



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

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Date: November 16, 2017
To: Interested Person
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**NOTICE OF A TYPE IX DECISION ON A PROPOSAL
IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

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

CASE FILE NUMBER: LU 17-148119 LDP

GENERAL INFORMATION

Applicant: Kevin Partain
223 NE 56th Avenue
Portland OR 97213-3705
503-421-2967 / Kevinp@Gorge.Net

Property Owner: Bob Sisul
8946 SW Terwilliger Boulevard
Portland OR 97219
503-703-3233 / Bobsisul@Msn.Com

Site Address: 413 and 425 SE 154th Avenue

Legal Description: BLOCK 1 LOT 2, PANIAN SUB
Tax Account No.: R642200050
State ID No.: 1N2E36DC 08700
Quarter Section: 3046

Neighborhood: Glenfair / Graham Wright / 503-887-7028
Business District: Gateway Area Business Association / Paul Wild / paul.wild@mhcc.edu
District Coalition: East Portland Neighborhood Office / Victor Salinas / 503-823-6694

Zoning: Single Dwelling Residential 7,000 (R7)
Alternative Design Density (a) overlay
Aircraft Landing (h) overlay

Plan District: East Corridor

Case Type: Land Division-Partition (LDP)
Procedure: Type IX, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA)

REVISED Proposal: The applicant initially presented a 4-lot proposal, but during the course of the review, the applicant revised the proposal to request a **Land Division-Partition** to divide an approximately 14,000 square foot lot into 3 parcels. One parcel (Parcel 1) will be a standard R7 lot for a detached house. The other two parcels will be “narrow lots” for attached houses using the housing regulations in the East Corridor Plan District (33.521.120.B.3). The East Corridor Plan District regulations allow attached housing at R2.5 densities, since the land division site has a side lot line that abuts a multi-dwelling (R1) zone.

All existing development is proposed to be removed. New access and utility connections are proposed via SE 154th Avenue. Onsite stormwater facilities are proposed to serve the new parcels.

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 3 units of land (3 parcels). Therefore, this land division is considered a partition.

Relevant Approval Criteria:

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

ANALYSIS

Site and Vicinity: The subject site is a rectangular piece of land comprising approximately 14,045 square feet. The site is currently developed with two detached housing units and garage, which are proposed to be demolished. The terrain is flat, and there are no large (regulated 6-inches or larger) trees on the site.

The surrounding development consists primarily of single-dwelling residential homes. Many of which are a mid-century ranch style. There are higher density multi-dwelling units along E Burnside Street to the north and SE Stark Street to the south.

There is a fairly well-established north-south street pattern and a more limited and fragmented east-west road system in the surrounding area.

Infrastructure:

- **Streets** –The site has approximately 102 feet of frontage on SE 154th Avenue, which runs north and south between E Burnside and SE Stark. There is one driveway entering the site that serves the existing residences. The City’s Transportation System Plan (TSP) classifies SE 154th Ave as a Local Service Street for all transportation modes. According to City GIS information, SE 154th is improved with 32-ft of paving and curbs on both sides but no sidewalk. There is 9-ft of ROW behind the curb. There are no street trees. Parking is allowed on both sides of the street.

Tri-Met provides transit service approximately 225 feet from the site at SE Stark Street via Bus 20.

- **Water Service** – This site is within the Rockwood Water People’s Utility District, which has indicated there is an existing 4-inch water main in SE 154th Avenue, and the site is currently served by two 3/4-inch service lines with 5/8-inch meters.

- **Sanitary Service** – There is an existing 8-inch PVC sanitary-only sewer line in SE 154th Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The site is within the Single Dwelling Residential 7,000 (R7) zone, and it has Alternative Design Density (a) and Aircraft Landing (h) overlay designations, and it is within the boundaries of the East Corridor Plan District.

