



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

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**Date:** March 2, 2018  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
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**NOTICE OF A TYPE II<sub>x</sub> 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 17-267225 LDS**

**GENERAL INFORMATION**

**Primary Contact / Consultant:** Sarah Radelet | Strata Land Use Planning | 503-320-0273  
PO Box 90833 | Portland OR 97290

**Applicant:** Jesse Cereghino  
1640 Amonson Court | Gladstone OR 97027

**Purchaser:** Adam Hoesly  
5539 SE 67th Avenue | Portland OR 97206

**Property Owners:** William J Hoesly and Thomas C Hulett  
11666 SE Home Avenue | Milwaukie OR 97222-5433

**Site Address:** 13429 SE Ramona Street

**Legal Description:** LOT 4 TL 3500, LAMARGENT PK  
**Tax Account No.:** R466101740  
**State ID No.:** 1S2E14DB 03500  
**Quarter Section:** 3644

**Neighborhood:** Powellhurst-Gilbert | [pgnaboard@gmail.com](mailto:pgnaboard@gmail.com)  
Pleasant Valley | [Steve Montgomery | foxtrotlove@hotmail.com](mailto:foxtrotlove@hotmail.com)

**Business District:** None

**District Coalition:** East Portland Neighborhood Office | Victor Salinas | 503-823-6694

**Zoning:** Single Dwelling Residential 5,000 (R5)  
Alternative Design Density Overlay (a)

**Plan District:** Johnson Creek Basin

**Other Designations:** abuts the Springwater Corridor

**Case Type:** Land Division-Subdivision (LDS)

**Procedure:** Type II<sub>x</sub>, an administrative decision with appeal to the Hearings Officer

**Proposal:** The applicants propose a **Land Division-Subdivision** to divide an approximately 41,189 square foot property into 9 lots. The lots are proposed to range in size from 2,563 square feet to 5,248 square feet. The house and outbuildings on the site are proposed to be removed. Attached houses are proposed on Lots 1 and 2 (per 33.110.240.E) and detached houses are proposed on the balance of the lots.

The site's frontages along SE Ramona and SE 134<sup>th</sup> Avenue are to be developed with new roadway surfaces, sidewalks, planters, and street trees. At the cul-de-sac terminus of SE 134<sup>th</sup> Avenue, a new public pedestrian path will be extended along the western boundary of Lot 9 to provide a connection to the Springwater Corridor north of the site.

New water and sanitary sewer services are proposed to serve the lots via existing lines in SE Ramona and SE 134<sup>th</sup> Avenue. Drywells are proposed to manage stormwater on each lot.

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 9 units of land (9 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:** The 41,189-square foot site is generally rectangular and relatively flat, with a slight downslope to the north. A one-story single dwelling house and a detached garage are developed on the south end of the property and several small sheds are also located near the center of the site. There are approximately a dozen trees on the site, including a significant large Fir tree in the northwest corner.

The site has frontage on SE Ramona Street and SE 134<sup>th</sup> Place and abuts the Springwater Corridor Trail (a multi-modal trail) to the north.

The surrounding properties to the east and south are developed primarily with single family houses, also in the R5 zone. The properties to the east are in a higher density, multi-dwelling zone, and include a mix of single dwelling and multi-dwelling development and vacant land. A small commercial node is located east of the site along to SE 136<sup>th</sup> Avenue adjacent to the Springwater Corridor Trail.

### Infrastructure:

**Streets** –The site has approximately 100 feet of frontage on SE Ramona Street and approximately 440 feet of frontage along SE 134<sup>th</sup> Place. There is one driveway entering the site that serves the existing house. At this location, SE Ramona Street and SE 134<sup>th</sup> Place are classified as a Local Service Street for all modes in the *Transportation System Plan (TSP)*. At this time, each street has partial improvements, including a paved roadway and sidewalk across from the subject site. The site frontages do not presently include curbs, sidewalks or street trees.

There is also a multi-modal pathway, the Springwater Corridor Trail, north of the site, which is developed with an approximately 12-foot wide paved trail. This corridor is managed by Portland Parks.

Tri-Met provides transit service approximately 400 feet east of the site, along SE 136<sup>th</sup> Avenue, via Bus Line 10.

**Water Service** – There is an existing 6-inch water main in SE 134<sup>th</sup> Place. The existing house is served by a 5/8-inch metered service. At the time of permit review, the meter size will be reviewed, and this meter may be used to serve Lot 1 or resized at the expense of the applicant. Static pressure is estimated at 65 – 81 psi.

**Sanitary Service** - There is an 8-inch PVC sanitary sewer in SE 134<sup>th</sup> Place (BES as-built #8326), and a 12-inch PVC sanitary sewer in SE Ramona Street (BES as-built #4409).

