



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

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Date: August 23, 2019
To: Interested Person
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NOTICE OF A TYPE II_x 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 18-176444 LDS LV

GENERAL INFORMATION

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

Owner's Representative: HKN Properties One LLC | Attn: Hung Ng
8651 SW Canyon Dr | Portland OR 97225

Owner: HKN Properties One LLC
9855 SW Halite Ct | Beaverton OR 97007

Parties of Interest: Samson Cheung | AAV One LLC
8733 SE Division Street, Suite #201 | Portland, OR 97266
503-805-5985

Dennis Kelly | Oregon Homes
2421 SE 76th Avenue | Portland OR 97266

Site Address: Vacant property at SE 137th Avenue & SE Woodward Street

Legal Description: TL 1900 0.36 ACRES, SECTION 11 1S 2E
Tax Account No.: R992113810
State ID No.: 1S2E11AB 01900
Quarter Section: 3344
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: R2-Low Density Multi-Family Residential zone (1 unit per 2,000 s.f. of site area) with an "a"-Alternative Design Density Overlay
Case Type: LDS- Land Division (Subdivision) & LV- Lot Validation

Procedure: Type IIX, an administrative decision with appeal to the Hearings Officer.

Proposal: The subject property is a unit of land which is 15,717 square feet in area. On January 12, 1999 this unit of land was sold via a deed from its parent parcel. The current owner purchased the property in September 6, 2005. The applicant representing the owner submitted a land division application on May 23, 2018 to subdivide the property. During the review it was determined the subject property had not been created lawfully. In other words, the subject property was not properly partitioned from its parent parcel in accordance with applicable land division regulations. Oregon Revised Statute 92.176 provides a specific pathway to remedy unlawful division of lands that occurred prior to January 1, 2007.

The applicant has made a request to validate this unit of land under ORS 92.176. The Lot Validation review is occurring concurrently with the land division proposal.

The applicant is proposing to divide the existing 15,681 square foot vacant site into six lots. Lot areas will range from 1,761 s.f. to 2021 s.f. in area. The applicant is proposing to utilize the amenity bonus Section 33.120.265.B.1 to receive an additional lot. An extension of public right-of-way for SE 136th Place will be provided through the site and a widening of SE 137th Avenue will be provided. A public works permit will be required for these public street improvements and construction of utilities within this new public right-of-way. The preliminary site plan shows how services (water, sanitary & stormwater) will be provided for future development on the individual lots.

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) four-ten lots are proposed; and (3) a concurrent review (Lot Validation Review) is required (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines "lot" as a single unit of land created by a subdivision of land. The applicant's proposal is to create 6 units of land (6 lots). Therefore, this land division is considered a subdivision.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33 and State Law. The relevant criteria are:

- ORS 92.176 Validation of unit of land not lawfully established and the City of Portland Title 34 rules for minor partitions in effect in 1999.
- Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

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. This application was submitted on May 23, 2018 and determined to be complete on November 19, 2018.

The zoning map indicates the site is zoned R2a since this land division application is vested in the zoning and zoning code in effect at the time the application was submitted on May 23, 2018. The current zoning of the site, as of May 24, 2018 @ 1 PM is R5- Single Family Residential with "a"-Alternative Design Density overlay with a Comprehensive Plan designation of R2.

FACTS

Site and Vicinity: This is a rectangular vacant 15,717 s.f. site with approximately 54-ft. of frontage on SE 136th Place and 63-ft. of frontage on SE 137th Avenue, where SE 137th Avenue intersects with SE Woodward street. The site is a relative flat site with overgrown vegetation, with a few nuisance trees and shrubs. This property is immediately south of a 16-lot subdivision, Anna's Place subdivision which was approved in 2006 under LU 06-110222 LDS and platted in August of 2007. Anna's Place is currently developed with two-story single-family residences. The current subdivision application is designed to "match up" with this subdivision

by extending SE 136th Place through the site and widening SE 137th Avenue. Both are public streets. SE 136th Place will continue to be a dead-end street with this proposal.

Established single family dwellings on R5 zoned lots prevail to the south and west, with multi-family development options available to both the north and east in R2a and R1a zoned areas. Commercial zoning abut both sides of SE Division St. located approximately 750-ft. to the north and SE Powell Boulevard located approximately 1300-ft. to the south. The closest transit service provided in this area would be TriMet #9 Bus Line on SE Powell Boulevard or #2-Bus Line on SE Division Street.

Infrastructure:

- **Streets:** The site has approximately 54 ft. of frontage on SE 136th Place, which dead ends at the subject property. The eastern portion of the site abuts SE 137th Avenue for approximately 63-ft. SE 137th Avenue intersects with SE Woodward Street at this location.

At this location SE 136th Place, north of the subject site and SE 137th Avenue, east of the subject site are classified as Local Service Street for all modes.

At this location SE 136th Place is improved with a 32-ft. roadway and a 15-ft. wide sidewalk corridor along the east side of the street (0.5-ft. curb, 8-ft. wide stormwater management facility, 6-ft. wide sidewalks and 0.5-ft. wide frontage zone). The west side of the street is improved with a 11-ft. wide sidewalk corridor (0.5-ft. curb, 4-ft wide furnishing zone, 6-ft. wide sidewalk and 0.5-ft wide frontage zone). The overall right-of-way (r-o-w) width is 58-ft

For SE 137th, east of the site, it is improved with a 31-ft. roadway with a 15-ft. wide sidewalk corridor (0.5-ft curb, 8-ft.stormwater management facility, 6-ft wide sidewalk and 0.5-ft. wide frontage zone). The overall right-of-way (r-o-w) width is 49-ft.

- **Water Service** – There is an existing 6-inch CI water main in SE 136 Place and SE 137th Place with an estimated static pressure of 64.5-80.7 psi. Water Bureau requirements are further discussed under Services approval criterion and specifically water service standard 33.651.
- **Fire Hydrant Water Service:** The nearest fire hydrant is approximately 230 ft. north of the site on the west side of SE 136th Place in front of the house with the address of 2743 SE 136th Place, with a estimated water flow of 1,300 gpm and estimated pressure of 20 psi. Another fire hydrant is located on the east side of SE 137th Avenue at the intersection with SE Taggart Ct with a estimated water flow of 1,300 gpm and a residual pressure fire flow of 20 psi. Fire Bureau requirements are further discussed later under water service standard 33.651 and Fire Bureau technical requirements.
- **Sanitary Service** - There is an existing 8-inch public sanitary sewer line in SE 137th Avenue (BES as-built #5051) and an existing 8-inch public sanitary sewer in SE 136th Place (BES as-built #5051). There is currently an existing lateral from the subject site to the sanitary sewer in SE 137th Ave. Bureau of Environmental Services requirements for extending the public sanitary service through the site is discussed under 33.651
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. Disposal of stormwater for the public infrastructure improvements and on-site stormwater for the future development on the individual lots is discussed under stormwater standard 33.653 listed below.

Zoning: The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-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: MCF 39-90: A withdrawn land division proposal which included other properties and involved 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. Two written response has been received from notified property owners in response to the proposal. Neighborhood Association did not provide a written response. One neighbor’s inquiry was just to understand the proposal and how it relates to their property and did not provide formal response to the proposal. The following comments or concerns were provided:

- Does not support infill development proposal in East County due to public safety concerns. The public safety concerns raised were in association to widening of SE 137th Avenue and the dead end of SE 137th Avenue into SE Woodward Street.
- Will speed bumps be provided on SE 137th Avenue where the widening occurs?
- Will widening of SE 137th Avenue prohibit trucks over 45 ft. long.
- Infill development will increase pedestrian, bike and vehicle traffic within the area and without adequate public safe guards to mitigate a serious accident to person or property will occur in the neighborhood.

