



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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

Date: February 8, 2017
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or lois.jennings@portlandoregon.gov

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 16-213981 LDP

GENERAL INFORMATION

Applicant: Kevin Partain, Urban Visions
223 NE 56th Ave
Portland, OR 97213
phone#: 503-421-2967 and e-mail: kevinp@gorge.net

Owner: W & Y Sapphire LLC
10964 SE Lenore Street
Happy Valley, OR 97086

Site Address: 6924 SE 66TH AVE

Legal Description: BLOCK 17 N 95.16' OF LOT 3 EXC E 56.1', BRENTWOOD & SUB
Tax Account No.: R099905220
State ID No.: 1S2E20BB 16700
Quarter Section: 3737

Neighborhood: Brentwood-Darlington, contact David Messenheimer at trimess@hotmail.com

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.

Zoning: R5 -Single Family Residential (1 unit per 5,000 s.f.) with an "a"-Alternative Design Density overlay

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 two lot land division on the site. The existing home will be retained on Parcel 1, which will be 4,498 s.f. in area. Proposed Parcel 2 will be 5,009 s.f. in area and will allow for development of a new single family residence. There are two trees on the site, an English Hawthorn (#33) and a Port Orford Cedar (#32) and both trees are exempt from tree preservation standards.

A Public Works Permit (16-281428 WT) is pending for improvements to the street frontage along this property. If a right-of-way dedication is triggered for those improvements then there may a slight change to the lot sizes as a result.

The existing garage will be removed and new off-street parking space will be provided for the existing house on Parcel 1. On-site parking will be provided for the future house on Parcel 2 within a proposed detached garage.

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 site is relatively flat with an existing house and detached garage which fronts on SE 66th Avenue between SE Cooper Street and SE Ogden Street. The surrounding properties are developed with mainly one-story homes, with a few two story homes mixed in throughout the neighborhood. To the west of the site where SE Cooper Street dead ends in to SE 62nd is Brentwood Park and Lane Middle school.

Infrastructure:

- **Streets** –The site has approximately 94.84 ft. of frontage on SE 66th Avenue. Southeast 66th Avenue is improved with a 28-ft. of pavement width only, with no curb or sidewalk within a 50-ft. right-of-way. There is one driveway entering the site that serves the existing house on the site. At this location, SE 66th Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 1,200 feet from the site at SE Duke Street via Bus 19.
- **Water Service** – There is an existing 6-inch water main in SE 66th Avenue. Static pressure is estimated as 58-72 psi. The existing house is served by an existing metered service from this main.

The closest fire hydrant is at or near SE 66th Avenue and SE Ogden Street. This fire hydrant water flow is estimated to flow at 2,100 gpm with system residual pressure set to 20 psi.

- **Sanitary Service** - There is an existing 8-inch PVC sanitary sewer in SE 66th Avenue (BES as-built # 5050). According to the GIS data, there is an existing lateral approximately 48 feet south of manhole ACT866. The existing house is connected to sanitary service by this existing lateral in SE 66th Avenue. The applicant is proposing to provide sanitary service to each lot via a lateral from SE 66th Avenue (discussed later in this report).
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. Public underground injection control (UIC) systems (“sumps”) infiltrate stormwater runoff from the public right-of-way in the vicinity of the site. Stormwater

from private development cannot be discharged to public UICs. The applicant is proposing to manage stormwater onsite via drywells (discussed later in this report).

Zoning: The R5 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”-Alternative Design Density overlay is intended to allow increased density that meets design compatibility requirements. It fosters owner-occupancy, focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division is not using any provisions of the “a” overlay.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 20, 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:
B	33.630 – Tree Preservation	Trees that are on the Nuisance Plant List and trees where the trunk is within 10 feet of an existing building that remain on the site are exempt from the tree preservation regulations (33.630.030). There are two existing trees on this property: <ul style="list-style-type: none"> • 28-inch English Hawthorn which is on the Nuisance list • 32-inch Port Orford Cedar which is within 8.3 ft of the existing house. Therefore this regulation does not apply to this land division proposal
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	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 add if site has e-zoning 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 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey, the site area is 9,507 square feet. The maximum density in the R5 zone is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. The minimum density calculation $9,507 \times .80 = 7605.6/5,000$ is 1.521 units, therefore the fraction is rounded up to the whole number of 2. If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore, in this case the minimum density is reduced to 1.

