



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: December 9, 2019
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or [lois.jennings@portlandoreogn.gov](mailto:lois.jennings@portlandoregon.gov)

NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 19-232660 LDP

GENERAL INFORMATION

Applicants: James Lashbaugh,
Vintage Properties NW, LLC
6114 SE 19th Ave
Portland, OR 97202
Phone#: 503-970-9033 or jimlash@comcast.net

Mate Skoro,
Skoro Homes
PO Box 38
Boring, OR 97009
Phone#: 503-740-7304 or mate@skorohomes.com

Owners: Vintage Properties NW LLC & Skoro Homes LLC
6114 SE 19th Avenue
Portland, OR 97202

Site Address: 6804 SE OGDEN ST

Legal Description: BLOCK 10 LOT 10 EXC S 60', BRENTWOOD & SUB
Tax Account No.: R099903390
State ID No.: 1S2E20BD 08400
Quarter Section: 3737

Neighborhood: Brentwood-Darlington, contact bdlanduse@gmail.com.
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313.

Plan District: None

Other Designations: None

Zoning: R5 -Residential 5,000 with an “a”-Alternative Design overlay

Case Type: LDP-Land Division Partition

Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant is proposing to divide this currently vacant 8,900 s.f. corner property into two (2) parcels. The applicant is utilizing the corner lot alternative development option (33.110.240.E) to create attached housing lots for Parcels 1 and 2. This provision requires attached housing lots to meet the minimum lot dimension standards of the R2.5 zone. Parcels 1 and 2 will be each 4,182 s.f. in area, each with a lot width of 48.5-ft. The applicant’s preliminary site and proposed improvement & utility plan shows how services (sanitary, stormwater, and water) will be provided for each lot.

Portland Bureau of Transportation (PBOT) noted for this land division that, SE Ogden Street and SE 68th Avenue, currently do not meet City standards. The site plan reflects a 3-ft. street dedication along SE Ogden Street and 3-ft. street dedication along SE 68th 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 two units of land (2 lots). Therefore, this land division is considered a partition.

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

FACTS

Site and Vicinity: The site is a corner lot on the east side of SE 68th Avenue and SE Ogden Street. A single family-house and detached garage were approved to be demolished under permit numbers# 19-161670 RS and 19-161682 RS. The site is currently vacant. The surrounding neighborhood is developed with single-family residences which vary in style. The zoning directly to the north, south, west and east is R5. The zoning changes to CM1-Mixed Commercial zoning is along SE 72nd Avenue and SE Flavel Street. The nearest park, Brentwood City Park is approximately 1,800-ft. to the west and Flavel park is approximately 2,000-ft. to the southeast of the site.

Infrastructure:

- **Streets:** The site has approximately 89-feet of frontage on 68th Avenue and 100-feet of frontage on SE Ogden Street. At this location, 68th Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). For SE Ogden Street the Transportation System Plan classifies SE Ogden Street as a Major City Bikeway and Local Service Street for all other modes. Tri-Met provides transit service approximately 750-ft. from the site on SE Flavel Street and SE 69th Avenue via Bus line #71.

SE Ogden Street is improved with approximately 28-ft. of paved roadway with no curbs or sidewalks within a 50-ft. wide right-of-way. SE 68th Avenue is paved with approximately 18-ft. of paved roadway with no curb or sidewalks within a 50-ft. wide right-of-way.

- **Water Service** – There is an existing 6-inch CI water main in SE 68th Avenue and SE Ogden Street. The previous house demolished from the site was served by a 5/8-inch metered service from this main in SE Ogden Street.
- **Fire Hydrant Water Service**- The nearest fire hydrant is on the corner of SE 68th Avenue and SE Ogden Street. It can provide 2,100 gpm at a minimum 20 psi residual pressure.
- **Sanitary Service** - There is an existing 8-inch PVC public sanitary sewer line in #SE Ogden Street and SE 68th Avenue (BES as-built #5050# Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The R5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

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

Land Use History: City records indicate there is 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 **October 22, 2019**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No trees in excess of 6 inches in diameter are located fully or partially on the site, or the trees are nuisance species or exempt due to poor condition.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.

F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands are evident on the site add if site has e-zoning outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead-end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.
	33.655 - School District Enrollment Capacity	The proposal is 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 8,900 square feet prior to the street dedication. The maximum density in the R5 zone is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. The maximum density is 1 unit and minimum density is 1 unit for this site area.

The applicant is proposing two parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses. With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards are met.

