No attached houses are proposed and so this standard is not applicable.

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

The applicant is proposing to provide one off street parking space for each lot and so this standard is not applicable.

The findings above show that the applicable density and lot dimension standards are met. Therefore, the narrow lot criteria are 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.

Some trees are exempt from the requirements of this chapter, if they 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.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.2) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.4) that identifies each tree, its condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection measures for the tree to be preserved.

Based on this information, 13 of the trees on or close to the school property line are Norway Maple and Tree of Heaven species, which are listed on the Portland Plant List as nuisance species. This leaves 2 trees, an English Walnut (25-inch diameter) and a Douglas Fir (26-inch diameter), on the site that are subject to the preservation requirements of this chapter.

The applicant is proposing to remove the Douglas Fir and protect the English Walnut tree. The Black Walnut tree is in good condition and is a non-nuisance species. The proposed root protection zones for the tree to be retained, 16-feet, will allow for the type of development anticipated in the R2.5 zone and will not conflict with any existing utility easements, proposed services or site grading.

Specifically, the applicant proposes to retain 50 percent of the trees that are 20 or more inches and 49 percent of the total tree diameter, so the proposal complies with:

Option 3: Preserve at least 50 percent of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site.

In addition, the applicant's arborist report has also identified 5 trees on the adjacent school site that are within 15 feet of potential disturbance area proposed Parcel 1. Since these trees are nuisance species, they are not required to be protected. The applicant has noted that he

will be working directly with the school district on a separate Urban Forestry permit for the trees that are completely located on the school property close to the property line.

Based on this information, staff is conditioning that one tree, which provides a total of 25 inches of tree diameter, be subject to the preservation requirements of this chapter.

Based on these factors, no additional mitigation is warranted to satisfy the approval criteria.

In order to ensure that future owners of the parcels/lots/ tract are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Parcel 1 and Parcel 2 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.2) and the Arborist Report (Exhibit A.4).

With the implementation of the noted conditions, the approval criteria will be met.

At the time of development, the individual parcels/lots must also meet the Title 11-Tree Code provisions, which require a specific amount of site area for tree planting based on the size of the property and the scale of the development. The trees to be retained as part of this review may be applied toward meeting those Title 11 requirements.

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, the required protection for the 24 inch English Walnut at the back of Parcel 1 will not interfere with site grading. 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 Portland Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services and provided the following comments (see Exhibit E.2):

The applicant provided two responses to the transportation approval criteria, including a written statement that addressed Traffic Impacts and Connectivity and Location. According to the *ITE Trip Generation Manual, 9th Edition*, a new single-family detached dwelling is expected to generate approximately ten trips per day, including one additional trip during

the morning peak hour and one additional trip during the evening peak hour. The proposed land division will create three parcels, each of which can support a single-family dwelling. Therefore, the proposed development will generate approximately 30 trips per day, including nine total additional trips in the morning peak and three additional trips in the evening peak. Based on that information, the proposed development will not significantly impact street capacity or level-of-service. **To maximize on-street parking, as a condition of Building Permit approval, the applicant is required to relocate the driveway on Parcel 1 to the western half of proposed Parcel 1 and that driveway shall be a maximum of nine feet wide.** Proposed curbside vehicle access and loading areas for the residential use at this location are sufficient to accommodate three dwellings. The applicant proposes at least one off-street parking space to be located on each of the three proposed parcels, thereby minimizing impacts to on-street parking. With the conditions of approval that the driveway on Parcel 1 be located on the western half of the parcel, and be a maximum of 9-foot wide, on-street parking is maximized. The proposed development is within 1,500 of bus stops for the #17 and #14. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area. The existing 11-ft sidewalk corridor is the width of the 11-ft city standard at this location, and provides a sufficient pedestrian level-of-service. The proposed development will not negatively impact transit service or safety for any mode.

Note: The information in this document is derived from City of Portland GIS data, which may be inaccurate. A survey will be necessary for accurate ROW information. According to City GIS, at this location, SE Raymond has a 28-ft paved roadway and a 11-ft sidewalk corridor in a 4-6-1 configuration.

For a Local Service Street for walking and traffic in an R 2.5 zone, the *Portland Pedestrian Design Guide* recommends 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. Therefore, the frontage of the site does not meet city standards.

