



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

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

Date: November 21, 2017
To: Interested Person
From: William Piro, Land Use Services
503-823-6039 / William.Piro@portlandoregon.gov

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

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

CASE FILE NUMBER: LU 17-100635 LDS

GENERAL INFORMATION

Applicant: Kevin Partain, Urban Visions
223 NE 56th Ave
Portland OR 97213
503-421-2967

Owner: Thomas Stout, Owner
PO Box 196
Clackamas, OR 97015
503-781-2195

Representative: Jim Kosta, BW Construction, Inc.
11749 SE Rhone St
Portland OR
97266
971-570-1271

Site Address: 14024 SE Center St

Legal Description: TL 6000 0.58 ACRES, SECTION 11 1S 2E
Tax Account No.: R992112030
State ID No.: 1S2E11DD 06000
Quarter Section: 3444

Neighborhood: Powellhurst-Gilbert, contact at pgnaboard@gmail.com
Business District: Midway, contact info@midwaybusiness.org.
District Coalition: East Portland Neighborhood Office, contact Victor Salinas at 503-823-6694.
Plan District: Johnson Creek Basin

Zoning: R5a – Single Dwelling Residential 5,000 with Alternative Design Density
“a” Overlay Zone

Case Type: LDS (Land Division Subdivision)
Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to subdivide a 25,057 square foot property into 4 lots along with sidewalk improvements abutting Lots 1 and 2. The existing pole barn will be removed, and the future lots will be built with single dwelling houses. Water and sanitary sewer services are proposed from existing utilities located within SE Center Street for Lots 1 and 2 and from existing utilities in SE Gladstone Street for Lots 3 and 4. Stormwater will be managed on-site by drywells. Additional right-of-way dedication and improvements are proposed along SE Gladstone Street abutting the frontage of Lots 3 and 4.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 4 units of land (4 lots). Therefore this land division is considered a subdivision.

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.

FACTS

Site and Vicinity: This site is a rectangular lot, approximately 25,057 square feet in size, and is relatively flat (with an average slope of 3.5%). There are no trees on the site; however there are two large street trees, a 20-inch cedar and a 43-inch fir tree located at the SW and SE property corners within the SE Gladstone right-of-way. The single-family residence on the property has been removed. An existing pole barn at the northern portion of site will also eventually be removed.

The area immediately surrounding the site is zoned R5, and consists of predominately single-dwelling residential homes. Nearby lot sizes along SE Center Street and SE Gladstone Street range between 3,500 square feet up to 14,000 square feet.

Infrastructure:

- **Streets** – The site has approximately 82 feet of frontage on SE Center Street. There are two existing driveway aprons at this location providing access to a connected circuitous driveway on site. At this location, SE Center Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 1,100 feet from the site at SE 136th Ave via Bus 17.

SE Center Street has 32 feet of paving, a curb and no sidewalk, all within a 70-foot right-of-way. SE Gladstone is partially improved with a variable paving width, with no curb or sidewalk within an existing 20-foot wide right-of-way.

- **Water Service** – There are existing 6-inch water mains in SE Gladstone Street and SE Center Street. The existing 5/8-inch metered service from SE Center SE Street may be used for new development in Lot 1. At the time of building permit submission of the meter size will be reviewed.

- **Sanitary Service** – **a)** There is an existing 8-inch PVC sanitary sewer in SE Gladstone Street in part of the frontage of this site (BES as-built #6373). **b)** There is a public 8-inch PVC sanitary sewer in SE Center Street (BES as-built #4686).

- **Stormwater Disposal – a)** There are no public storm-only sewers available to this property.
- b)** Public underground injection control (UIC) systems “sumps” infiltrate stormwater runoff from the public right-of-way in the vicinity of the site. Stormwater from private development cannot be discharged to public UICs.

Zoning:

The R5 (Residential 5,000) designation is one of the City’s single-dwelling zones, which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

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

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 21, 2017**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No trees in excess of 6 inches in diameter are located fully or partially on the site, or the trees are nuisance species or exempt due to poor condition. Trees in the right-of-way at the SW and SE corners of the site located in SE Gladstone Street have been approved for removal by Urban Forestry (Exhibit E.6).
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards

		express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site add if site has e-zoning outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.605 contains the density and lot dimension requirements applicable in the R5 zone. Based on the applicant's survey, the site area is 25,057 square feet. The maximum density in the R5 zone is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area.