The R7 zone 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 Alternative Design Density (a) 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.*

The Aircraft Landing (h) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. *Typically, the maximum height limit for R2.5 development is 35 feet and the maximum height limit for R7 development is 30 feet. In this case, the development on Parcels 2 and 3 will also be subject to the height limit for new narrow lots (33.110.215.B.2), which limits the height relative to the width of the new structures and which may not exceed the maximums noted above.*

The East Corridor Plan District includes three light rail stations and three Pedestrian Districts. The area is targeted to receive a significant share of the city’s growth. It is envisioned that future development will transform the areas surrounding the light rail stations into vibrant mixed-use areas of retail, office, and housing with a high level of pedestrian amenities. Lower density residential and commercial development will continue to surround the Pedestrian Districts. *In this proposal, the applicant is applying the East Corridor Plan District regulation that allow attached housing at R2.5 densities on sites that abuts a multi-dwelling zone.*

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 *Revised Notice of Proposal in Your Neighborhood* reflecting the current proposal was mailed on September 6, 2017. A previous Notice of Proposal had been mailed on June 28, 2017. A total of 4 written responses have been received; 2 to the initial notice and 2 to the revised notice.

A representative from the Glenfair Neighborhood Association, responding to the original proposal, noted that the proposed “attached housing” was “almost detached, with the units connected only by small breezeways...,” and cited the benefits of true attached housing such as efficient use of land, building materials, and operating energy. This aspect of the proposal was changed in the Revised Notice, and the two attached units would share a common wall.

Another neighbor responding to the original proposal expressed concern about height with regard to privacy and the current architectural composition of the neighborhood. Two neighbors responding to the new proposal shared this concern with regard to the possible construction of modern 2-story houses in a neighborhood dominated by single-story and split-level ranch homes, and advocated for only allowing one-story homes.

Though the development on Parcel 2 and 3 will be required to meet the attached house provisions, 33.110.240.C, specific building plans are not evaluated as part of this land use review. In this case, the height limits are regulated by the base zones, h-overlay, and plan district provisions. These provisions will be required to be met at the time of future development.

One neighbor was also concerned that the driveway area was inadequate and would prompt an increase in on-street parking. The Portland Bureau of Transportation (PBOT’s) response with regard to transportation impacts can be found on pages 7-8. PBOT generally found that the shared driveway is consistent with PBOT policy, and that SE 154th Ave. is well served with regard to off-street parking. While potential changes to neighborhood parking levels are possible, the street appears to have capacity to absorb any additional demand. This site is also within 500 feet of a frequent-service transit via Bus 20.

One neighbor was also concerned that the two existing units are likely more affordable than new development may be. While the well-being of the current property residents is important, the private decision to redevelop this property is beyond the scope of this land use review. Respondents may wish to address their concerns about the relationship between affordability and new development to the ongoing *Residential Infill Project*.

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 6-inches or larger are located on the site. See findings for Criterion G, Clearing and Grading, regarding protection for an off-site tree.
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
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	No pedestrian connections are 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: This proposal is using the provisions of the East Corridor Plan District outlined in 33.521.120.B, which allow attached houses to be developed at R2.5 densities in the R7 zone. One standard lot is proposed to meet R7 standards, and two lots for attached homes are proposed to meet R2.5 standards.

Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones, and 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 14,045 square feet. The maximum density in the R7 zone is one unit per 7,000 square feet for a total of 2 units. The maximum density in the R2.5 zone is one unit per 2,500 square feet, so a total of 5 units could be allowed using the provisions of the East Corridor Plan District. The minimum density for the site is one unit, per 33.610.100.E.1.

The applicant is proposing 3 parcels, which is within the allowed density, given the attached house allowance in the plan district.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R7 Zone	4,200	12,000	40	55	30
Parcel 1	5,564 sq. ft.		40.78	137.3	40.78
R2.5 Zone	1,600	NA	36	40	30
Parcel 2	4,237 sq. ft.		31	136.58	31
Parcel 3	4,278 sq. ft.		31	136.79	31

* 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.

As shown in the table above, Parcel 1 will meet the minimum lot size for the R7 zone. However, Parcels 2 and 3 are 31 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 33.611.200.C, as follows:

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

The purpose of Lot Dimension regulations is:

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (3) lots are not so large that they

seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are wide enough to allow development to orient toward the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9) lots are compatible with existing lots while also considering the purpose of this chapter.

The applicant has demonstrated that the proposed Parcels 2 and 3 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 parcels can accommodate a reasonably sized house and garage while meeting the development standards of the zoning code.
- The proposed parcels are not landlocked nor do they narrow to an unbuildable width close to the street
- The proposed narrow parcels are compatible with the lot sizes allowed in the abutting multi-dwelling zone and represent a transitional area between the single-dwelling and multi-dwelling zones, as anticipated by the East Corridor Plan District provisions.