Staff Comment: The infill development as discussed later in this staff report meets the related land division approval criteria. The number of lots proposed is allowed for the R2 zone.

Portland Bureau of Transportation (PBOT) reviews the land division proposal in association to the Transportation Impacts and street design is reviewed as part of the public works review process (width of road, sidewalk, speed bumps etc.) which is later discussed under the approval criteria 33.641 and 33.654 in this staff report.

No existing pedestrian connection is being removed due to the land division proposal and there is no change in relationship to how SE 137th Avenue terminates into SE Woodward Street. Street dedication along the applicant’s site frontage will be provided to widen SE 137th Avenue just along its frontage. The pedestrian connection system will be provided along this sites frontage where SE 137th Avenue will be widened and within the new public right-of-way segment of SE 136th Place that is being extending through this site.

The neighbor appears to have concerns regarding existing traffic safety concerns for this neighborhood and may relay these concerns by contacting 503-823-SAFE (7233) or use the [on-line form to contact the Traffic Safety and Neighborhood Livability Team](#).

The applicant also provided a response to the neighbors concern, which is included as an Exhibit, A.14.

LOT VALIDATION APPROVAL CRITERIA

LOT VALIDATION

ORS 92.176 Validation of unit of land not lawfully established.

- (1) **A County or city may approve an application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land:**
 - (a) **Is not a lawfully established unit of land; and**
 - (b) **Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.**

Title 34 Approval Criteria for a Minor Partition for the City of Portland in 1999

34.30.030.B Approval Criteria:

1. It is in conformance with the Comprehensive Plan map designation.

Findings: The Comprehensive Plan Map designation for this site in 1999 was R2 low density Multi-Dwelling residential. The corresponding zone is R2. The applicant’s proposal meets this requirement because the proposed residential use is allowed in the R2 zone. This criterion is met.

2. It is in conformance with the design standards for lots and parcels specified in Section 34.60.030 of this Title.

A. The size, width, shape and orientation of lots and parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of Title 33 of the City of Portland Code with the following exceptions:

- 1. **In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.**
- 2. **The width of corner lots and parcels shall be at least five feet greater than the minimum prescribed by Title 33 of the City of Portland code for the zone in which the property is located.**

Findings: This site is served by public sewer, therefore A.1 does not apply. The site is not a corner lot, therefore A.2 does not apply. The size, width and shape of the proposed parcel (Exhibit C.4) is appropriate because it is regular in shape and large enough to accommodate a variety of residential development designs that can meet the zoning code’s development standards. The proposed parcel (Exhibit C.4) is consistent with the lot size provisions of Title 33 (1999 Code) as shown below.

	R2 Zone Requirement	Existing Lot as it is currently configured prior to subdivision
Minimum Lot Area	4,000 s.f.	15,717 s.f.
Minimum Lot Width*	40 ft.	63 ft.
Minimum Lot Depth	80 ft.	254 ft.

This criterion is met.

B. The side lines of a lot or parcel shall run at right angles to the street on

which it faces as far as is practicable, or on curved streets shall be radial to the curve as far as practicable.

Findings: Proposed lot lines are at right angles to the street. This criterion is met.

- C. Double frontage lots and parcels shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.**

Findings: The existing parcel in its current configuration has frontage along SE 136th Place and SE 137th Avenue. The double street frontage cannot be avoided, due to the existing street design layout in the neighborhood. This criterion is met.

- D. Each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet except that the minimum width for attached residential lots shall be 16 feet, and that a major partition may be approved in which a private street, no less than 10 feet in width, provides the only reasonable access to the rear portion of an unusually deep lot or tract large enough to warrant partitioning into no more than two parcels.**

Findings: The existing parcel abuts SE 136th Place for approximately 58 ft. and SE 137th Avenue for 63.20 ft. This criterion is met.

- E. Each lot or parcel shall contain a usable building site having an elevation at least 1 foot above the level of a predictable regional (100-year) flood as determined by the United States Corps of Army Engineers.**

Findings: This site is outside the 100-year flood plain and has a suitable building site at least 1-foot above the level of predictable regional flood. This criterion is met.

- 3. The continuation of existing principal streets in surrounding areas will not be partially or fully blocked.**

Findings: This proposal will not cause the blocking of principal streets. SE 136th Place will be extended through the site as part of the future subdivision discussed later in this report. This criterion is met.

- 4. Access to adjacent property from streets, as required by City Code will not be partially or fully eliminated.**

Findings: This proposal will not affect access to adjacent properties. This criterion is met.

- 5. Water, sanitary sewer or approved subsurface disposal systems and drainage facilities, which meet City requirements are available or can be provided.**

Findings:

Water

Water services are available to serve this site at this time from the 6-inch main in SE 136th Place and the 6-inch main in SE 137th Avenue. Water Bureau has no objection to validating this existing parcel of land (Exhibit E.3).

Sanitary Sewer & Stormwater discharge and treatment

The Bureau of Environmental Services (BES) notes there is an existing 8-inch public sanitary sewer in SE 137th Avenue and in SE 136th Place available to serve the

existing parcel. Applicant is proposing to have the stormwater runoff for the future development on this site to be directed to individual drywell on-site. BES has no objection to validating this existing parcel of land in its current configuration (Exhibit E.1).

Services are available or can be provided; and this criterion is met.

6. All requirements of Title 17 can be met. The city engineer has no objections (Title 17, Public Works).

Findings: PBOT has reviewed this lot validation proposal and notes all requirements of Title 17 can be met.

7. In RF through R5 zones, each lot contains at least 1,600 square feet of area which complies with all of the following:

- a. The 1,600 square feet area is located outside of an EC or EP zone, or the request creates lots that meet the applicable Development Standards of Sections 33.430.140 through .170 or has been approved through an Environmental Review as specified by Chapter 33.430 Environmental Zones; and,
- b. The 1,600 square foot area has been a minimum dimension of 40 feet by 40 feet in all cases except for attached houses on corner lots.
- c. The 1,600 square feet area is located outside of the required setbacks; and,
- d. The 1,600 square feet area is located outside of a severe land hazard area, as shown on the city's land hazard maps, or on the Multnomah County slope hazard maps, or the applicant has provided preliminary soils and geologic engineering documentation describing how the site can be developed safely; and,
- e. The 1,600 square feet area is located outside of the 100 year flood plain or the applicant has provided documentation of alternative compliance with the city's flood plain regulations.

Findings: This site is not within the 100-year flood plain, not within an environmental overlay and is not within a severe landslide hazard; and is also within an R2-low density multi-family residential zone, so this criterion does not apply.

8. In all other zones, the request creates lots that meet the applicable Development Standards of Section 33.430.140 through .170 or has been approved through an Environmental Review as specified by Chapter 33.430, Environmental Zones; (in "c" and "p": zones only)

Findings: This site is not within an environmental "c" or p" zone, this criterion does not apply.

9. The water, sewer, stormwater disposal services and private and public utilities services, vehicular access, parking and maneuvering areas located on the lot will not be located in or cross an EC or EP zoned area unless the request meets the applicable Development Standards of Section 33.430.150 or has been approved through an Environmental Review as specified by Chapter 33.430 Environmental Zones.

