



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

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**Date:** August 7, 2017  
**To:** Interested Person  
**From:** JP McNeil, Land Use Services  
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**NOTICE OF A \*REVISED\* 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.

**This decision has been revised at the applicant's request to reflect a widened driveway access point, as discussed in Section K, Transportation Impacts.**

**CASE FILE NUMBER: LU 16-227447 LDP**

**GENERAL INFORMATION**

**Applicant:** Roseann Johnson,  
Bluestone Homes, Inc.  
16081 S Moore Rd  
Oregon City, OR 97045

**Owner:** Richard and Dawn Kassebaum,  
16081 S Moore Rd  
Oregon City, OR 97045

**Site Address:** 2605 SE 66TH AVE

**Legal Description:** BLOCK 1 INC PT VAC ALLEY LOT 5&6, WITTEN  
**Tax Account No.:** R923300090  
**State ID No.:** 1S2E08BB 08600  
**Quarter Section:** 3337

**Neighborhood:** South Tabor, contact Shemuel Harding at 503-679-9066.  
**Business District:** Eighty-Second Ave of Roses Business Association, contact Nancy Chapin at [nchapin@tsgpdx.com](mailto:nchapin@tsgpdx.com)  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

**Zoning:** R2.5a – Residential 2500 base zone with an Alternative Design Density overlay zone  
**Plan District:** None  
**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-parcel land division on this 5,794 square foot lot resulting in two parcels of 2,897 square feet each (Exhibit C.3). The site is vacant and will be made available for two new, attached single dwelling units. Both parcels are narrow lots as the proposed width (24.9 feet) is smaller than the minimum width for the zone (36 feet); however the applicant is using the provisions of Section 33.611.200.C.2, to allow for narrower lots provided the lot meets certain criteria. The applicant is proposing to remove all of the trees on the site and mitigate for the trees with new plantings and by paying into the City's tree fund. There is one off-site parking spot proposed on each parcel.

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.

**Relevant Approval Criteria:**

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

## ANALYSIS

**Site and Vicinity:** The vacant site is relatively flat and currently functions as the backyard for the single dwelling unit to the east, from which this lot was recently separated through a Lot Confirmation (PR 16-185591 LC). There are several trees on the site, all of which are proposed for removal and mitigation. The surrounding area is characterized largely by one and two-story single dwelling development. The street grid in the immediate area is regular and characterized by paved streets with curbs and sidewalks.

**Infrastructure:**

**Streets** – The site has approximately 50 feet of frontage on SE Ivon Street. There is no existing driveway or curb cut. At this location, SE Ivon is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 501 feet from the site on SE Division Street via Bus 4.

SE Ivon has a 28-foot curb-to-curb paved surface within a 50-foot right-of-way with parking on both sides. Along the 50-foot wide site frontage the pedestrian corridor includes a 4-foot wide planter area, curb, 5-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (4-5-2 configuration).

**Water Service** – There is an existing 6-inch CI water main in SE Ivon Street.

**Sanitary Service** - There is an existing 60-inch concrete public combination sewer line in SE Ivon Street.

**Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

**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:** City records indicate there are no prior land use reviews for this site; however, the following administrative review has occurred:

- **PR 16-185591:** Approval of a Lot Confirmation to recognize this site as Lot 5, Block 1 of the Witten Plat. This allowed the site to separate from Lot 6, the property to the east, which comprised the remainder of the recognized tax lot. The applicant provided documentation that the Lot Confirmation has been recorded with Multnomah County (Exhibit A.4) though the County Assessor's database still showed the lots as one tax account at the time of this staff report.

**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 20** and **November 9, 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.

<b>Criterion</b>	<b>Code Chapter/Section and Topic</b>	<b>Findings: Not applicable because:</b>
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

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. Based on the applicant's survey, the site area is 5,792 square feet. The maximum density in the R2.5 zone is one unit per 2,500 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area.