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

The parcels will be required to 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 has demonstrated, with Exhibit C.1 that each parcel can be built with a house that is greater than 22 feet in width and accommodate a garage that will occupy no more than 50% of the length of the street facing façade. The garage limitation standards of Subsection 33.110.253.E can be met.

60 percent landscaping requirement for attached houses

Parcels 2-3 will have individual abutting driveways that are approximately 9 feet wide each. Each lot is 31 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.

The property is located in a parking exempt area, due to the proximity of transit services on E Burnside (per 33.266.110); however, the applicant indicates on-site parking will be provided for each parcel. So, as discussed above, the garage limitations will apply.

Based on the foregoing, the density and lot dimensions to allow Parcel 1 can be met; and the density and lot standards to allow Parcels 2 and 3, per the East Corridor Plan District regulations, can be met can be met, with the application of a condition which requires that Parcels 2 and 3 must be developed with attached houses.

With the application of the noted condition, this criterion will be met.

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

Findings: 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.

Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading: The subject site is primarily flat and is not located within the Potential Landslide Hazard Area. No significant clearing or grading has been identified as necessary to make the new lots developable.

In this case there are no regulated trees (6-inch diameter or larger, non-nuisance species) on the subject site; however, there is one tree on the abutting property to the north that is within 15 feet of potential disturbance area on proposed Parcel 1. In order to protect the off-site trees from construction impacts, the applicant provided an arborist report (Exhibit A.2.a) that recommends tree protection fencing be installed around the portion of the root protection zone that extends onto the subject site, as shown on the Proposed Improvements Plan (Exhibit C.1). The arborist also calls for a qualified arborist to be present during the dig out of the foundation on the northern most proposed structure.

With a condition that calls for the implementation of those measures, this should help to limit impacts to the neighboring tree at the time of development on Parcel 1.

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

Additionally, although the site is currently connected to the public sanitary sewer, there is an old on-site sewage disposal system. 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 parcels can be considered suitable for new development

With the implementation of the noted conditions, this criterion will be met.

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

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.

Portland Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

The applicant is proposing a 3-lot land division to develop Parcel 1 with a new detached house and Parcels 2&3 with attached houses. The site is currently developed with a duplex and a detached garage that are proposed to be demolished. Accordingly, the project will result in a net increase of 1 new single-family home. Based upon trip generation estimates obtained from the

Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, the project is estimated to generate 1 additional trip during both the morning and evening peak hours (10 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.

Vehicle access to Parcel 1 is proposed via a new driveway connection to SE 154th and, consistent with PBOT Policy, a shared driveway is proposed to serve the attached units. 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 Stark & SE 155th PL approximately 435-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.

As such, this criterion is 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 addressed in the following table:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The site is within the Rockwood Water People’s Utility District. The applicant provided a Water Availability Form which verifies that service is available to serve the subject 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 (BES) 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.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
BES evaluated the applicant’s proposed stormwater management plan and determined the following:
<ul style="list-style-type: none"> • Public Street Improvements: There are no public right-of-way improvements that will trigger BES public stormwater drainage improvements. • Parcels 1-3: Stormwater from these parcels will be directed to individual onsite facilities that will treat the water and slowly infiltrate it into the ground, which is acceptable to BES.
Based on these factors, this criterion is met.
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 does not meet the noted spacing requirements. The closest east-west streets are approximately 200 feet south (SE Stark Street)

and 800 feet north (E Burnside).

Additionally, the site is subject to the Connectivity requirements of the East Corridor Plan District (33.521.230). These provisions aim to ensure *that adequate street and pedestrian/bicycle connections will be provided for local access to development. These regulations implement master street plans for the East Corridor and improve vehicular, pedestrian, and bicycle circulation throughout the plan district, while minimizing congestion on the arterial system. Pedestrian and bicycle connections provide more frequent connections or may provide access where full street connections are not feasible.*

As outlined in the *Transportation System Plan*, the adopted Master Street Plan for the area, the *Far Southeast Portland Master Street Plan*, includes nearly all of the Far Southeast Transportation District, from I-205 east to the City limit, and from Burnside south to the City limits. Some portions of this area are excluded from the plan: the Gateway regional center because a street plan already exists, and Burnside light rail station areas (102nd to 162nd, NE Glisan to SE Stark), where master street plans will be completed as part of TSP refinement plans. At this time, the plan does not provide a specific location for a new east-west connection to SE 154th Avenue.