Findings: This site is not within an environmental "c" or p" zone, this criterion does not apply.

34.50.010 Conformance With Plans. A land division, whether by subdivision or partitioning shall conform to the Comprehensive Plan, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the principles of acceptability and the design standards established in this Title. Where such is not shown in adopted or preliminary plans the arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing arterial or collector streets in surrounding area, or

B. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topography or other conditions make continuance or conformance to existing streets impracticable.

Findings: The Comprehensive Plan Map designation for this site is low density multi-dwelling residential. The corresponding zone is R2. The applicant's proposal meets this requirement because the proposed residential use is allowed in the R2 zone.

SE 136th Place and SE 137th Avenue are not considered arterial streets. No continuation of existing arterial streets is required in this area. This criterion is met.

34.50.020 Future Extensions of Streets.

Where a Subdivision or partition associated with any major or minor land division adjoins unsubdivided land, streets, which should be continued in the event of the division of the adjoining land, will be required to be provided to the boundary lines of the tract. Reserve strips or street plugs may be required to preserve the objectives of street extensions.

Findings: This parcel abuts an SE 136th Place and SE 137th Avenue and the applicant as part of the future subdivision proposal, discussed later in this report will be extending SE136th Place and widening SE 137th Avenue. PBOT has no objections to this lot validation review. This criterion is met.

34.50.050 Frontage on Arterial Streets.

Wherever a Subdivision or partition abuts or contains an existing or proposed arterial street, the Hearings Officer may require frontage streets, reversed frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Findings: The site does not have frontage on an existing arterial street, and Portland Transportation has not identified the need for an arterial street at this location. Therefore, this criterion does not apply.

CONCLUSIONS FOR LOT VALIDATION

The applicant proposes to validate a unit of land, which is 15,717 square feet in area, that is within the jurisdiction of the City of Portland per ORS 92.176.

As discussed above, the requested lot validation has been reviewed and shown to be able to meet all the required standards for creation of a unit of land on the date that the unit of land was sold, January 12, 1999.

Thereby validating this unit of land in its current configuration as shown on Exhibit C.4, the current land division proposal can proceed and is discussed below.

ZONING CODE APPROVAL CRITERIA FOR CONCURRENT LAND DIVISION

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	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. 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.
	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

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing six lots for development of detached houses as shown on Exhibit C.1.

Density Standards: Single-dwelling or duplex development is proposed for some or all of the site, therefore the applicant must demonstrate how the proposed lots meet the minimum density and not exceed the maximum density stated in Table 120-3 at the time of the preliminary plan review. Site area devoted to streets is subtracted from the total site area in order to calculate minimum and maximum density.

The applicant in this case is proposing to utilize the amenity bonuses provisions of Code Section 33.120.265 to receive six (6) lots (6 units).

We must first calculate how many dwellings are allowed under the base zone. Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 15,717 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. A street dedication is required for SE 136th Place and SE 137th Avenue. The combined street dedication totals 4,566 square feet. Therefore, the resulting lot size for calculating density per the engineer's site area after street dedication is 11,151 square feet. The site has a minimum required density of 4 units and a maximum density of 5 units.

The applicant is proposing to utilize the Amenity Bonus Section of 33.120.265 – to receive the additional lot. As limited by Code Section 33.120.265.B.1, the amenity bonus provisions of the

Code are applicable to all housing types in the R3, **R2**, and R1 zones. Pursuant to Code Section 33.120.265.B.3, the maximum density increase allowed for a development is 50 percent. To obtain the desired additional one lot (1 unit), the applicant must include amenity bonus options (identified in Code Section 33.120.265.C) that equate to **20 percent** (basing this calculation on the maximum allowed 5 lots (units) in the R2 zone.

The amenity bonus standards must be met in full to receive the bonus; exceptions are prohibited. In addition, adjustments to the development standards of the base zone, overlay zone, or plan district are prohibited if the project is to receive any density bonuses. It is the responsibility of the applicant to document that all of the amenity bonus requirements are met.

The additional units must comply with all applicable site development standards. Any development feature provided to comply with the requirements of the base zone, such as the required outdoor area requirement, may not be counted towards the calculation of bonus density.

As identified in the previously cited Code Section, the various amenity bonus options are given a unique percentage value.

The options that the applicant is providing are as follows (Exhibit A.7, A.19 & A.20):

- Three-bedroom units

The applicant is providing two of the six units as three-bedroom units.

Code Section 33.120.265.C.3 grants a total bonus density of **10 percent** if at least 20 percent of the development's units have at least three bedrooms.

Staff Comment: The applicant did not provide any floor plans for the proposed conceptual building footprint houses to show this can be achieved.

- Storage areas

The applicant has committed to providing the following interior storage and interior storage for large items for at least all of the units on the south one-half of the site:

a. Interior storage. Interior storage areas must comply with all of the following minimum dimensions:

- (1) Kitchens - 20 square feet of drawers and 50 square feet of shelf space. Shelves must have at least 12 inches of vertical clearance.
- (2) Bedroom closets - 16 square feet in floor area, and one in each bedroom.
- (3) Linen closet - 10 square feet of shelving, and may be located in a hallway or bathroom.
- (4) Entry closet - 10 square feet of floor area.

b. Storage for large items. Storage areas must be fully enclosed, be dry, and have locks if they are not located in the dwelling. They must be at least 50 square feet in floor area, and at least 7-feet high. They must be located so as to be easily accessible for large items, such as barbecues, bicycles, and sports equipment.

Code Section 33.120.265.C.4 grants a total density bonus of **5 percent** for this amenity.

- Larger required outdoor areas

The applicant is providing larger outdoor areas than are required by Code Section 33.120.240. To qualify for this amenity, at least 96 square feet of outdoor area is required for each dwelling unit. This in addition to the base zone standard 33.120.240, which requires a separate 48 s.f. of outdoor area be provided for each individual unit and designed so that a 6-ft. x 6-ft. square will fit entirely within it.

Code Section 33.120.265.C.4 grants a total density bonus of **5 percent** for this amenity.

The applicant will thereby be providing the required 20 percent bonus density by including the above referenced amenities. In doing so, the project qualifies for the one additional requested unit. However, no floor plans or detailed information was provided to demonstrate that these amenity options can actually be met.

BDS Staff has concerns that the extra larger required outdoor area of 96 s.f. in addition to the base zone requirement of 48 s.f. may not be feasible due to the size of the lots. There are other amenity bonus options stated in 33.120.265., for example sound insulation and crime prevention, whereby the applicant may achieve a bonus density of 10 percent which combined with three bedrooms being provided in two units would achieve the 20 percent bonus density to qualify for the one additional requested unit

Therefore, prior to final plat approval the applicant must document which exact amenity bonus options will be utilized to meet the 20% to receive an additional unit to have the additional lot.

If the 20% amenity bonus options is documented to be met at the time of final plat, then a condition of approval will be imposed requiring the applicant to submit a covenant ensuring that the amenities will continue to be provided for the life of the project.

If the applicant is unable to demonstrate that the 20 percent amenity bonus option can be met for this subdivision proposal, then the number of lots must be reduced by one. This can be accomplished by combining two of the lots within the subdivision thereby not exceeding the maximum density of five units/lots.

