



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

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Date: June 21, 2019
To: Interested Person
From: Diane Hale, 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 18-174028 LDP

GENERAL INFORMATION

Applicant: Sarah Radelet | Strata Land Use Planning
PO Box 90833 | Portland, OR 97290 | (503) 320-0273

Owner/Owner's Representative: Mate Skoro | Skoro Homes
PO Box 38 | Boring, OR 97009

Site Address: 5110 SE 111TH AVE

Legal Description: N 1/2 OF LOT 30, MIDLAND AC TR
Tax Account No.: R568202530
State ID No.: 1S2E15BD 00600
Quarter Section: 3541
Neighborhood: Powellhurst-Gilbert, contact at pgnaboard@gmail.com
Business District: Midway, contact info@midwaybusiness.org.
District Coalition: East Portland Community Office, contact Victor Salinas at 503-823-6694.

Plan District: Johnson Creek Basin
Zoning: R5a (Single Family Residential 5,000 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 site is a 17,595 square foot interior lot that is currently vacant. The applicant is proposing a 3-parcel partition for detached single-family homes. Off-street parking is proposed for all three new homes. All of the trees on the site are nuisance species and are therefore exempt from the tree preservation regulations. The applicant is required to dedicate and construct two sidewalk connections to serve the area; one will continue north

from SE 112th Ave to the north lot line, and the other will be a new pedestrian connection oriented in an E-W manner connecting the new sidewalk in SE 112th Ave to SE 111th. Frontage improvements, including a new sidewalk and planter strip, are required along SE 111th 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 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 approval criteria found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

FACTS

Site and Vicinity: The site is a 17,595 sq foot interior lot that is currently vacant. The surrounding area is zoned for and developed with single family residential homes. Raymond Park is approximately 4 blocks to the east.

Infrastructure:

- **Streets** – The site has approximately 75 feet of frontage on SE 111th Avenue and approximately 18 feet of frontage on SE 112th Avenue. There is one driveway entering the site from SE 111th.

At this location, SE 111th Ave is classified as a Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway, Major Emergency Response Street, and a Local Service Street for all other modes. It is a 50-ft wide right-of-way (ROW) improved with center strip paving lacking curbs and sidewalks. There is an existing 6-ft curb tight sidewalk abutting the site to the south.

SE 112th Ave is classified as a Local Service Street for all modes. The subject site has approximately 18-ft of frontage on SE 112th as it dead ends at the site’s southern property line.

Tri Met Bus Line #17 is available to serve the site at Holgate and 112th Ave and Line #10 has a stop located at Harold and 111th Avenue.

- **Water Service** – There is an existing 8-inch CI water main in SE 111th Avenue. The existing house is served by a metered service from this main.
- **Sanitary Service** - There is an existing 8-inch PVC public combination sewer line in SE 111th and SE 112th Avenues.
- **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.

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

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. At certain locations, the density of development is limited by applying special regulations to new land division proposals. In addition, restrictions are placed on all new land uses and activities to reduce stormwater runoff, provide groundwater recharge, reduce erosion, enhance water quality, and retain and enhance native vegetation throughout the plan district. At other locations, development is encouraged, and mechanisms are included that provide relief from environmental restrictions.

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 **December 24, 2018**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	All of the trees in excess of 6 inches in diameter nuisance species, and therefore exempt. Exhibit A.7 is an arborist report submitted by the applicant that contains additional information about the species, condition and size of each tree.
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.
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.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	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 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey, the site area is 17,595 square feet. A new street is proposed, therefore the maximum density is one unit per 5,000 square feet based on 85 percent of the site area, and minimum density is one unit per 5,000 square feet based 68 percent of the site area. The site has a maximum density of 3 units and a minimum required density of 2 units. The applicant is proposing 3 single dwelling parcels. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Parcel 1	3,644		51	69	51
Parcel 2	5,518		71	65	71
Parcel 3	4,386		65	67	65

* 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.

