



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

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**Date:** May 10, 2019  
**To:** Interested Person  
**From:** Shawn Burgett, 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 18-269869 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Kevin Partain/Urban Visions  
223 NE 56th Ave  
Portland, OR 97213  
[kevinp@gorge.net](mailto:kevinp@gorge.net)  
(503) 421-2967

**Owner/Owner's Representative:** Andre Koshuba/Keystone LLC  
14237 Bridge Ct  
Lake Oswego, OR 97034

**Site Address:** 4424 SE ELLIS ST  
**Legal Description:** BLOCK 92 LOT 1, WOODSTOCK  
**Tax Account No.:** R928906050  
**State ID No.:** 1S2E18CB 11100  
**Quarter Section:** 3635  
**Neighborhood:** Woodstock, contact Sage Jensen at [sage.wna@gmail.com](mailto:sage.wna@gmail.com)  
**Business District:** Woodstock Community Business Association, contact [norberg@myexcel.com](mailto:norberg@myexcel.com)

**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.  
**Zoning:** Residential 5,000 (R5)  
**Case Type:** Land Division Partition (LDP)  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The applicant proposes a two-parcel partition of a 10,000 square-foot site. Parcel 1 is proposed to be 4,900 square feet in area and contains the existing house. Parcel 2 is proposed to be 5,100 square feet in area and is proposed to be developed with a detached house. Water is provided from existing utilities located in SE Ellis Street and SE 45<sup>th</sup> Avenue. Sanitary sewer services are provided by existing utilities located in SE 45<sup>th</sup> Avenue.

Driveway access for Parcel 1 is existing and connects to SE Ellis Street. Driveway access for parcel 2 is proposed from SE 45<sup>th</sup> Avenue. The site contains trees subject to the tree preservation standards of Title 33.

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 (2 parcels). Therefore, this land division is considered a partition.

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

## FACTS

**Site and Vicinity:** The site is located on a corner lot with frontage along SE Ellis Street and SE 45<sup>th</sup> Avenue. The existing house on the site was built in 1951. The development surrounding the site is primarily made up of single-family residential type development.

### Infrastructure:

- **Streets** –The site is a corner lot and has approximately 100 feet of frontage on SE Ellis St. and 100 feet of frontage on SE 45<sup>th</sup> Ave. There is one driveway entering the site from SE Ellis St. that serves the existing house on the site. At this location, both streets are classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 900 feet from the site at SE Woodstock Blvd. via Bus 75.

Along both the 100-foot wide site frontage the pedestrian corridor includes a 7-foot wide planter area, curb, 6-foot sidewalk and a 3-foot wide buffer at the back of the sidewalk (7-6-3 configuration).

- **Water Service** – There is an existing 2-inch CI water main in SE 45<sup>th</sup> Ave Avenue. The existing house is served by service from this main.
- **Sanitary Service** - There is an existing 12-inch public combination sewer line in SE 45<sup>th</sup> Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

**Zoning:** The R5 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.

**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 **February 22, 2019**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

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

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

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

<b>Criterion</b>	<b>Code Chapter/Section and Topic</b>	<b>Findings: Not applicable because:</b>
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands 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.
	33.655 - School District Enrollment Capacity	The proposal is not in the David Douglas School District.

**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 RF through R5 zones. Based on the applicant's survey, the site area is 10,000 square feet. The maximum density in the R5 zone is one unit per 5,000 square feet.

The site has a maximum density of 2 units. 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:

	<b>Min. Lot Area (square feet)</b>	<b>Max. Lot Area (square feet)</b>	<b>Min. Lot Width* (feet)</b>	<b>Min. Depth (feet)</b>	<b>Min. Front Lot Line (feet)</b>
<b>R5 Zone</b>	3,000	8,500	36	50	30
Parcel 1	4,900		49'	100'	49'
Parcel 2	5,100		51'	100'	51'

\* 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.

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

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

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

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

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

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

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.1) 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, 3 trees, which provide a total of 56 inches of tree diameter are subject to the preservation requirements of this chapter.

