



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

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Date: June 5, 2019
To: Interested Person
From: Lois Jennings, 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 19-109575 LDP

GENERAL INFORMATION

Applicant: Sarah Radelet, Strata Land Use Planning
PO Box 90833
Portland OR 97290
Phone#: 503-320-0273 or sarah@stratalanduse.com

Owners: David L. Andersen & Glenda K. Andersen
1335 SW Myrtle Drive
Portland, OR 97201-2274
Phone#: 503-781-7425 or Davida@andersen-const.com

Site Address: 5750 SE DUKE ST

Legal Description: TL 3200 0.13 ACRES, SECTION 19 1S 2E
Tax Account No.: R992191590
State ID No.: 1S2E19AA 03200
Quarter Section: 3736

Neighborhood: Brentwood-Darlington, contact bdlanduse@gmail.com.
Business District: Woodstock Community Business Association, contact at norberg@myexcel.com
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None

Zoning: R2.5- Single Dwelling Residential -1 unit per 2,500 s.f. with an "a"-Alternative Design Density overlay
Case Type: LDP -Land Division Partition
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant is proposing to divide this currently vacant 5,557 s.f. corner property into three (3) parcels. The applicant is utilizing the corner lot alternative development option (33.110.240.E) to create attached housing lots for Parcels 1 and 2, which allows an extra unit of density. Parcel 1 will be 1,660 s.f. in area and Parcel 2 will be 1,662 s.f. in area. Parcel 3 will be 1,963 s.f. in area and will be developed with a detached single-family house. The applicant's preliminary site & utility plan shows how services (sanitary, stormwater, and water) will be provided for each lot.

Portland Bureau of Transportation (PBOT) noted for this land division that, SE Duke Street and SE 58th Avenue, currently do not meet City standards. The applicant has submitted a public works permit to construct the improvements on both streets. The site plan reflects a 2-ft. street dedication along SE Duke Street and 4-ft. street dedication along SE 58th Avenue.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines "parcel" as a single unit of land created by a partition of land. The applicant's proposal is to create 3 units of land (3 lots). 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**,

FACTS

Site and Vicinity: The site is a vacant corner lot on the south side of SE Duke Street and SE 58th Avenue. A house and detached garage previously existed on the site and were approved to be demolished under permit# 18-202705 RS and 180202709RS. The surrounding neighborhood is developed with a single-family residences and duplexes with some multi-dwelling development mixed in. South of the site the zoning is OS-Open Space, where at the end of SE 58th Avenue a learning garden/community garden is located. Then directly to the east of this property is the Brentwood Darlington Park. The zoning directly adjacent to the site is residential -R2.5, then to the north is R5. The Apostolic Faith Mission religious institution is west of the site along Duke Street. A Dairy Queen business is at the corner of SE Duke Street & SE 60th Avenue, where the zoning of CM1.

Infrastructure:

- **Streets** -The site has approximately 54 ft. of frontage on SE Duke Street and 102 ft. of frontage on SE 58th Avenue. At this location, SE Duke Street is classified as a Neighborhood Collector, Transit Access street, City Walkway, City Bikeway, Secondary emergency Response and Community Corridor for design in the Transportation System Plan. At this location SE 58th Avenue is classified as a Local Service street for all modes per the Transportation System Plan (TSP). Tri-Met provides transit service approximately 275-375 feet from the site at SE Duke Street via Bus Line#19.

SE Duke Street has a 44-foot curb to curb paved surface within a 52-foot right-of-way with parking on both sides. Along the 54-foot wide site frontage the pedestrian corridor includes a 0-foot wide planter area, curb, 7-foot sidewalk and a 3-foot wide buffer at the back of the sidewalk (0-7-3 configuration). SE 58th Avenue is improved with variable (20-28-ft.) paved roadway within a 40-ft. wide right-of-way with no curb or sidewalks.

- **Water Service** – There is an existing 16-inch CI water main in SE Duke Street and 2-inch water main in SE 58th Avenue. The previous house on this site was serviced by 5/8-inch metered service from the main in SE Duke Street.
- **Fire Hydrant Water Service:** The nearest fire hydrant to this site is located on the NE corner of SE Duke Street and SE 58th Avenue and there is a fire hydrant located on the SE corner of SE Duke Street & SE 56th Avenue. The fire hydrant flow from either location is 2,300 gpm at 20 psi residual pressure.
- **Sanitary Service** - There is an existing 8-inch PVC public sanitary sewer line in SE 58th Avenue and an 8-inch PVC public sanitary sewer line in SE Duke Street (BES as-built #5057).
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant is proposing to manage stormwater runoff through a drywell for the future development on the new lots, which is discussed later in this report under 33.653.