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 flat and is not located within the Potential Landslide Hazard Area. A new pedestrian connection is required along the north lot line of the site, and a new sidewalk and water main are required in the SE 112th right-of-way abutting the southeast part of the site. No significant clearing or grading will be required to install the improvements in the rights-of-ways or to make the new lots developable. Any minor grading that may be necessary to level out specific portions of the site can be reviewed through the Public Works permit (for work in the rights-of-ways) and the building permits (for the future homes). In addition, there are no trees required to be preserved on the site, therefore grading will not interfere with a tree preservation plan. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently vacant, the Site Development section of the Bureau of Development Services notes that there is an old sewage disposal system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat approval, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With a condition requiring final inspection for a decommissioning permit, the new lots can be considered suitable for new development, and this criterion is met.

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

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

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

- A Private Access Easement is proposed over Parcel 2 to provide a shared access serving Parcels 2 and 3.
- A Private Sanitary Sewer Easement is proposed across the relevant portions of Parcel 2, for a sanitary sewer lateral connection that will serve Parcel 3.

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

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

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

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.

The Solar Access Approval Criteria are superseded by other conflicting requirements in the 600's chapters of the Zoning Code, per 33.639.020. The proposed land division layout was in part dictated by the need to provide public street connectivity, per 33.654, limiting the

opportunity for lot size variations (see 33.654 below). The site layout necessary to meet 33.654 is in conflict with the solar access criteria. Those other requirements supersede 33.639; therefore, the solar access criteria do not apply.

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: street capacity and level-of-service; vehicle access and loading; on-street parking impacts: the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes. Mitigation may be necessary to reduce impacts.

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

Street Capacity and Levels of Service

The proposal will result in an increase of 3 single-family residences. These residences can be expected to generate 30 daily vehicle trips with 3 trips occurring in each of the AM and PM Peak Hours. This small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed.

Connectivity

The applicant shall be required to dedicate 10-ft along the northern property line, to be widened to 15-ft with the abutting property to the north redevelops (see 18-280730 PW) and construct a 6-ft sidewalk. Along the eastern property line, the applicant is required to dedicate 20-ft for the future extension of SE 112th Ave and construct a 6-ft sidewalk connecting the east/west pedestrian connection to the existing sidewalk in the dead-end stub of SE 112th Ave. Waiver of Remonstrance for a future Local Improvement District (LID) to extend SE 112th shall be a condition of final plat approval.

Vehicle Access/Loading

The new lots will have driveways to provide access to parking and loading.

On-Street Parking Impacts

The new lots will have at least one on-site parking space with an additional space between the garage and the front property line. Impacts to the on-street parking supply should be minimal.

Availability of Transit

Tri Met Bus Line #17 is available to serve the site at Holgate/112th, and #10 at Harold/111th.

Neighborhood Impacts

The site is being developed with new single-family residences in compliance with the existing R5 zoning. In addition, standard frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles.

Safety for All Modes

New sidewalks along the SE 111th Ave frontage provide adequate pedestrian facilities. The on-street parking lane could be converted to a bike lane once enough redevelopment occurs in the area.

PBOT has reviewed and concurs with the information supplied and available evidence. With the improvements on the north, west and east frontages of the site described above and in section L. 33.654 below, 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>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p>
<p>The Water Bureau has indicated that service is available for Lots 1 and 2. A new water main must be installed in SE 112th to serve Lot 3. In order to meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the Water Bureau prior to final plat approval. With this condition, the water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p>
<p>The Bureau of Environmental Services has indicated that service for Parcels 1 and 2 is available in SE 111th, as noted on page 2 of this report. There is no public sanitary sewer available in SE 112th Avenue. The applicant proposes to serve Parcel 3 via an easement over Parcel 2. BES has indicated this route of service is acceptable. The easement must be shown on the final plat. With this condition, the sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1</p>
<p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:</p> <ul style="list-style-type: none"> • Public Street Improvements: Stormwater from the new impervious areas in SE 111th Ave will be directed to a new public sedimentation/sump system. Stormwater from the new pedestrian connection and new sidewalk in SE 112th will discharge to adjacent vegetated areas. Under Public Works Permit #18-216556, BES Development Engineering approved the Concept Development plans (30%) for the right-of-way stormwater improvements. Prior to final plat approval the applicant must provide engineered designs, a financial guarantee of performance, pay all outstanding fees and provide a signed permit document. • Parcels 1-3: 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 sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells. <p>With the condition noted above, the stormwater management criteria and standards of 33.653 have been verified.</p>
<p>33.654.110.B.1 Through streets and pedestrian connections 33.654.130.C Future extension of proposed dead-end streets & pedestrian connections 33.654.130.B - Existing public dead-end streets and pedestrian connections</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 does not meet the noted spacing requirements. A pedestrian connection will be required along the northern property line connecting SE 111th Avenue to SE 112th Avenue. Through Public Works Alternative Review 18-280730 PW, the applicant requested to reduce the required pedestrian connection width from the standard 15 feet to 10 feet and construct a 6-foot wide sidewalk. The request was approved, and it is anticipated that when the abutting property to the north redevelops, the remaining 5 feet of dedication will occur to widen the pedestrian connection to City standards.</p>