The site has a maximum density of 5 units and a minimum required density of 4 units. The Portland Bureau of Transportation (PBOT) has requested a street dedication along SE Center Street and SE Gladstone Street; however, this area is not subtracted from the original site area when calculating density. The applicant is proposing 4 lots with detached single dwelling housing. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Lot 1	5,695 square-feet		41.16 feet	138.51 feet	41.16 feet
Lot 2	5,682 square-feet		41.16 feet	138.51 feet	41.16 feet
Lot 3	5,770 square-feet		41.16 feet	140.18 feet	41.16 feet
Lot 4	5,770 square-feet		41.16 feet	140.18 feet	41.16 feet

* 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.

Based on the foregoing findings, the applicable density and lot dimensions standards will be met. Therefore, the criterion is met.

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

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, 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. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. The applicant applied for a demolition permit (Permit No. 16-204320 RS) to remove the existing house in July of 2016. According to city records the house has been removed; however, the permit has not yet been finalized. Additionally, the applicant has proposed to remove an existing Pole Barn that still remains on the site. In order to ensure that the new lots are suitable for development, the demolition permit for the removed house must be finalized. The Pole Barn must also be removed prior to Final Plat approval.

Life Safety has noted that no permit is required to remove an agricultural building, as defined in Appendix C of the 2014 Oregon Structural Specialty Code (OSSC 105.2). In order to document removal of the structure, the applicant must complete one of the following options prior to Final Plat approval

1. A permit must be obtained and finalized for demolition of the existing Pole Barn.
2. Provide documentation to the satisfaction of Life Safety that the Pole Barn is an agricultural building, then remove the structure and provide photos of the site showing it has been removed.

With the condition requiring the applicant to final the demolition permit for the removed house and to obtain a demolition permit for the removal of the Pole Barn (or incorporate Pole Barn removal into existing demolition permit) the new lots can be considered suitable for development, and this criterion will be met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes. Mitigation may be necessary to reduce impacts.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

“The minimal expected added vehicle trips (3 AM peak hour trip/ 3 PM peak hour trip/ 30 total new daily trips) will not adversely impact the operations of area intersections. There appears to be little demand for on-street parking in the area – existing lots along SE Center and SE 141st Ave have on-site parking opportunities for multiple vehicles. Currently, given the conditions of SE Gladstone, on-street parking is not permitted. However, as a result of the required frontage improvements along SE Gladstone, future on-street parking will be accommodated – parking opportunities will be enhanced. The proposed partition will not have any effect to 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”.

PBOT has reviewed the proposal and concurs with the information supplied by the applicant. With the construction of the required frontage improvements, as described later in this report, the transportation system will be capable of safely supporting the proposed development in addition to the existing uses in the area. These criterion are met.

E. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Findings: Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
<p>The Water Bureau has indicated that service is available for Lots 1 and 2 from the 6-inch water mains in SE Center Street. Likewise, a 6-inch main can provide service for Lots 3 and 4 from SE Gladstone. The existing 5/8-inch metered service in SE Center may be used for new development in Lot 1. At the time of building permit submission the meter size will be reviewed. If the meter is found to be inadequate it will be resized at the expense of the applicant. The water service standards of 33.651 have been verified.</p> <p>All new and existing water services must meet City Title 21 requirements for location and sizing. This criterion is met.</p>
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed bureau comments.
<p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 3 of this report. The sanitary sewer service standards of 33.652 have been verified.</p> <p>Lot 1 will be served by an existing lateral to a public sanitary sewer in SE Center Street located approximately 15 feet east from the manhole SE Center Street (#AMR322). The existing connection was capped with the demolition permit for the old house on Lot 1 (17-204320-RS) and will be available for future use by development on proposed Lot 1.</p> <p>Lot 2 & 3 will be served by new individual connections to the sanitary sewer within their frontages (SE Center Street & SE Gladstone Street).</p> <p>Lot 4 will be served by a new connection to the manhole in SE Gladstone Street (#ACE927). The sanitary lateral shown on the submitted site plan for Lot 4 is not feasible. The location of all sanitary service laterals, in particular for proposed Lot 4 must be shown on a revised supplemental plan that depicts how the sanitary service and stormwater management requirements will be addressed.</p> <p>With these conditions, this criterion is met.</p>

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1 for detailed bureau comments.