Maximum Density is $9,507/5,000 = 1.90$ which per 33.930.020.B.2.a(2) if the fraction is .90 or above, the fraction is rounded up to the next whole number. The maximum density is 2 units.

The site has a maximum density of 2 units and a minimum required density of 1 unit. The applicant is proposing two (2) single dwelling parcels. 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)
R5 Zone	3,000	8,500	36	50	30
Parcel 1	4,498 s.f.		44 ft.	100 ft.	44.84 ft.
Parcel 2	5,009 s.f.		50 ft.	100 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.

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

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.

Findings:

Clearing and Grading

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

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

Clearing and grading associated to the improvements within the public right-of-way are reviewed by the City Engineer's delegates under the public works permitting process.

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. Although the site is currently connected to the public sanitary sewer, there is an old cesspool on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility.

With a condition requiring final inspection for a decommissioning permit, the new lots can be considered suitable for new development, and this criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. 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 minimal expected added vehicle trips (1 AM peak hour trips/1 PM peak hour trips/10 total new daily trips) will not adversely impact the operations of area intersections. PBOT has no concerns with regard to any of the other evaluation factors; on-street parking demand does not appear to be significant in the area (existing homes along this segment of SE 66th Ave include driveways and garages sized to accommodate at least one vehicle/lot); nearby transit service nor any other mode of travel will not be adversely impacted by the additional home expected to be constructed on proposed Parcel 2. The transportation system is cable of safely supporting the proposed development in addition to existing uses in the area.

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. 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 existing house may continue to use the existing water service in front of Parcel 1.</p> <p>The Water Bureau or District and the Fire Bureau have verified that water facilities with adequate capacity and pressure are available to serve the proposed development.</p> <p>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 to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p> <p>It appears from GIS data there is an existing lateral approximately 48 feet south of manhole ACT866 that serves the existing house on Parcel 1. This indicates that the existing lateral likely crosses the proposed new lot line. Therefore, prior to final plat approval the applicant will need to demonstrate that the service lateral for the existing house is located on the lot that it serves by locating the lateral relative to the proposed property line; or the applicant must cap the existing sewer connection and establish a new service for the house located entirely on Parcel 1 to the sewer in SE 66th Avenue. All required plumbing permits and connection permits must receive final inspection approval prior to Final Plat approval. With this condition, the 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>Public Street Improvements: PBOT requires construction of public improvements which must be reviewed through a Public Works Permit (PWP). Stormwater from this new</p>

impervious area will be directed to the existing public underground injection (UIC) system. Under PWP# 16-289274 WT-TF0047, BES development Engineering approved the Concept Development plans (i.e.30% design) for the right-of-way stormwater improvements on January 18, 2017. BES determined that the existing sed/sump system is an acceptable discharge point for the right-of-way frontage improvements associated to this land division proposal.

Parcel 1 (the lot with the existing house): The existing house has downspouts that drain onto the ground/into underground pipes. BES notes that it is unclear from submitted site plan where the stormwater from the existing house on future Parcel 1 currently discharges. Also there are no City records indicating where the pipes are directed. Prior to final plat approval, the applicant must demonstrate that the stormwater management for the existing development will comply with Stormwater Management Manual (SWMM) requirements as described below and to the satisfaction of BES:

- The applicant must confirm the discharge point of all the downspouts for the existing house and revise the site plan to show that the requirements of SWMM, including minimum setbacks, are already met. Where downspouts to splash blocks, the direction of flow and setback from all structures and property lines must be clearly marked.
- If necessary based on existing locations/discharge point of all the downspouts of the existing house, the applicant may be required to retrofit/modify the stormwater facilities for the existing house on Parcel 1 to comply with Stormwater Management Manual prior to final plat approval. Any required plumbing permits must have final inspection approval.

Parcel 2: For this future lot, the applicant is proposing to direct stormwater to an individual drywell that will treat the water and slowly infiltrate it into the ground on-site.