**Stormwater Disposal** – There is no public storm-only sewer available to this property. 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 site in the **Single Dwelling Residential 5,000 (R5)** zone. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

The site is also within the **Alternative Design Density (a)** overlay zone, which allows increased density for development that meets additional design compatibility requirements. *The applicant has not elected to implement any of the a-overlay provisions in this proposal.*

The site is also within the **Johnson Creek Basin Plan District-South Subdistrict** and adjacent to the Springwater Corridor. The plan district regulations are intended to provide for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. At certain locations, the density of development is limited by applying special regulations to new land division proposals.

**Land Use History:** City records indicate there are 3 prior land use reviews for this site:

- MCF 122-63 BA (63-100172): Multnomah County File for review to allow “trailer as second residence on property for relative” – Approved
- MCF 148-64 BA (63-100191): Multnomah County File for renewal of MCF 122-63 BA for use of trailer as residence for relative (Permit #34422) – Approved
- LUR 01-00062 SU (01-007461): Subdivision to create 27 lots with a public street – Voided

**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 **January 8, 2018**. No written responses have been received.

## ZONING CODE APPROVAL CRITERIA

### ***APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES***

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

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

<b>Criterion</b>	<b>Code Chapter/Section and Topic</b>	<b>Findings: Not applicable because:</b>
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
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.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site.
L	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.D - Common Greens	No common greens 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.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 33.610 contains the density and lot dimension requirements applicable in the R5 zone. Based on the applicant's survey, the site area is 41,189 square feet.

- Maximum density is one unit per 5,000 square feet, or 8 units.
- Minimum density is one unit per 5,000 square feet based on 80 percent of the site area, or 7 units.

The applicant is proposing 9 lots, which exceeds the maximum density normally allowed for the site. In this case, Lots 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided those lots are developed with attached houses. With a condition limiting the development on Lots 1 and 2 to attached houses, the density standards will be met.

The required and proposed lot dimensions 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)
<b>R5 Zone</b>	3,000	8,500	36	50	30
<b>New attached housing lots meet R2.5 Zone dimensions</b>	1,600	NA	36	40	30
Lot 1 (attached house lot)	2,589		32	78	32
Lot 2 (attached house lot)	2,563		32	78	32
Lot 3	3,042		38	79	38
Lot 4	3,047		38	79	38
Lot 5	3,049		38	79	38
Lot 6	3,049		38	79	38
Lot 7	3,452		65	56	63
Lot 8	4,951		39	80	30
Lot 9	5,248		36	100	30

\* 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 table, Lots 3-9 meet the minimum dimensional standards, but Lots 1 and 2 are narrower and smaller than would normally be allowed in the R5 zone. As described above, Lots 1 and 2 are being created through a provision that allows attached houses on corner lots. Lots 1 and 2 meet the R2.5 minimum lot area allowed for attached houses; however, the lots are narrower than the 36-foot minimum lot width. So, Lots 1 and 2 must also satisfy the "narrow lot" provisions addressed below.

Narrow Lots: The Zoning Code 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 the Lot Dimension Regulations.***

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 Lots 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 lot(s) can accommodate a reasonably sized house and garage 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 lots will be compatible with existing lots, since they will accommodate attached houses which will be similar to the scale of the existing development on the nearby developed R5 zoned lots. Also, the new units on Lots 1 and 2 will be attached to one another, but each house will be oriented toward a separate street, which will also help to give the structures the appearance of one home when viewed from each abutting street. Further, there are approximately 6 corner lots located in the R5 zone within approximately 600 feet of the subject site (see Zoning Map) that could be eligible to create an additional lot under the corner lot provision (33.110.240.E) and the development on Lots 1 and 2 will be consistent with the allowed density for corner lots in the R5 zone.

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

- The lots are over 25 feet wide; however, the lots can only be developed with attached houses, so 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 lot will be built with a house that is greater than 22 feet in width and will be able to 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***

- Lots 1 and 2 will have individual driveways that are approximately 10 feet wide. Each lot is 32 feet wide, which will allow for the 60% landscaping requirement to be met in the area not devoted to driveway pavement.

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

- Parking is required and proposed, so this provision does not apply.

Based on these factors, Lots 1 and 2 will meet the narrow lot provisions and the proposed width is allowable.

With the application of the condition requiring attached houses on Lots 1 and 2, the applicable density and lot dimension standards will be met. Accordingly, this criterion is met.

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

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

Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

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

Some trees are exempt from the requirements of this chapter, if they are unhealthy, a nuisance species, within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided an existing conditions survey (Exhibit C.5) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.3) that identifies each tree, its condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection measures for each tree to be preserved.