No stormwater tract is proposed or required. Therefore, criterion A (33.653.020) is not applicable.

Onsite Stormwater Management: The applicant submitted a Geotechnical Engineering Report from GeoPacific Engineering, Inc. (Exhibit A.2). This report describes infiltration testing (completed on June 7, 2017) which was conducted at 4.5-feet in test pit TP-1, 7-feet below ground surface (BGS) in TP-2, 5-feet BGS in TP-3. The Presumptive Approach infiltration test results are reported at 58-100 inches per hour on the site.

Lots 1-4: The applicant has proposed to infiltrate runoff from the development onsite via drywells that can meet minimum setbacks as established in the facility Storm Water Management Manual (SWMM). BES has indicated conceptual approval of the drywells. Therefore, criterion B is met for onsite stormwater management pursuant to 33.653.020.

Public Street Improvements: Stormwater runoff from public right-of-way improvements as required by the City of Portland Bureau of Transportation (PBOT) must be managed according to the standards of the SWMM and the Sewer and Drainage Facilities Design Manual. BES has offered the following recommended conditions to ensure the applicant's proposed stormwater management plan is acceptable for the purpose of reviewing the preliminary land division application.

BES has noted that there is an existing inlet located SW of the site in SE Gladstone Street that will direct stormwater towards an existing underground injection control (UIC) facility or "sump" that has been approved by BES Development Engineering. For portions of the frontage along SE Center Street, where PBOT requires new sidewalk construction, BES has indicated that the sidewalk can be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.

To ensure an allowable stormwater management design is implemented, the following conditions will be applied:

1) Prior to final plat approval the applicant must submit a revised supplemental plan that depicts how stormwater management requirements will be addressed, specifically: stormwater management for public improvements that is consistent with the public works permits (discharge to UIC and slope to vegetated area/street trees rather than new vegetated facilities).

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

33.654.110.B.1 Through streets and pedestrian connections See Exhibit E.2 for detailed bureau comments.

Generally, through streets should be provided no more than 530-ft apart pedestrian connections should be provided no more than 330-ft apart. Through streets and pedestrian connections should generally be between 200 and 330-ft apart.

The subject property is on a block which is located with a developed street grid with through streets less than 530-ft apart. A pedestrian connection provided on the property would be less than 200-ft from the nearest street.

The Portland Bureau of Transportation has provided the following evaluation of connectivity for this proposal (see Exhibit E.2):

"No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject block, does not satisfy the above referenced pedestrian connection spacing goals (in the north-south direction). The location of the subject site is not

ideally located within its block to potentially improve connectivity in the area – the extension of SE 140th Ave (from the south) would provide the appropriate pedestrian connection through the block. However, this street is west of the subject site. PBOT has no concerns relative to this approval criterion”

No additional through street or pedestrian connections are warranted on this location. As such, this criterion is met.

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

Street Classification

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development.

In this case Portland Transportation has determined that curb and sidewalk improvements must be made in order to meet City standards ensure that safe pedestrian travel is possible within the proposed development.

SE Center Street

SE Center is improved with 32-ft of paving and a curb only, no sidewalk, within a 70-ft wide right of way. Additionally, SE Center Street is classified as a Local Service street for all modes. For Local Services streets abutting R5-zoned sites with an existing curb (SE Center), the City’s Pedestrian Design Guide requires an 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk and 0.5-ft frontage zone. Based on the applicant’s submitted survey, there appears to be approximately 9-ft of public right-of-way behind the existing curb. Therefore, to accommodate the required standard sidewalk construction that will be triggered by the proposed development, approximately 2-ft of property dedication will also be required. The applicant will need to confirm the detailed dedication amount based on the site survey.