BES staff reviewed the submitted stormwater report (December 19, 2016) for this project that describes Simplified Approach infiltration test results of 12 inches per hour on this site. The applicant proposes to infiltrate runoff from the development onsite via a drywell and filter strip that can meet the minimum setbacks as established in the facility design standards and Table 2-1 of the SWMN. However, BES notes the applicant's Simplified Approach Form submitted was missing the following:

- Facility sizing information was missing from the Simplified Approach Storm Report. Prior to final plat, submit a revised form that includes facility sizing information (if no specific development is known at this time, base the report on conceptual development that could be constructed on Parcel 2.)

With the recommended conditions of approval as noted above, BES staff finds the applicant's stormwater management plan acceptable for the purpose of reviewing the preliminary land division application against stormwater management approval criterion.

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 Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the City's spacing requirements for public through streets and public pedestrian connections and has provided the following assessment as findings(see Exhibit E.2):

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject block, does not satisfy the above spacing goals. Although the location of the subject site is located within its block to potentially improve connectivity in the area, there are a series of less than or equal to 5,000 square foot sized aligned lots on the subject block and block east and west of the site that preclude extending either a public street or a pedestrian connection-doing so would also require removing

existing housing stock. PBOT has no concerns relative to this approval criterion.

So, although the optimum spacing criteria would indicate the need for an east-west through street or pedestrian connection at this site, there is no practicable opportunity to provide them in this land division. This approval 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 Title 17 Requirements/Street Classification and 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, the City's Transportation System Plan classifies SE 66th Avenue as a Local Service Street for all modes of transportation. Based on the City GIS, SE 66th Avenue is improved with 28-ft. of pavement width only, with no curb or sidewalk, with a 50-ft. right-of-way (r-o-w).

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application and has provided the following findings:

Although the site/right-of-way conditions qualify for the applicant to pay the City's adopted Local Transportation Infrastructure Charge, the applicant has instead decided to construct the actual physical right-of-way (r-o-w) improvements, as triggered by the proposed development.

For Local Service classified streets abutting R5 zoned sites, the City's public right-of-way standards document requires a 56-ft. r.o.w. width to accommodate a 26-ft. roadway pavement width (which would allow parking along both sides) and two 15-ft. wide sidewalk corridors (0.5 -ft. curb, 8-ft. stormwater management facility, 6-ft. sidewalk, & 0.5-ft. frontage zone).

There is insufficient r.o.w. along the street to accommodate the above referenced street section; therefore a 3-ft. property dedication would also be typically required to be provided in association with required r.o.w. improvements. However, in relation to the submitted Public Works Permit application (16-281428 WT-TF0047/16-289274 WE-EP328) for the required r.o.w. improvements, BES staff have determined that instead of standard 8-ft. wide stormwater management facility noted above, in this case, there is an available (existing) sedimentary-sump/underground injection control facility nearby that has capacity. Said facility can be utilized for stormwater management purposes associated with the new impervious surface created with the required r.o.w. improvements. Accordingly, there will be no need for any property dedication along the site's frontage-the standard 11-ft. wide sidewalk corridor (0.5-ft. curb/4-ft. wide furnishing zone, 6-ft. wide sidewalk and 0.5 ft. wide frontage zone) can be accommodated with the existing 50-ft. r.o.w. (with the new curb to be located 13-ft. from the r.o.w. centerline).

As of the preparation of this response, the above reference Public Works Permits have received Concept Plan phase (30%) approval.

PBOT has no objections to the proposed two lot land division subject to the following conditions of approval:

- Standard frontage improvements along SE 66th Avenue must be constructed to the satisfaction of the City Engineer prior to issuance of the expected building permit for the new home on Parcel 2.
- Prior to final plat approval, Public Works financial guarantees for the r.o.w. improvements required along the site frontage shall be provided.

With those improvements, one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

With the conditions of approval described above, this criterion is met.

33.654.120.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 Code.

Existing Right-of-Way Improvements:

- SE 66th Avenue: The site has approximately 95 feet of street frontage. The right-of-way is improved with pavement. There are no overhead power lines. There are zero (0) street trees.