Based on this information, there are 12 trees on the site, and 5 of the trees are subject to the preservation requirements of this chapter. The other 7 trees are identified as too small or nuisance species, so those trees are exempt from the preservation standards.

Of the 5 regulated trees, the applicant proposes to retain one of the 2 trees that are 20-inches in diameter or greater; the tree (Tree 12) is a 78-inch DBH (diameter at breast height) Douglas fir (*Pseudotsuga menziesii*). The arborist indicates this tree is in fair condition with fair structure, as compared to the other large diameter tree (Tree 2), a 25-inch DBH apple (*Malus sp*), which has poor structure. The applicant notes that by preserving Tree 12, this will retain 60 percent of the regulated tree diameter, in accordance with Option 3 of the preservation standards.

The applicant also notes Tree 12 is located on the site such that development can be constructed around it. Staff notes that Tree 2, as well as 2 other regulated trees (Tree 3 and Tree 4) are within the area proposed for the right-of-way dedication and related improvements. Overall, staff finds that with the retention of Tree 12, the tree most suitable for preservation will be retained and protected; and, as such, the proposal will be consistent with the preservation standards.

In addition to the onsite trees, the tree survey and arborist report show there are 4 large diameter trees (Trees 13-16) on the adjacent property to the east (13453 SE Ramona Street), which are within 15 feet of potential disturbance areas on the proposed lots (Lots 1-4). To protect the off-site trees from construction impacts, the arborist recommends an alternative root protection zone for these trees. The arborist indicates the alternative root protection zones will afford a level of protection comparable to that expected from the root protection standards in Title 11. However, the recommended alternative root protection zone for only one of the trees (Tree 16) is shown on the Preliminary Site Grading Plan and Tree Protection Plan (Exhibit C.2). Also, the proposed drywell location on Lot 4, as shown on the Preliminary Site Utility Plan (Exhibit C.4) appears to be within the recommended root protection zone, and it appears to conflict with the stormwater disposal recommendations from BES, as noted in the findings for Criterion L, Stormwater Management, below. Therefore, to ensure those trees are effectively

protected, a condition will be applied requiring a final tree protection plan, prior to final plat approval, which shows the root protection zones for the one onsite regulated tree (Tree 12) and the 4 trees on the adjacent property (Trees 13-16), and relocates the drywell for Lot 4 in accordance with the arborist's recommendations and the BES response (Exhibit E.1).

To ensure that future owners of the affected lots are aware of the tree protection requirements for the tree on the subject site and those on the adjacent property, a condition will be applied requiring that the development on Lots 1-4 and 9 must be carried out in conformance with the final tree protection plan, required above, and the Arborist Report (Exhibit A.3).

Additionally, to ensure that future owners of Lot 9 are aware that Tree 12 must be preserved and protected, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The Acknowledgement must identify that development on Lot 9 must be carried out in conformance with the final tree protection plan.

Additionally, to ensure the noted trees are protected prior to demolition activities and the construction of the right-of-way improvements, the applicant must obtain a Zoning Permit to verify the installation of the required tree protection measures, prior to any clearing or grading or demolition activities.

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

At the time of development, the individual lots 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. On-site trees to be retained as part of this review may be applied toward meeting those Title 11 requirements.

**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: In this case, the site is relatively flat, and is not located within the Potential Landslide Hazard Area. Clearing and grading will be required for tree removal, the expansion of SE 134<sup>th</sup> Place, the new public pedestrian connection, and associated public stormwater facilities.

The applicant has submitted a Preliminary Site Grading Plan and Tree Protection Plan (Exhibit C.2); however, no specific grading or staging or stockpile areas are depicted for the right-of-way work or the onsite demolition or construction. Overall, given the site conditions, limited clearing and grading activities appear necessary for development. Therefore, with the provision for the installation of the tree protection fencing, discussed in the findings for Criterion B, above, and erosion control measures that will be applied at the time of the construction activities, adequate measures will be in place to help to protect trees and water quality and this criterion will be met.

Land Suitability: As indicated above, the site is relatively flat and contains no known geological hazards. 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, detached garage and outbuildings and redevelop the site. To ensure that the new lots are suitable for development, a

permit must be obtained and finalized for the demolition of each structures over 200 square feet in size, and sewer capping prior to final plat approval.

Additionally, although the site is currently connected to the public sanitary sewer, there is an old cesspool on the site, and the City has no record that this facility was ever decommissioned. Therefore, 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 the noted conditions, the new lots can be considered suitable for development, and this criterion will be met.