The site has a maximum density of two (2) units and a minimum required density of one (1) units. 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:

	<b>Min. Lot Area (square feet)</b>	<b>Max. Lot Area (square feet)</b>	<b>Min. Lot Width* (feet)</b>	<b>Min. Depth (feet)</b>	<b>Min. Front Lot Line (feet)</b>
<b>R2.5 zone</b>	1600	N/A	36	40	30
Parcel 1	2,897		24.9	116.3	24.9
Parcel 2	2,897		24.9	116.3	24.9

\* 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

Both parcels are 24.9 feet wide — narrower than the minimum width for the R2.5 zone. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of Section 33.611.200.C for R2.5.

***On balance, the proposed lots will have dimensions that are consistent with the purpose of this section.***

The purpose of lot dimension regulations are as follows:

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 proposed Parcels 1 and 2 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. Therefore they have demonstrated that the proposed lots can accommodate a reasonably sized house while meeting the development standards of the zoning code.
- 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 as there is a good deal of variability in the size of the lots in the surrounding area and there are several examples of other narrow lots in the South Tabor neighborhood.

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

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

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

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

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

- The applicant states that garages are not proposed for the attached houses at this site. Instead, off-street parking will be provided on parking pads located outside of the front setback.

***60 percent landscaping requirement for attached houses***

- Parcels 1 and 2 will have individual driveways that are approximately 9 feet wide, but narrow to a 14-foot wide shared 'throat' at the property line. Each lot is 24.9 feet wide, which will still allow for the 60% standard to be met in the area not devoted to driveway pavement.

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

- Parking is required; however, there is no alley access to the site and the applicant is proposing parking pads instead of garages. Therefore, alley access and the garage limitations do not apply to this site.

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

**B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.**

**Findings:** The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees.

To satisfy these requirements, the applicant must provide a tree plan that demonstrates, to the greatest extent practicable, the trees to be preserved provide the greatest environmental and aesthetic benefits for the site and the surrounding area. The tree plan must also show that trees are suitable for preservation, considering the health and condition of the tree and development impacts anticipated. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites.

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.5) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.2) 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 each tree to be preserved.

Based on this information, four (4) trees, which provide a total of 83 inches of tree diameter are subject to the preservation requirements of this chapter. One of the tree preservation standards requires up to 35 percent of the total non-exempt tree diameter on the site be preserved. This amounts to 29 inches on this site. In addition, with two trees over 20 inches, Option 3 could also have been approved, which would have preserved either the 29-inch or 26-inch tree.

In this case, the location of the trees and the configuration of the property coupled with the scale of the development proposed in the R2.5 zone and the requirement to provide services limits options to retain trees in accordance with these regulations, so it is reasonable to consider mitigation options that will replace the functions of the trees to be removed.

The applicant initially indicated that 28 inches of trees would be mitigated through onsite planting with the remaining one (1) inch mitigated by payment into the City's Tree Planting and Preservation Fund. Staff requested a Tree Planting Plan to demonstrate how Title 33 mitigation and the Title 11 tree density standards, which require that trees be planted on the lots at the time of building permit, could be met on the site. The applicant submitted the Tree Planting Plan and proposed to mitigate for the removal of four (4) trees by planting seven (7) inches of new trees as Title 33 mitigation on the site plus making a payment into the Tree Fund for 22 inches of tree caliper. Staff finds that, given the required tree planting and typical size of homes on these lots, there is sufficient room on the lots for seven (7) inches of tree planting to mitigate for tree removal without jeopardizing the overall health of the trees as they mature. For the remainder of the tree mitigation, offsite mitigation in the form of payment into the City Tree Preservation and Planting Fund is appropriate.

With the condition that seven (7) inches of new trees be planted on the site and a payment equivalent to 22 inches be paid to the City Tree Planting and Preservation Fund prior to final plat approval, tree removal will be adequately mitigated.