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

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Detached Houses	1,600	25	none	25
Lot 1	1,796	31	57	31.4
Lot 2	1,805	31	57	31.5
Lot 3	1,763	30.7	57	30.7
Lot 4	1,761	30.7	57	30.7
Lot 5	2,021	29.9	66.5	29.9
Lot 6	2,021	29.9	66.7	29.9

* Width is measured from the midpoints of opposite lot lines.

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

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

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

Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading: In this case, the site is relatively flat, and is not located within the Potential Landslide Hazard Area. This land division proposal includes an extension of a public street, SE 136th Place through the site and widening of SE 137th Avenue along the eastern

portion of this site and associated utilities (sanitary, stormwater system, water etc.) for the street, will require clearing and grading on the site. The applicant has submitted a Preliminary Clearing and Grading Plan (Exhibit C.2) that depicts the proposed work. The preliminary grading plan does not propose significant grading to facilitate the proposed land division, and no significant changes to contours or drainage patterns are proposed.

The applicant's narrative says full disturbance of the site is proposed. However, the clearing and grading plan does not reflect any proposed changes to the grade contours, and does not indicate limits of disturbance, or show topsoil storage, construction staging area or a stockpile area, but there is ample room on the site to locate soil stockpiles and staging area. If the applicant decides to mass grade a condition of approval will require the clearing and grading plan be submitted with a Site Development permit and indicate the limits of disturbance, any grade changes, location of stockpile and staging areas and Title 10 requirements being met.

The Site Development Section of BDS has indicated a Site Development permit may not be required because the proposed work is limited to the scope of the public works permit. Clearing or grading performed under a public works permit to facilitate public improvements must be limited to the right-of-way. Clearing or grading beyond the public right-of-way (SE 136th Place and SE 137th Avenue) must be facilitated with a Site Development permit or building permits in accordance with Title 24.70.20. If the applicant chooses to proceed with grading work beyond the public right-of-way, a Site Development will be required. In this case, to determine if a Site Development permit is required for the clearing and grading of the site, a final clearing and grading plan must be submitted prior to final plat approval. The final clearing and grading plan, must be reflect the public works permit for construction of the extension of SE 136th Place and widening of SE 137th Avenue; and show existing and proposed changes of contours, construction limits of disturbance, temporary staging and stockpile areas and erosion control measures. At the time of Final Plat approval if it is determined the limits of clearing and grading area is beyond the construction of the public right-of-way construction, then the applicant must obtain a Site Development permit which demonstrates that the clearing and grading plan is consistent with the final preliminary clearing and grading plan approved with the land division. To this end, prior to final plat approval, the applicant must obtain a Site Development that shows the clearing and grading work, limits of disturbance fencing, erosion control as well as the changes noted above.

With the condition the applicant submit a final clearing and grading plan prior to final plat approval showing the requested items, the approval criteria can be met. If it is determined by Site Development Section of BDS per the final clearing and grading submitted with the final plat a Site Development Permit is required then a Site Development Permit must be submitted and receive approval prior to final plat approval. With these conditions, this criterion is met.

Land Suitability: The site is currently is vacant, and there is no record of any other use in the past. 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.

All of the proposed lots are on the east side of SE 137th Ave or the east/west side of SE 136th Place of a north-south oriented street, and are considered interior lots (not on a corner). In this context there is no preference that any one lot be wider or narrower than the other lots. This criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area.

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

The applicant provided a narrative addressing evaluating factors (Exhibit A.7), which has been reviewed by PBOT.

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.2a):

The minimal expected added vehicle trips (approx. 6 AM peak hour trip/6 PM peak hour trip/60 total new daily trips) associated to the proposed subdivision will not adversely impact the operations of the area intersections. The majority of the intersections near the subdivision site are stop controlled (non-signalized) and allow for the distribution of vehicles towards the higher classified streets in the area (SE 136th Avenue/SE Division and at SE 136th Ave/SE Powell Blvd). PBOT is unaware of any indicators that any of these area intersections are performing below City of Portland performance measures. As part of the proposed subdivision, the applicant will be extending SE 136th Place from the north and completing the existing partial SE 137th Avenue along the site's frontage. North of the subject site, the adjacent subdivision that was constructed in 2007 (approx.), homes were built with on-site parking accommodations for two vehicles (in garages and on driveways). On-street parking is also allowed along both sides of this street. The homes on proposed Lots 3-6 will have at least one on-site parking space per lot and there will be sufficient curb length along both sides of the extended SE 136th Place (through the subject site) to accommodate at least two vehicles.

On SE 137th Avenue north of the site, nearby homes on the west side of the street were also built with on-site parking opportunities for multiple vehicles. On-street parking is only allowed on the west side of the street – the large multi-dwelling developments located north-east of the subject site are served by parking lots internal to these developments. The submitted site plan shows that the new homes on proposed Lots 1 and 2 will also include on-site parking spaces for at least one vehicle and the curb length between the two new driveways will accommodate at least one vehicle.

On-street parking impacts to the surrounding neighborhood are not expected in relation to the proposed development. The proposed subdivision will not have any effect to transit service or any other mode of travel. Pedestrian travel will be enhanced by this proposal since the applicant will be constructing standard sidewalk corridors along both sides of SE 136th Place and along the west side of SE 137th Avenue. At this location, SE 136th Place and SE 137th Avenue, are low speed/low volume streets- the addition of new vehicle trips associated with the 6 proposed homes into the neighborhood is not expected to have an adverse impact on pedestrian, bicycle or vehicular safety.

It is noted here that PBOT is aware of one correspondence that was submitted from a neighbor expressing objection to the proposed subdivision. In part, the objection includes concerns related to a presumed loss of sidewalks along current residential buildings, the dead-end condition of SE Woodward and the effects of widening SE 137th Avenue.

In response, there will be no demolition of any existing sidewalks in the area, in fact, the existing sidewalk corridors north of the subject site will be extended through (SE 136th Place) and along the subject site's SE 137th Avenue frontage. SE Woodward is not a dead-end street and the proposed development on the subject site will not affect the current configuration of SE Woodward. Instead, the SE 137th Avenue frontage of the site will be improved to the

satisfaction of the City Engineer and consistent with current City standards. This site's frontage is only approximate 60-ft. in overall length- improving this segment of SE 137th Avenue will not have any adverse impacts to areas streets or intersections. The improvement along this frontage will create additional on-street parking opportunities. PBOT acknowledges the neighbor's concerns, but as noted previously in this response, PBOT does not anticipate any adverse transportation impacts in relation to the proposed subdivision.

It is PBOT's determination that "the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area."

With the described and required improvements for the transportation and pedestrian system noted above, the transportation system will be capable of safely supporting the proposed development and existing users in this area. With the conditions noted above, 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, E.3a & E.4 for detailed bureau comments.

There is an existing 6-inch public water main within SE 136th Place and SE 137th Avenue which abuts this site's frontage. The Water Bureau has reviewed the proposed land division and has the following comments:

PBOT is requiring SE 136th Place to be extended south through the site, which will provide street frontage for Lots 3-6. The applicant must make arrangements to extend the public water main within this new public right-of-way extension, SE 136th Place, to ensure water service is available to Lots 3, 4, 5 and 6. In order to meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances (including fees paid in full) must be provided to the Water Bureau prior to final plat approval.

The submitted site utility plan shows water service to each of the individual lots within their own street frontage. All new domestic service taps will be assessed a System Development Charge(SDC) at the time of development on each of the individual lots. Meter size will be reviewed at the time building permit.