**I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.**

**Findings:** The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

Lots 1 and 2 are for attached houses, so the solar access regulations do not apply to those lots.

Lots 3-9 are interior lots on the east side of a north-south oriented street, and are considered interior lots (not on a corner). In this context, there is no preference that any one lot be wider or narrower than the other lots.

Based on these factors, 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 Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

*PBOT Development Review staff has performed a review of the submitted professionally prepared Traffic Impact Study via 18-105863 TR and agrees with the methodologies, analyses, assumptions, findings and conclusions therein that confirm that the above referenced transportation-related approval criterion is satisfied. (NOTE: There is a recommendation from the traffic consultant that an existing tree located near the NEC of SE Ramona/ SE 134<sup>th</sup> Pl be removed to enhance site distance at this intersection. This tree is proposed to be removed as it is to accommodate the new attached homes at this location – there is no need to add this as a condition of approval.)*

Based on the foregoing, PBOT has determined that 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. As described in 33.654, below, standard street improvements will be required on SE Ramona and SE 134<sup>th</sup> Place, which will provide sidewalks and additional paving for all users. Accordingly, 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 met as shown in the following table:

<b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.
<p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report.</p> <p><i>Lot 1 may use the existing 5/8" metered domestic service. 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. Water is available to the remaining lots from the 6" main in SE 134<sup>th</sup> Place. Static pressure is estimated at 65 – 81 psi.</i></p> <p>The water service standards of 33.651 have been verified.</p>
<b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1
<p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report.</p> <p><i>Lots 2 – 9 will be served by new connections to the 8-inch PVC sanitary sewer in SE 134<sup>th</sup> Place within their frontages. Lot 1 will be served by the sanitary lateral serving the existing structure on this site (to be demolished), which connects to the 12-inch sanitary sewer in SE Ramona.</i></p> <p>The sanitary sewer service standards of 33.652 have been verified.</p>
<b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibit E.1
<p>BES has evaluated the proposed stormwater management facilities for the public rights-of-way and the proposed lots and provided the following:</p> <p><b>Public Street Improvements:</b> <i>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.</i></p> <p><i>PBOT requires the construction of public frontage improvements which must be reviewed through a Public Works Permit (PWP). Under Public Works Permit (PWP) # EP427, BES Development Engineering approved the Concept Development plans (i.e. 30% design) for the right-of-way stormwater improvements on January 29, 2018; therefore, BES finds that public stormwater facilities can be constructed as shown on the applicant's Preliminary Site Utility Plan. Prior to final plat approval BES will require approved plans, a financial guarantee, receipt of all outstanding fees, and a signed permit document. <u>BES understands that the Fire Bureau recommended revisions to the design of the SE 134<sup>th</sup> Place right-of-way. Any revisions to the PWP would need to be reviewed by BES.</u></i></p> <p><b>Lots 1-9:</b> <i>The applicant proposes to infiltrate runoff from the development onsite via drywells for each lot that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM.</i></p> <p><i>Stormwater runoff from non-roof impervious area (e.g., driveways and patios) can be directed towards vegetated areas. If the proposed drywells temporarily fail or rainfall exceeds the facility design capacity, stormwater from Lots 1, 2 and 7 will overflow to the street, which is an acceptable escape route. Stormwater from Lots 3 – 6 and 9 are proposed to overflow to landscaped areas. At the time of building permit, BES recommends the applicant locate the drywells for Lots 3 – 6 on the north side of the lots so that they would overflow to the street.</i></p> <p>Based on these factors and with the noted conditions, this criterion will be met.</p>

**33.654.110.B.1 Through streets and pedestrian connections****33.654.110.B.2 Approval criterion for dead-end streets in OS, R, C and E zones****33.654.130.B Extension of existing public dead-end streets & pedestrian connections****33.654.130.C Future extension of proposed dead-end streets & pedestrian connections**

These criteria require that through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart, and allow for dead-end streets where through streets are not required.

In this case, the applicant is proposing to complete the abutting dead-end street, SE 134<sup>th</sup> Place, and provide a new pedestrian connection from the north end of the cul-de-sac to the adjoining public multi-modal pathway, the Springwater Corridor Trail.

