



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

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Date: January 24, 2018
To: Interested Person
From: Leah Dawkins, Land Use Services
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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 17-252858 LDP

GENERAL INFORMATION

Applicant: Roseann Johnson, Bluestone Homes, Inc.
16081 S Moore Rd / Oregon City OR, 97045 / (971) 221-6734

Owners: Richard A Kassebaum, Dawn R Kassebaum
16081 S Moore Rd / Oregon City, OR 97045-9340

Site Address: 6433 SE 70TH AVE

Legal Description: BLOCK 4 N 3' OF LOT 2 LOT 3, ALTOONA PK
Tax Account No.: R021900130
State ID No.: 1S2E17CD 13300
Quarter Section: 3637

Neighborhood: Mt. Scott-Arleta, contact Andrew Cecka at msanalandusechair@gmail.com

Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at info@82ndave.org

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Zoning: R2.5a- Single-Dwelling Residential with "a" Alternative Design Density Overlay

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

Proposal:

The applicant is proposing to divide the 5,203 square foot site into two parcels for the purposes of developing two attached houses. Each parcel will be 2,611 square feet in size. Each parcel will be 21.5 feet wide and 121.48 feet long. There are no trees or significant

landscaping on the site. The applicant is proposing shared driveways and a shared stormwater facility.

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 2 units of land. 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.**

FACTS

Site and Vicinity: The site is relatively flat and does not have any significant landscaping or trees. There is an existing house and garage which are proposed to be removed. The surrounding area consists primarily of moderately sized single dwelling structures. The surrounding street grid provides adequate connectivity to and from the site. The site is located just north of SE Duke Street, which is a neighborhood collector providing direct access to the area.

Infrastructure:

- **Streets** – The site has approximately 43 feet of frontage on SE 70th Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, SE 70th Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 80 feet from the site at SE Duke Street via Bus #19.

SE 70th Avenue has a 28-foot curb to curb paved surface within a 50-foot right-of-way with parking on both sides. Along the 43-foot wide site frontage the pedestrian corridor includes a 4-foot wide planter area, curb, 6-foot sidewalk and a .5-foot wide buffer at the back of the sidewalk (4-6-.5 configuration).

- **Water Service** – There is an existing 6-inch CI water main in SE 70th Avenue. The existing house is served by a 3/4-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch PVC public combination sewer line in SE 70th Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The R2.5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It 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 **November 29, 2017**. Seven written responses have been received from notified property owners in response to the proposal. The following comments were submitted. Staff response is in *italics*:

- Concern about the potential height of the new homes.
Height on new narrow lots in the R2.5 zone is limited to 1.5 times the width of the new structure. In this case, the maximum height for the new structures is 24.75 feet.
- Concern about the aesthetic combability and marketability of the new homes.
The new homes are subject to the development standards of the R2.5 zone. The approval criteria for land divisions do not dictate the aesthetic or development standards for the new homes, with the exception of limiting the height of structures on new narrow lots addressed above, requiring 40% front yard landscaping, and a main entrance that is within four feet of street grade.
- Questions about on-site parking.
At this location, new single family residences are required to have off-street parking. Because of the width of the new structures, attached garages will not be allowed. Parking will be provided on parking pads in front of each unit.
- Concern about new homes blocking solar access for homes to the north of the site.
Solar access in the land division approval criteria (33.639) applies only to detached homes and only recommends limits to the widths of new lots depending on if the site is on an east-west or north-south axis. Additionally, other land division approval criteria supersede the solar standards in 33.639.020. There is no height limitation within the solar access approval criteria.

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.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.

F	33.634 - Recreation Area	The proposed density is less than 40 units.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Based on the applicant's survey, the site area is 5,223 square feet. The maximum density in the R2.5 zone is one unit per 2,500 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area.

The site has a maximum density of 2 units and a minimum required density of 1 unit. The applicant is proposing 2 single dwelling parcels. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,611		21.5	121.46	21.5
Parcel 2	2,611		21.5	121.46	21.5

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

Narrow Lots

Parcels 1 and 2 are 21.5 feet wide — narrower than the minimum width for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of 33.611.200.C.

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

The purpose of Lot dimension regulations are as follows:

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are wide enough to allow development to orient toward the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9) lots are compatible with existing lots while also considering the purpose of this chapter.

The applicant has demonstrated that the proposed Parcels 1 and 2 are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street. Therefore, they have demonstrated that the proposed parcels can accommodate a reasonably sized house while meeting the development standards of the zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services.
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street.
- The proposed narrow lots are compatible with existing lots because there are other lots within a two-block radius of the site that are less than 25 feet wide. The surrounding neighborhood contains a mixture of lot widths and housing types. Although many of the adjacent homes are single-story single dwelling homes, there are examples of narrow townhomes and attached homes within walking distance of this site. The purpose statement of 33.611- Lots in the R2.5 Zone, notes that lots should be consistent with the desired character of the zone *“while allowing lots to vary in size and shape provided the planned intensity of the zone is respected.”* The applicant has proposed two lots that meet the maximum density allowed for the site and are larger than the minimum required lot area. Allowing the narrow lots for attached houses allows for the intensity of use in the R2.5 zone without being unduly impactful on the surrounding neighborhood.