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

33.110.240.E. Attached Houses on Corners -required original lot before division in R5 zone to b 4,500 s.f. Original lot before division in R5 zone	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
	4,500	NA	36	NA	NA
Original lot before division (prior to street dedication)	8,900		89	100	89
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Parcel 1	4,182		48.5	86.2	48.5
Parcel 2	4,182		48.5	86.2	48.5

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

Attached Houses on Corner Lots (33.110.240.E):

As described above, Parcels 1 and 2 are being created through a provision that allows attached houses on corner lots. To use this code provision the original lot before the division must be at least 4,500 square feet. As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Therefore, the corner lot may be divided to create, Parcels 1 and 2 for attached housing as proposed. The new lots created for attached house must meet the minimum lot dimension standards for lots in the R2.5 zone (33.611). Parcels 1 and 2 meet the lot dimension standards in an R2.5 zone for attached housing lots, as shown in the table above.

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

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

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

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

Clearing and Grading: In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. No trees exist on the land division site. 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. The existing house and detached garage were removed under permit numbers 2019-161670 RS and 2019-161682 RS. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new loss can be considered suitable for new development. This criterion is met.

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

- A. The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by 33.641.020.B.**

The applicant provided a written narrative (Exhibit A.1 & A.8) addressing the transportation approval criteria.

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):

Safety

The site is at the intersection of SE Ogden St. and SE 68th Ave. Both of these rights-of-way currently provide access for all modes inside a shared paved roadway. SE 68th Ave. has approximately 18-feet of center strip paving, and SE Ogden St. has approximately 28-feet of center strip paving. Based on information in the City's database on Portland Traffic Deaths and Injuries since 2007, there have been no fatal or injury accidents on SE 68th Ave. between SE Duke St. and SE Flavel St. There has been a single injury accident on SE Ogden St at the intersection with SE 70th Ave. The injury was to a person in a vehicle.

Street capacity

Both rights-of-way have a paved roadway surface which accommodates two-way vehicle travel. Due to the local service classification and low vehicle speeds, the roadways also currently serve as a shared bicycle and pedestrian facility. Both streets appear to have adequate capacity to absorb the increase in trips from the addition of one single family lot.

Level of service

This is a term used to describe vehicular traffic; it currently has little to no meaning for other modes. At this location, both rights-of-way are designated as local service streets for which traffic count data is not available. PBOT has not identified any level of service concerns with this segment of either SE Ogden St. or SE 68th Ave. in the TSP or other planning documents. It is believed this segment functions well for vehicular travel and has capacity to absorb the anticipated vehicle trips from one additional residential lot.

Connectivity

The site is an area with moderate connectivity. The historic land development pattern in this area resulted the north/south block length being approximately 830 feet long rather than the recommended 530 feet. The east/west block length is typically 200-feet. The subject site is at the intersection of two established rights-of-way. Additional connections are neither required nor desirable at this location.

Transit Availability

Bus transit is available on area collectors. The closest service is Tri-Met Route 71 on SE Flavel St. approximately 800 feet south of the site. Tri-Met Route 71 provides service between Clackamas Town Center and the Parkrose/Sumner Transit Center. Approximately 1,700 feet (approx. 1/3 mile) north of the site, Tri-Met Rout 19 provides service on SE Duke St. Tri-Met Route 19 connects the subject area west to the Central City and north/east out to the Gateway Transit Center. Many connection opportunities exist along these lines, allowing multiple transfer opportunities to other bus lines, the MAX, and streetcar. The site

is adequately served by transit. Pedestrians accessing those transit lines must walk in a shared roadway, which does not meet the City's standard of a separated sidewalk facility.

Availability of pedestrian and bicycle networks.

Separated sidewalk facilities do not exist for the majority of the streets in the subject area. Most block faces have paved, low-speed, low-volume roadways which serve as shared facilities for trips by all modes. The subject site has neither a curb nor sidewalk on either frontage. The addition of a single lot to the neighborhood is anticipated to increase trips via all modes. Adding additional pedestrian trips to an area where pedestrian facilities are not currently built to City standard will have an incremental negative impact.

There are stiped bicycle lanes on both SE Flavel St. and SE Duke St. providing bicycle connections to the larger citywide network. Many local service streets in this area provide lower speed through connections which have a wide enough travel surface to allow bicycles to share the lower speed, lower volume, local-service roadways. There is adequate availability of bicycle networks in this area.

On street parking impacts

On street parking is available on both sides SE Ogden St. and SE 68th Ave. There appears to be little demand for on-street parking on this segment. Most of the homes along the streets in the immediate area include driveways and garages that accommodate multiple vehicles. The applicant's narrative states the proposed new homes will be attached and share a single 20-foot wide driveway approach. This will both minimize on-street parking demand from the development while maximizing the retention of on-street parking.

Access restrictions

Both SE Ogden St. and SE 68th Ave. are paved local service streets. The roadways appears to be straight with good sight distance. No access restrictions are warranted.