PBOT provided the following assessment of the proposed street and pedestrian facilities:

*The subject block, and broader area in general, do not satisfy the above referenced pedestrian connection spacing goals. Given the historic development pattern and differing goals/objectives of this annexed area of the City, the conditions found in/around the subject site are not uncommon. That said, there exists a unique opportunity to enhance pedestrian connectivity in relation to the proximate public multi-modal pathway, the Springwater Corridor Trail, located just to the north of the subject site. Accordingly, the applicant has included a 15-ft wide pedestrian connection located north of the new cul-de-sac and along the western property line of Proposed Lot 9. The applicant will be required to dedicate 15-ft of property and construct the pedestrian connection to City standards. Including this public facility in relation to the proposed subdivision will provide pedestrians alternatives to connect to the regional Springwater Corridor Trail. And, more pertinently, the provision of the proposed pedestrian connection will adequately address this relative approval criterion.*

*In addition to the proposed public connection, the applicant will be constructing new sidewalk corridors to City standards along the east side of SE 134<sup>th</sup> Pl as well as along the site's SE Ramona frontage. These improvements will also enrich the pedestrian system in the area.*

*The completion of SE 134<sup>th</sup> Pl through the subject site (with the inclusion of a pedestrian connection) as well as the improvements to be made along SE Ramona along the site's frontage will enhance the City's public street and pedestrian connectivity goals. This approval criterion is satisfied.*

Based on these factors, the proposed facilities will complete an allowed dead-end street, SE 134<sup>th</sup> Place, include a new through pedestrian connection to the Springwater Corridor Trail, and provide improved pedestrian facilities along SE Ramona Street. As such, these criteria will be met.

**33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2****33.654.120.C.3.c. Approval criterion for turnarounds****33.654.120.E. Approval criterion for the width of pedestrian connections****33.654.130.D Partial Rights of way**

As noted above, the applicant proposes to complete the existing dead-end improvements (sidewalks, planters, turnaround) on SE 134<sup>th</sup> Place, install a new pedestrian connection, and provide sidewalk and planter improvements along SE Ramona Street.

PBOT reviewed the proposed public improvements and provided the following information regarding the proposed width and elements of the rights-of-way:

*The applicant has submitted the necessary Public Works Permits (17-290245 WT/TH0668 and 18-103471 WE/EP427) for the required frontage improvements – said permit(s) have received Concept Phase approval. The respective Public Works Permits/engineered plans accurately reflect the necessary property dedications that must occur in order to accommodate the required frontage improvements that will satisfy current City standards.*

*The applicant submitted 17-289415 TR for PBOT's consideration of the shared driveway proposed to serve the expected attached houses on Proposed Lots 1 and 2. Because this driveway will be closer to the property corner than the 25-ft limitation identified in Title 17, approval of a Driveway Design Exception is required from PBOT. This request has been reviewed and approved.*

Portland Parks (Exhibit E.8) recommended signage be provided at the intersection of the new public pedestrian connection and the Springwater Corridor Trail to inform users about safe access onto the trail and trail traffic, and to ensure the design of the pedestrian connection does not allow vehicle access onto the trail corridor. This information was shared with Portland Transportation and the Public Works reviewers, so these considerations could be factored into the final design.

With conditions for the identified right-of-way dedications and improvements, these criteria will be met.

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

Easements that may be needed for private utilities that cannot be accommodated within the adjacent rights-of-way must be identified during the preliminary land division plan review to the extent practicable. At this time, an 8-foot wide Public Utility Easement is shown along the street frontages, and that easement 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.

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

- Narrow Lots – Lots 1 and 2 must comply with the standards for new narrow lots, including 33.110.215: maximum height and 33.110.230: main entrances.
- Attached Houses on Corner Lots - Special requirements apply to development on new lots (Lots 1 and 2) created using the provisions of Section 33.110.240.E.
  1. The address and main entrance of each house must be oriented to a separate street frontage.
  2. Development on Lot 1 must be oriented toward SE Ramona Street and development on Lot 2 must be oriented toward SE 134th Avenue.
  3. The height of the two units must be within 4 feet of each other
  4. The exterior finish material must be the same, or visually match in type, size and placement.
  5. The predominant roof pitch must be the same.
  6. Roof eaves must project the same distance from the building wall.
  7. Trim must be the same in type, size and location.
  8. Windows must match in proportion and orientation.
- Accessory Dwelling Units - Accessory Dwelling Units (ADUs) are not allowed to be added to attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners. In this case, those regulations were applied to allow the establishment of Lots 1 and 2.
- Johnson Creek Basin Plan District: Lots 8 and 9 will abut the Springwater Corridor, so development on those lots must comply with the plan district regulations for setbacks and landscaping along that corridor (33.537.130).

**Existing Development:** 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 R5 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 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 –Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	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:** The applicant must meet the requirements of the Fire Bureau for addressing of structures and aerial fire department access. The 2016 Portland Fire Code and the technical standards of Title 31 and Fire Bureau Policy B-1.