A Minor Improvement Permit can be obtained from PBOT for this sidewalk corridor construction in association with building permits on Lots 1 and 2.

SE Gladstone Street

SE Gladstone is partially improved with a variable paving width, and no curb or sidewalk within and existing 20-ft wide right of way. Additionally, SE Gladstone is classified as a Local Service Street for all modes. For Local Service streets abutting R5-zoned lots without an existing curb (SE Gladstone), the City’s public right-of-way standards document requires a 56-ft right-of-way width to accommodate a 26-ft roadway pavement width (which would allow parking along both sides) & two 15-ft wide sidewalk corridors (0.5-ft curb, 8-ft stormwater management facility, 6-ft sidewalk & 0.5-ft frontage zone).

A review of the existing right-of-way conditions in the area, taking into consideration public improvements that were constructed over a decade ago with a previous land division west of the subject site, and south of the subject site, PBOT will require the above referenced standard improvements to be based from the existing curb alignment along the south side of SE Gladstone (and east of SE 140th Ave). Accordingly, the new street section along the site’s SE Gladstone frontage must include a new curb measured 26-ft from the aforementioned existing curb line along the south side of the street, with the other above referenced standard right-of-way elements behind the new curb.

To accommodate these standard improvements, based on scaling from the submitted survey, it appears that a property dedication of ~27-ft will be necessary. It is noted that the applicant’s survey shows a 24-ft dedication of property along this frontage.

The above referenced frontage improvements along SE Gladstone trigger review/approval of a

Public Works Permit. The applicant submitted 17-163420 WT/TF0053 and 17-131982 WE/EP352 for the City's review. Concept plan (30%) approval from the City for the proposed improvements along SE Gladstone has already been provided.

With conditions and required frontage improvements this criterion will be met.

33.654.120.H – Standard for Street Trees

The applicant's arborist report (A.5) identifies 2 trees in the right-of-way that are within 15 feet of potential disturbance areas on the proposed lots. The first tree is a 43-inch diameter-at-breast-height (DBH) Douglas-fir (*Pseudotsuga menziesii*) near the SE corner of the property. The second tree is a mature Port Orford-cedar (*Chamaecyparis lawsoniana*) with a bi-furcated stem measuring approximately 40-inches approximately 6-inches above grade at the SW corner of the property. The independent stems have a diameter measurement of 20-inches and 13-inches respectively. The arborist report offers tree preservation options for both trees. Subsequently, the applicant applied for a Public Works permit to construct the required frontage improvements (see PBOT findings for chapter 33.641 below) along SE Gladstone (PBOT Job TF0053). In order to accommodate these improvement, and support future infrastructure development on adjacent properties, Urban Forestry has approved the removal of both trees

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 right-of-ways can be provided on the final plat. As such, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Existing Development. As previously noted in this report, an existing Pole Barn on Lot 1 and Lot 2 will be removed prior to Final Plat approval

With the condition to obtain a demolition permit for the accessory structure (if required), this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan

Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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

Fire Bureau:

1. The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; hydrant spacing and installing a new hydrant if required; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirements; fire apparatus access roads, including access specifications, and aerial access. If a fire code appeal is necessary, this may require the applicant to record an Acknowledgement of Special Land Use Conditions to document any applicable requirements. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

Urban Forestry:

1. Urban Forestry has permitted the removal of a 28-inch Port Orford Cedar street and a 43-inch Douglas Fir tree to allow for the construction of right-of-way improvements in front of Lot 4. The applicant must meet the requirements of Urban Forestry to plant two 1.5-inch trees, for each existing tree, to the satisfaction of Urban Forestry. Because available planting space may be limited, an equivalent payment of \$450 into the City Tree Preservation and Planting fund will be required for each tree which cannot be planted. These requirements are based on the standards of Title 11 and will be applicable at the time of removal.
2. The applicant must meet the requirements of Urban Forestry for the loss of available street tree planting locations in the right-of-way. Urban Forestry has required that a fee is required for the permanent loss of 2 available planting spaces after the proposed subdivision. Additionally, Urban Forestry has required that street trees be planted in the front of the proposed development if frontage improvements are required. The applicant is required to plant 1 tree for each lot in the proposed planting strips in front of Lots 1-4 for a total of 4 street trees. These requirements are based on the standards of Title 11.