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

- The parcels will be developed with attached houses. Therefore, this standard does not apply. In order to ensure this requirement is met at the time of development, a condition is necessary to restrict development only to attached houses.

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 proposed attached houses will not have garages. Therefore, this standard does not apply.

60 percent landscaping requirement for attached houses

- Parcels 1 and 2 will have driveways that share a common access to the public street. The driveways will be approximately 12 feet wide at the curb opening, and widen to approximately 18 feet near the entrance to the garage on each lot (Exhibit C-1). This configuration results in approximately 40 percent of the front yard devoted to driveway area. Therefore, the remaining 60 percent of area can be landscaped to meet this requirement.

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

- Parking is required. Therefore, alley access and the garage limitation requirements described above must be met.

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

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

Findings:

Clearing and Grading

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

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

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. 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. With these conditions for cesspool decommissioning and demolition with sewer capping, the new lots can be considered suitable for development, and this criterion is met.

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

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

The following easements are proposed and/or required for this land division:

- A Reciprocal Access Easement is proposed to allow shared use of a driveway that will straddle proposed lot lines;
- A Private Storm Sewer Easement is proposed across the relevant portions of Parcel 1 and 2, for a shared drywell that will provide stormwater disposal for both parcels.

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

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

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

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

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

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

Based on City GIS maps, it appears as if a single-family dwelling is currently located on the existing parcel. It appears as if one additional dwelling may be constructed following the proposed land division. According to the ITE Trip Generation Manual, 9th Edition, a new single-family detached dwelling is expected to generate approximately ten trips per day, including one additional trip during the morning peak hour and one additional trip during the evening peak hour. Based on that information, the proposed development will not significantly impact street capacity or level-of-service. The shared driveway that is required as a condition of Building Permit approval will decrease the impacts of the proposed development on on-street parking as well as on the sidewalk corridor. On-site parking spaces in conjunction with on-street parking will provide sufficient loading areas for two single-family dwellings and preserve/reduce demand for on-street parking. A bus stop for line #19 is within 80-ft of the proposed development. The existing sidewalk corridor and street provide sufficient transportation facilities to reduce impacts to the right-of-way. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area. The proposed development will not negatively impact transit service or safety for any mode.

PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1

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

The applicant has proposed the following stormwater management methods:

- **Parcels 1 and 2:** Stormwater from these lots will be directed to a shared drywell that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for the stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywell. With the condition that an easement for the shared drywell is shown on the final plat, these standards and criteria are 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 face on which the subject property is located meets the noted spacing requirements and the site is not in a location appropriate for a connection due to its proximity to the corner. In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply. For these reasons, this criterion is met.

dh33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has indicated that the existing street is currently improved in a manner that is sufficient to serve the expected users. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

The proposed development on the site includes adjacent driveways with a single curb cut centered on the common property line between the two parcels. This will replace the current curb cut and driveway serving the existing house to be demolished. PBOT will require the applicant to repair/replace any segments of the sidewalk that are in disrepair to City standards at the time of development. This criterion is met.

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

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

DEVELOPMENT STANDARDS

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

Future Development

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

- Narrow Lots-- development on Parcels 1 and 2 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2; and
 - Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b. (Detached dwelling units are not permitted on lots that are less than 25 feet in width.)

- Main entrances must be within four feet of grade, per 33.110.230.D.
- 60% of the area between the front lot line and the front building setback must be landscaped, per 33.110.240.C.2.d.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issue with this proposal is narrow lot development.

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

ADMINISTRATIVE DECISION

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

A. The final plat must show the following:

1. A private Stormwater Management Easement, for the benefit of Parcels 1 and 2, shall be shown and labeled over the relevant portions of Parcels 1 and 2.
2. A 12 to 18-foot wide Reciprocal Access Easement shall be shown and labeled on the final plat, centered on the common property line between Parcel 1 and Parcel 2. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for.
3. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B.5 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Existing Development

2. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources.
3. The applicant must obtain a finalized demolition permit for removing the garage on Parcel 1.
4. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the septic system on the site.