Fire Bureau has reviewed the fire flow information (Exhibit A.13) and provided the following comments in regards fire hydrant water service in relationship to this land division proposal: One- and two-family dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire flow calculation area, which does not exceed 3,600 square feet, shall be 1,000 gallons per minute. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than that specified in Table B105.1. EXCEPTION: A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.

With the conditions 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 Lots 1 and 2 will receive sanitary service from the 8-inch public sanitary sewer in SE 137th Avenue. Lots 3, 4, 5 and 6 will receive sanitary service from the 8-inch public sanitary sewer being extended within the extension public street, SE 136th Pl., through the site.

BES reviewed the applicant's narrative (A.7) and site utility plan (C.1 and C.3) and provides the following comments:

- Proposed Development: Lots 1 and 2 can be served by the existing public sanitary sewer in SE 137th Ave, however in order to provide an individual service connection for Lots 3,4, 5 and 6, the applicant must extend the public sewer in SE 136th Place. The sewer extension will be reviewed through the Public Works Permit or a BES Simplified Permit.

The applicant is required to construct a sanitary sewer to provide service to the proposed development. Prior to final plat approval, the applicant must complete one of the following to the satisfaction of BES:

- Through a Public Works Permit submit approved engineered plans, provide a financial guarantee, pay all outstanding fees, and provide signed permit document.
- Construct the public sewer and pay associated fees under a BES simplified Permit.

The applicant must obtain a public works permit or BES Simplified Permit to extend the public sewer to this site prior to final plat approval. With this condition, the sanitary sewer service standards of 33.652 have been verified.

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

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

Public Right-of-Way Stormwater Management: Bureau of Transportation (PBOT) requires the extension of the public right-of-way, SE 136th Place, and widening of SE 137th Avenue, these public improvements trigger the public stormwater management improvements per the standards of SWMM and sewer and Drainage Facilities Design Manual. The plans submitted under Public Works application, EP543, propose to infiltrate runoff from the improvements to the right-of-way using existing public sed-sump systems. BES Development Engineering approved 30% Concept Development plans. Prior to final plat approval, the applicant must submit engineered plans and receive an approved public works plans (for public stormwater facilities), a financial guarantee, receipt of all outstanding fees and a signed permit document.

The applicant has proposed the following stormwater management methods for the lots as shown on Exhibit C.1 and C.3 and provided a stormwater infiltration report (Exhibit A.9 and A.16)

- **Lots 1-6 (detached 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 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 noted the following in regards to the private property stormwater management infiltration setback requirements: Note that the infiltration facilities must be set back 5-ft. from the property lines and 10 -ft. from structures, as measured at 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 Guide or is approved through the BDS plumbing code appeal process. Note that the BDS code guide may allow drywell to be located closer than 5-ft. 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 (C.1 and C.3) shows drywell locations less than 5-ft. to the property line adjacent to the public right-of-ways (SE 136th Place and SE 137th Avenue).

Bureau of Environmental Services (BES) reviewed the applicant's stormwater management plan and stormwater report. The submitted stormwater report proposes to infiltrate runoff from each lot with individual drywells and proposes to meet the standards in the BDS Drywell Location Code Guide in order to reduce the required setbacks.

BES determined the proposed stormwater management plan for this land division proposal acceptable for reviewing this land division against the stormwater management standard and approval criterion.

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

33.654.110.B.1 Through streets and pedestrian connections

See Exhibit E.2.a

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.

Due to narrow width of this land division site, and existing development to the west of the site and considering today's current zoning of R5, an east-west extension of SE Woodward Street is not appropriate at this location. The distance from SE Woodward to SE Taggart Street is less than 200-ft. Therefore, for these reasons, it is more likely to receive a public east-west pedestrian connection to connect to SE Woodward Street in the future if a subsequent land division is submitted for the property to the south.

The Development Review Section of Portland Bureau of Transportation (PBOT) comments are summarized below:

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document.

The proposed subdivision will be furthering the City's connectivity goals by extending SE 136th Place through the site to the abutting lot to the south, with the expectation that this street will be further extended to the south in subsequent land divisions. Additionally, the completion of SE 137th Avenue with the street remaining and new sidewalk corridor, will also further the City's connectivity goals.

With the condition dedication of public right-of-way and required improvements for the extension of SE 136th Place and widening of SE 137th Avenue, this criterion is met.

33.654.110.B.2 Approval criterion for dead-end streets in OS, R, C, and E zones.

The proposal includes an extension of a SE 136th Place, a public street, which currently terminates at the southern boundary of this site. However, PBOT expects that this street, SE 136th Place, will be further extended to the south with subsequent land divisions. Therefore, this criterion does not apply.

33.654.120.B & C Width & elements of the right-of-way –

33.654.130.Additional Approval Criteria for Rights-of-Way (addressed below)

See Exhibit E.2.a

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.

Existing public street, SE 136th Place, terminates adjacent to this site and must be extended onto the site as needed to serve the site. The applicant is proposing to extend SE 136th Place into the site to provide services and street frontage for Lots 3-6. Street dedication and frontage improvements will be required to provide the extension into the site to provide connectivity and services. The applicant is proposing to widen SE 137th Avenue along the frontages of SE 137th Avenue.

Portland Bureau of Transportation comments are summarized below:

At this location, the City's Transportation System Plan classifies SE 136th Pl (north of the subject site) and SW 137th Ave (east of the subject site) as Local Service streets for all modes.

At this location, SE 136th Pl (north of the subject site) is improved with a 32-ft wide roadway and a 15-ft wide sidewalk corridor along the east side of the street (0.5-ft curb, 8-ft wide stormwater management facility, 6-ft wide sidewalk and 0.5-ft wide frontage zone). The west side of the street is improved with an 11-ft wide sidewalk corridor (0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and 0.5-ft wide frontage zone). The overall right-of-way (r.o.w.) width is 58-ft. SE 137th Ave (north of the subject site) is improved with a 31-ft wide roadway with a 15-ft wide sidewalk corridor (0.5-ft curb, 8-ft wide stormwater management facility, 6-ft wide sidewalk and 0.5-ft wide frontage zone). The overall r.o.w. width is 49-ft.

The applicant has initiated the requisite Public Works Permit review process for the necessary r.o.w. improvements via the submittal of 19-167417 WT/TH0884 and 19-167882 WE/EP543. These permits have received concept plan approval from PBOT and BES. The associated Public Works Permit plans include the accurate right-of-way sections that will need to be dedicated as public rights-of-ways in relation to the Final Plat stage of this land division process: 54-ft wide overall r.o.w. width for SE 136th Pl and 20-ft. wide dedication width for SE 137th Avenue. The 54-ft. r-o-w dedication for SE 136th Place will allow for a 32-ft. paved roadway with 11-ft. pedestrian corridor (0.5-ft. curb, 4-ft furnishing zone, 6-ft. sidewalk and 0.5-ft. curb) on both sides of SE 136th Place. The 20-ft. r.o.w dedication to widen SE 137th Avenue along this frontage, will allow for the widening of the existing roadway and a 11-ft pedestrian corridor(0.5-ft. curb, 4-ft furnishing zone, 6-ft. sidewalk and 0.5-ft. curb) on this frontage.

These r.o.w. widths reflect the utilization of existing stormwater management facilities north of the site – this is acceptable by PBOT and BES.

With the following conditions of approval PBOT has no objections to this land division proposal:

Prior to the issuance of the Building Permit(s) for development on the site, required r.o.w. improvements, must be designed/approved to the satisfaction of the City Engineer.