The applicant has provided a conceptual street tree planting plan.

Street Planting (11.50.060.C)

Title 11 requires one street tree must be planted or retained for each full increment of 25 linear feet. Street trees must be planted at a minimum of 1.5 caliper inches

- Parcel 1: There is approximately 45 feet of street frontage at this location, requiring 1 tree to be planted. Street tree planting may be exempt under 11.50.060.B when existing above or below grade utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide.
- Parcel 2: There is approximately 50 feet of street frontage at this location, requiring 2 trees to be planted. Street tree planting may be exempt under 11.50.060.B when existing above or below grade utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide.

Street improvements are occurring along this street frontage under Public Works Permit# TF0047. Up to three trees will be required. A fee in-lieu may be required if fewer than three (3) trees are to be planted. The street tree requirement will be reviewed, inspected and met as part of the Public Works Permit. With this as a condition Urban Forestry has no objections to this land division proposal.

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.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several Zoning Code standards that relate to existing development on the site:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves

alternative setbacks. The existing house will be 10 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental plan/survey which shows the surveyed location of the existing building (including eaves) relative to the adjacent new lot lines.

- Accessory Structures – Structures are not allowed to remain on a proposed lot line. Therefore, in order for the proposed new lots to be approved, the accessory structure that straddles the line between proposed Parcels 1 and 2 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary. The existing driveway and curb cut will need to be removed also prior to final plat approval.
- Required Off-Street Parking – In this zone, one parking space per dwelling unit is required. A garage with access from a paved driveway provides this required parking for the existing house on Parcel 1. As a result of this land division, the required parking space for the existing house will be located on a different lot. In order to ensure that parking requirements continue to be met, a new parking space for the existing house must be constructed on Parcel 1 prior to final plat approval. Permits must be obtained to construct a new parking space. Documentation of final inspection of this new parking space will be required prior to final plat approval.
- Title 11 Tree Density Standard – This site has a minimum tree density requirement per 11.50.050 that is currently met on the site. Due to the land division, and associated tree removal, Parcel 1 with existing house will no longer meet this standard. Parcel 1 is 4,998 square feet, therefore 1,800 (1799.2 rounds up) square feet of tree are is required. Prior to final plat approval, the applicant must meet this requirement by either planting trees on Parcel 1 or making the equivalent payment into the City Tree Preservation and Planting Fund. Tree planting must be documented with a finalized Zoning Permit.

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.

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	Title 21 – Water availability

www.portlandonline.com/water	
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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.

- A separate building permit is required for the existing garage to be removed if over 200 square feet in area or a height of 10 feet. Building permit is not required for non-habitable one-story detached accessory structures provided the floor area does not exceed 200 square feet and a height of 10 feet measured from the finished floor level, to the average height of the roof surface. This requirement is based on Oregon Residential Specialty Code.
- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; 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 two parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are street frontage improvements and how utilities will be provided (stormwater and sanitary service) for the existing house on its new lot. The existing garage which provides on-site parking for the house on Parcel 1 will be removed and replacement parking will be provide on Parcel 1.

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

ADMINISTRATIVE DECISION

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

A. Supplemental Plan. Four copies of an additional supplemental plan/survey shall be submitted with the final plat survey for Land Use Review, and BES, 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 (all existing improvements) 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;
- Document the existing house's stormwater management system is meeting the Stormwater Management Manual (SWMM) requirements or the existing system has been modified to meet the SWMM requirement (refer to BES memo for specifics under Exhibit E.1).
- The proposed general location of future building footprint and stormwater facility for Parcel 2 to reflect the revised Simplified Approach Form required by BES.
- Surveyed in location of the new off-street parking space for the existing house on Parcel 1.
- Documentation that the existing garage/driveway has been removed from the site.
- Any other information specifically noted in the conditions listed below.

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. These improvements will also include

street tree requirements as required by Urban Forestry. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation, Urban Forestry and the Bureau of Environmental Services for required street frontage improvements.