**Urban Forestry:** The applicant must meet the requirements of Urban Forestry for street tree planting. The applicant has not provided a conceptual street tree planting plan, and Urban Forestry has determined that there will be a loss of street tree planting locations as follows: *Prior to lot division there is room for 16 street trees. After the proposed lot division, there will only be room for 13 trees.* As such, Urban Forestry has noted a fee (presently \$325 per inch) is required for the permanent loss of available 3 planting spaces or 4.5 caliper inches of tree diameter, prior to final plat approval. This requirement is based on the standards of Title 11.

- **Life Safety:** Life Safety identified the Oregon Residential Specialty Code, R302.2, that will apply to the attached dwellings proposed on Lots 1-2; and the 35-day delay that applies to permits to demolish a single-family residence.

## CONCLUSIONS

The applicant has proposed a 9-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:

- Right-of-way dedication and improvements
- Loss of street tree planting area fee
- Tree preservation
- Demolition of existing structures and decommissioning of on-site sanitary system

- Attached house provisions for Lots 1 and 2
- Fire Bureau requirements

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

## **ADMINISTRATIVE DECISION**

**Approval** of a Preliminary Plan for a 9-lot subdivision, that will result in 7 standard lots (Lots 3-9); 2 narrow, attached house lots (Lots 1-2); and a new public pedestrian connection, 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 134<sup>th</sup> Place and a new public pedestrian connection, and associated stormwater management facilities. The required right-of-way dedication must be shown on the final plat.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B.8 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A (name of document) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

### **B. 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 street frontages. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances, pay all outstanding fees, and provide a signed permit document to the satisfaction of the Portland Bureau of Transportation, the Bureau of Environmental Services, the Fire Bureau and Urban Forestry for required street frontage improvements.

#### **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. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on the approved final Tree Preservation Plan, per Condition B.5. All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A.3).
3. Finalized demolition permits must be obtained for removing the garage and other accessory structures on Lots 1-4. Prior to removal of these structures, tree protection must be installed in accordance with the approved final Tree Preservation Plan, per Condition B.5.
4. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the on-site sewage disposal system.

#### **Other requirements**

5. The applicant must provide a final Tree Protection Plan showing the following trees will be protected to the satisfaction of BDS: Tree 12 (on Lot 9) and Trees 13-16 (on adjacent property-13453 SE Ramona Street).

6. The applicant must pay into the City Tree Preservation and Planting Fund [Street Trees – Fee in Lieu of Planting and Establishment (per inch)] a fee equivalent to 4.5 inches of trees. Payment must be made to the Bureau of Development Services, which administers the fund for the Parks Bureau.
7. The applicant shall obtain a Zoning Permit for tree protection prior to any clearing and grading associated with the street, sewer or water improvements required in Conditions B.1-B.3. The permit must include a clearing and grading plan in substantial conformance with the Grading Plan (Exhibit C.2) and the tree protection described in Condition C.1. The applicant must obtain final inspection approval verifying the installation of the tree protection fencing, prior to any clearing or grading on the site for the public improvements.


#### **Required Legal Documents**

8. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Lot 9. A copy of the approved final Tree Protection Plan must be included as an Exhibit to the Acknowledgement. The Acknowledgment shall be referenced on and recorded with the final plat.

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

1. Development on Lots 1-4 and 9 shall be in conformance with the final Tree Protection Plan (per Condition B.5) and the applicant's arborist report (Exhibit A.3). Specifically, Tree 12 (on Lot 9) is required to be preserved and protected long-term, and Trees 13-16 (on the adjacent property) are required to be protected during construction on the lots with the root protection zones indicated on the final Tree Preservation Plan. Tree protection fencing is required along the root protection zone of each tree to be preserved. 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 zones may only occur if it meets the Prescriptive Path allowances of 11.60.030 or is under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones beyond the allowances of 11.60.030 is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his/her supervision.
2. Lots 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
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 February 28, 2018**

By authority of the Director of the Bureau of Development Services

**Decision mailed March 2, 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 November 7, 2017, and was determined to be complete on January 4, 2018.

*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 November 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: May 4, 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 March 16, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](http://www.ci.portland.or.us) .