However, the existing sidewalk corridor complies with TRN 1.22, “*Infill Development on Streets with an Existing Sidewalk Corridor*”. Accordingly, the existing sidewalk corridor configuration will be accepted as the standard configuration. **No ROW improvements or property dedication will be required in relation to the proposed request for a partition.**

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits. **The applicant is advised that 5-ft of straight curb is required between driveways. Any driveways/curb cuts that do not access a legal parking space are required to be closed. As mentioned previously, to maximize on-street parking, as a condition of Building Permit approval the applicant is required to relocate the driveway on Parcel 1 to the western half of proposed Parcel 1 and that driveway shall be a maximum of 9-ft wide. Additionally at the time of building permit the applicant may be required to provide turning movement exhibits that demonstrate that the configuration of the proposed grages/parking pads and dwellings provide access that is readily accessible.**

A Minor Improvement Permit associated with the building permits for new homes will be required for the new curb cuts/driveways.

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 development in addition to the existing uses in the area. With the condition that the driveway for Parcel 1 be located on the western portion of the lot and that this driveway be no more than 9 feet wide, 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 1 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 sanitary service is available to this site via a combined sewer in SE Raymond St. Sanitary connections from private property that are to be permitted according to PCC 17.32.090 must be separately conveyed to the property line and connected through individual laterals to a City sanitary or combined sewer. All discharge must be connected via a route of service approved by the BES Chief Engineer.</p> <p>According to City records, the existing house to be removed is connected to the combined sewer in SE Raymond Street via a wye connection located approximately 117 feet from the manhole in SE 79th Avenue. This indicates that the existing western lateral may not be within the frontage of proposed Parcel 1. In addition, Marysville School appears to be connected to this wye. Therefore, this connection must be capped with the demolition permit and cannot be used for future development on Parcel 1.</p> <p>Parcels 1, 2, and 3 will be served by separate connections to the combined sewer in SE Raymond Street within the frontage of each parcel.</p> <p>Connection to public sewers must meet the standards of the City of Portland's Sewer and Drainage Facilities Design Manual. New laterals required to serve the project must be constructed to the public main at the developer's expense during site development.</p> <p>The sanitary sewer service standards of 33.652 have been verified with the conditions of approval noted above.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>Stormwater from these 3 lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells, therefore this criteria is met.</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 feet apart. The block on which the subject property is located meets the noted spacing requirements.</p> <p>The site is within the Portland Master Street Plan for the Southeast District. No through street or pedestrian connections are proposed at this location. Therefore, the proposal is consistent with the master street plan.</p> <p>For the reasons described above, this criterion is met.</p>

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.

- Narrow Lots-- development on Lots 1-3 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2; and
 - Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.E.3.a
 - Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b. Detached dwelling units are not permitted on lots that are less than 25 feet in width.

OTHER TECHNICAL REQUIREMENTS

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

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

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

The applicant must meet the requirements of the Fire Bureau in regards to ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement, fire apparatus access, including aerial access, and addressing,

These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 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 as noted below.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition, that will result in 3 standard lots as illustrated with Exhibit C-1, subject to the following conditions:

A. The final plat must show the following:

1. A minimum 9-foot wide Reciprocal Access Easement shall be shown and labeled on the final plat, centered on the common property line between Parcel 2 and Parcel 3. The easement shall allow shared use of this area for all of the purposes of typical driveway use.
2. If required, a recording block is required for the required legal documents such as required by condition B.3 and B.4 below. The recording block shall, at a minimum, include language substantially similar to the following example: "Acknowledgement of Special Land Use condition Requirements has been recorded as document no. _____, Multnomah County Deed Records."

B. The following must occur prior to final plat approval:

Utilities

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Existing Development

2. Finalized permits must be obtained for demolition of the existing residence and detached garage 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. (The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on Exhibit C.2. All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A.4).

Required Legal Documents

3. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 1 and Parcel 2. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.
4. The applicant shall execute a Maintenance Agreement for the Reciprocal Access Easement described in Condition A.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City

Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

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

1. Development on Parcel 1 and Parcel 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.4). Specifically, the tree numbered 14, an English Walnut tree is required to be preserved, with a 16-foot root protection zones indicated on Exhibit C.2. Tree protection fencing is required on the site along the root protection zone of this tree. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Planning and Zoning approval of development in the root protection zones beyond the allowances of 11.60.030 is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his/her supervision.
2. The applicant is required to relocate the driveway on Parcel 1 to the western half of proposed Parcel 1 and that driveway shall be a maximum of 9-ft wide as required by Portland Transportation.
3. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Susan Ellis



Decision rendered by: Susan Ellis **on November 18, 2016.**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) November 22, 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 April 4, 2016, and was determined to be complete on September 30, 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 April 4, 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.