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

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

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 26, 2019**. One written response was received by a notified property owner in response to this proposal. No written responses have been received from the Neighborhood Association notified in response to the proposal.

The neighbor had concerns regarding the arborist report noting the Almond tree on the adjacent property being located 7-ft to the south of the property line, when the neighbor thinks it is 6.5 ft. from the property line. The 2nd item raised by the adjacent neighbor was the location of the chain link fence on the site and the established old grape vines growing on this chain link fence.

Staff Response: The Almond tree on the adjacent property was not surveyed in by the surveyor and the arborist did an approximate location based on information in the field and experience as certified arborist. The adjacent property is not part of this land division proposal and therefore exact location of the tree is not required. The arborist stated no tree protection would be required due to the size of the Almond Tree.

The City relies on the accuracy of information submitted for this land division to be provided by the survey which is signed and stamped by a licensed surveyor. No separate signed & stamped survey was provided by the adjacent property owner. Therefore, staff must rely on the property line information provided by the applicant’s surveyor. Civil issues regarding the established grapes being grown on the chain link fence located on the land division site is encouraged to be resolved between the property owners.

At the time of development on the site, the City would encourage the land division property owner, to communicate with the adjacent property owner regarding ensuring the Almond tree will be protected.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No trees in excess of 6 inches in diameter are located fully or partially on the site, or the trees are nuisance species or exempt due to poor condition.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
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	No partial public streets are proposed or required.

	rights-of-way	
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or 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 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Based on the applicant's survey, the site area is 5,557 square feet. The maximum density in the R2.5 zone is one unit per 2,500 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. For this site area of 5,557 square feet, the minimum density is one unit and maximum density is two unit.

The applicant is proposing three parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 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 Parcels 1 and 2 are developed with attached houses. With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards are met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 -Lot Dimension Standards (Table 610-2)	1,600		36	40	30
Parcel 3 -Detached House	1,819		36	50.5	36
33.110.240.E – Attached Houses on Corners -required original lot before division in R2.5 zone to be 3,000 s.f.	3,229		54.4	64	50.4
New attached housing lots	none	none	none	none	none
Parcel 1	1,614		32	50.4	32
Parcel 2	1,615		32	50.5	32

* 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.

Attached Houses on Corner Lots

As described above, Parcels 1 and 2 are being created through a provision that allows attached houses on corner lots. To use this code provision the original lot before the division must be at least 3,000 square feet. As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Therefore, the corner lot may be divided to create Parcels 1 and 2 for attached housing as proposed. There are no minimum lot dimensions standards for the new attached housing lots.

The findings above show that the applicable density and lot dimension standards are met.

Therefore, with the noted condition for attached houses on Parcels 1 and 2, this criterion is met.

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

Findings: 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. be disturbed.

In addition, the applicant's arborist report (Exhibit A.16) has also identified a tree on adjacent sites that is within 15 feet of potential disturbance area on the proposed lots. Due to the size of the tree on the adjacent property and approximate distance from the site, the arborist did not require any tree protection measures for the off-site tree.

Clearing and grading associated to the improvements within the public right-of-way are reviewed by the City Engineer's delegates under the public works permitting process.

This criterion is met.

Land Suitability: The site was previously developed with a single-family house, a residential use, and there is no record of any other use in the past. The existing house was removed under 18-202750 RS and as part of the demolition permit the existing septic system was decommissioned. 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.

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.

Parcels 1 and 2 are for attached housing, therefore this approval criterion does not apply to these two parcels.