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

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

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

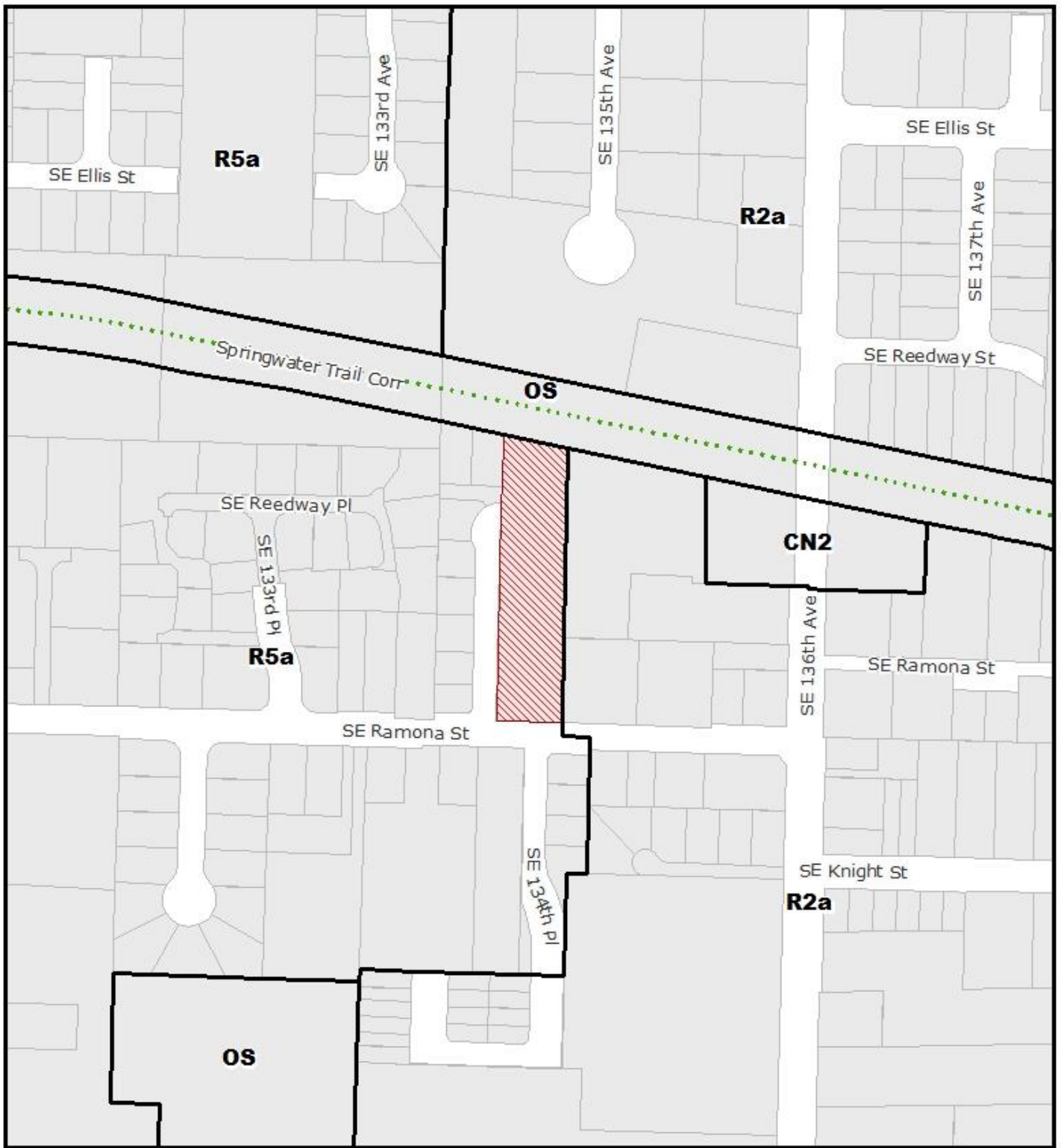
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Initial Submittal (November 8, 2017)
  - 2. Revised Submittal (January 3, 2018)
  - 3. Revised Arborist Report (January 6, 2018)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plat (attached)
  - 2. Preliminary Site Grading Plan and Tree Protection Plan
  - 3. Preliminary Street Profiles
  - 4. Preliminary Site Utility Plan
  - 5. Existing Conditions Map/Survey
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development-BDS
  - 6. Urban Forestry
  - 7. Life Safety-BDS
  - 8. Portland Parks
- F. Correspondence: (none received)
- 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



