



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

Ted Wheeler, Mayor
Rebecca Esau, Interim Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 10, 2017
To: Interested Person
From: Shawn Burgett, Land Use Services
503-823-7618 / shawn.burgett@portlandoregon.gov

NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 17-109252 LDP

GENERAL INFORMATION

Applicant: Kevin Partain
223 NE 56th Ave
Portland, OR 97213-3705

Owner: David Sideras
P O Box 19115
Portland, OR 97280

Site Address: Vacant lot directly west of 9636 SE Knight St.

Legal Description: BLOCK 9 LOT 9, CLEMSON ADD
Tax Account No.: R162901520
State ID No.: 1S2E16DB 04100
Quarter Section: 3640
Neighborhood: Lents, contact Judy Low at pmsi_92@hotmail.com
Business District: Lents Grown Bussiness Association.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin

Zoning: R1a (Multi-Family Residential 1,000 sq. ft. with "a" alternative design overlay zone)

Case Type: LDP (Land Division Partition)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing a 2-lot land division for attached dwelling units on the vacant site. Both proposed parcels will measure approximately 1,512 sq. ft. The applicant is proposing

driveway access from SE 96th Avenue. It should be noted, the site is located in the 100 year floodplain.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**
- **Section 33.537.100.150.A-E, Approval Criteria for Johnson Creek Basin Plan District, Floodplain standards.**

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Flood Hazard Area (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 2 units of land (2 Parcels). Therefore this land division is considered a partition.

FACTS

Site and Vicinity: The site is currently vacant. The area surrounding the site is made up of a mixture of attached and detached dwelling units. For example, the property abutting the sites eastern property boundary has an existing duplex located on it, while the property abutting the south lot line has existing detached single family home. SE 96th Avenue which provides street frontage along the sites western property boundary abuts the Interstate 205 Highway to west.

Infrastructure:

- **Streets** – The site has approximately 78 feet of frontage on SE 96th Avenue and approximately 40 feet of frontage along SE Knight St. At this location, both SE 96th Avenue and SE Knight St. are classified as a Local Service Street for all modes in the Transportation System Plan (TSP). The site is located within the Lents Pedestrian District. Tri-Met provides transit service approximately 330 feet from the site at SE Foster Blvd. via Bus 10.

According to available City GIS information, SE Knight is improved with a 0-6-3 sidewalk corridor and SE 96th is improved with a 5-ft curb-tight sidewalk corridor. However, there is approximately 14-ft of existing ROW behind the curb in SE 96th. The corner does not meet current ADA standards.

- **Water Service** – There is an existing 8-inch CI water main in SE Knight St. and a 4-inch CI water main in SE 96th Avenue.
- **Sanitary Service** - There is an existing 8-inch public sanitary sewer line in SE Knight Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: 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 Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services.

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 **March 20, 2017**. 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	No trees in excess of 6 inches in diameter are located fully or partially on the site.
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 proposed density is less than 40 units.
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
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.

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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 2 parcels for attached housing.

Single-dwelling development is proposed for the entire site; therefore the applicant must demonstrate how the proposed lots meet the minimum density and not exceed the maximum density stated in Table 120-3 at the time of the preliminary plan review. This site is in the R1 zone and attached houses are proposed.

Minimum density 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 3,263 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. A right of way dedication is required along both SE 96th Ave (1 foot dedication) and SE knight St. (4 ft. dedication) that totals 239 square feet. Therefore the resulting lot size for calculating density is 3,024 square feet. The site has a minimum required density of 2 units and a maximum density of 3 units.

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
Parcel 1–attached	1,512 sq. ft.	38.8 ft.	39 ft.	38.8 ft.
Parcel 2–attached	1,512 sq. ft.	38.8 ft.	39 ft.	38.80 ft.

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

(It should be noted, since the site is located within the Johnson Creek Basin Plan District (Zoning Code section 33.537) Floodplain, therefore the standards of 33.537.150 (Floodplain Standards) apply. These standards require attached housing as proposed. Therefore a condition of approval is necessary to ensure attached housing will be built on this site.

The findings above show that the applicable density and lot dimension standards are met. This criterion is met with a condition requiring attached housing.