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

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 & E.2.a):

The applicant provided a written narrative (Exhibit A.1) addressing the transportation approval criteria above. The applicant has demolished the single-family residence (18-202705 RS) on the property and is proposing a three-lot land division with lots fronting onto SE 58th, including one-corner lot abutting SE Duke. Based upon trip generation estimates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, each proposed parcel is projected to generate one additional morning and evening trip, for approximately ten daily trips for each new parcel. The net addition of two single-family residences added to the transportation system resulting from the development will not adversely impact the operations of area intersections and is consistent with the zoning of the property. Therefore, the transportation system is capable of safely supporting the proposed development in addition to existing uses in the area. The applicant is proposing off-street parking for each of the three lots, with the northern two sharing a curb cut consistent with PBOT policy. The proposed curb cut will be 20-ft wide with 3-ft wings. The applicant was approved a Driveway Design Exception (DDE) (19-150304 TR) to have a driveway placed 22-ft from the intersection for Proposed Lot 1, noting that the proposed driveway will be shared with the adjacent parcel to the south, which maximizes on-street parking adjacent to the site. Therefore, the anticipated demand for additional on-street parking is expected to be minimal. The site is well served by transportation options to reduce impacts to the neighborhood and provide safety for all modes, including Tri-Met bus service #19-Woodstock/Glisan directly abutting the site, and #71-52nd within a quarter mile. SE Duke is an identified *City Bikeway*, which provides safe routes to other areas in the City on surrounding low volume traffic streets. The proposed development will construct a new pedestrian corridor abutting the subject site to City standards, including a 6-ft wide sidewalk and a new ADA corner with a curb extension into SE Duke. Therefore, the resulting proposed development will not negatively impact transit access or other transportation modes and will enhance pedestrian environment and improve pedestrian safety.

The existing frontage on SE Duke Street and SE 58th Avenue does not meet City standards for a sidewalk corridor. Right-of-way dedication and the reconstruction of the existing sidewalk along SE Duke Street and construction of the street frontage, which includes sidewalk and curb on SE 58th Avenue to meet City standards is discussed further under Criterion L. 33.654.

As such, PBOT concludes with the improvements discussed the transportation system will be capable of supporting the proposed development in addition to the existing uses. Therefore, these criteria are met.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.

The Water Bureau has indicated water service is within SE Duke Street and SE 58th Avenue, as noted on page 2 & 3 of this report.

The applicant's site utility plan (Exhibit C.1) shows new individual water service connections for each lot within the frontage of each parcel from SE 58th Avenue. Water Bureau provided the following comments:

- Parcel 1 has a 5/8-inch metered domestic service. If the service is not used for the new development, it must be removed at the time the new services are installed. If the service is used for the new development, the meter size will be reviewed for adequacy. If found to be inadequate the applicant will be responsible for all fees to upsize the service.
- The existing 2-inch water main in SE 58th Avenue is at capacity. To serve Parcels 2 and 3 the water main must be upsized at the applicant's expense. The applicant is responsible to upsize the main to the point of connection or 5-ft inside of Parcel 3, whichever is greater.

The Water Bureau has no objections to this land division proposal, with the condition that the water main be upgraded in size. The upgrade in size will provide for a water facility which can provide adequate capacity and water pressure for the future parcels. All fees associated to upgrading this water main within SE 58th Avenue must occur prior to final plat approval.

Fire Bureau has reviewed the fire flow information (Exhibit A.5) and determined the nearest fire hydrant has adequate capacity.

With the condition noted above, the water service standards of 33.651 have been verified.

33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.

The Bureau of Environmental Services (BES) has indicated that service is available to the site, as noted on page 3 of this report.

- The applicant's site utility plan (Exhibit C.1) shows Parcels 1, 2 and 3 will receive sanitary service from the 8-inch public sanitary sewer in SE 58th Avenue.

BES notes City records and the submitted site plan indicate that there may be an existing lateral within the frontage of Parcel 3. If this is the case, this lateral may be available for use on Parcel 3. If it is not within the frontage of Parcel 3, the new development must be served by a new connection to SE 58th Avenue within the frontage of Parcel 3. Parcels 1 and 2 will be served by a new connection to the sanitary sewer in SE 58th Avenue within its frontage. BES finds the applicant's proposal for sanitary service acceptable for reviewing the preliminary land division application against the sanitary sewer disposal standard and approval criterion.

The sanitary sewer service standards of 33.652 have been verified.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1

No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods (Exhibit C.1 & A.4):

- **Parcels 1 and 2 (Future Attached Houses):** Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has enough area for a stormwater facility that can be adequately sized and located to meet setback standards and accommodate water from a reasonably-sized home.
- **Parcel 3 (Future detached house):** The submitted stormwater management/site

utility plan reflects stormwater will be directed to individual drywell and be adequately sized and meet setback standards and accommodate water from a reasonably-sized home.

BES noted the following in regards to Private Property Stormwater Management 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.

The applicant's site utility plan shows the drywell location less than 5-ft. to the property line adjacent to the right-of-way (SE 58th Avenue).