This mitigation will be consistent with the purpose of the tree preservation regulations, since it will provide for the installation of other trees that will contribute to the general beauty and natural heritage of the City, if not directly on the site, and help to absorb air pollutants and contamination, provide buffering from noise and wind, provide visual screening from the adjacent properties, reduce energy demand and urban heat island impacts, filter stormwater runoff and the reduce the possibility for erosion, and provide habitat to support wildlife.

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

At the time of development, the individual parcels 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.

**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.

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. 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 easement is required for this land division:

- A Reciprocal Access Easement is proposed to allow shared use of a driveway that will straddle proposed lot lines;

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, substantially similar to the following example:

*“A Declaration of Maintenance agreement for the Reciprocal Access Easement has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”*

With the condition 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.b):

*The applicant provided a response to the transportation approval criteria, including a written response to Traffic Impacts and Connectivity and Location Rights-of-Way. According to the ITE Trip Generation Manual, 9<sup>th</sup> 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 two lots, each of which can support a single-family dwelling. Two additional dwellings will generate approximately 20 trips per day, including less than two total additional trips in the morning peak and two additional trips in the evening peak. Based on that information, the proposed development will not significantly impact street capacity or level-of-service. The proposed curbside vehicle access and loading area for the residential use at this location are sufficient to accommodate two dwellings. As required, the applicant proposes to provide a shared driveway with a 14-ft throat\*, which preserves over 16-ft of on-street parking adjacent to each of the lots. Additionally, the applicant proposes at least one off-street parking space to be located on each of the two proposed parcels. A bus stop for line # 4 is within 501-ft of the proposed development. A bus stop for line # 9 is within 2,500-ft. Existing frontage improvements on SE Ivon include an 11-ft sidewalk corridor, including a 5-ft pedestrian through-zone (sidewalk), which complies with the requirements of TRN 1.22 "Infill Development on Streets with an Existing Sidewalk Corridor." This sidewalk corridor includes a 5-ft pedestrian through-zone that provides a sufficient pedestrian level-of-service. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area. The proposed development will not negatively impact transit service or safety for any mode.*

\*PBOT originally approved a 10-foot wide driveway throat to meet PBOT policy for driveway widths in place at the time the application was originally approved. This policy changed after the Preliminary Plat was approved and the current standard allows for 14-foot driveway throat. The applicant requested a revised decision allowing for a wider throat. The original PBOT response was revised to reflect this change (See Exhibit E.2.b).

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><b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.</p>
<p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.</p>
<p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1</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><b>Parcels 1 and 2:</b> Stormwater from these 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 notes that the narrative supplied by the applicant proposes a shared drywell for the two parcels, while the site plan submitted shows two separate drywells on the individual lots. Shared drywells are discouraged and would need to be approved through a plumbing code permit. BES has indicated conceptual approval of the <u>individual</u> drywells.</p>
<p><b>33.654.110.B.1 Through streets and pedestrian connections</b></p>
<p>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.</p> <p>The block on which the subject property is located meets the noted spacing requirements for streets but does not meet the pedestrian connection spacing requirements. However, the proposed parcels are located within 50 feet of the corner of SE Ivon. Connections located on the proposed parcels would not provide the minimum 200-foot distance between pedestrian connections and through streets. Therefore, no pedestrian connection or public street is required to be constructed on the subject parcels at this time.</p> <p>In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.</p> <p>For the reasons described above, this criterion is met.</p>
<p><b>33.654.120.B &amp; C Width &amp; elements of the right-of-way</b> – See Exhibit E.2 for bureau comment</p>
<p>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. Portland Transportation has indicated that the existing street is currently improved in a manner that is sufficient to serve the expected users. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.</p> <p>This criterion is met.</p>
<p><b>33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)</b></p>
<p>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</p>

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:

- Narrow Lots-- development on Parcels 1 and 2 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
  - 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.