C. Flood Hazard Area. If any portion of the site is within the flood hazard area, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, must be met.

Findings: Portions of this site are within the flood hazard area. The approval criteria in the R3 through IR zones state that where possible, each lot must have adequate area outside of the flood hazard area to accommodate allowed or proposed uses. Where it is not possible to create lots that have adequate area outside of the flood hazard area, the lots must be configured so that development on them will reduce the impact of flooding and provide the greatest protection of development from flooding. Lots must be configured so that uses are that are not river-dependent will be able to locate on the highest ground and near the highest point of access and so that development on the lots can be configured in a manner that will minimize obstruction of floodwaters. Where the uses and development are river-dependent, lots must be configured so that development on them will minimize obstruction of flood waters. In addition, services in the flood hazard area must be located and built to minimize or eliminate flood damage to the services, and the floodway must be entirely within a flood hazard tract.

The entire site is located in the flood hazard area; therefore it is not possible to have any of the lots outside this area. Proposed Parcels 1 and 2 are fully located in the flood hazard area. However, each parcel still has sufficient area for a reasonably-sized building area that can meet the setback requirements of the R1 zone and accommodate services and utility connections.

This site is not river dependent; therefore Zoning Code section 33.631.100.B.2.c does not apply. The floodway does not extend onto this site, so there is no requirement for a flood hazard tract.

In addition, as indicated by Site Development (Exhibit E-5):

The site is located in the 100-year floodplain as shown FEMA Flood Insurance Rate Map 4101830202 E dated October 19, 2004, Zone AH and Letter of Map Revision (LOMR) dated November 24, 2014. The base flood elevation is 209 feet North American Vertical Datum of 1988 and the flood protection elevation is 211 feet NAVD88. It appears that this lot is lower than the base flood elevation.

New construction must have the lowest floor including basement elevated to or above the flood protection elevation. No fill may be placed below the base flood elevation to raise the elevation of the foundation unless an equal amount of excavation takes place on the same site. An elevation certificate will be required as part of the building permit process.

With the condition of approval above, 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. This criterion is met.

With a condition of approval that the applicant's final clearing and grading plan is consistent with the preliminary clearing and grading plan, this criterion is met.

Land Suitability

As indicated by Site Development (Exhibit E-5), City records are not conclusive as to whether there was a cesspool on site prior to construction of the I 205 freeway. The applicant will need to sign a Disclaimer for Existing On-site Sewage Disposal System form at the time of building permit application.

In addition, the site is located in the 100-year floodplain as shown FEMA Flood Insurance Rate Map 4101830202 E dated October 19, 2004, Zone AH and Letter of Map Revision (LOMR) dated November 24, 2014. The base flood elevation is 209 feet North American Vertical Datum of 1988 and the flood protection elevation is 211 feet NAVD88. It appears that this lot is lower than the base flood elevation.

New construction must have the lowest floor including basement elevated to or above the flood protection elevation. No fill may be placed below the base flood elevation to raise the elevation of the foundation unless an equal amount of excavation takes place on the same site. An elevation certificate will be required as part of the building permit process.

With these conditions, the new lots can be considered suitable for new development, and this criterion is met.

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

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

The following easements are required for this land division:

- A Private Sanitary Sewer Easement is required across the relevant portions of Parcel 1, for a sanitary sewer lateral connection that will serve Parcel 2.

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

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

With the conditions of approval discussed above, 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 regulations of this Chapter allow the traffic impacts caused by dividing and developing land to be identified, evaluated, and mitigated if necessary. The following approval criterion applies to all land divisions in all zones: *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.* To address the approval criteria, the applicant submitted a written narrative.

The applicant is proposing a 2-lot land division to develop the site with attached housing. The site is currently vacant. Accordingly, the proposed project will result in a net increase of two new single-family homes. Based upon trip generation estimates obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition*, the project is estimated to generate two additional trips during both the morning and evening peak hours (20 additional trips in total each day). *The small number of trips that will be added into the transportation system as a result of the proposed development will not adversely impact the operations of area intersections.*

As proposed, and consistent with PBOT requirements, vehicle access is proposed via a shared driveway on SE 96th. Each lot will be developed with sufficient on-site parking area to accommodate at least one off-street parking space. The surrounding area has an established residential development pattern that includes single-family homes on lots that accommodate one, and in some cases, multiple on-site parking spaces thereby reducing the demand for on-street parking in this area. Given the on-site parking opportunities that will be provided with the new development, on-street parking in the area will not be adversely impacted by the proposed new dwelling units.