The trees proposed for preservation are in good condition, include native/non-nuisance species, and 1 of the trees is 20 or more inches in diameter. The proposed root protection zones for the trees to be retained will allow for the type of development anticipated in the R5 zone and will not conflict with any existing utility easements, proposed services or site grading. The applicant has proposed to protect trees numbered 84 (19" diameter Sweetgum on Parcel 1) and 85 (23" diameter sweetgum on Parcel 2).

Therefore, the applicant proposes to retain 100 percent of the trees that are 20 or more inches and 42 inches of the total tree diameter, so the proposal complies with:

*Option 1: Preserve all of the trees that are 20 or more inches in diameter and at least 20 percent of the total tree diameter on the site.*

In order to ensure that future owners of the parcels are aware of the tree preservation requirements, 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 Parcels 1 and 2 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the Arborist Report (Exhibit A.3).

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

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

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

Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements 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 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. The trees being proposed for protection are discussed above under criterion B. This criterion is met.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. 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 supporting the proposed development in addition to the existing uses in the area.

Evaluation factors include: safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts,

access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced and measures to mitigate impacts may be necessary.

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

The minimal expected added vehicle trips (1 AM peak hour trip/1 PM peak hour trip/10 total new daily trips) will not adversely impact the operations of area intersections. There appears to be little demand for on-street parking in the area – lots along SE Ellis and SE 45<sup>th</sup> Ave have on-site parking opportunities via driveways and garages that may accommodate multiple vehicles. Both streets have an abundance of on-street parking opportunities on both sides of each street to accommodate the additional 2-space demand expected to be generated by the proposed development. The area includes a robust pedestrian system that meets/exceeds current City standards. The neighborhood is made up of multiple bicycle facilities as identified by the Portland Bike/Walk Map including “Shared Roadways” along SE Steele, SE Ramona and SE 46<sup>th</sup> Ave (north, south and east of the site, respectfully) and a “Bike Lane” street along SE 41<sup>st</sup> Ave (west of the site). The proposed partition will not have any effect to transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

The existing sidewalk corridors along both site frontages meet/exceed current City standards. As noted above, the transportation system is capable of safely supporting the proposed development in addition to existing uses in the area- the proposed land division will not result in any adverse impacts – mitigation measures are unnecessary in this case.

No mitigation is necessary for the transportation system to be capable of supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

<p><b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.</p>
<p>The Water Bureau has indicated that service is available to the site, as noted on page 3 of this report. The water service standards of 33.651 have been verified.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.</p>
<p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p> <p>As a result of the proposed land division, the existing sewer connection that serves the house on Parcel 1 will cross over Parcel 2 to reach the sewer main in SE 45th Avenue. The applicant must cap the existing sewer connection and establish a new service for the house located entirely on Parcel 1. All required plumbing permits must receive final inspection approval prior to Final Plat approval.</p> <p>In addition, to accurately determine the location of the existing lateral, it must be field located and shown on the surveyor’s supplemental plan. For capping and establishing new service, the work must be completed, and the applicant must obtain finalized plumbing and connection permits prior to final plat approval.</p> <p>With this condition, the sanitary sewer service standards of 33.652 have been verified.</p>

**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.

BES has reviewed the proposed stormwater management facilities and provided the following:

- **Parcel 2:** Staff reviewed the project's stormwater report (revised 2/04/19) that describes Simplified Approach infiltration test results of 6 inches per hour on this site. The applicant proposes to infiltrate runoff from the new development on Parcel 2 onsite via a drywell that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM.
- **Parcel 1 (the lot with the existing house):** According to City plumbing record #15661 dated 7/07/1950, stormwater from the existing structures on Parcel 1 may discharge to the combined sewer via a piped system. This indicates that the stormwater system for Parcel 1 will cross the proposed new lot line. The previously reviewed site plan submitted 12/03/2018 indicated that the downspouts serving the garage discharged to a piped system. The updated site plan submitted 2/04/19 indicates all downspouts for both the home and garage discharge to splashblocks. However, in speaking with the applicant, the downspout disconnection has not yet been completed and the owner plans to retrofit the stormwater system during the time that the existing lateral is capped and a new sanitary lateral is established.