Utilities

2. On-Site Stormwater Management for future development on Parcel 2: A revised Simplified Approach Form that is complete, including facility sizing calculations must be provided to BES and be accepted to their satisfaction on meeting SWMM requirements for conceptual development on Parcel 2.

Existing Development

3. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines. Documentation of the location of the stormwater disposal system for the existing house shall be submitted to the Bureau of Environmental Services. The location of any existing or modified stormwater systems serving the existing home must be clearly labeled and shown on revised Supplemental Plan. The revised supplemental plan must demonstrate how the stormwater system for the existing house to remain on Parcel 1 is meeting the requirements of SWMM to the satisfaction of BES . If modifications to the system are required by BES, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.
4. The applicant shall demonstrate to the satisfaction of the Bureau of Environmental Services (BES) that the sewer lateral serving the existing house/structure is located within Parcel 1's frontage, or cap the existing lateral for the future use of development on Parcel 2 and establish a new service connection from the existing house/structure to public sewer. The applicant must obtain finalized plumbing permits for this work prior to final plat approval.
5. The applicant must obtain a finalized demolition permit for removing the garage/accessory structure and driveway which straddles the future lot line between Parcel 1 and Parcel 2. *This permit fulfills requirements of Condition B.5 of LU 16-213981 LDP.* The new parking space must also be shown on the supplemental plan.
6. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the cesspool on the site.
7. A parking space shall be installed on Parcel 1 for the existing house, in conformance with the applicable requirements of the Portland Zoning Code. The parking space must be a minimum of 9' x 18' and located out of the new front setback for the lot with the existing house. The applicant must obtain a finalized Zoning Permit for installation of the parking space. The permit plans must include the note: *This permit fulfills requirements of Condition B.7 of LU 16-213981 LDP.* The new parking space must also be shown on the supplemental plan.
8. The applicant must meet the tree density standard of 11.50.050 on Parcel 1 with the existing house by either planting trees on the lot or making the equivalent payment into the City Tree Preservation and Planting Fund. A finalized Zoning Permit must be obtained to document tree planting prior to final plat approval. The applicant must obtain a finalized Zoning Permit for installation of the trees. The permit plans must include the note: *This permit fulfills requirements of Condition B.8 of LU 16-213981 LDP.*

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

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage SE 66th Avenue to the satisfaction of the City Engineer prior to issuance of the expected building permit for the new home on Parcel 2.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Lois Jennings

Decision rendered by:  _____ **on February 3, 2017**

By authority of the Director of the Bureau of Development Services

Decision mailed on February 8, 2017

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 July 29, 2016, and was determined to be complete on December 15, 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 July 29, 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 requested that the 120-day review period be extended 60 days to resolve requirements for the public works permit for frontage improvements. Unless further extended by the applicant, **the 120 days will expire on: June 13, 2017**