There are existing transit facilities in the vicinity with the nearest TriMet bus stop is located at SE Foster & SE 94th approximately 580-ft from the site. The proposed partition will not have any effect on transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

It should be noted, Portland Transportation has determined that sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. Please see pages 8-9 of this report for details regarding this requirement.

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:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified. There is no public sanitary sewer available in SE 96 th Ave. Parcel 1 will be served by a new connection to the 8-inch sanitary sewer in SE Knight Street within its frontage. Parcel 2 will also be served by a new connection to the 8-inch sanitary sewer in SE Knight by means of a 5-foot wide private easement across the west side of Parcel 1. Reduction in the width of the private easement across Parcel 1 from 10 feet to 5 feet has been approved through the BDS plumbing code appeal process under Appeal ID #14683. The easement must be shown on the final plat. With this condition, the sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods Public Street Improvements: PBOT requires new sidewalk construction in a pedestrian corridor where a curb and paved street already exist. Constructing the sidewalk so that it slopes toward a vegetated area and/or planting street trees will be a viable alternative to constructing stormwater management facilities. Parcels 1 and 2: BES staff reviewed the project’s stormwater report from the applicant (dated March 10, 2017, exhibit A-7) that describes Presumptive Approach infiltration test results of 300 inches per hour on this site. The applicant proposes to infiltrate runoff from the development onsite via drywells for each parcel that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM. Paved areas are proposed to be directed to vegetated filter strips. If the proposed drywells temporarily fail or rainfall exceeds the facility design capacity, stormwater will overflow to the public right-of-way, which is an acceptable escape route
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 block on which the subject property is located meets the noted spacing requirements. As indicated by PBOT (exhibit E-2): <i>The site is located at the intersection of two public streets. PBOT identified no additional opportunities to improve connectivity in this area in relation to the proposed development.</i>

The site is within the Portland Master Street Plan for the Southeast District. No new connections are proposed at this site. Therefore, the proposal is consistent with the master street plan.

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

SE 96th Avenue and SE Knight Street are both improved with a paved roadway. SE Knight Street has a curb tight sidewalk on both sides of the street, while SE 96th Avenue has a curb tight sidewalk on the eastern side of the street, adjacent to the subject site. There are no planter strips.

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. In this case Portland Transportation has determined that sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, as well as an associated stormwater facility discussed later in this report, additional right-of-way must be dedicated along the frontage of the site. With those improvements, two additional dwellings can be safely served by this existing street without having any significant impact on the level of service.

As indicated by PBOT (exhibit E-2): According to available City GIS information, SE Knight is improved with a 0-6-3 sidewalk corridor and SE 96th is improved with a 5-ft curb-tight sidewalk corridor. However, there is approximately 14-ft of existing ROW behind the curb in SE 96th. The corner does not meet current ADA standards.

SE Knight and SE 96th are both classified as Local Service Streets for all modes in the City's Transportation System Plan (TSP). ***The site is located within the Lents Pedestrian District.*** For Local Service Streets, abutting an R1 zoned site, within a Pedestrian District, the *Pedestrian Design Guide* recommends a 12-ft wide sidewalk corridor consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and 1.5-ft frontage zone.

Based upon the survey submitted by the applicant, an estimated 1-ft property dedication is required on SE 96th & a 4-ft property dedication is required on SE Knight to accommodate standard improvements. ***Prior to Preliminary Plat approval, the necessary property dedications to achieve City standards must be completed.***

As a condition of Building Permit approval, the applicant will be required to reconstruct the sidewalk corridors to achieve City standards. This will include reconstruction of the corner to meet current ADA standards. While the sidewalk reconstruction can be accomplished through a Minor Improvement Permit, the corner upgrade will require review and approval through the City's Public Works process

This criterion is met, with the condition that curb and sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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.