CONCLUSIONS

The applicant has proposed a 4-lot subdivision, as shown on the attached preliminary plan (Exhibit C.1.) As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: removal of existing structures, stormwater management on-site and in the right-of-way, and improvements within the right-of-way. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 4-lot subdivision that will result in 4 standard lots for single dwelling detached houses as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review and BES review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

1. Any building or accessory structures on site at the time of the final plat application;

2. Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
3. Prior to final plat approval the applicant must submit a revised supplemental plan that depicts how the sanitary service and stormwater management requirements memo will be addressed, specifically:
 - a. Location of all sanitary service laterals, in particular for proposed Lot 4.
 - b. Stormwater management for public improvements that is consistent with the Public Works Plan.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE Center Street and SE Gladstone Street. The required right-of-way dedication must be shown on the final plat.
2. If required per condition C.3 below, A recording block for each of the legal documents such as maintenance agreements(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.3 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (Acknowledgement of special land use conditions) has been recorded as document no. _____, Multnomah County Deed Records."

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right-of-way improvements along the site's SE Gladstone street frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.

Utilities

2. 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.
3. Fire hydrant systems shall comply with the Fire Code for spacing and the number of fire hydrants required. The applicant shall provide verification that there is a fire hydrant that provide adequate fire flow that is within 600 feet of all portions of the structure. If not, a public fire hydrant that produces adequate fire flow is provided prior to approval of the final plat.

Existing Development

4. The applicant must final a Demolition Permit for the existing house on site. In addition, the applicant must remove the Pole Barn that straddles the property line between Lots 1 and 2. If the pole barn is an agricultural building, as defined in Appendix C of the 2014 Oregon Structural Specialty Code, no permit is required for demolition (OSSC 105.2). The applicant two options for verifying removal of the Pole Barn:
 1. A permit must be obtained and finalized for demolition of the existing Pole Barn.
 2. Provide documentation to the satisfaction of Life Safety that the Pole Barn is an agricultural building, then remove the structure and provide photos of the site showing it has been removed.

Other Requirements

5. The applicant must meet the requirements of Urban Forestry and pay into the City Tree Preservation and Planting fund for the permanent loss of 2 available street tree planting spaces.

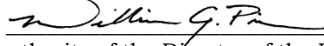
Required Legal Documents

6. If required per condition C.2 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on the proposed Lots to contain internal fire suppression sprinklers. The acknowledgement shall be referenced on and recorded with the final plat.

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

1. The applicant shall meet the requirements of the City Engineer for right-of-way improvements along the site's SE Center Street frontage. The applicant must obtain an approved Right-of-Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor. The improvements along the frontage of Lots 1 and 2 may be constructed with the development on each lot as per the City Engineer's discretion.
2. 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.
3. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling unit on Lots 1-4. Please refer to the final plat approval report for details on whether or not this requirement applies.

Staff Planner: Will Piro

Decision rendered by:  **on November 17, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed November 21, 2017.

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 5, 2017, and was determined to be complete on April 19, 2017.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 5, 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 a total of 120 days (Exhibit A.8 and A.10.). Unless further extended by the applicant, **the extended 120-day review period will expire on: December 15, 2018.**

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

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 5, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

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

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the City Planning Director, 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.**