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.**

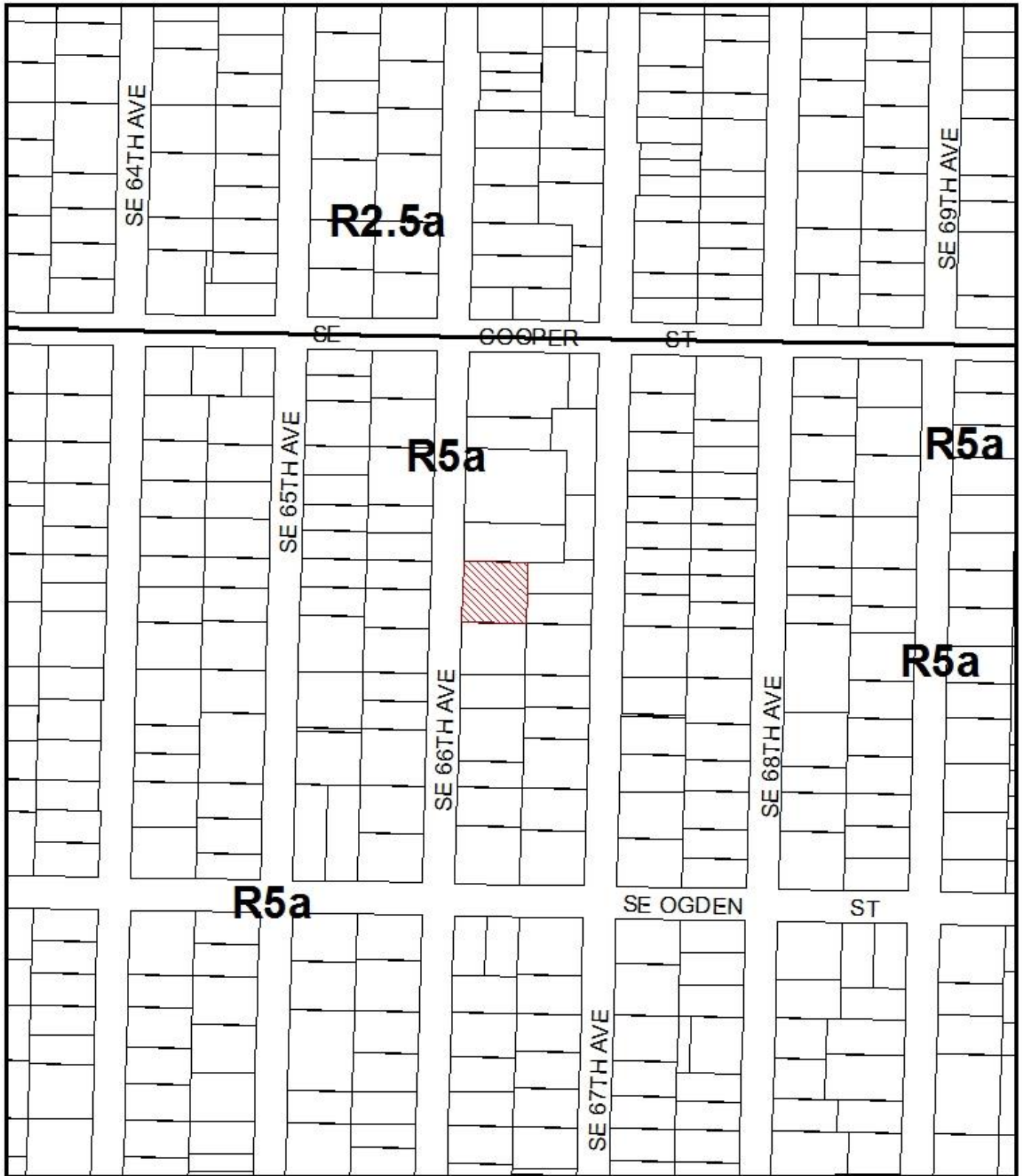
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Original Existing Conditions Site Plan and Preliminary Land Division Plan
 - 2. Applicant’s Narrative Addressing Land Division Approval Criteria
 - 3. Mary Giersch Consulting Arborist-Arborist Report
 - 4. Applicant’s Narrative Addressing Stormwater
 - 5. Stormwater Simplified Approach Form
 - 6. December 15, 2016 Coverletter from applicant in response to incomplete letter
 - 7. Georgetown Realty Inc letter providing information from regarding owner W & Y Sapphire
 - 8. Copy of 1958 Deed- Book 467 Page 674
 - 9. Water Bureau Fire Flow information
 - 10. Applicant’s narrative addressing solar approval criterion
 - 11. December 15, 2016 existing conditions and preliminary plan
 - 12. Request for Extension of 120-day review period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division

7. Life Safety Section of BDS
 8. Updated Fire Bureau Response dated February 1, 2017
- F. Correspondence: None received
- G. Other:
1. Original Land Use Application
 2. Signed Expedited Land Division Acknowledgement
 3. August 17, 2016 Incomplete Letter
 4. December 15, 2016 Land Use Application form with owner's signature
 5. December 15, 2016 submitted Letter-August 24, 2016 from owner giving approval to submit land use application
 6. Deed information