Neighborhood impacts

The proposed development is anticipated to add a small number of trips from all modes into the neighborhood system. Both lots are proposed to have on-site vehicle parking. Additional pedestrian trips will have an incremental negative impact; however, it is anticipated there will be few overall impacts to the neighborhood from the additional lot.

Impacts on pedestrian, bicycle, and transit circulation

There is transit service available on SE Flavel St. and SE Duke St. There is not a network of sidewalks to allow pedestrian connections to the transit service. The area roadways currently operate as a shared facility. The addition of one residential lot to the neighborhood is not anticipated to have a substantial impact on transit ridership or circulation. However, the addition of more pedestrians using the incomplete sidewalk network to access transit will have an incremental negative effect.

B. Measure proportion to the impacts of the proposed use are proposed to mitigate to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

Findings: SE Ogden St. is adequate for both vehicular and bicycle travel but does not provide pedestrian access to full City standard. The impact of the development is small enough that asking the property owner to provide off-site improvements to the transportation system would be out of proportion to the development request. Asking the property owner to dedicate land to allow for the future construction of sidewalks to City standards will alleviate a portion of the need for pedestrian system improvements in the area. In lieu of constructing improvements at the time of development, the applicant has

elected to pay the Local Transportation Infrastructure Charge (Exhibit A.7).

This approval criterion can be met with the following conditions of approval:
 Prior to Final Plat approval, the applicant shall pay the Local Transportation Infrastructure Charge and execute street and stormwater waivers of remonstrance.

The existing street frontages, SE Ogden and SE 68th Avenue, currently do not meet City standards. The right-of-way dedication and improvements are further discussed under Criterion L. 33.654.

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

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

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

<p>33.651 Water Service standard – See Exhibit E.3 & E.4 for detailed bureau comments.</p>
<p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. Parcel 1 may receive water service from the existing 5/8-inch metered domestic service from SE Ogden Street. Parcel 2 may receive water service from the 6-inch main in SE Ogden Street.</p> <p>Fire Bureau has reviewed fire flow information (Exhibit A.10), and verified the nearest hydrant has adequate capacity and pressure to serve the proposed development:</p> <p>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 (BES) has indicated that service is available to the site, as noted on page 3 of this report.</p> <ul style="list-style-type: none"> • The applicant’s site utility plan (Exhibit C.1) shows Parcel 1 will receive sanitary service from the public sanitary sewer in SE 68th Avenue and Parcel 2 will receive sanitary service from the public sanitary sewer in SE 68th Avenue. <p>BES finds the applicant’s proposal for sanitary service acceptable for reviewing the land division application against the sanitary sewer disposal standard and approval criteria.</p> <p>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.</p> <p>The applicant has proposed the following stormwater management methods:</p> <p>Parcels 1 and 2 (Future Attached Houses): Stormwater from these parcels will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has enough area for a stormwater facility that can be adequately sized and located to meet setback standards and accommodate water from a reasonably-sized home.</p> <p>Bureau of Environmental Services (BES) reviewed the applicant’s stormwater management plan (Exhibit C.1) and Simplified Approach Form (Exhibit A.2) and determined the proposed stormwater management plan (Exhibit C.1) is acceptable for reviewing the land division</p>

against the stormwater management approval criterion.

Based on the foregoing, the stormwater management criteria and standard is met.

33.654.110.B.1 Through streets and pedestrian connections - See Exhibit E.2 for bureau

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.

PBOT provides the following comments: The site is at the intersection of two established rights-of-way. Additional connections are neither required nor desired at this location.

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

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. Portland Bureau of Transportation (PBOT) comments are summarized below:

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. Portland Bureau of Transportation (PBOT) comments are summarized below:

At this location, SE 68th Ave. is classified in the Transportation System Plan as a City Bikeway and a Local Service Street for all other modes. Per PBOT standards, these classifications in the R5 zone require an 11-foot sidewalk corridor consisting of a 0.5-foot curb, 4-foot furnishing zone, 6-foot sidewalk, and 0.5-foot frontage zone

At this location, SE Ogden St. is classified in the Transportation System Plan as a Major City Bikeway and a Local Service Street for all other modes. Per PBOT standards, these classifications in the R5 zone require an 11-foot sidewalk corridor consisting of a 0.5-foot curb, 4-foot furnishing zone, 6-foot sidewalk, and 0.5-foot frontage zone.

Existing Conditions: SE Ogden Street is improved with approximately 28-ft of paved roadway with no curbs or sidewalk. There appears to be approximately 14-ft of public right-of-way (ROW) between the edge of the roadway and the existing property line. SE 68th Ave. is improved with approximately 18-ft of paved roadway with no curbs or sidewalk. There appears to be approximately 16-ft of public right-of-way (ROW) between the edge of the roadway and the existing property line. Both streets do not meet City standards.