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.

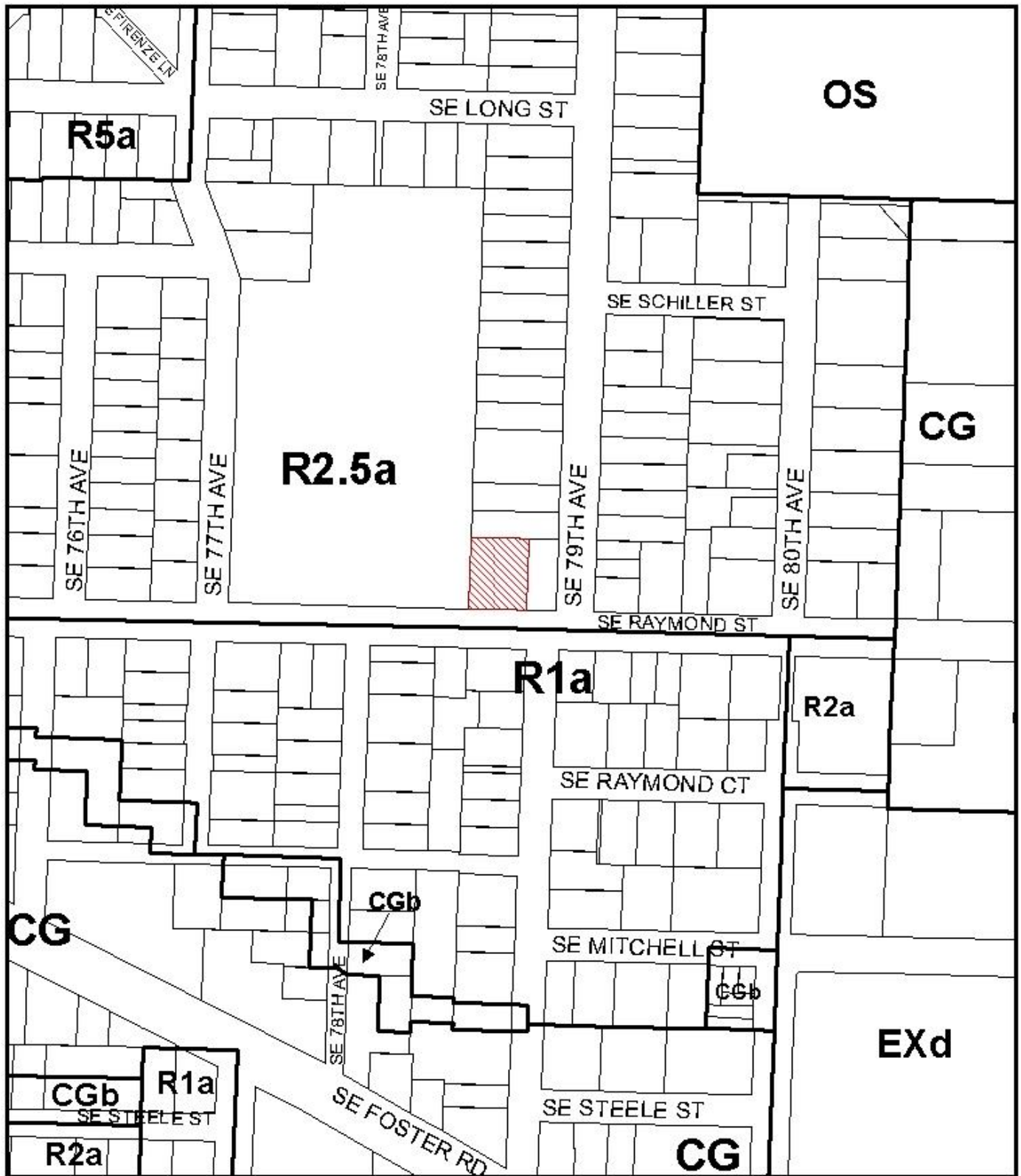
The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file 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 plans
 - 2. Applicant's response – Letter addressing approval criteria, rcvd 10/3/16
 - 3. Applicant's response – Land division Approval Criteria form, rcvd 10/3/16
 - 4. Arborist report, rcvd 10/3/16
 - 5. Sim Form, rcvd 10/3/16
 - 6. Email dated 10/3/16 from Mike Susak regarding change of applicant
 - 7. Revised tree survey from applicant showing School and Private trees, rcvd 11/16/16
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plan (attached)
 - 2. Tree Preservation 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. Bureau of Parks, Forestry Division
 - 7. Life Safety Review Section of BDS
- G. Correspondence: None
- H. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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