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

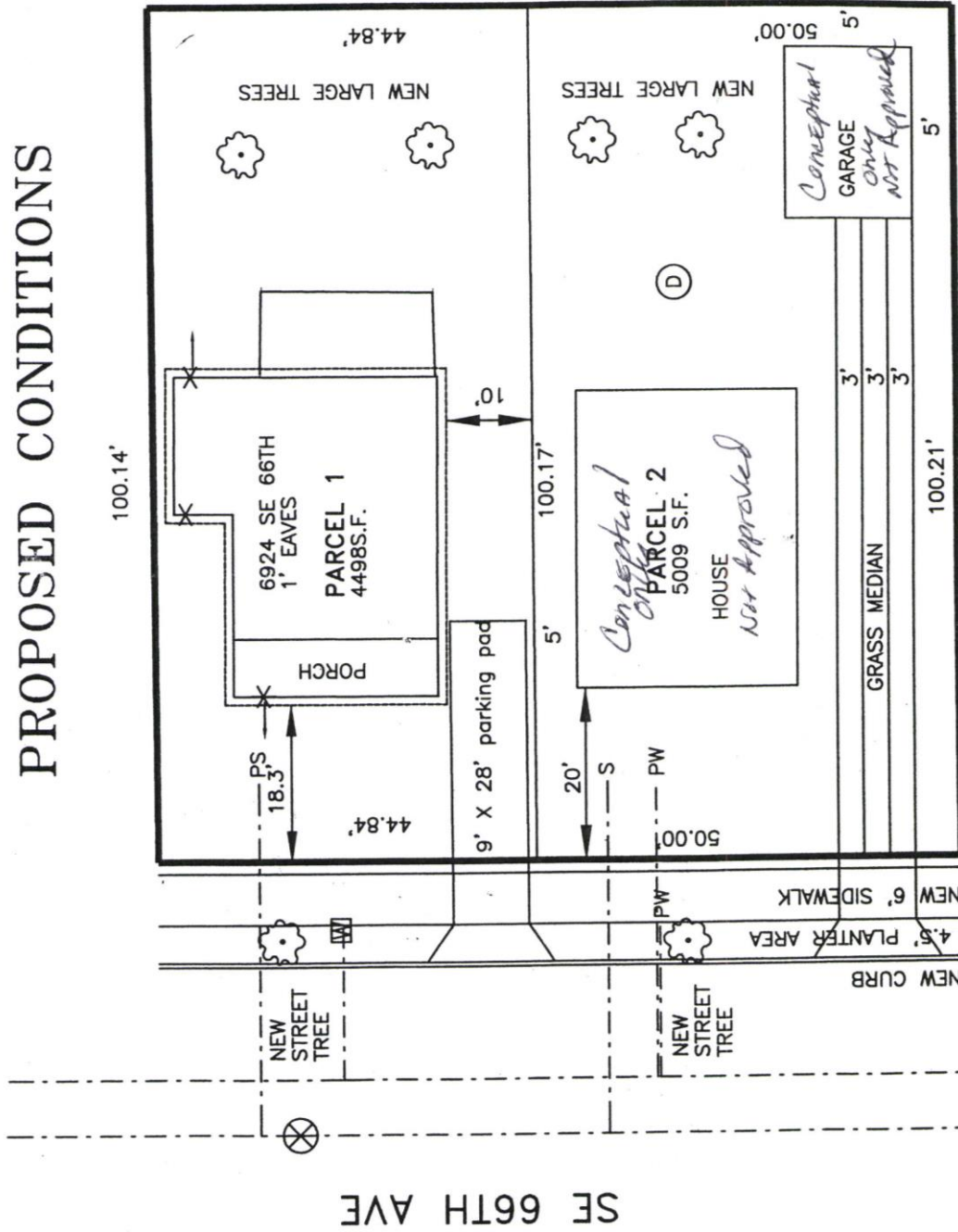


File No. LU 16-213981 LDP
 1/4 Section 3737
 Scale 1 inch = 200 feet
 State_Id 1S2E20BB 16700
 Exhibit B (Aug 03, 2016)

Preliminary hand Division Proposal

DOWNSPOUTS TO BE RELOCATED TO BE 5' FROM PROPERTY LINES AND 6' FROM ADJACENT BASEMENT

PROPOSED CONDITIONS



SCALE 1" = 20'



LU 16-213981 DP
Exhibit C.1