Along the eastern property line, the applicant is required to dedicate 20-ft for the future extension of SE 112th Ave and construct a 6-ft sidewalk connecting the east/west pedestrian connection along the northern property line to the existing sidewalk in SE 112th Avenue abutting the site to the south. The properties to the north of the site have potential to further divide under current zoning, and they are not currently developed in a manner that would preclude the extension of a street from the subject site. The extension of SE 112th Avenue will terminate at a location on the site boundary that will allow it to be further extended to serve those properties to the north if they further develop in the future. This criterion is met.

The site is within the Portland Master Street Plan for the SW and Far SE District. However, it does not call for a connection at this site.

For the reasons described above, this criterion is met.

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

33.654.130.D Partial Rights of way

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

At this location, SE 111th Ave is classified as a Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway, Major Emergency Response Street, and a Local Service Street for all other modes. It is a 50-ft wide right-of-way (ROW) improved with center strip paving lacking curbs and sidewalks. There is an existing 6-ft curb tight sidewalk abutting the site on the south. The applicant shall be required to construct a 12-ft sidewalk corridor matching the existing curb alignment to the south. The 12-ft corridor will consist of a 0.5-ft curb, 4-ft furnishing zone with street trees and street lights, 6-ft sidewalk, and a 1.5-ft frontage zone to meet City standards.

SE 112th Ave is classified as a Local Service Street for all modes. The subject site has approximately 18-ft of frontage as SE 112th dead ends at the site's southern property line. Only about 11-ft of the roadway in 112th abuts the site. The applicant shall be required to dedicate 20-ft along the site's eastern property line to provide for a future extension of 112th to the north to serve multiple lots with development potential. In order to meet connectivity standards, the applicant shall be required to construct a 6-ft sidewalk within the 20-ft dedication connecting the east/west pedestrian connection discussed above to the existing sidewalk in SE 112th Avenue south of the site. The applicant will also be required to sign street and storm sewer waivers of remonstrance toward a potential Local Improvement District for SE 112th prior to final plat approval. It is anticipated that the remaining right-of-way needed to construct SE 112th to City standards will be provided by adjacent properties.

To accommodate these improvements, additional right-of-way must be dedicated. With those improvements, two additional dwellings can be safely served without having any significant impact on the level of service provided.

PBOT has indicated that the proposed street width (dedication) and improvements are sufficient to serve these expected users. The applicant must provide plans and financial assurances for the construction of these improvements prior to final plat approval. In addition, the right-of-way dedication necessary to accommodate the new pedestrian connection, frontage improvements on SE 111th Ave, and extension of SE 112th public street must be shown on the final plat. The applicant has submitted the necessary Public Works Permit (18-216390 WT) for the required pedestrian connection and they have received concept approval.

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

33.654.120.E. Approval criterion for the width of pedestrian connections.