Portland Transportation notes that an east-west public connection should be provided with future redevelopment north of this site, in a location that more closely meets the City's spacing goals. Portland Transportation also notes that the applicant will be required to install a sidewalk corridor behind the existing curb in SE 154th Avenue, which will contribute to pedestrian connectivity in the area.

For the reasons described above, and given the site's proximity to SE Stark, a new public pedestrian connection will not be required. This criterion is met.

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for details

SE 154th Avenue is improved with a paved roadway, and curbs on both sides but no sidewalks. 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 provided the following comments:

The City's Transportation System Plan (TSP) classifies SE 154th Ave as a Local Service Street for all transportation modes. According to City GIS information, SE 154th is improved with 32-ft of paving and curbs on both sides but no sidewalk. There is 9-ft of ROW existing behind the curb.

For a Local Service Street, abutting an R7 zoned site, the City's Pedestrian Design Guide recommends a 10-ft sidewalk corridor consisting of a 0.5-ft curb, 4-ft furnishing zone with street trees, 5-ft sidewalk, and 0.5-ft frontage zone.

The applicant will be required to construct the 10-ft sidewalk corridor behind the curb on SE 154th Ave. A 1-ft dedication of property for ROW purposes will be required prior to Final Plat approval to accommodate standard improvements. The sidewalk improvements are required to be constructed under a Minor Improvement Permit (MIP) from the Bureau of Transportation and will be a condition of building permit approval.

Based on the foregoing, with conditions that the required right-of-way dedication is shown on the plat and the improvements are made along the SE 154th Avenue frontage, this criterion will be met.

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

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

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

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 2 and 3 will be limited to attached houses and must meet the R2.5 standards, per 33.521.120.B. For example, the residences will be subject to the following standards at the time of permitting:

- Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2; and
- Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.E.3.a.
- Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b.
- Main entrances must be provided within 4 feet of grade, per 33.110.230.D.

Tree Code: 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.

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.

Urban Forestry: The applicant must meet the requirements of Urban Forestry for street tree planting. This requirement is based on the standards of Title 11.

Fire Bureau: The applicant must meet the requirements of the Fire Bureau in regards to fire flow/water supply, addressing, and aerial fire department access. These requirements are

based on the 2016 Portland Fire Code, technical standards of Title 31, and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 3-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). The primary issues identified with this proposal include:

- Attached housing provisions for the East Corridor Plan District (33.521.120.B)
- Tree protection for off-site tree
- Right-of-way dedication and improvements on SE 154th Avenue

Neighbors raised concerns about parking impacts; however, Portland Transportation found that by providing parking on each of the proposed lots, no significant reduction in the amount of on-street parking is expected. Neighbors also noted concerns about impacts to privacy and the scale of the future development. These issues are not specifically addressed in the Land Division approval criteria; however, as noted in the report, the future development on Parcels 2 and 3 will be subject to specific housing type (attached houses) and height limits for “narrow lots”. These requirements will be required to be met at the time of development.

Overall, as outlined in this report, the relevant standards and approval criteria have been met, or can be met with conditions. With conditions that address these requirements, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition, that will result in one standard parcel (Parcel 1) for a detached home and two “narrow” parcels (Parcels 2 and 3) for attached homes, 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 154th Avenue. The required right-of-way dedication must be shown on the final plat.

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

1. Finalized permit(s) must be obtained for demolition of the existing residential structures and garage on the site and capping the existing sanitary sewer connection(s). Note that Title 24 requires a 35-day demolition delay period for most residential structures.
2. The applicant shall meet the requirements of the Site Development for decommissioning the on-site sewage disposal system.
3. 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.

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

1. Development on Parcel 1 shall be in conformance with the Tree Protection Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.2.a). Specifically, tree protection fencing is required along the root protection zone indicated on Exhibit C.1. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zone may only occur if it is under the supervision of a certified arborist.