Future Development

Among the various development standards that will be applicable to this lot, the applicant should take note of:

- Attached Houses-The site is located in the Johnson Creek Basin Plan District (Zoning Code section 33.537) Floodplain. Therefore the standards of 33.537.150 (Floodplain Standards) apply. These standards require attached housing as proposed.
- Impervious Surface: No more than 50 percent of any site may be developed in impervious surface. Building eaves are included in the calculation of impervious surface.

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 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 (Exhibit E-4) 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 recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers; fire apparatus aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry (exhibit E-6) and pay a Fee in Lieu of planting for 1.5 inches of new tree diameter (1 tree) required for lost street tree planting spaces. Payment must be made prior to final Plat approval. This requirement is based on the standards of Title 11.

CONCLUSIONS

The applicant has proposed a 2 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:

flood plain standards in the Johnson Creek Plan District, which will require several conditions of approval.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, which will result in 2 lots for attached housing as illustrated with Exhibit C-1, subject to the following conditions:

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE Knight St. and SE 96th Avenue. The required right-of-way dedication must be shown on the final plat.
2. A private sanitary sewer easement, for the benefit of Parcel 2, shall be shown and labeled over the relevant portions of Parcel 1.
3. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B.2 and B.3 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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.

Required Legal Documents

2. A Maintenance Agreement shall be executed for the Private Sewer Easement described in Condition A.2 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.
3. If required per condition B.1 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on the site to contain internal fire suppression sprinklers, per the Fire Bureau Appeal. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

Other requirements

4. The applicant must pay into the City Tree Preservation and Planting Fund [Street Trees – Fee in Lieu of Planting and Establishment (per inch)] the amount equivalent to 1.5 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

1. Parcels 1 and 2 must be developed with attached houses.
2. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of Parcels 1 and 2. The applicant must construct improvements with development on the lot.

3. The applicant must meet the following Site Development requirements:

-New construction must have the lowest floor including basement elevated to or above the flood protection elevation. No fill may be placed below the base flood elevation to raise the elevation of the foundation unless an equal amount of excavation takes place on the same site. An elevation certificate will be required as part of the building permit process.

-The applicant will be required to sign a Disclaimer for Existing On-site Sewage Disposal System

4. 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.

5. If required, the applicant shall meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling units. Please refer to the final plat approval report for details on whether or not this requirement applies.

Staff Planner: Shawn Burgett

Decision rendered by:  **on May 5, 2017**

By authority of the Director of the Bureau of Development Services

Decision mailed May 10, 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 January 23, 2017, and was determined to be complete on March 10, 2017.

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 January 23, 2017.

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. **The 120 days will expire on: July 8, 2017.**

Note: some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review,

any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on 5/24/17** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us .

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and 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. Narrative
 - 2. Early Neighborhood Notification documentation
 - 3. Soil Infiltration testing dated 1/5/17
 - 4. Stormwater Report
 - 5. Site Plan submitted 1/23/17
 - 6. Narrative addressing Flood Hazard criteria
 - 7. SIM test
- 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