City standards for a pedestrian connection require a 6-foot wide sidewalk and 4.5-foot wide landscaped areas on either side of the sidewalk within a 15-foot wide corridor. The applicant submitted and received approval of a Public Works Alternative Review (PW 18-280730) to construct a 6-ft wide sidewalk within a 10-ft wide corridor. It is anticipated that when the site abutting the pedestrian connection to the north redevelops, the remaining 5 feet of the corridor can be dedicated, and the corridor can be developed to City standards at that time. The expected users are neighborhood residents or visitors traveling within the neighborhood. The approved configuration is adequate to serve the expected users. The pedestrian connection will be straight, and a person should be able to stand at one end and see the other end. Stormwater management solutions to the satisfaction of the Bureau of Environmental Services will also be provided. The applicant has submitted the necessary Public Works Permit (18-216390 WT) for the required pedestrian connection and they have received concept approval. 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 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

Existing development that will remain after the land division. The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 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	Title 17 – Public Right-of-Way Improvements

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements and recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcels 2 and 3. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 3-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.

With conditions of approval listed below, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition, 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 111th Avenue, SE 112th Avenue and the new pedestrian connection. The required right-of-way dedication must be shown on the final plat.
2. A private sanitary sewer easement, for the benefit of Parcel 3, shall be shown and labeled over the relevant portions of Parcel 2.
3. A Private Access Easement over Parcel 2 for the benefit of Parcel 3 shall be shown and labeled over the relevant portions of Parcel 2. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for.
4. A recording block for each of the legal documents such as maintenance agreements, acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B.4 and B.5 below. The recording blocks shall, at a minimum, include language substantially similar to the following example: “A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

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

Streets

1. The applicant shall complete street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms and instructions will be provided to the applicant during the final plat review process.
2. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site’s street frontage. The applicant shall submit an

application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.

Utilities

3. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water main extension in SE 112th Avenue.

Required Legal Documents

4. A Maintenance Agreement shall be executed for the Private Access Easement and Private Sewer Easement described in Conditions A.2 and A.3 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
5. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcels 2 and 3 to contain internal fire suppression sprinklers. The acknowledgement shall be referenced on and recorded with the final plat.

Existing Development

6. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the cesspool on the site.

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

1. The applicant will be required to install residential sprinklers in the new houses on Parcels 2 and 3 to the satisfaction of the Fire Bureau.
2. The applicant must meet the addressing requirements of the Fire Bureau.

Staff Planner: Diane Hale

Decision rendered by: Diane Hale **on June 19, 2019**

By authority of the Director of the Bureau of Development Services

Decision mailed June 21, 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 May 18, 2018, and was determined to be complete on November 9, 2018.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on May 18, 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 requested

that the 120-day review period be extended by 105 days (see Exhibit G.4) Unless further extended by the applicant, **the 120 days will expire on June 22, 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.