2. Parcels 2 and 3 are “narrow lots” and may only be developed with attached dwelling units, in accordance with the R2.5 development standards.
3. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Kate Green

Decision rendered by:  **on November 14, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed November 16, 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 April 7, 2017, and was determined to be complete on June 23, 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 April 7, 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 requested that the 120-day review period be extended by 120 days (Exhibit A.4). Unless further extended by the applicant, **the 120 days will expire on: February 19, 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.

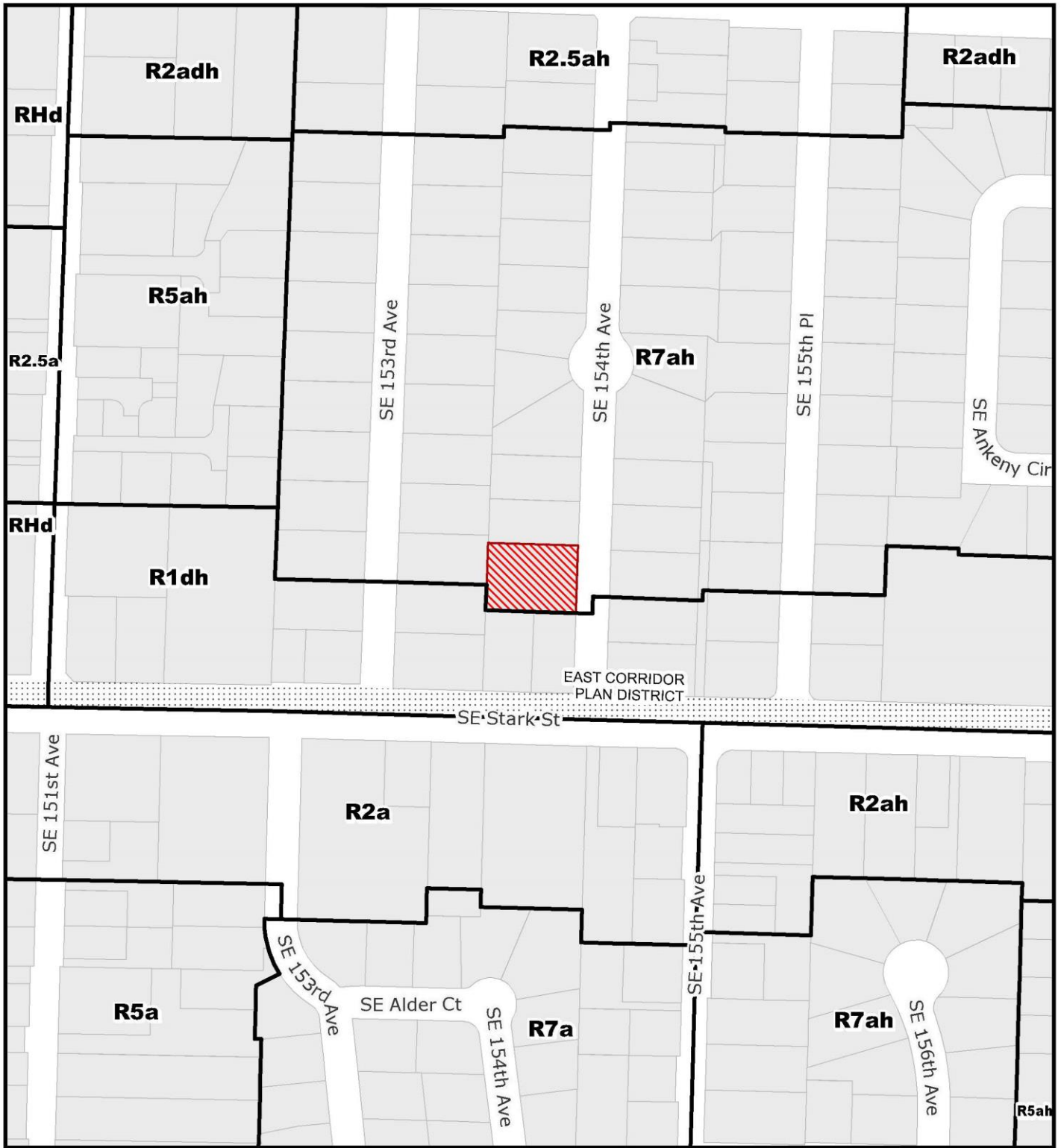
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Initial Submittal
 - 2. Amended Narrative
 - 3. Revised Proposal
 - a. Arborist Report
 - 4. Timeline Extension
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Conceptual Development/Utility/Tree Plan (attached)
- D. Notification information:
 - 1. Mailing list-initial notice
 - 2. Mailed notice-initial notice
 - 3. Mailing list-revised notice
 - 4. Mailed notice-revised notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Transportation
 - 3. Rockwood Water People's Utility District
 - 4. Fire Bureau
 - 5. Site Development/BDS
 - 6. Urban Forestry
 - 7. Life Safety/BDS
- F. Correspondence:
 - 1. Graham S Wright, Secretary/Glenfair Neighborhood Association, July 27, 2017, re: attached houses
 - 2. Jay Ballantine, July 20, 2017, re: concerns about privacy and housing type
 - 3. Mariya Zlatova, September 15, 2017, re: concerns about parking and privacy
 - 4. Yang Limei, September 24, 2017, re: housing type
- G. Other:
 - 1. Original LU Application
 - 2. Letter to applicant re: incomplete application
 - 3. Correspondence with applicant