Therefore, prior to final plat approval, the applicant must demonstrate that the stormwater management for the existing house and garage meets applicable SWMM requirements and will not be impacted by the proposed lot lines, as described below:

- a. The applicant will be required to retrofit the stormwater facilities for the existing structures on Parcel 1 according to SWMM standards, with all required permits finalized, prior to final plat approval.
- b. *Splashblocks:* Splashblocks should discharge 2 feet from slab on grade, 6 feet from foundations with basements, 5 feet from property lines and 10 feet from all neighboring structures. Refer to the Downspout Extensions information on page 2-57 of the 2016 Stormwater Management Manual.
- c. *Infiltration Facility Setback Requirements:* Note that infiltration facilities must be set back 5 feet from property lines and 10 feet from structures, as measured to the low point of vegetated facilities, the middle of drywells, and the edge of soakage trenches. Other required minimum setback distances that should be taken into account are summarized in Table 2-1 of the SWMM. BES will enforce these setbacks unless an alternative is allowed per the [BDS Drywell Location Code Guide](#) or is approved through the [BDS plumbing code appeal process](#). Note that the BDS code guide may allow drywells to be located closer than 5 feet from a property line if the property line is adjacent to a right of way (including streets, alleys and public or private pedestrian tracts). The code guide also includes criteria for reducing drywell setbacks to buildings.

With the recommended conditions of approval, staff finds the applicant's proposed stormwater management plan acceptable for the purpose of reviewing the preliminary land division application against the stormwater management approval criterion. This criterion is met.

<p><b>33.654.110.B.1 Through streets and pedestrian connections</b></p>
<p>Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.</p> <p>The block on which the subject property is located meets the noted spacing requirements.</p> <p>The site is within the Portland Master Street Plan for the Southeast District. No through streets or pedestrian connections are proposed at this location. Therefore, the proposal is consistent with the master street plan.</p> <p>In addition, PBOT provided the following comments (Exhibit E.1):</p> <p>No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The location of the subject site within its block (corner site) is not a desirable location to provide a new public street or pedestrian connection through the block. PBOT has no concerns relative to providing additional connectivity through the subject site.</p> <p>For the reasons described above, this criterion is met.</p>
<p><b>33.654.120.B &amp; C Width &amp; elements of the right-of-way</b> – See Exhibit E.2 for bureau comment</p>
<p>In reviewing this land division, PBOT 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. PBOT has indicated that the existing street is currently improved to City standards. PBOT 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.</p> <p>The width of the right-of-way will be sufficient to accommodate the expected users and PBOT determined no improvements are necessary. This criterion is met.</p>
<p><b>33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)</b></p>
<p>Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.</p>

## **DEVELOPMENT STANDARDS**

Development standards that are not relevant to the land division review, have not been addressed in the review. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

### **Future Development**

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

- Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.D.3.a



- Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.D.3.b.

**Existing development that will remain after the land division.** The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there is one Zoning Code standard that relate to existing development on the site:

- **Minimum Setbacks** – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 7 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental plan showing the surveyed location of the existing building relative to the adjacent new lot lines.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

## OTHER TECHNICAL REQUIREMENTS

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

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

- 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 which

could require recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers; 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 issues identified with this proposal are: stormwater management for existing house, establishing new sewer service for existing house within new property boundaries.

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 standard lots as illustrated with Exhibit C.1, subject to the following conditions:

- A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review and BES review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:
- Any buildings or accessory structures on the site at the time of the final plat application;
  - Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
  - The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
  - As required by BES, the location of existing sewer lateral serving the existing house, this lateral must be field located.
  - Any other information specifically noted in the conditions listed below.

**B. The final plat must show the following:**

1. 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 Conditions C.3 and C.4 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."

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

### Utilities

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

### Existing Development

2. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by BES, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.

3. The applicant must meet the requirements of BES and cap the existing sewer lateral for the existing house and establish a new service connection from the existing dwelling on Parcel 1 to a public sewer. The applicant must obtain finalized plumbing permits for this work prior to final plat approval.