Prior to Final Plat approval, Public Works financial guarantees for the required r.o.w. improvements shall be provided.

The necessary property dedication(s) to accommodate the above referenced r.o.w. improvements shall occur as part of the Final Plat process. The conceptually approved Public Works Permit plans accurately reflect the necessary property dedications for the approved street sections along and through the subject site.

With the required street dedication and frontage improvements for the extension of SE 136th Place and widening of SE 137th Avenue, the width and elements within the public right-of-way will be sufficient to accommodate the expected users, including the residents of the land division site, and their visitors and other users passing through this area. With the conditions of approval described above, this criterion is met.

33.654.120. H –Street Trees

See Exhibit E.6

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 136th Place: The site has approximately 54-ft. of street frontage. The right-of-way is improved with pavement only. There are no overhead high voltage power lines. There are zero street trees.
- SE 137th Ave: The site has approximately 63-ft. of street frontage. The right-of-way is improved with pavement only. There are no overhead

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 11.50.00060.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 or as part of the public works permit.

Urban Forestry has no objections to this land division proposal. The development will be subject to street tree planting requirements during the permit review process.

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.

33.654.130.B. Extension of existing public dead-end streets and pedestrian connections See Exhibit E.2.a

Existing public dead-end streets and pedestrian connections adjacent to the site must be extended onto the site as needed to serve the site.

Findings: As discussed under Section 33.654.120 (Designs of Rights-of-Way) SE 136th Place is an existing public right-of-way that terminates currently at proposed land division site. The applicant is proposing a street dedication to extend the public street, SE 136th Place, roadway, sidewalk connection and services (water, sanitary, stormwater etc.) into the site to create street frontage and provide for services for these future lots. This public right-of-way extension of SE 136th Place provides connectivity and a pedestrian connection to serve these new lots. The properties to the south appear to have potential to further divide under current zoning; and are not currently developed in a manner that would preclude extending the street from the site. The proposed street will terminate at a location on the site boundary that will allow it to be further extended to serve these properties if they develop in the future. This criterion is met.

33.654.130.C. Future extension of proposed dead-end streets and pedestrian connections.

33.654.130.D Partial Rights-of-Way See Exhibit E.2.a

Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site as needed to provide future access to the adjacent sites. Options for access and street locations must consider the characteristics of adjacent sites, including terrain, the location of existing dwellings, environmental or Pleasant Valley Natural Resource overlay zoning, streams, wetlands, special flood hazard areas and tree groves. The following factors are considered when determining if there is a need to make provisions for future access to adjacent sites. A need may exist if:

1. The site is within a block that does not comply with the spacing standards or adopted street plant of the Transportation Element of the Comprehensive Plan; or
2. The full development potential of adjacent sites within the block will not be realized unless a more complete street system is provided to improve access to those site.

Partial right-of-ways and street improvements may be appropriate where the proposed right-of way and street improvements are expected to be provided by the owner of the adjacent property. Partial rights-of-way and street improvements may also be required where needed to provided future access to adjacent sites. The Office of Transportation must approve the configuration of a partial right-of-way or public street improvement.

Findings: As noted previously, the applicant will be extending SE 136th Pl through the site (from the north) and completing the SE 137th Ave connection to SE Woodward. The

construction of these streets (extensions) will satisfy the previous connectivity approval criteria/evaluation factors as well as these subject approval criteria. It should be noted that the extension of SE 136th Pl through the site is expected to be further extended when the abutting site to the south is proposed to be redeveloped. Additionally, the completion of SE 137th Ave cannot be further extended past SE Woodward since the abutting lots cannot be divided if the substantial width to accommodate a public street (SE 137th Ave extension) were to be required.

A public works application, 19-167417 WT (TH0884) & 19-17882 WE (EP543) for the extension of the SE 136th Place through the site and widening of SE 137th Avenue adjacent to the site has received 30% Concept Plan Approval by Portland Bureau of Transportation (PBOT) Engineering.

With the condition the dedication and public right-of-way improvements for SE 136 Place and SE 137th Avenue be completed as discussed above, these approval criteria are 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

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

Findings: The applicant is taking advantage of this development standard for and therefore at the time of final plat approval must submit a supplemental survey showing the reduced side setback.

- Amenity Bonus Options- Section 33.120.260. Special amenity bonuses for increased density are intended to improve livability for the residents and promote family oriented developments. The amenity bonuses are designed to allow additional dwelling units in a manner that is consistent with the purpose of the multi-dwelling zone. It is applicable to all housing types in R2 zones. The bonus amenity standards must be met in full to receive the bonus; exceptions are prohibited. In addition, adjustments to the development standards of the base zone, overlay zone, or plan district are prohibited if the project is to receive any density bonuses.

Findings: As discussed under approval criterion Section 33.612, it is the responsibility of the applicant to document that all of the amenity bonus requirements are met to receive the additional unit. The applicant must sign a covenant that ensures that the amenities provided to receive any bonus density will continue to be provided for the life of the project.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of

appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

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

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

- The applicant must meet the requirements of the Fire Bureau requirements for ensuring adequate hydrant flow from the nearest fire hydrant and providing either a secondary access or individual sprinklers systems. An Acknowledgement of Special Land Use Conditions that requires providing internal fire suppression sprinklers may be required on the final plat to meet these requirements. The applicant must also meet 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.

CONCLUSIONS

The applicant has demonstrated that 1999 land division approval criteria and ORS 92.176 is met to validate the existing unit of land in its current configuration, which is 15,717 square feet in area as shown on Exhibit C.4. This lot validation approval allows for the land division to proceed as proposed.

The applicant is proposing a six (6) lot subdivision as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are:

- Right-of-way dedication and improvements for SE 136th Place and SE 137th Avenue
- Final clearing and grading plan
- Utility installation (sanitary, water, stormwater, etc..) to provide for services
- Fire protection
- Amenity bonus options to receive an additional unit

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

A neighbor wrote in with concerns that the proposed infill development will impact the existing streets within the neighborhood. The neighbor's concerns were addressed by staff under the Neighborhood Review Section and under Transportation Impacts (33.641) Section of this staff report.

ADMINISTRATIVE DECISION

Approval of a Lot Validation per ORS 92.176, as illustrated by Exhibit C.4.

Approval of a Preliminary Plan for a six-lot subdivision, that will result in six (6) single detached single-dwelling lots, with an extension of a public right-of-way segment of SE 136th Place through the site and widening of SE 137th Avenue as illustrated with Exhibit C.1-C.3 subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review, review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- The reduced side setbacks allowed under 33.120.270.D, if the applicant choose to use this option.
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 136th Place and SE 137th Avenue. The required right-of-way dedication must be shown on the final plat survey.
2. If the applicant is unable to demonstrate that the 20% amenity bonus option can be met to allow for one additional unit, which is one lot for this land division proposal, then the number of lots will be shown to be reduced to five lots by combining two of the lots within this subdivision site. The lot area dimensions may vary from the final plat approval standards 33.663.200.A to allow for the reduction to five lots, by combining two of the existing lots into one combined lot.

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

Streets

1. The applicant shall meet the requirement of the City Engineer for right-of-way street improvements for SE 136th Place and SE 137th Avenue. The applicant shall provide plans and financial assurance to the satisfaction of the Portland Bureau of Transportation and Bureau of Environmental Services for the development of the required street frontage improvements through the public works permitting process.
2. The applicant must submit a final clearing and grading plan consistent with the public works permit and show the following items:
 - Existing grade contours and proposed change in grade contours
 - Construction limits of disturbance
 - The temporary staging area and stockpile areas
 - A note that topsoil must be stockpiled on site and re-used to the extent practicable activity.
 - Erosion control measures

A minimum of two copies to scale, full size format of the final clearing and grading must be submitted.