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 
NORTH

 Site

File No.	LU 17-148119 LDP
1/4 Section	3046
Scale	1 inch = 200 feet
State ID	1N2E36DC 8700
Exhibit	B Sep 01, 2017

**PROPOSED IMPROVEMENT PLAN
FOR A PROPOSED PARTITION PLAT,
LOT 2, BLOCK 1, PANIAN SUBDIVISION,
DOCUMENT NO. 2016-134796.**

SITUATED IN THE S.E. 1/4 OF SECTION 36, T.1N., R.2E., W.M.
MULTNOMAH CO., OREGON

MARK ASSOCIATES
78615 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-662-8600
FAX: 503-662-8550
EMAIL: DALE@MARKASSOCIATES.NET

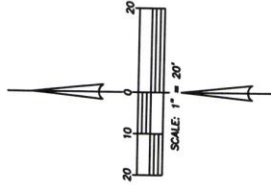
DATE DRAWN: JUNE 9, 2017
DRAWING NO. 17002PIP
ACCOUNT NO. 17002
REVISION: JUNE 13, 2017
REVISED: AUGUST 7, 2017
REVISED: AUGUST 20, 2017

ZONING: R7 - RESIDENTIAL 7.000
SITE SIZE: 14,147 SQUARE FEET
PARCEL DATA: LOT 2, BLOCK 1, PANIAN SUBDIVISION, DOCUMENT NO. 2016-134796
BENCHMARK: BENCHMARK IS CITY OF PORTLAND BENCHMARK NO. 3787
A. CURB, S.E. STARK STREET, 85' WEST OF CENTER LINE, S.E.
1330 STREET, ELEVATION IS 278.160, CITY OF PORTLAND DATUM.