ZONING



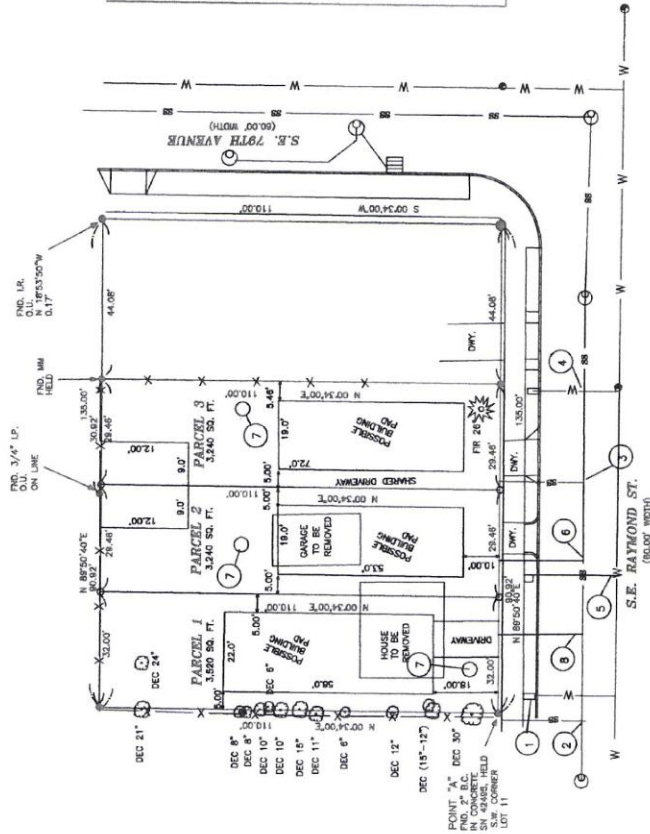
File No.	LU 16-144753 LDP
1/4 Section	3538
Scale	1 inch = 200 feet
State_Id	1S2E17AA 7000
Exhibit	B (Apr 05, 2016)

**EXISTING CONDITIONS PLAN
POSSIBLE PROPOSED DEVELOPMENT**

A PORTION OF LOT 11
"MARYSVILLE"
NE 1/4 SEC 17, T1S, R2E, W4
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
SEPTEMBER 28, 2016 SCALE: 1" = 20'



- UTILITY NOTES:**
- 1 EXIST. WATER METER TO SERVICE PARCEL 1. NEW SERVICE LAT. TO BE DISCONNECTED
 - 2 EXIST. WATER METER TO SERVICE PARCEL 2
 - 3 EXIST. SEWER LAT. TO SERVICE PARCEL 3
 - 4 EXIST. WATER METER TO SERVICE PARCEL 1. NEW SERVICE LAT. TO BE DISCONNECTED
 - 5 NEW WATER METER TO SERVICE PARCEL 2
 - 6 NEW SEWER LAT. TO SERVICE PARCEL 2
 - 7 EXIST. 4" S DOWELL LINES 10.00' MIN. FROM STRUCTURES
 - 8 NEW SEWER LAT. TO SERVICE PARCEL 1



LEGEND

- FND. MONUMENT AS NOTED
- TO BE SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "MANWELL LS 57148" ON
- MM FND. 5/8" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "MANWELL LS 57148" PER S# 64507
- S.N. SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- FND. FOUND
- B.C. BRASS CAP
- B.C. BRASS UNKNOWN
- L.P. IRON PIPE
- O.U. IRON ROD
- SQ. FT. SQUARE FEET
- P DATA PER PLAT OF "H.R. GROOVE"

CASE NO. 16-144753 LP
EXHIBIT C-1



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