Bureau of Environmental Services (BES) reviewed the applicant's stormwater management plan and Simplified Approach Form (Exhibit A.4) and determined the proposed stormwater management plan (Exhibit C.1) is acceptable for reviewing the land division against the stormwater management approval criterion.

Public Street Improvements: PBOT requires the construction of public frontage improvements, which trigger public drainage per the standards of the SWMM and the Sewer and Drainage Facilities Design Manual. Per Public Works Permit (PWP) # TH0872, stormwater from the public right-of-way will be managed by directing it to the existing public sump in SE 58th Ave. BES Development Engineering approved the Concept Development plans (i.e. 30% design) for the right-of-way stormwater improvements on 5/8/19; therefore, BES finds that public drainage 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.

With the recommended conditions of approval, BES 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.

With the condition noted above the stormwater management criteria and standard is met.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

The block on which the subject property meets the noted spacing requirements for through streets and as a corner lot the new frontage improvements will provide a pedestrian connection to serve the site. In addition, the site is not within an area that has an adopted Master Street Plan. This criterion is met.

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

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Bureau of Transportation (PBOT) comments are summarized below:

At this location, the City's Transportation System Plan (TSP) classifies SE Duke as a Neighborhood Collector, Transit Access street, City Walkway, City Bikeway, Secondary

Emergency Response, and Community Corridor for design; whereas SE 58th Ave is classified as Local Service for all modes.

At this location, SE Duke is improved with an approximate 44-ft wide paved roadway within a 52-ft wide ROW, in which the pedestrian corridor is presently improved in an approximate 0-7-3 configuration. For *City Walkway* streets in the R-2.5 zone, the City's *Pedestrian Design Guide* requires a 12-ft pedestrian corridor consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and a 1.5-ft frontage zone. The existing pedestrian corridor does not meet City standards due to having a curb-tight, 10-ft pedestrian corridor.

At this location, SE 58th is improved with variable (28 to 20-ft wide) paved roadway within a 40-ft wide ROW, lacking a curb and sidewalk. For a Local Service traffic street within an R2.5 zone, the City's right-of-way document recommends a 56-right-of-way to accommodate a 26-ft. wide roadway (with parking on both sides) and 15-ft. sidewalk corridors on each side, consisting of a 0.5-ft. curb, 8-ft. stormwater facility, 6-ft. sidewalk, and 0.5-ft. frontage zone.

For a corner, a single-curb extension is required at unsignalized intersections for sites outside of the Central City Plan District or a Pedestrian District, when those sites are located along a City Walkway and abut any street with a traffic classification greater than a Local Service. This site is a corner lot, where SE Duke street and SE 58th Avenue intersect, and no signal is provided. SE Duke Street is classified as both a Neighborhood Collector and City Walkway.

Right-of-way (R-O-W) Improvement Requirements:

- SE Duke Street: To accommodate meeting City Standards a 2-ft. street dedication will be required and reconstruction of the pedestrian corridor, which includes the corner to meet ADA standards, matching the configuration to the west. Also, a single-curb extension is required along SE Duke Street as part of the public works process.
- SE 58th Avenue: To accommodate meeting City Standards a 4-ft street dedication will be required and construction of the frontage improvements, which include the roadway, curb and sidewalk.

PBOT gave the owner the choice to construct the improvements along SE 58th Avenue's frontage or make a payment into the Local Transportation Infrastructure Charge (LTIC) and sign street and storm sewer waivers of remonstrance for participation in future street and storm sewer improvements. The applicant elected to construct the frontage improvements. The applicant submitted a Public Works Permit Application, 19-153892 WT (TH0872) for both street frontage improvements. During the Public Works permitting review process the Bureau of Environmental Services determined that an 8-ft. stormwater facility is not required at this location (see discussion under 33.653.030). Due to no stormwater facility being required along this SE 58th Avenue's frontage, the furnishing zone is reduced to 4-ft versus the 8-ft. and the required street dedication is reduced to 4-ft along SE 58th Avenue. This Public Works Permit, 19-153892 WT, has received 30 percent conceptual approval at this time. Prior to final plat approval the PBOT/City Engineer must receive final plans and a financial assurances/guarantees for the Public Works Permit for the frontage improvements along SE Duke Street and SE 58th Avenue.

As described above, Portland Bureau of Transportation (PBOT) has determined frontage improvements will be required along both these street frontages to meet City standards, which will ensure safe pedestrian travel is possible to and from the proposed development.