**Existing development that will remain after the land division.** The site plan shows an existing deck which serves the house on the adjacent property to the east that will 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 R2.5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment.

Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, the wooden deck on Parcel 1 must be removed prior to final plat. Because the structure is less than 30 inches high, a demolition permit is not required. The applicant must submit before and after photos to document removal of the structure or show the removal of the structure on a supplemental site plan submitted with the final plat.

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 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489	Title 11 –Trees

<a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	
Water Bureau/503-823-7404	Title 21 – Water availability
<a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	

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 for PBOT to provide a shared driveway, with a 14-foot throat maximum, as specified in the drawing included in the PBOT response (Exhibit E.2.b). PBOT indicates that the shared driveway access as shown on the site plan would meet this requirement. A reciprocal access easement over the shared portion of the driveway must be shown on the final plat.
- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including 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 for street tree planting in the existing planter strip along SE Ivon Street prior to final plat approval. Initially, Urban Forestry noted that there is not space for the planting of any new street trees in the parking strip and the proposed development will result in the loss of planting area for one (1) street tree (1.5 inches); however, the applicant submitted a Tree Planting Plan that includes two new street trees to meet the street tree standard. This plan was approved by Urban Forestry and therefore no payment will be required into the Street Tree Fund with the condition that the applicant plant two street trees in the planting strip as shown on Exhibit C.5 at the time of building permit. This requirement is based on the standards of Title 11.

## CONCLUSIONS

The applicant has proposed a two-parcel partition, as shown on the attached preliminary plan (Exhibit C.3). 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 tree mitigation, narrow lot standards, and driveway design.

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 (2) narrow lots as illustrated with Exhibit C.3, subject to the following conditions:

### A. The final plat must show the following:

1. A Reciprocal Access Easement shall be shown and labeled on the final plat, extending at least 6 feet onto both properties, per PBOT policy, from SE Ivon Street and centered on the shared property line between Parcels 1 and 2. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for.
2. 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.3 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for the Reciprocal Access Easement 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. The applicant must document the removal of the existing deck located on Parcel 1 through photographs or by illustrating the removal on a supplemental survey submitted with the final plat. Alternately, the applicant can execute a covenant with the City stating that the structure will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.

**Required Legal Documents**

3. A Maintenance Agreement shall be executed for the Reciprocal Access 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.

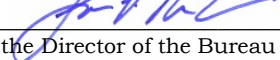
**Other requirements**

4. The applicant must pay into the City Tree Preservation and Planting Fund the amount equivalent to 22 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 dwelling units.
2. The applicant is required to provide a shared driveway, with a 14-foot throat maximum, as specified in the PBOT response (Exhibit E.2.b) and on the applicant's site plan (Exhibit C.3).
3. To meet the Title 33 tree mitigation requirements, the applicant must plant the equivalent of 3.5 inches of tree caliper on Parcel 1 and 3.5 inches of trees on Parcel 2 at the time of development. Trees must be setback 10 feet from any proposed utilities. Trees shall be shown on permit plans and receive final inspection approval. These trees cannot count towards Title 11 tree density requirements.
4. The applicant must plant two (2) street trees in the planting strip along SE Ivon to meet Urban Forestry requirements for Title 11 as shown on the applicant's Tree Planting Plan (Exhibit C.5).
5. 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: Jason P. McNeil**

**Decision rendered by:**  **on August 2, 2017**  
By authority of the Director of the Bureau of Development Services

**Decision mailed August 7, 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 August 19, 2016, and was determined to be complete on October 11, 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 August 19, 2016.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on February 8, 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](http://www.portlandonline.com).