F. Correspondence: (none received)

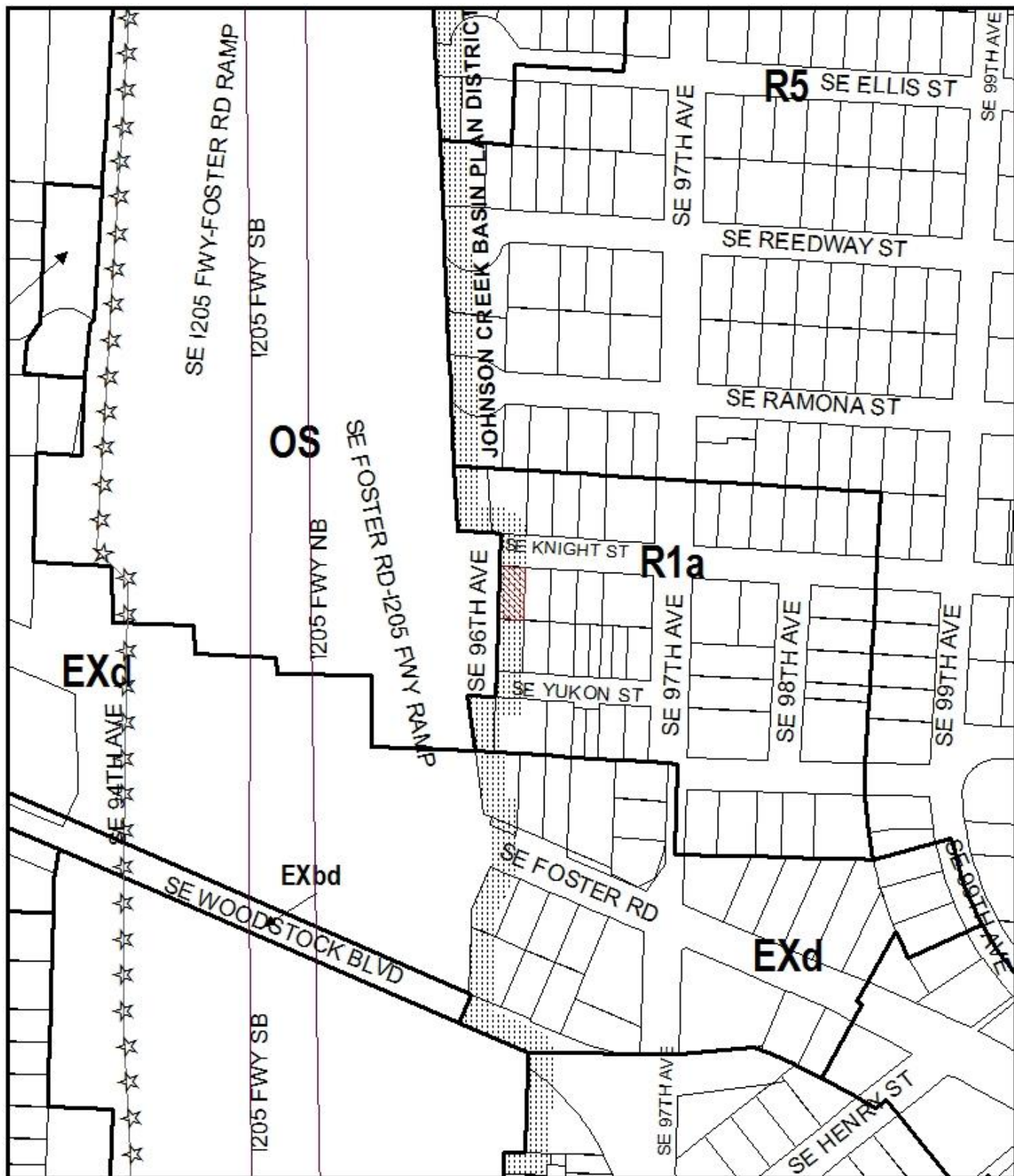
G. Other:

1. Original LU Application

2. Incomplete Letter

3. Land use history

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
- Recreational Trails

This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT



File No.	<u>LU 17-109252 LDP</u>
1/4 Section	<u>3640</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E16DB 4100</u>
Exhibit	<u>B</u> (Mar 16, 2017)

PRELIMINARY PLAN

(TAX LOT 1S2E16DB 4100)

LOT 9, BLOCK 9 "CLEMSON ADDITION"
CITY OF PORTLAND, MULTNOMAH COUNTY, OR

MARCH 8, 2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kenneth D. Griffin