As a condition of final plat approval, the street dedication must be provided along the entire frontage of both parcels. This street dedication must be reflected on the final plat survey.

With the required street dedication and frontage improvements, the width of the right-of-way will be sufficient to accommodate the expected users, including residents of the land division site and their visitors and others users passing through this area, PBOT has approved the elements within the right-of-way. With the conditions noted above this criterion is met.

33.654.120.H Standard for Street trees

The City Forester reviews this land division proposal for its impact on existing trees, heritage trees, street tree requirements and related mitigation, in accordance with Title 11, Tree Code.

Existing Street Conditions:

- SE Duke Street: The site has approximately 54 ft. of street frontage. The right-of-way is improved with pavement, curbs, and sidewalks. There are no overhead high voltage power lines. There are no street trees.
- SE 58th Avenue: the site has approximately 102 ft. of street frontage. The right-of-way is improved with pavement only. There are no overhead voltage power lines. There are no street trees.

Street Tree Planting (11.50.060.C):

One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum of 1.5 caliper inches and be a species chosen from an approved street tree list. Street tree planting may be exempt under 11.50.0060.B when existing above or below utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide. Street trees are required to be planted through building permit

The applicant provided a conceptual street tree planting plan (Exhibit C.1) showing future street trees being planted along SE Duke and along SE 58th Avenue. This plan meets the requirements of 11.50.060 for street tree planting.

Urban Forestry provided the following comments:

SE Duke Street: The existing street tree (cherry) is being proposed to be removed due to the location of the future driveways. Removal of the street tree will require mitigation to occur at the time of development.

- Parcel 1: The site has approximately 86 ft. of street frontage (combined) at this location requiring three trees to be planted or preserved.
- Parcel 2: The site has approximately 32 ft. of street frontage at this location requiring one tree to be planted or preserved.
- Parcel 3: The site has approximately 36 ft. of street frontage at this location, requiring one tree to be planted or preserved.

Tree planting will occur as part of the Public Works Permit or Building Permit review process.

Prior to the land division there would have been enough planting area for six street trees. After the proposed lot land division there will only be room for five street trees due to the new lot configuration. A fee of \$487.5 (1 tree x 1.5 inches/x \$325.00 inch) is required for permanent loss of available street tree planting spaces along these two street frontages.

With the following conditions of approval, Urban Forestry has no objections to this land division proposal. Prior to final plat approval the applicant must a fee in lieu of planting payment for loss of one street tree planting spaces (1.5-inches).

With the conditions noted above, this criterion is met.

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

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

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards 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

- Attached Houses on Corner Lots-- special requirements apply to development on new lots 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 Parcel 1 must be oriented toward the SE Duke Street and development on Parcel 2 must be oriented toward SE 58th 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.

The site is currently vacant, so the division of the property will not cause any structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

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

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

- At the time of development, the applicant must meet the requirements of the Fire Bureau requirements for addressing and fire apparatus access (including aerial access). These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1 (Exhibit E.4).

CONCLUSIONS

The applicant has proposed a three-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. An adjacent neighbor raised concerns regarding location of chain link fence with grape vines located on it and Almond tree, which was addressed earlier in this report. The primary issues identified with this proposal are: Street dedication and frontage improvements are required along SE Duke Street and SE 58th Avenue to meet current City Standards. A Public Works Permit is required to construct these frontage improvements. The water main size in SE 58th Avenue is required to be upgraded in size to ensure adequate water pressure and capacity for the future parcels. Due to the lot configuration there will be a loss in available street planting space along this site's frontage.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a three partition, that will result in two attached single-dwelling housing lots, Parcels 1 and 2) and one detached single-dwelling lot, Parcel 3 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 Duke Street and SE 58th Avenue. The required right-of-way dedication must be shown on the final plat.

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 frontage. The applicant shall complete the process for the Public Works Permit (19-153892 WT/TH0872) and provide final plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.

Utilities

2. The applicant shall meet the requirements of the Water Bureau for providing financial payment to upgrade in size of the water main in SE 58th Avenue. This condition shall be met to the satisfaction of the Water Bureau.

Other

3. The applicant must pay into the City Tree Preservation and Planting Fund [Street Trees – Fee in Lieu of Planting and Establishment (per inch)] the amount equivalent to 1.5 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

1. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.