THIS SITE LIES WITHIN THE:  
JOHNSON CREEK BASIN PLAN DISTRICT

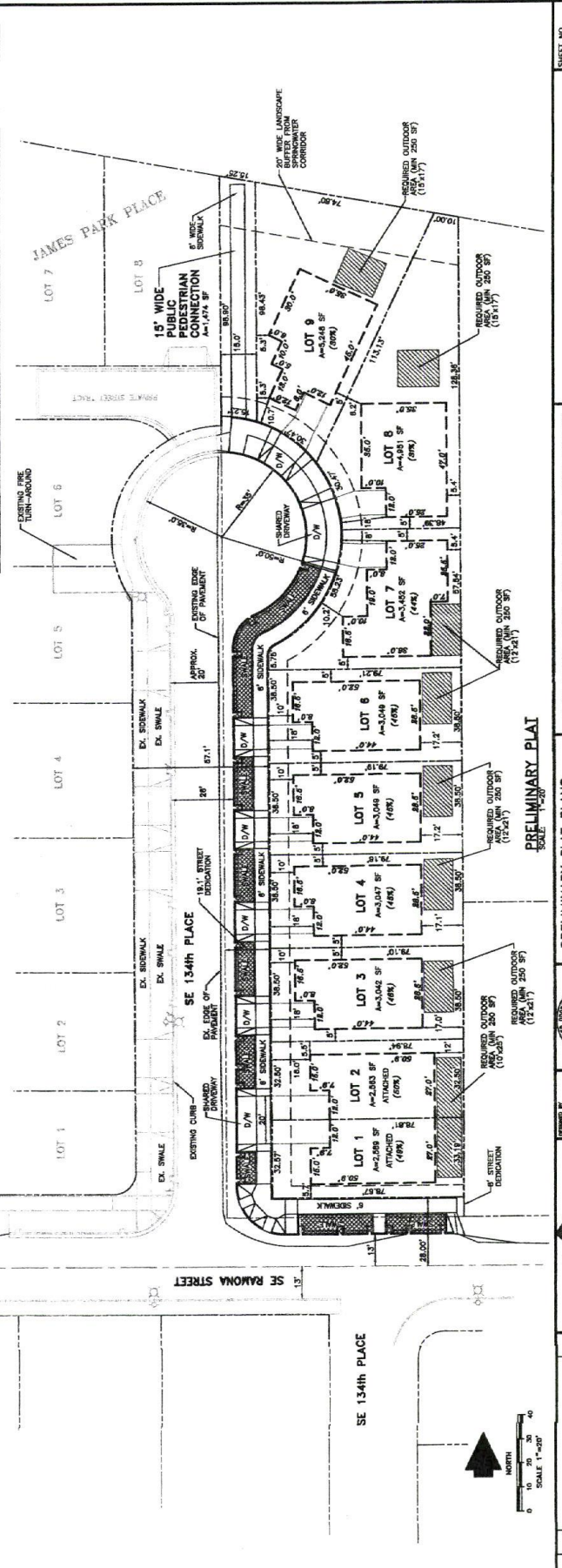
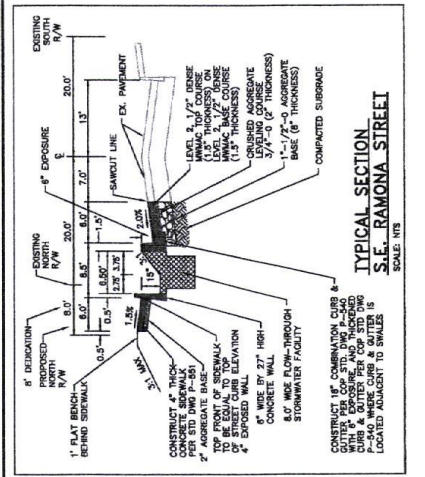
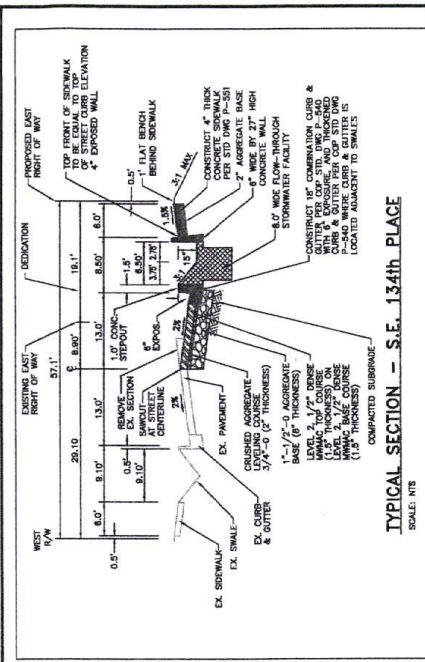


Site



Recreational Trails

File No.	LU 17-267225 LDS
1/4 Section	3644
Scale	1 inch = 200 feet
State ID	1S2E14DB 3500
Exhibit	B Nov 08, 2017



SHEET NO. **C1**

**PRELIMINARY PLAT**

13429 SE RAMONA STREET

PRELIMINARY PLAT PLANS  
PREPARED FOR:  
JESSEY CERCHINO  
(503) 480-0829  
1640 AMONSON CT  
GLADSTONE, OR 97027

DRAWN BY J. STORNO	CHECKED BY J. STORNO	DATE 12/28/2017	
DATE	REVISION		

LU 17-267225 LDS

Exhibit C.1