If the work proposed shown on the final clearing and grading plan requires a Site Development Permit, then the applicant must submit a Site Development Permit prior to final plat approval. This condition must be met to the satisfaction of Site Development Section of BDS.

Utilities

3. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main. The public sewer extension requires a Public Works Permit, which must be initiated and at a stage acceptable to BES prior to final plat approval. As part of the Public Works Permit, the applicant must provide engineered designs, and performance guarantees for the sewer extension to BES prior to final plat approval.
4. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water main extension in SE 136th Place.
5. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. Fire flow calculation area, which does not exceed 3,600 square feet, shall be 1,000 gallons per minute. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than that specified in Table B105.1. EXCEPTION: A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
6. The applicant must meet the requirement of the Fire Bureau for providing a 2nd Fire Access road as required by Chapter 5 of the Oregon Fire Code. Alternatively, the applicant will be required to install residential sprinklers in the new houses on Lots 1-6, if apply the exception. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Lots 1-6 to contain internal fire suppression sprinklers. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

Other

7. The applicant shall demonstrate and document the specific amenity options for the units on Lots 1-6 as specified in Code Section 33.120.265.C, that will provide 20% amenity bonus options to allow one additional unit, which is one lot for this land division proposal. If the applicant is able to demonstrate the 20% amenity bonus option is met at the time of final plat; then the applicant shall provide a signed covenant that ensures that the amenities described and provided to receive the requested bonus density of one additional unit, will continue to be provided for the life of the project.


If the applicant is unable to demonstrate 20% amenity bonus options can be met, then the number of lots will be reduced to five for this subdivision and reflected on the final plat survey.

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

1. Lots 1-6 are limited to single-dwelling development. If the number of lots are reduced per Condition C.7, the resulting lot is also limited to single-dwelling development.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
3. The applicant will be required to install residential sprinklers in the new houses on Lots 1-6 to the satisfaction of the Fire Bureau as required by Condition C.6.

4. The applicant must provide the following amenity options for the units on Lots 1-6 as documented at time of final plat per Condition C.7 above and in Code Section 33.120.265.C.

Staff Planner: Lois Jennings

Decision rendered by:  **on August 21, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed August 23, 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 23, 2018, and was determined to be complete on November 19, 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 23, 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 245 days as stated with Exhibit (Exhibit #G.5). Unless further extended by the applicant, **the 120 days will expire on: November 19, 2019**

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 6, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing

the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us .

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

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

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

Recording concurrent approvals.

If the preliminary land division approval also contains approval of other land use decisions (examples include adjustments, conditional uses, and environmental reviews), these other approvals will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **September 6, 2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of Lot Validation Review. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: Lot Validation Review. This approval(s) expires if: The final plat is not approved and recorded within the time specified above.

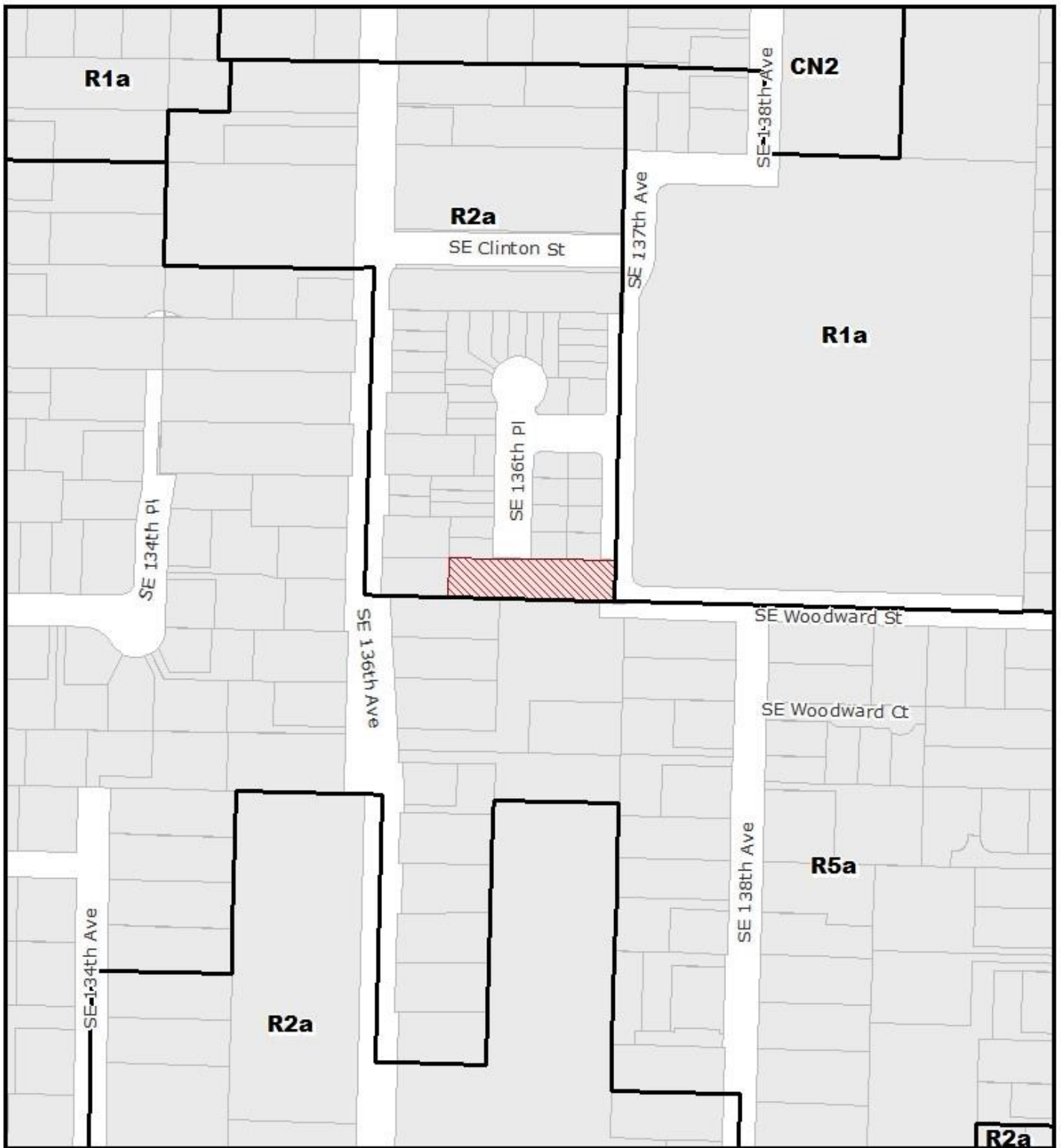
All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Neighborhood contact
 - 2. Original narrative submitted May 2018
 - 3. Title Report
 - 4. Aerial photo of proposed land division
 - 5. Preliminary land division layout with improvements
 - 6. Deed information provided by applicant
 - 7. Land Division and Lot Validation Narrative submitted April 2019
 - 8. Arborist report dated April 2, 2019
 - 9. Rapid Solutions stormwater infiltration testing report
 - 10. Plans submitted April 2019 (Sheet C1-C3)
 - 11. Existing Conditions Survey submitted April 2019
 - 12. April 22, 2019 Memo from Applicant for payment of additional reviews
 - 13. April 26, 2019 -email from applicant with Fire Hydrant flow information
 - 14. May 31, 2019 e-mail from applicant responding to neighbors concern
 - 15. May 31, 2019 e-mail from applicant stating they intend to resolve outstanding issues to this land division proposal.
 - 16. May 31, 2019 SIM form sent via e-mail for stormwater
 - 17. July 3, 2019 e-mail from applicant stating public works permit received 30% conceptual approval
 - 18. July 15, 2019 cover letter with new plans submitted to show changes in drywell location
 - 19. July 26, 2019 E-mail communication from applicant addressing outstanding issues from incomplete letter
 - 20. August 2, 2019 cover letter with stamped survey for existing site showing lot area
 - 21. August 19, 2019 e-mail from applicant regarding grading plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Site Plan (attached)
 - 2. Preliminary clearing and grading plan
 - 3. Proposed utility plan
 - 4. Existing Conditions Survey (reduced) submitted August 2, 2019
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - a. BES June 11, 2019 memo
 - b. BES e-mail in response to July 2019 plans submitted by applicant
 - 2. Bureau of Transportation Engineering and Development Review (PBOT)
 - a. PBOT July 23, 2019 formal response to lot validation and land division
 - 3. Water Bureau -May 30, 2019
 - a. July 26, 2019 memo from Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of Bureau of Development Services
- F. Correspondence:
 - 1. Billy Truong, May 10, 2019, inquiry about the proposal
 - 2. Joyce L Bates, May 27, 2019, concerns about infill and traffic safety
- G. Other:
 - 1. Original Land Use Application
 - 2. Expedite Land Division Acknowledgement form signed
 - 3. Incomplete letter dated June 19, 2018
 - 4. Warning letter dated October 19, 2018
 - 5. Request for Extension of 120 day review by applicant