Required Legal Documents

5. Maintenance Agreements shall be executed for the Reciprocal Access and Stormwater Management Easements described in Condition A.1 and A.2 above. The agreements shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreements must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

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

1. Parcels 1 and 2 must be developed with attached dwelling units.
2. The applicant 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: Leah Dawkins

Decision rendered by: Leah M. Dawkins **on January 17, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) January 24, 2018

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 October 9, 2017, and was determined to be complete on November 27, 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 October 9, 2017.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: March 27, 2018.**

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. Applicant Narrative
 - 2. Arborist Report
 - 3. Site Photo
 - 4. Applicant Resubmittal Correspondence
 - 5. Simplified Approach Form
 - 6. Original Site Plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Revised Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Ariel and Kerry Heintze, 12/20/17, concerns about height and massing of proposal
 - 2. Dan Gassoway, 12/4/17, concerns about aesthetics and parking
 - 3. Tiara Boyd, 12/27/17, form letter about height and aesthetics of proposal
 - 4. Kara Thorne, 12/22/17, form letter about height and aesthetics of proposal
 - 5. Andrea Dillman and Tracy Branscomb, 12/20/17, form letter about height and aesthetics of proposal
 - 6. Sam Richardson, 12/22/17, form letter about height and aesthetics of proposal
 - 7. Heather Miles and John Felsner, 12/29/17, form letter about height and aesthetics of proposal
 - 8. J. Murillo, 01/03/18, form letter about height and aesthetics of proposal (past comment deadline)
 - 9. Margaret Fenton, 01/04/18, form letter about height and aesthetics of proposal (past comment deadline)
- G. Other:
 - Original LU Application
 - 1. Original LU Application
 - 2. Expedited Land Division Acknowledgement
 - 3. Incompleteness Letter

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING  NORTH

 Site

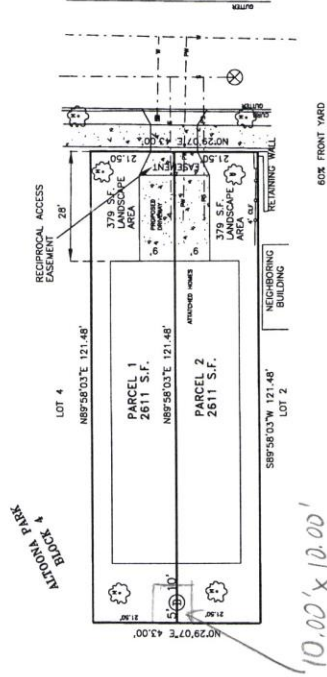
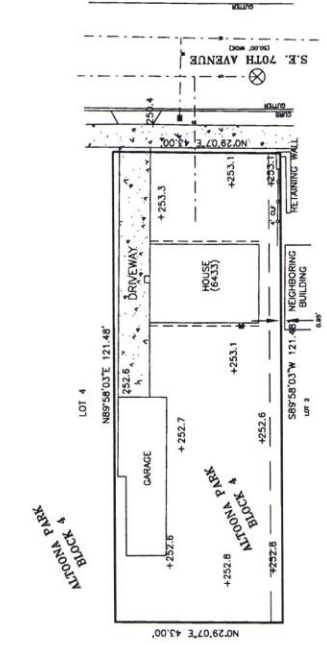
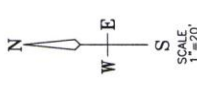
File No.	LU 17-252858 LDP
1/4 Section	3637
Scale	1 inch = 200 feet
State ID	1S2E17CD 13300
Exhibit	B Oct 10, 2017

RECEIVED

DEC 29 2017

EXISTING CONDITIONS

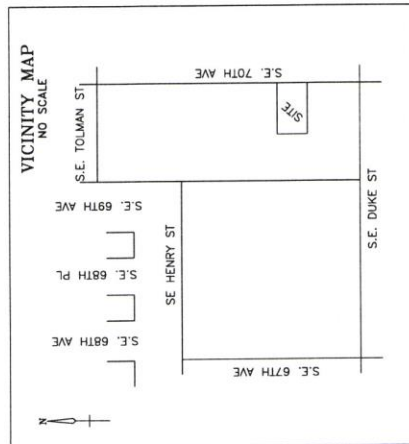
PROPOSED CONDITIONS



10.00' x 10.00' Private Reciprocal Storm Sewer Easement. Note on Future Plat.

- SYMBOLS: POWER POLE, GUY ANCHOR, WATER METER, GAS METER, ELECTRIC METER, WATER VALVE, GAS VALVE, MANHOLE, CLEAN OUT, CATCH BASIN, FIRE HYDRANT, PROPOSED DRYWELL, WATER LINE, GAS LINE, ELECTRIC LINE, SAN. SEWER, DECIDUOUS TREE.

REGISTERED PROFESSIONAL LAND SURVEYOR JOE H. FERGLUSON



NOTE: ELEVATION DATUM IS PER CITY OF PORTLAND BENCHMARK NO. 2983

Ferguson Land Surveying, Inc. 646 SE 106TH AVE. PORTLAND, OR 97216

SITE PLAN THE NORTH 1/4 OF SECTION 4, T42N R2E W1/4

CLIENT: BLUESTONE HOMES ROSSANN JOHNSON 18001 S MOORE ROAD OREGON CITY, OR 97045

REVISED 12/21/17

CASE NO. 17-252858 B EXHIBIT C.1