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

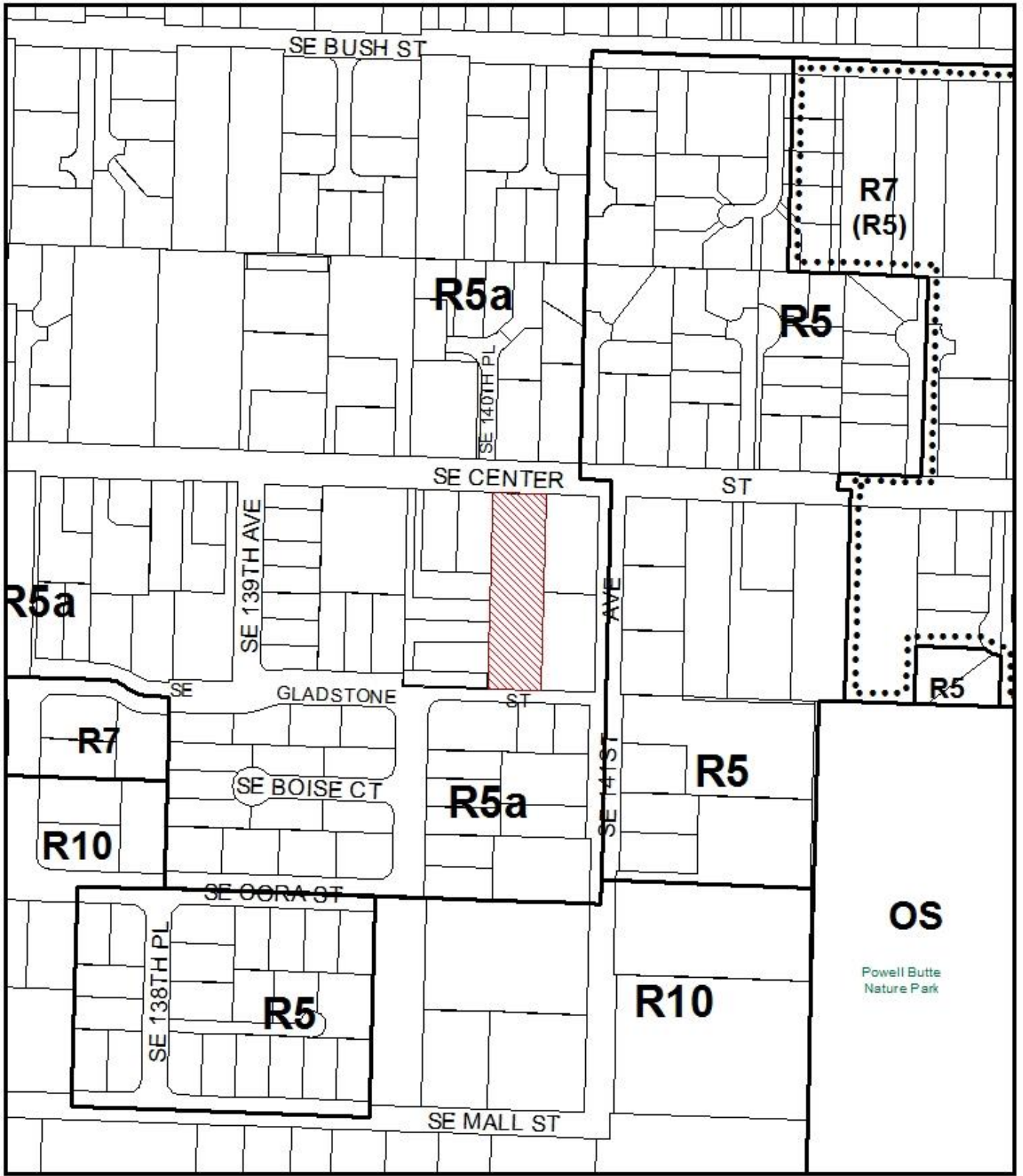
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS


NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative and Plans – January 5, 2017
 2. Geotechnical Engineering Report (Includes Infiltration Testing) January 5, 2017
 3. Neighborhood Meeting Request and Certified Mailed Receipts – January 5, 2017
 4. Revised Narrative and Plans - April 17, 2017
 5. Arborist Report - April 17, 2017
 6. Applicant Stormwater Report and Simplified Approach Form – April 19, 2017
 7. Discharge to UIC's BES Approval – April 19, 2017
 8. Request for Extension of 120-Day Review Period -- May 26, 2017
 9. Revised Preliminary Plat with Frontage Improvements – October 12, 2017
 10. Request for Extension of 120-Day Review Period – October 11, 2017
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Preliminary Plat, Proposed Improvements Plan (attached)
 2. Existing Conditions Plan
 3. Construction Management
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Urban Forestry Division
 7. Life Safety/BDS
- F. Correspondence: (none received)
- G. Other:
 1. Original LU Application
 2. Incomplete Letter
 3. Emails correspondence regarding procedure and review timelines