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

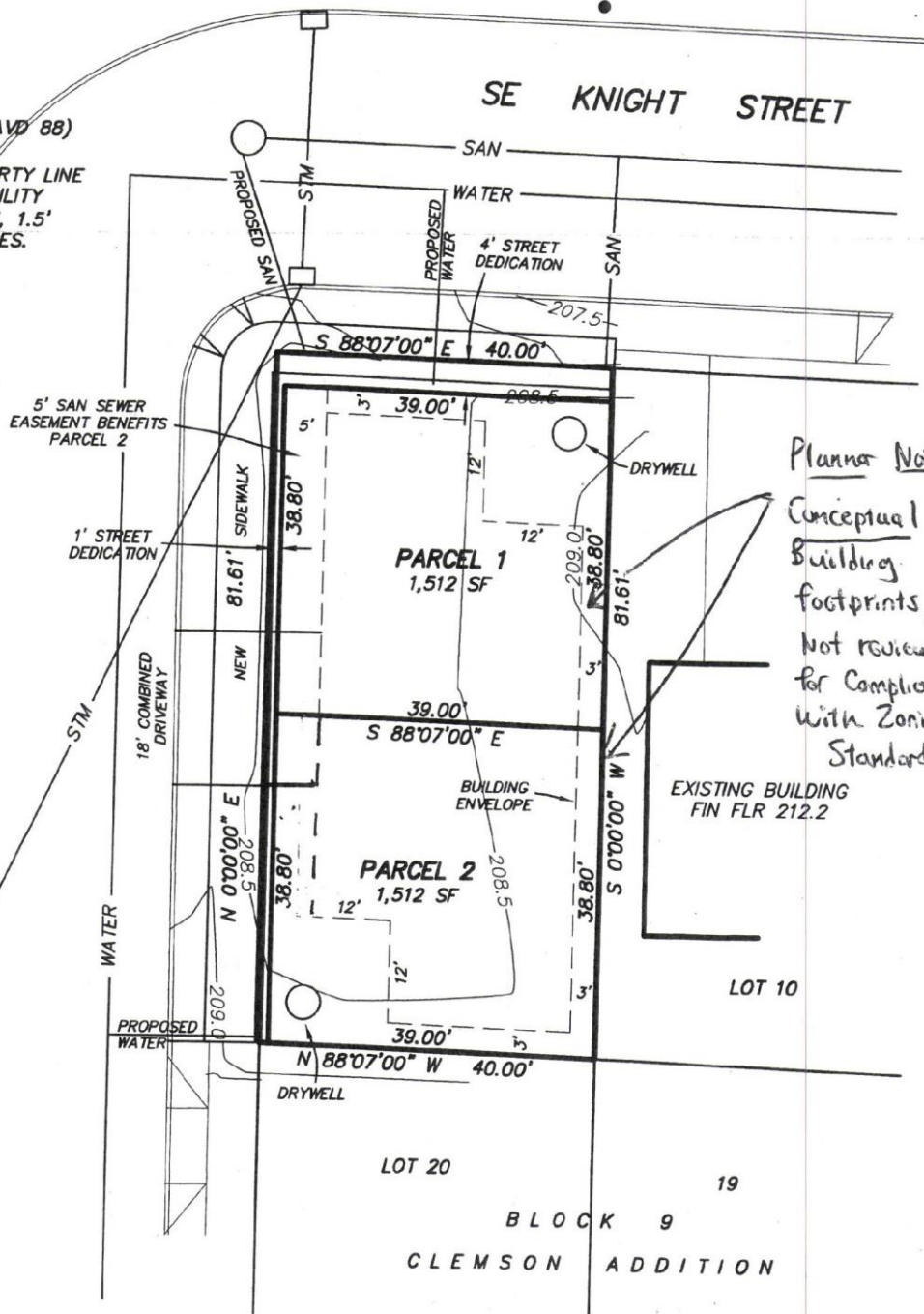
RENEWS: 6/30/17

1. 100YR FLOOD EL = 209.0 (NAVD 88)
2. DRYWELL LOCATED 10' FROM STRUCTURE & 5' FROM PROPERTY LINE MEASURED TO CENTER OF FACILITY
3. NEW 4' PLANTER, 6" SIDEWALK, 1.5' BUFFER ALONG BOTH FRONTAGES.

US HIGHWAY I-205



1" = 20'



Planner Note
Conceptual
Building
footprints,
Not reviewed
for Compliance
with Zoning
Standards.

GRIFFIN LAND SURVEYING INC.

6107 SW MURRAY BLVD. #409

BEAVERTON, OR. 97008

(503) 201-3116

CASE NO. 17-109252

EXHIBIT C-1

Exhibit C-1