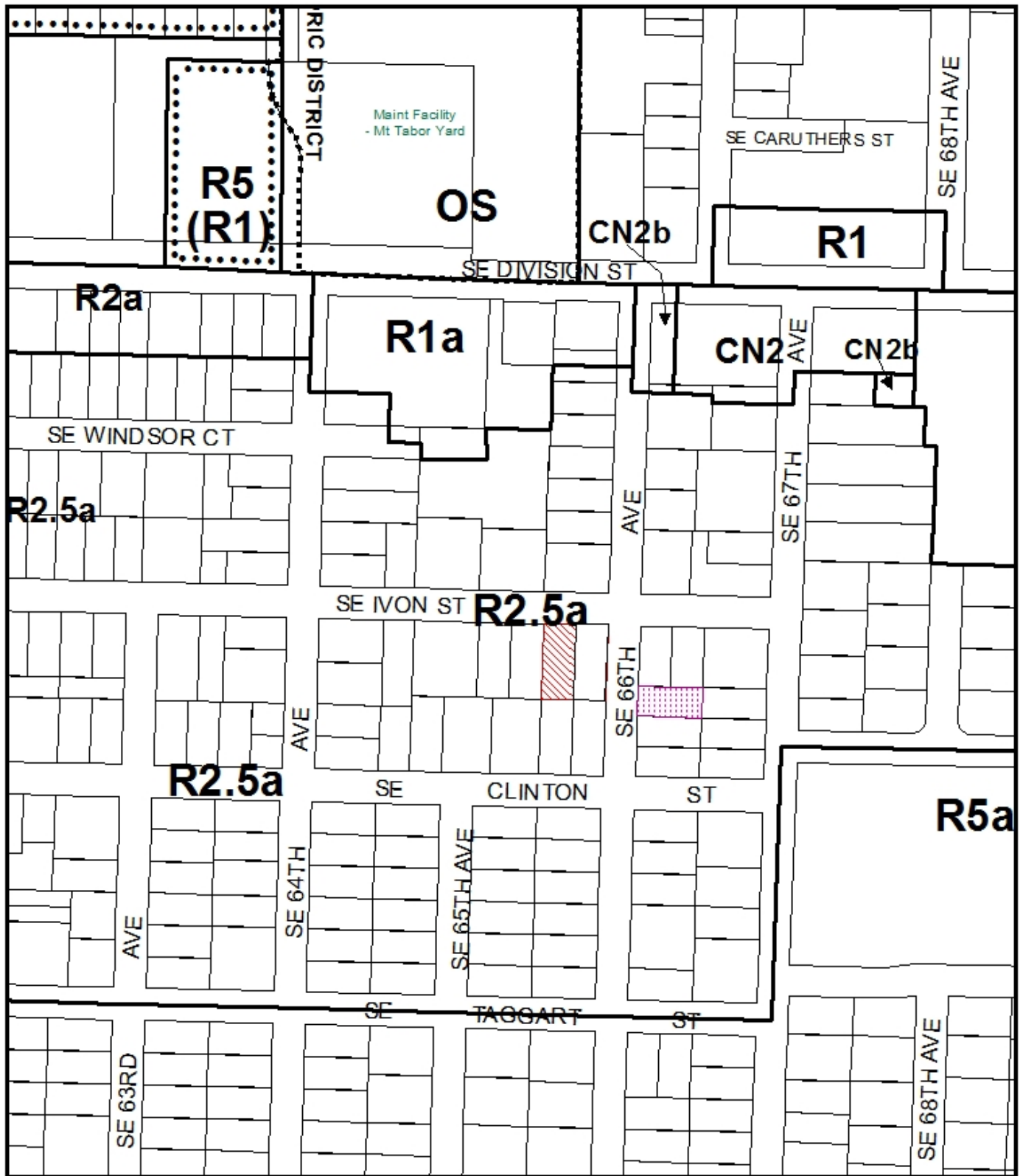
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal:
  - 1. Applicant's narrative
  - 2. Arborist report
  - 3. Stormwater form
  - 4. Multnomah County record of lot confirmation
  - 5. Proposed Tree Mitigation Plan #1 – December 13, 2016
  - 6. Proposed Tree Mitigation Plan #2 – December 26, 2016
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Original Site Plan, August 19, 2016
  - 2. Revised Site Plan, October 24, 2016
  - 3. Revised Site Plan, July 20, 2017 (attached)
  - 4. Existing conditions
  - 5. Approved Tree Mitigation Plan
- D. Notification information:
  - 1. Mailing list – original notice October 20, 2016
  - 2. Mailed original notice – October 20, 2016
  - 3. Mailing list – revised notice November 9, 2016
  - 4. Mailed revised notice – November 9, 2016
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
    - a. Original response November 23, 2016
    - b. Revised response August 1, 2017
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety Section of BDS
- F. Correspondence: None received
- G. Other:
  - 1. Original LU application
  - 2. Expedited land use form
  - 3. 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