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



This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	<u>LU 17-100635 LDS</u>
1/4 Section	<u>3444</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E11DD 6000</u>
Exhibit	<u>B (Jan 10, 2017)</u>

**PROPOSED IMPROVEMENTS PLAN,
FOR A PROPOSED SUBDIVISION,
DOCUMENT NO. 2016-045500 TRACT**

SITUATED IN THE S.E. 1/4 OF SECTION 11, T.1S., R.2E., W.M.
MULTNOMAH CO., OREGON

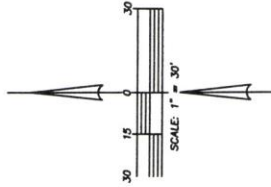
MARY ASSOCIATES
1500 BURNSIDE STREET
PORTLAND, OREGON 97203
TEL: 503-667-5550
FAX: 503-666-8666
EMAIL: DALE@MARYASSOCIATES.NET

DATE DRAWN: JUNE 7, 2017
DRAWING NO. 160329P
APPROVED BY: [Signature]
REVISED: OCTOBER 12, 2017

ZONING: RS
SITE SIZE: 21,007 SQUARE FEET
PARCEL DATA: DOCUMENT NO. 2016-045500
BENCHMARK: BENCHMARK IS CITY OF PORTLAND BENCHMARK NO. 4306, S.W. CORNER, S.E. CENTER STREET AND S.E. 141ST AVENUE, ELEVATION IS 222.176, CITY OF PORTLAND DATUM.

NOTES & LEGEND:

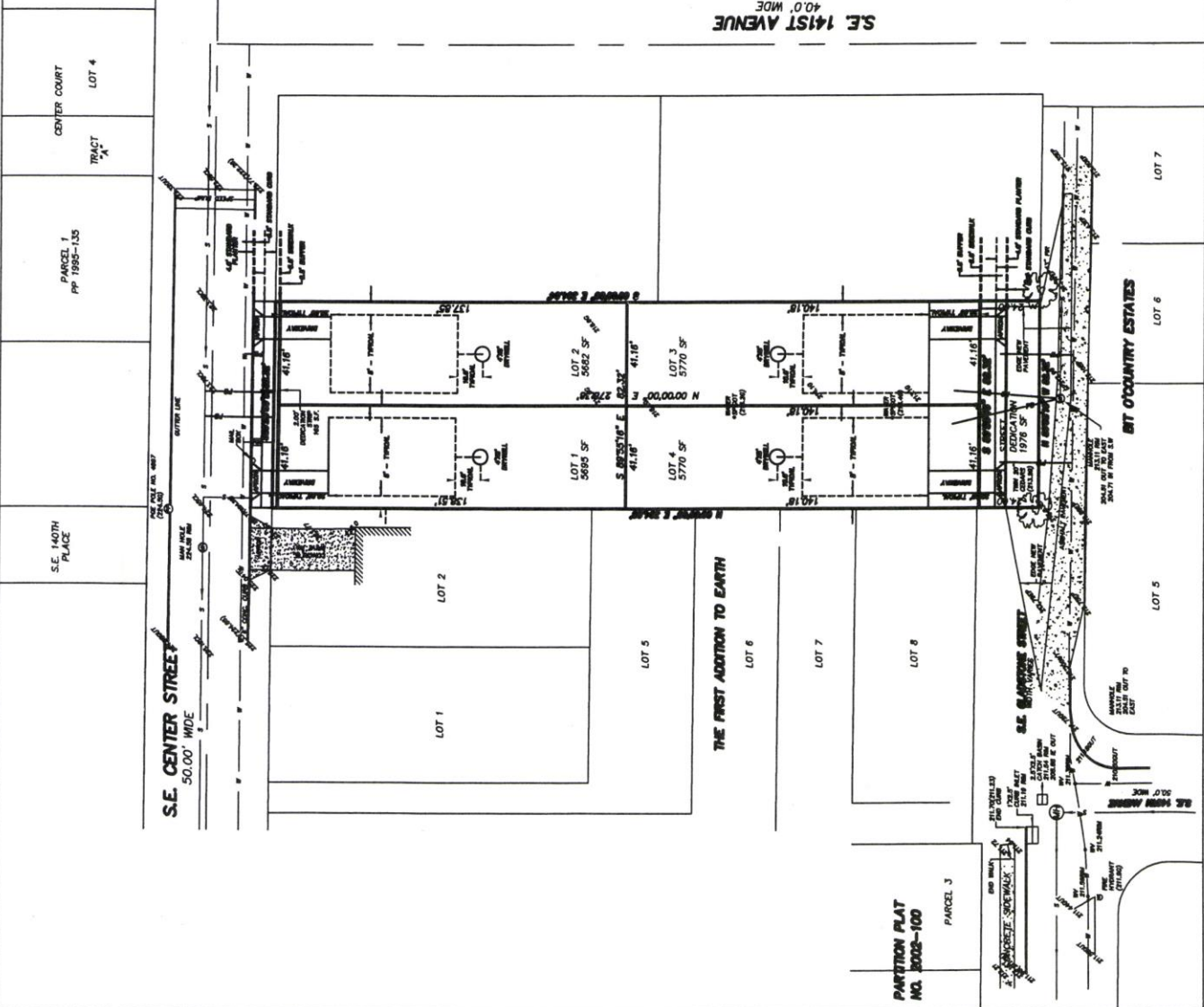
- "M" DEPICTS WATER METER
- "C" DEPICTS MANHOLE
- "P" DEPICTS POWER POLE
- "BOPC" DEPICTS BOARD FENCE
- "-B-" DEPICTS BOARD FENCE
- "CLFC" DEPICTS CHAINLINK FENCE
- "-C-" DEPICTS CHAINLINK FENCE
- "-M-" DEPICTS WATER LINE
- "-S-" DEPICTS SEWER LINE
- "-PW-" DEPICTS PROPOSE WATER LINE
- "-PS-" DEPICTS PROPOSE SEWER LINE
- "EXL" DEPICTS EXISTING PROPERTY LINE
- "1213.4501" DEPICTS GUTTER ELEVATION (ELEVATION IS AT THE DECIMAL POINT)
- "123.45(123.00)" DEPICTS TOP CURB(GUTTER ELEVATION)
- "123.4501" DEPICTS CENTERLINE ELEVATION (ELEVATION IS AT THE DECIMAL POINT)
- "123.4501" DEPICTS GROUND ELEVATION AT ITEM NOTED
- "123.46" DEPICTS SPOT ELEVATION (ELEVATION IS AT THE DECIMAL POINT)
- "123.450P" DEPICTS EDGE PAVEMENT ELEVATION (ELEVATION IS AT THE DECIMAL POINT)
- "S" DEPICTS SQUARE FEET
- "DS" DEPICTS DOWNSPOUT TO SURFACE
- "W" DEPICTS WATER VALVE
- "OH-" DEPICTS OVERHEAD UTILITY LINE



REGISTERED
PROFESSIONAL
LAND SURVEYOR
[Signature]
OREGON LICENSE
NUMBER 61463
EXPIRATION DATE: 12/31/17

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

CASE NO. 17-100635-4DS
EXHIBIT C-1



SE 141ST AVENUE
40.0' WIDE

CENTER COURT
TRACT
LOT 4

PARCEL 1
PP 1995-135

S.E. 140TH
PLACE

S.E. CENTER STREET
50.00' WIDE

PARCEL 3
PARTITION PLAT
NO. 2002-100

BIT O' COUNTRY ESTATES

LOT 7

LOT 6

LOT 5

LOT 8

LOT 7

LOT 6

LOT 5

LOT 4

LOT 3

LOT 2

LOT 1

THE FIRST ADDITION TO EARTH

SE 141ST AVENUE
50.0' WIDE

S.E. 140TH
PLACE