**Required Legal Documents**

4. If required per condition C.1 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcel 2 to contain internal fire suppression sprinklers, per any approved Fire Bureau Appeal. The acknowledgement shall be referenced on and recorded with the final plat.
5. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcels 1 and 2. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

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

1. Development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.3). Specifically, trees numbered 84 and 85 are required to be preserved, with the root protection zones indicated on Exhibit A.3. Tree protection fencing is required along the root protection zone of the trees 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 Tree Protection Specifications of 11.60.030.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
3. If required per condition C.1, the applicant will be required to meet any requirements identified through a Fire Code Appeal and install residential sprinklers in the new dwelling unit on Parcel 2. Please refer to the final plat approval report for details on whether or not this requirement applies.

**Staff Planner: Shawn Burgett**

**Decision rendered by:** \_\_\_\_\_ *S. Burgett* \_\_\_\_\_ **on May 8, 2019**

By authority of the Director of the Bureau of Development Services

**Decision mailed May 10, 2019**

**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 26, 2018, and was determined to be complete on February 4, 2019.

*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 26, 2018.

*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. **The 120 days will expire on: 6/4/19.**

**Some of the information contained in this report was provided by the applicant.**

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

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

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

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

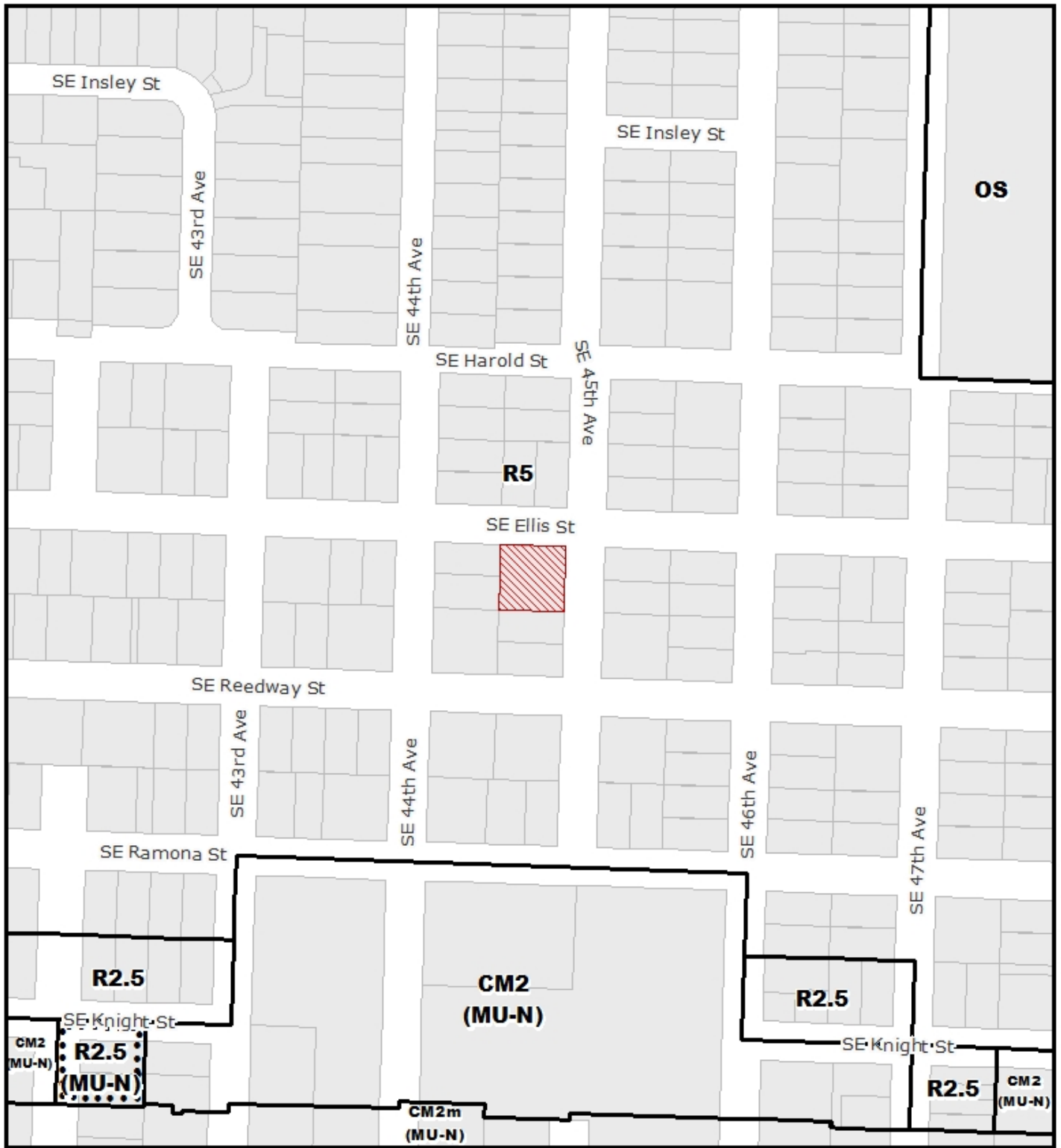
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicants Narrative
  - 2. Stormwater report
  - 3. Arborist report
  - 4. Expedited Land Division Acknowledgment
  - 5. Simplified Approach form submitted 2/4/19
  - 6. Site Plan submitted 11/29/18
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. 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
  - 7. Life Safety
- F. Correspondence: (None received)
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter

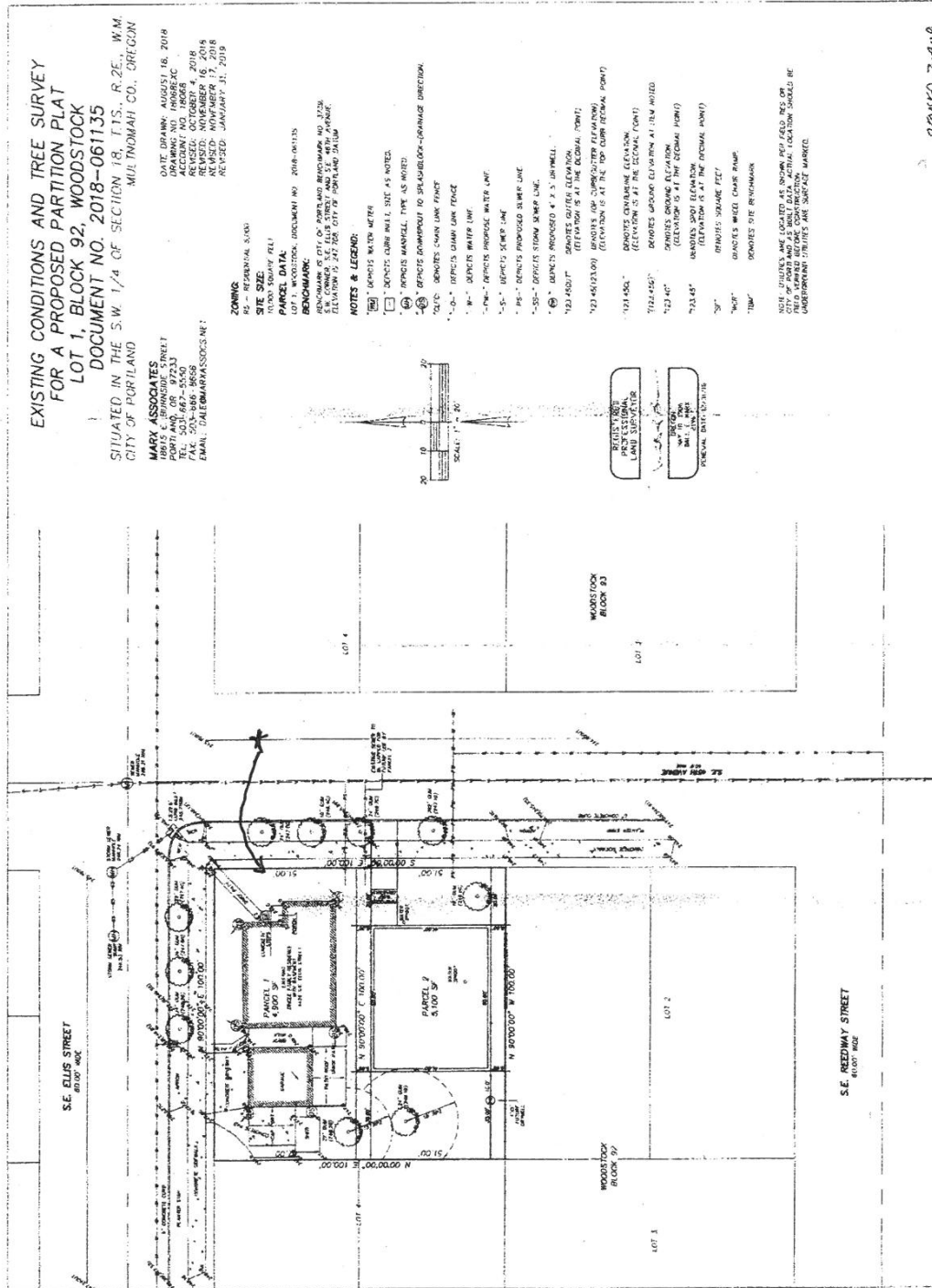
**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