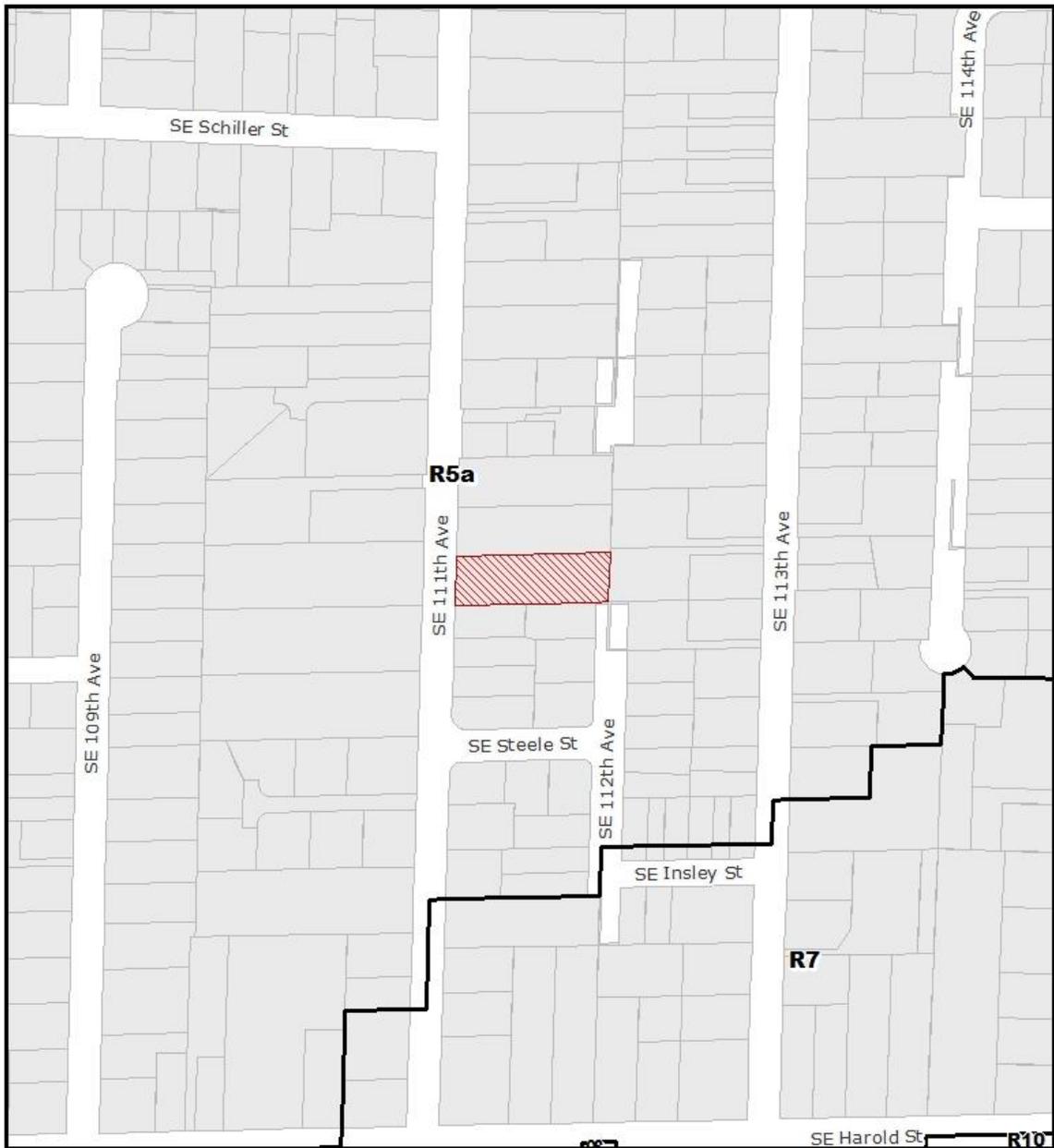
The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file 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. Applicant's original submittal and plans
 - 2. Applicant's response, December 4, 2018
 - 3. Applicant's response, December 5, 2018
 - 4. Applicant's response, December 18, 2018
 - 5. Applicant's response, March 21, 2019
 - 6. Stormwater Materials
 - 7. Arborist Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Site Plan (attached)
 - 2. Existing Conditions Survey
- 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. Life Safety Section of BDS
 - 7. Parks Urban Forestry
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Expedited Land Division Form
 - 3. Incomplete Letter
 - 4. Extension Forms