- Site
- Also Owned Parcels

File No. LU 16-227447 LDP  
 1/4 Section 3337  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E08BB 8600  
 Exhibit B (Aug 23, 2016)



SCALE 1 INCH = 20 FEET

RECEIVED

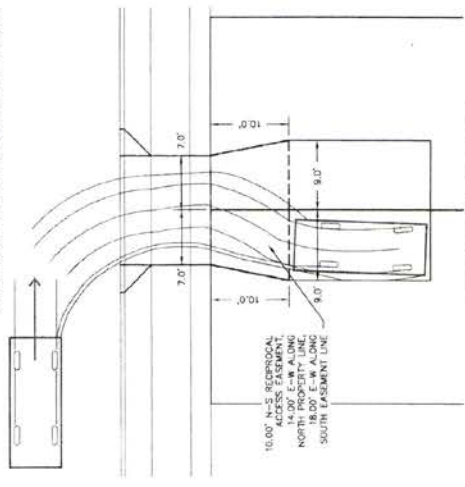
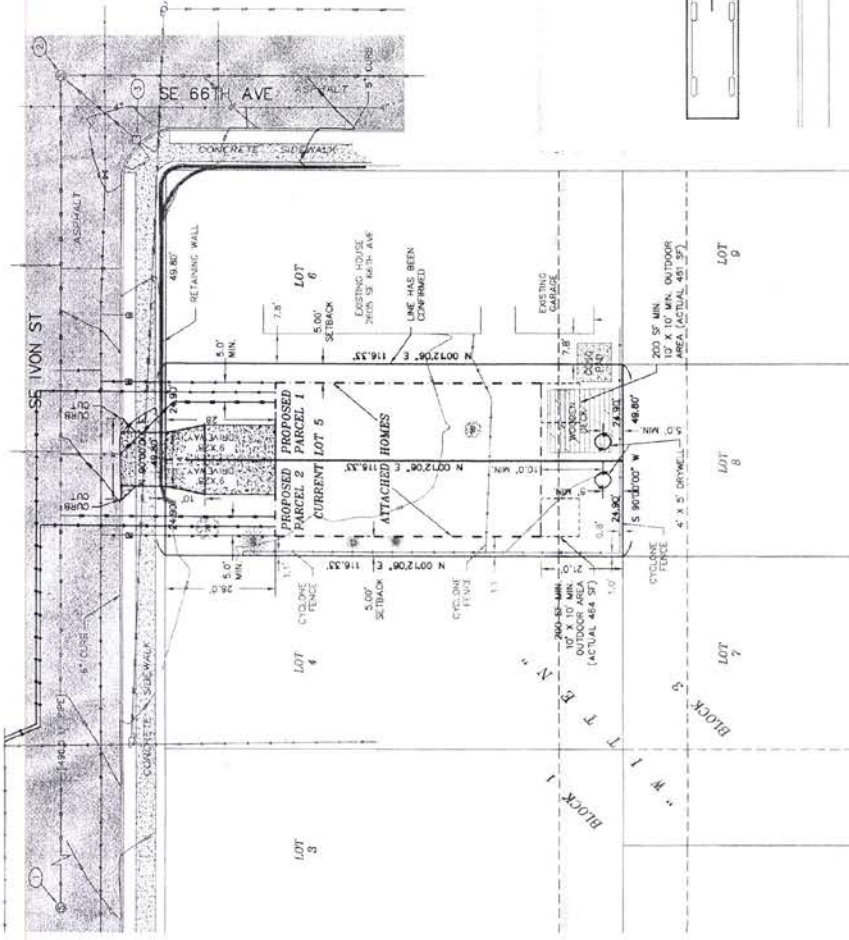
JUL 9 0 2017