**ZONING**  NORTH

 Site

File No.	LU 18-269869 LDP
1/4 Section	3635
Scale	1 inch = 200 feet
State ID	1S2E18CB 11100
Exhibit	B Nov 29, 2018



**EXISTING CONDITIONS AND TREE SURVEY  
FOR A PROPOSED PARTITION PLAT  
LOT 1, BLOCK 92, WOODSTOCK  
DOCUMENT NO. 2018-061135**

SITUATED IN THE S.W. 1/4 OF SECTION 18, T11S., R.2E., W.M.  
MULTNOMAH CO., OREGON  
CITY OF PORTLAND

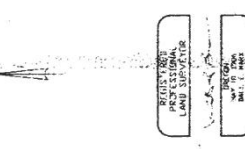
**MARK ASSOCIATES**  
1805 S. BRUNNEN STREET  
PORTLAND, OREGON 97214  
TEL: 503-467-5500  
FAX: 503-466-9858  
EMAIL: OREGON@MARKASSOCIATES.COM

DATE DRAWN: AUGUST 18, 2018  
DATE OF FIELD SURVEY: AUGUST 18, 2018  
ACCIDENT NO: 18068  
REVISED: OCTOBER 4, 2018  
REVISED: NOVEMBER 17, 2018  
REVISED: JANUARY 31, 2019

**ZONING:** R-5 (RESIDENTIAL SINGLE-FAMILY)  
**SITE SIZE:** 10,000 SQUARE FEET  
**PARCEL DATA:** LOT 1, WOODSTOCK, DOCUMENT NO. 2018-061135

**OWNER:** MULTNOMAH COUNTY OF PORTLAND MULTNOMAH CO. 1224 S.W. TOWERS, S.E. ELJUS STREET AND S.E. 4TH AVENUE, PORTLAND, OREGON 97202, CITY OF PORTLAND, OREGON

**NOTES & LEGEND:**  
 (1) DENOTES WATER UTILITY  
 (2) DENOTES CURB WALL, SEE AS NOTES  
 (3) DENOTES MANHOLE, TYPE AS NOTED  
 (4) DENOTES DOWNPOUT TO STREAS/BIODRAINAGE DIRECTION  
 (5) DENOTES MAIN LINE FENCE  
 (6) DENOTES CHAIN LINK FENCE  
 (7) DENOTES SHAWL FENCE  
 (8) DENOTES PROPOSED WATER LINE  
 (9) DENOTES EXISTING WATER LINE  
 (10) DENOTES PROPOSED SINKER LINE  
 (11) DENOTES EXISTING SINKER LINE  
 (12) DENOTES PROPOSED 4\"/>



NOTE: UTILITIES ARE LOCATED AS SHOWN AND FIELD NOTES ON FIELD SURVEY ARE TO BE USED TO CORRECT ANY DISCREPANCIES. UTILITIES ARE TO BE FIELD VERIFIED BEFORE CONSTRUCTION. SUBSURFACE UTILITIES ARE SURFACE MARKED.

REVISION 2-4-19

\* Planner Note: Parcel 1 is 49' in width

CASE NO. LU 18-269869 LDP  
EXHIBIT C-1