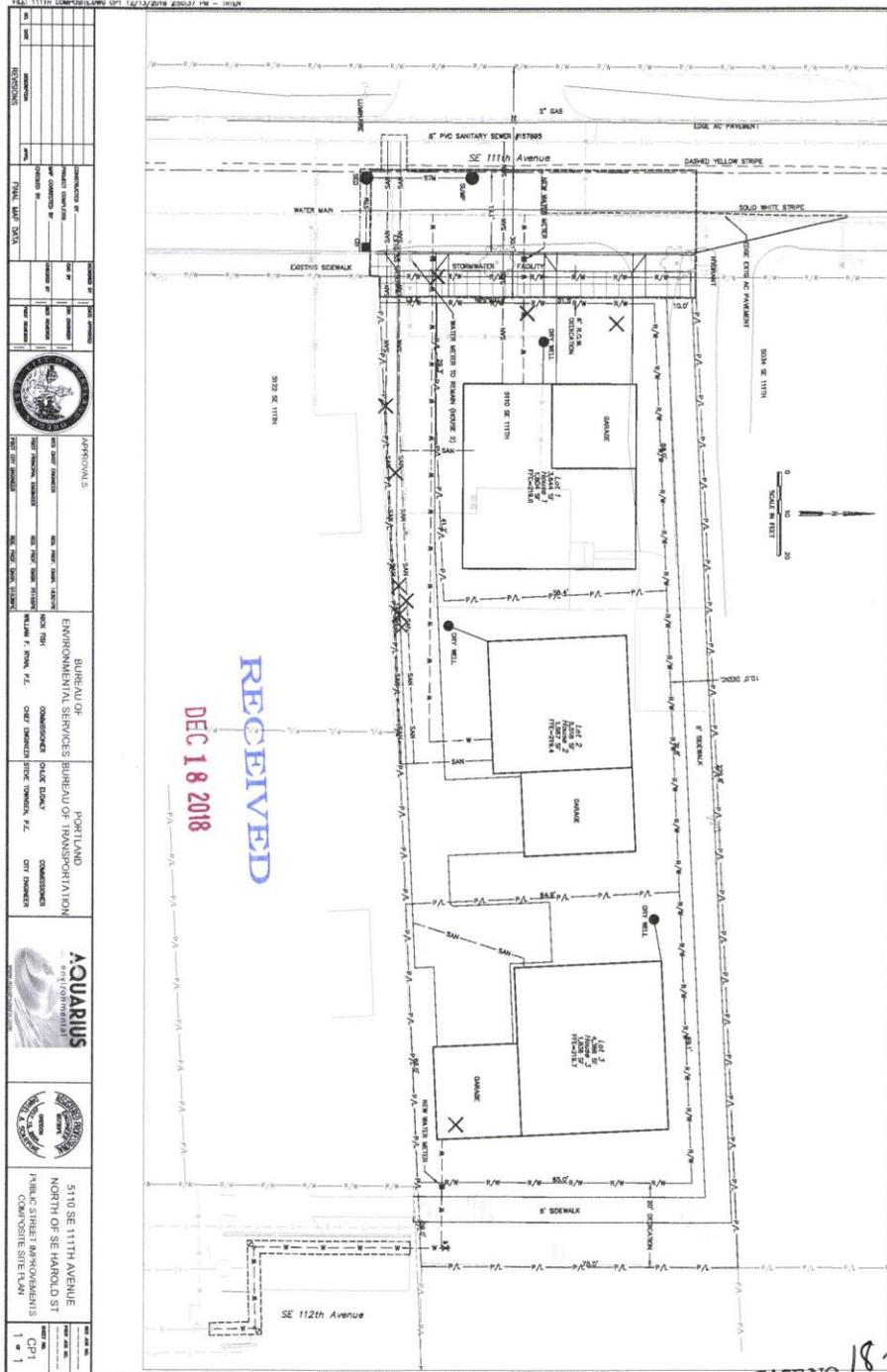
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING 
NORTH
THIS SITE LIES WITHIN THE:
JOHNSON CREEK PLAN DISTRICT

 Site

File No.	LU 18-174028 LDP
1/4 Section	3541
Scale	1 inch = 200 feet
State ID	1S2E15BD 600
Exhibit	B May 22, 2018



<p>APPROVALS</p> <p>SEAL OF THE CITY OF PORTLAND</p> <p>SEAL OF THE BUREAU OF ENVIRONMENTAL SERVICES</p> <p>SEAL OF THE BUREAU OF TRANSPORTATION</p> <p>SEAL OF AQUARIUS</p> <p>SEAL OF THE PORTLAND PUBLIC UTILITIES COMMISSION</p>	<p>APPROVED BY: [Signature]</p> <p>DATE: [Date]</p>
<p>BUREAU OF ENVIRONMENTAL SERVICES</p> <p>PORTLAND BUREAU OF TRANSPORTATION</p> <p>AQUARIUS</p> <p>5110 SE 111TH AVENUE NORTH OF SE HAROLD ST PUBLIC STREET IMPROVEMENTS COMPOSITE SITE PLAN</p>	<p>DATE: [Date]</p> <p>SCALE: [Scale]</p> <p>PROJECT: [Project Name]</p> <p>DATE: [Date]</p> <p>SCALE: [Scale]</p> <p>PROJECT: [Project Name]</p>