2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Lois Jennings

Decision rendered by:  **on June 1, 2019.**
By authority of the Director of the Bureau of Development Services

Decision mailed on June 5, 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 January 22, 2019 and was determined to be complete on April 16, 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 January 22, 2019.

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 August 14, 2019.

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

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

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

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

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during

the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

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

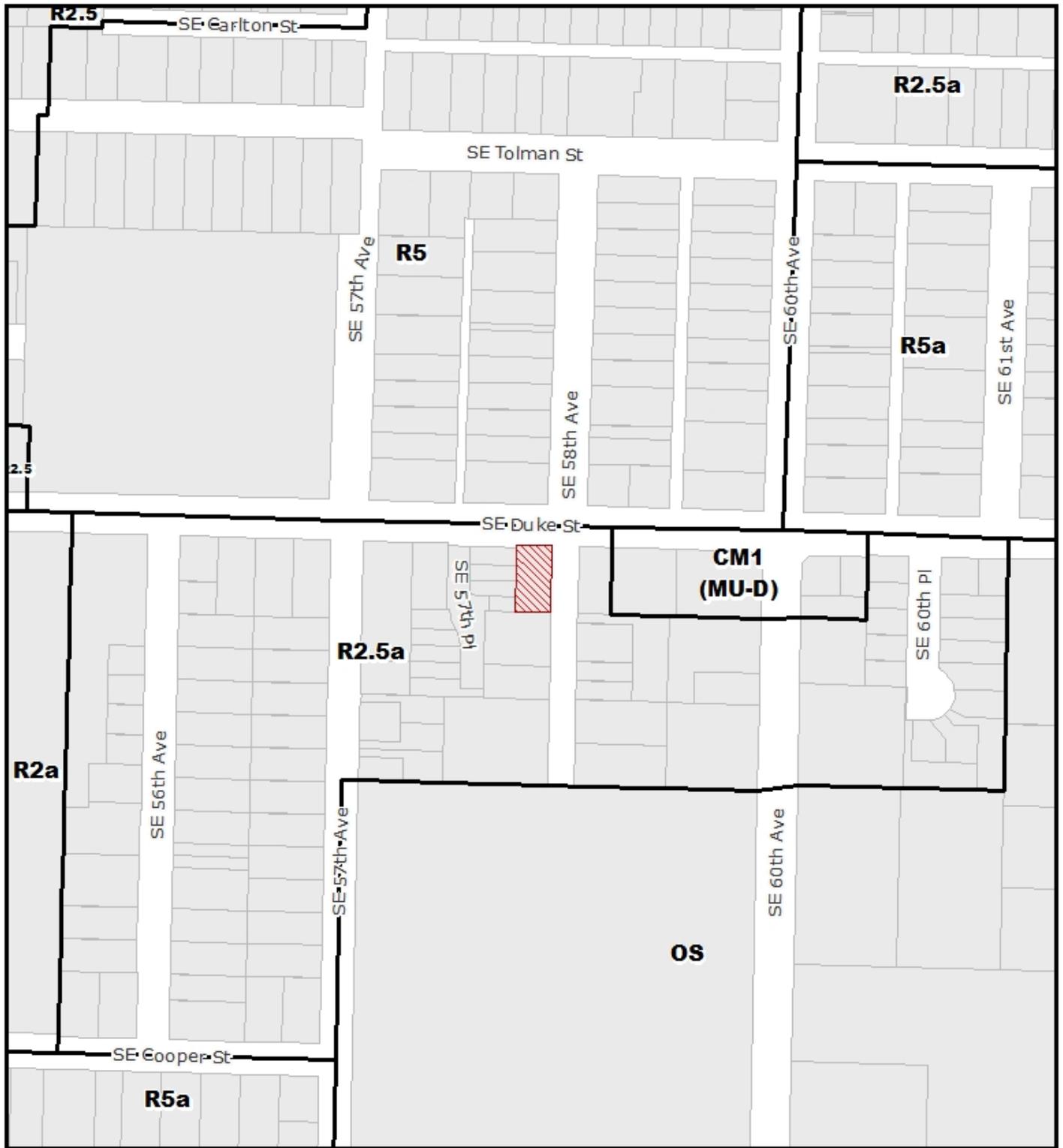
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative for Land Division & Approval Criteria
 - 2. Existing Conditions Survey by Centerline Concepts
 - 3. Preliminary Plan & Site Utility Plan
 - 4. Simplified Approach Form for Stormwater
 - 5. Water Bureau Fire Flow Information
 - 6. Nextitle Report
 - 7. Deed Information
 - 8. Old City and Multnomah County Zoning Maps
 - 9. Old surveys filed Multnomah County Surveyor's office
 - 10. February 21, 2019 e-mail provided additional information for legal lot of record
 - 11. February 21, 2019 e-mail from applicant requesting not to deem application complete
 - 12. March 18, 2019 letter from applicant providing additional information for determining legal lot of record
 - 13. April 13, 2019 e-mail from applicant with deed sketch by surveyor
 - 14. April 16, 2019 Cover Letter from applicant regarding incomplete items
 - 15. Deed Sketch by surveyor
 - 16. Arborist Report by Honl Tree Care
 - 17. Driveway Design Exception Decision for 19-150304 TR
 - 18. Public Works Folder (Screen Shot) 2019-153892 WT
 - 19. Revised Existing Conditions Survey submitted April 16, 2019
 - 20. Revised Preliminary Plan submitted April 16, 2019
- 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
 - a. May 29, 2019 Revise BES memo
 - 2. Bureau of Transportation Engineering and Development Review
 - a. Amended Bureau of Transportation Engineering response
 - 3. Water Bureau
 - a. Clarification e-mail on Water Bureau requirement
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - a. E-mail from Site Development
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of Bureau of Development Services
- F. Correspondence:
 - 1. Chris Churchill, May 20, 2019 via e-mail
- G. Other
 - 1. Land Use Application
 - 2. Signed Expedited Land Division Acknowledgement Form
 - 3. February 20, 2019 Incomplete Letter
 - 4. E-mail communication with applicant