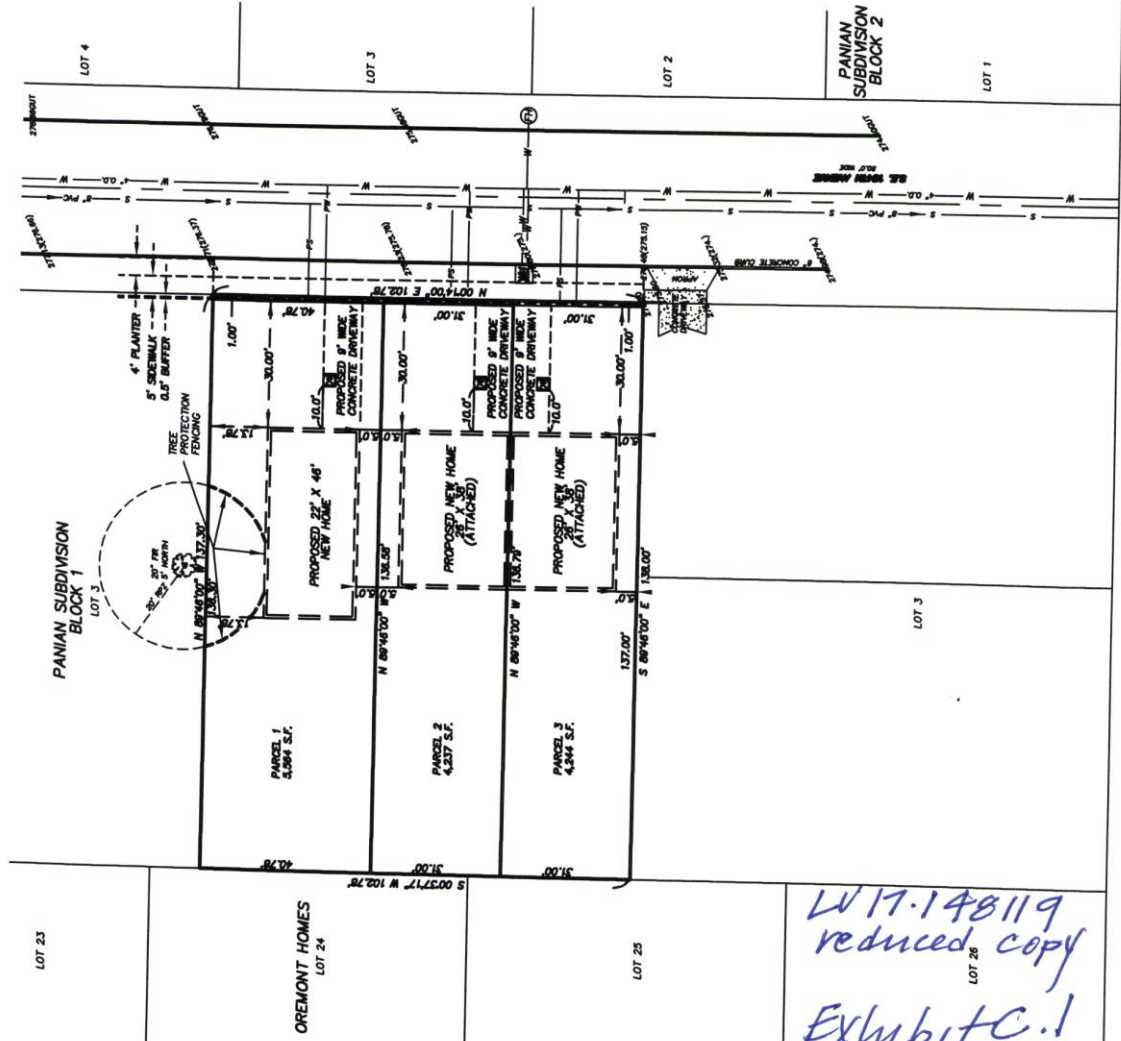
NOTES & LEGEND:

- "TM" DEPICTS WATER METER.
- "FH" DEPICTS FIRE HYDRANT
- "WC" DEPICTS WIRE FENCE
- "-X-" DEPICTS WIRE FENCE
- "CLFC" DEPICTS CHAIN LINK FENCE
- "-O-" DEPICTS CHAIN LINK FENCE
- "-W-" DEPICTS WATER LINE
- "-PW-" DEPICTS PROPOSED WATER LINE
- "-S-" DEPICTS SEWER LINE
- "-FS-" DEPICTS PROPOSED SEWER LINE
- "1213-456UT" DENOTES GUTTER ELEVATION (ELEVATION IS AT THE DECIMAL POINT)
- "123-45(123.00)" DENOTES TOP CURB(GUTTER) ELEVATION
- "123-450L" DENOTES CENTERLINE ELEVATION (ELEVATION IS AT THE DECIMAL POINT)
- "(123-450)" DENOTES GROUND ELEVATION AT ITEM NOTED.
- "123-46" DENOTES SPOT ELEVATION (ELEVATION IS AT THE DECIMAL POINT)
- "123-4560" DENOTES EDGE GRAVEL ELEVATION (ELEVATION IS AT THE DECIMAL POINT)
- "S" DENOTES SQUARE FEET.
- "S" DENOTES DOWNSPOUT TO SURFACE.
- "T.B.R." DENOTES "TO BE REMOVED".
- "D" DENOTES PROPOSED DRYWELL.

NOTE: UTILITIES ARE LOCATED AS SHOWN PER FIELD TIES OR CITY OF PORTLAND RECORDS. ACTUAL LOCATION SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION.



REGISTERED
PROFESSIONAL
LAND SURVEYOR
[Signature]
OREGON LICENSE
NUMBER 2523
EXPIRATION DATE 12/31/17



*LV 17-148119
reduced copy
Exhibit C-1*