6. E-mail dated November 15, 2018 to applicant regarding Lot Validation Review
7. Portland Master Street Plan
8. 1999 Title 34 Code & 1999 zoning code for Lot Size
9. E-mail Communication with applicant from 2018-August 2019

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).

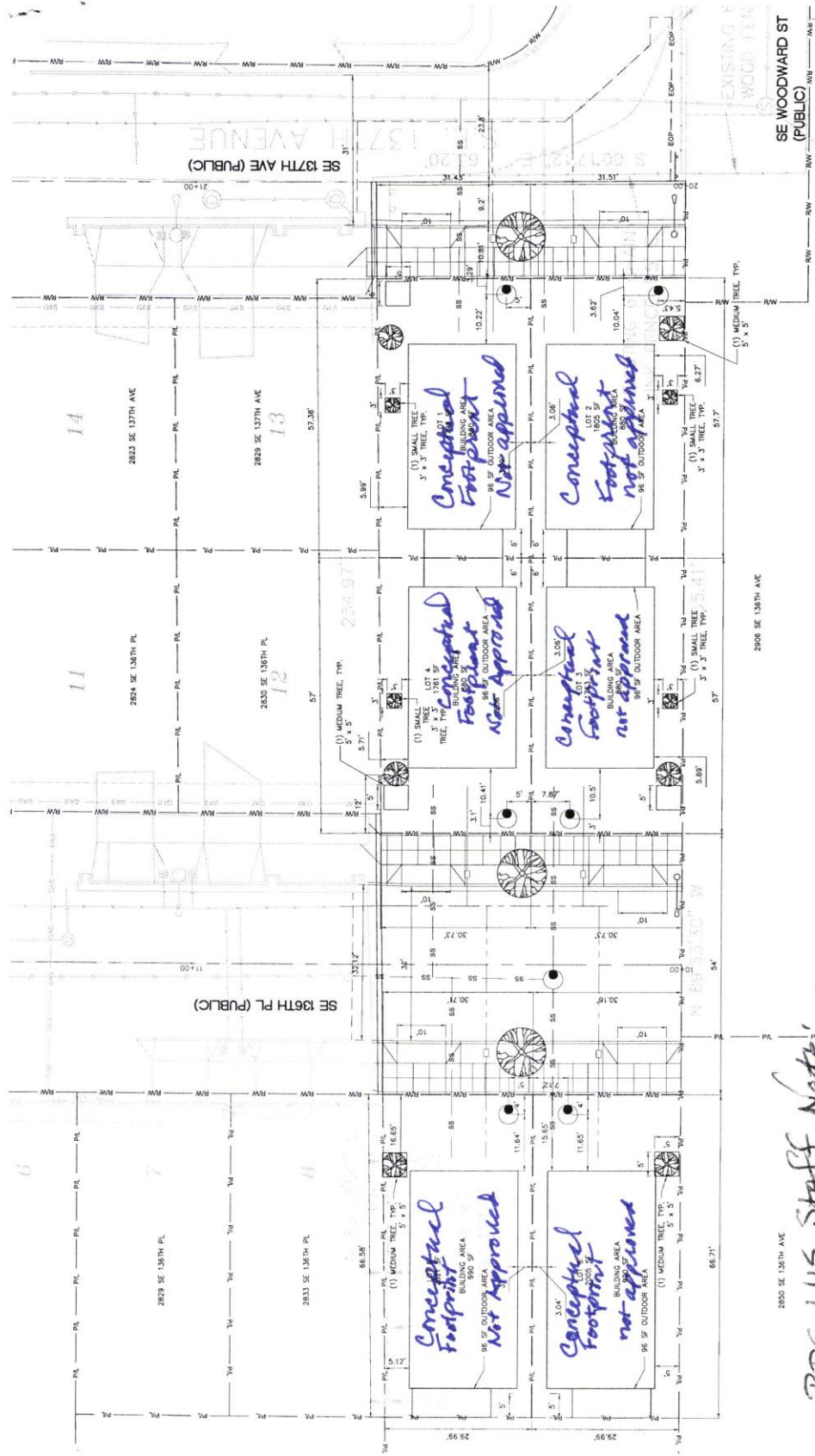


ZONING 
 NORTH
 THIS SITE LIES WITHIN THE:
 JOHNSON CREEK PLAN DISTRICT

 Site

File No.	LU 18-176444 LDS LV
1/4 Section	3344
Scale	1 inch = 200 feet
State ID	1S2E11AB 1900
Exhibit	B Apr 22, 2019

Plan
 SE 137th, Local Division,
 Tax lot 19000, 15 SE 141
 Portland, OR 97236
 2024
 Exhibit C.1
 2024



BPS LWS Staff Notes:
 Conceptual Building Footprints
 Not approved for development

LEGEND		SITE DATA	
PROPOSED WATER LINE	[Symbol]	TOTAL AREA BEFORE DEDICATION	15,717 SF
PROPOSED WATER METER	[Symbol]	TOTAL AREA OF DEDICATION	4,566 SF
PROPOSED SANITARY	[Symbol]	TOTAL AREA AFTER DEDICATION	11,151 SF
PROPOSED STORM	[Symbol]	TOTAL LOT AREA	11,151 SF
PROPOSED MANHOLE	[Symbol]		
EXISTING SANITARY	[Symbol]		
EXISTING STORM	[Symbol]		
EXISTING WATER	[Symbol]		



C10
 208 LWS
 18-02
 SECOND SUBMITTAL - JULY 2019

2024
 Exhibit C.1
 18-17644 LWS

THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION AND DATA. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION AND DATA.