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



ZONING 
NORTH

 Site

File No.	LU 19-109575 LDP
1/4 Section	3736
Scale	1 inch = 200 feet
State ID	1S2E19AA 3200
Exhibit	B Jan 24, 2019

PRELIMINARY PLAN MAP

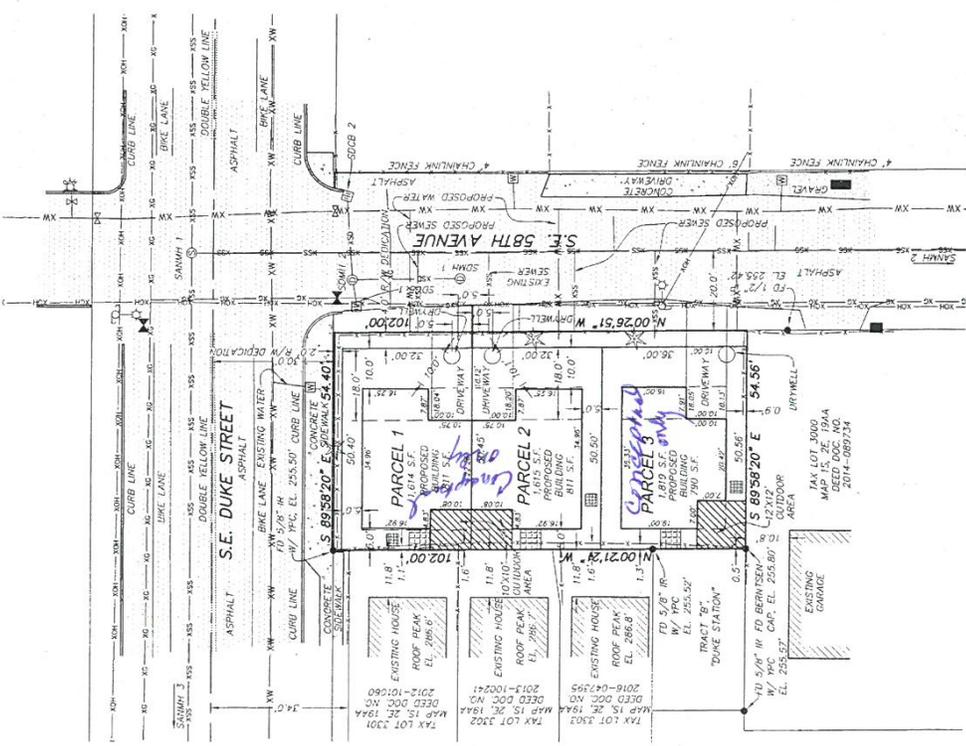
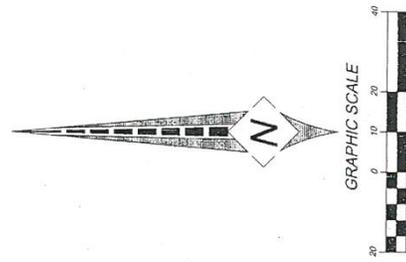
TAX LOT 3200, MAP 15, 2E, 194A
 LOCATED IN THE N.E. 1/4 SECTION 19, T.15, R.2E, W.M.,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 JANUARY 14, 2019 SCALE 1"=20'
 LAST REVISION: APRIL 12, 2019