LEGEND

- EXISTING DECOROUS/COMFERTOLS RIE W/ TRUNK DIAMETER (NICS)(G-C-CLUSTER)
- EXISTING POWER METER AND POWER POLE WITH OVERHEAD LINES
- EXISTING WATER METER AND VALVE WITH UNDERGROUND WATER LINE
- PROPOSED WATER METER AND VALVE WITH UNDERGROUND WATER LINE
- EXISTING CATCH BASIN WITH COMBINED SEWER MANHOLE
- EXISTING ROCK WALL
- EXISTING CONCRETE
- EXISTING ASPHALT
- PROPOSED CONCRETE
- PROPOSED ATTACHED HOMES
- PROPOSED GAS LINE
- PROPOSED SANITARY LINE
- PROPOSED WATER LINE
- PROPOSED WATER METER

NOTES

- THE PURPOSE OF THIS MAP WAS TO SHOW THE PROPOSED IMPROVEMENTS AND UTILITIES FOR 2605 SE 66TH AVENUE.
- THE BASIS OF BEARINGS WAS PER THE PLAT OF "WITEN" MULTNOMAH COUNTY RECORDS.
- LOCAL DATUM WAS ESTABLISHED USING AN ASSUMED BENCHMARK: SET WAG NAIL IN ASPHALT AT SOUTHWEST CORNER OF INTERSECTION OF S.E. IVON STREET AND S.E. 66TH AVENUE, ELEVATION = 100.00
- THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF BLUESTONE HOMES, FOR CIVIL ENGINEER DESIGN.
- THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, ASBUILT DATA, AND FIELD MEASUREMENTS. A RECORDED BOUNDARY SURVEY WILL BE FILED AT A DATE TO BE DETERMINED.
- ALL UTILITY LOCATIONS ARE SHOWN BY ABOVE GROUND FEATURES, ASBUILT DATA, AND LOCATION OF PAINT MARKS SURVEYED BY THE LOCAL UTILITY COMPANIES. LHM TAKES NO RESPONSIBILITY OF UNDERGROUND LOCATION. PLEASE NOTIFY THE UTILITY NOTIFICATION CENTER BEFORE ANY DIGGING 1-800-332-2344.



TURNING RADIUS DETAIL SCALE: 1" = 10'

PROPOSED IMPROVEMENTS PLAN
2605 SE 66TH AVENUE
NW 1/4 SEC 6, T15, R2E, W.M.
CITY OF PORTLAND
MULTNOMAH COUNTY, OREGON
DRAWN: JULY 19, 2017
SCALE: 1" = 20' ACCOUNT: SPF
T: 202-304-1000 W: 503-252-0205 F: 202-



CMT SURVEYING AND CONSULTING  
 9136 SE 51 HELENS ST, SUITE J  
 PORTLAND, OREGON 97216  
 PHONE (503) 850-4672 FAX (503) 850-4580

- COMBINED SEWER MANHOLE  
R/W CL = 222.39' (ACTUAL) - 18.6'  
APPROX E = 203.55'
- COMBINED SEWER MANHOLE  
R/W CL = 222.39' (ACTUAL) - 15.3'  
APPROX E = 204.86'
- CATCH BASIN  
GRATE CL = 217.95'

CASE NO. LU 12-227447 LOP  
 EXHIBIT C.3