CASE NO. 19-101575
 EXHIBIT C.1

SURVEY NOTES:
 THE ORIGINAL PLAN FOR THIS SURVEY IS BASED UPON CITY OF PORTLAND BENCHMARK NUMBER 2372, BEING A BRASS DISC ON TOP OF A CONCRETE FOUNDATION AT THE INTERSECTION OF S.E. DUKE STREET AND S.E. 60TH AVENUE. THE ELEVATION IS 231.847; COP DATUM.
 A TRIMBLE S5-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.
 THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND FIELD PER RECORD OF SURVEY RECORDED UNDER PRIVATE SURVEY NUMBER 60276, RECORDS OF MULTNOMAH COUNTY.
 THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERIMETER BOUNDARY OF THE TRACT SHOWN ON THIS SURVEY. THE SURVEY IS FOR INFORMATIONAL PURPOSES AND ENCROACHMENTS, NO PROPERTY CORNERS WERE SET IN THIS SURVEY.
 NO IMPROVEMENTS ARE MADE TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUISITION, ETC.
 NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.
 THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY DATA AND AS MARKED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE LOCATIONS AND DEPTHS OF THE UTILITIES ARE CORRECT. UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED, THE SURVEYOR FURTHER DOES NOT GUARANTEE THAT THE UTILITIES ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH HE DOES CHECK FOR UNDERGROUND UTILITIES, THE SURVEYOR HAS NO INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR ENCROACHMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

Some Symbols shown may not be used on map

- LEGEND:**
- DECIDUOUS TREE
 - EVERGREEN TREE
 - STORM SEWER MANHOLE
 - CATCH BASIN
 - SANITARY SEWER CLEANOUT
 - SANITARY SEWER MANHOLE
 - WATER VALVE
 - WATER METER
 - FIRE HYDRANT
 - GAS VALVE
 - GAS METER
 - BOLLARD
 - MAILBOX
 - COMMUNICATIONS PEDESTAL
 - COMMUNICATIONS MANHOLE
 - COMMUNICATIONS BOX
 - STORM OUTFALL
 - FOUND MONUMENT
 - DOWN SPOUT TO STORM SYSTEM
 - FD = FOUND
 - PI = PINE TREE
 - CE = CEDAR TREE
 - IR = IRON ROD
 - PPC = YELLOW PLASTIC CAP
 - DE = DECIDUOUS TREE
 - PROPOSED 3" X 5" MEDIUM TREE PLANTING AREA (TO SCALE)
 - PROPOSED 1" X 3" SMALL TREE PLANTING AREA (TO SCALE)
 - PROPOSED STREET TREE
 - UTILITY AND LIGHT POLE
 - UTILITY POLE
 - LIGHT POLE
 - GOY WIRE
 - ELECTRIC BOX
 - ELECTRIC METER
 - ELECTRICAL POWER PEDESTAL
 - ELECTRIC RISER
 - HEAT PUMP
 - OVERHEAD LINE
 - GAS LINE
 - ELECTRICAL LINE
 - COMMUNICATIONS LINE
 - SANITARY SEWER LINE
 - STORM DRAIN LINE
 - WATER LINE
 - FENCELINE
 - UTILITY RISER
 - DOWN SPOUT TO SPLASH GUARD/GROUND



SIGNED ON: 17 APR 2019
 REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 TOLBY G. BOLDEN
 60377LS

RENEWED: DECEMBER 31, 2019



CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97145
 PHONE 503.650.0188 FAX 503.650.0189

Printed: M:\PROJECTS\ANDERSON-DUKE ST-SE-2919\VIEW\PRELIM PLAN MAP-C30

*Land Use Note: Building Footprints Conceptual only
 Not Approved for Development*

Reduced Not to Scale



CASE NO. 19-101575
 EXHIBIT C.1