Standard Improvements and Dedication:

For both SE Ogden Road and SE 68th Ave, standard improvements will include a curb located 13-ft from the right-of-way centerline, 0.5-ft curb, 8-ft wide public stormwater swale, 6-ft wide sidewalk, 0.5-foot frontage zone, street trees and street lighting as needed. The corner would need to be improved with corner ramps meeting the American's with Disabilities Act standards. An additional dedication of 3 feet on both frontages will be required on the final plat to accommodate the improvements.

Portland Bureau of Transportation(PBOT) gave the applicant the choice of constructing the standard frontage improvement under a public works permit or make payment into the Local Transportation Infrastructure Charge (LTIC). The Local Transportation Infrastructure Charge (LTIC) is a fund designed to provide improvements to unimproved streets citywide, as authorized by the Portland City Council Ordinance 187681. LTIC allows the applicant of a land use review to either build the required street improvements or pay into the LTIC fund. Payment of the charge will exempt the property from the requirements to construct

improvement to City standards. The charge for LTIC is based on linear foot of qualifying street frontage. Payment is due prior to final plat. If the applicant elects to pay the LTIC, he or she will be required to execute street and storm waivers of remonstrance and comply with other applicable City Code provisions, administrative rules and policies. Payment into LTIC with the dedication of land will allow for the future construction of sidewalks to City standards.

The applicant provided a letter (Exhibit A.7) to BDS and PBOT indicating the owners are choosing to pay LTIC versus construct the street frontages to City Standards.

As a condition of final plat approval, property dedication necessary to accommodate standard improvements shall be completed to the satisfaction of the City Engineer.

The applicant is proposing a single curb-cut accessing both lots from SE Ogden Street (Exhibit C.1). As shown on the submitted conceptual plan, the shared driveway access for both parcels meets the width and locational requirements of 17.28.110. It is proposed to be more than 5 feet from another driveway, more than 25 feet from the intersection, and is 20 feet in width. Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

With the required street dedication, the width of the right-of-way will be sufficient to accommodate the expected users, including residents of this site and their guests and other users passing through this area. PBOT has no objections to this land division proposal and has approved the elements within this right-of-way. With the conditions noted above, this criterion is met.

33.654.120.H- Street Trees- See Exhibit E.6 for bureau comments

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. One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees are required to be planted through building permit

Existing Street Conditions:

- SE Ogden Street: The site has approximately 100-ft. of street frontage. The right-of-way is improved with pavement only. There are overhead high voltage power lines. There are no street trees.
- SE 68th Avenue: The site has approximately 89-ft. of street frontage. The right-of-way is improved with pavement only. There are no overhead voltage power lines. There are no street trees.

Urban Forestry comments are summarized below:

Street Tree Planting (11.50.060.C) and Street Tree Preservation (11.50.040): Prior to the land division there is room for seven(7) street trees. After the proposed land division there will be only room for five (5) street trees. There is a loss of two street tree planting spaces along this street frontage due to the land division. A fee of \$900 (\$450.00 per 1.5” required size x 2 trees) is required for lost of street tree planting spaces. This fee is required to be paid prior to final plat approval.

With the noted condition of approval, Urban Forestry has no objections to this land division proposal and 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 rights-of-way can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

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

Future Development

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

- Attached Houses on Corner Lots-- Special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Parcel 1 must be oriented toward the SE 68th Avenue and development on Parcel 2 must be oriented toward SE Ogden Street.
 3. The height of the two units must be within 4 feet of each other
 4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.
 7. Trim must be the same in type, size and location.
 8. Windows must match in proportion and orientation.
- Accessory Dwelling Units - Accessory Dwelling Units (ADUs) are not allowed to be added to attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.

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 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
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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 at the time of development must meet the requirements of the Fire Bureau regarding addressing requirements; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a two-parcel partition for attached housing, 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: Currently SE Ogden and SE 68th Avenue do not meet City standards for a Local Service street. Street dedication along both frontages is required to be able to meet the City standards. The applicant has chosen to pay the LTIC charge for the SE 68th Avenue and SE Ogden street versus constructing the frontage improvements. Urban Forestry notes there will be a loss of availability of street tree planting spaces along both street frontages due to the land division.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two-parcel partition that will result in attached housing lots 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 Ogden Street and SE 68th Avenue. The required right-of-way dedication must be shown on the final plat survey.

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

Streets

1. The applicant shall pay the Local Transportation Infrastructure Charge (LTIC) as it applies to SE Ogden Street and SE 68th Avenue and 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

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

1. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Lois Jennings

Decision rendered by:  **on December 7, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed on December 9, 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 September 26, 2019 and was determined to be complete on October 17, 2019.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on September 26, 2019.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: February 14, 2020.**

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

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

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

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

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

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone.

Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

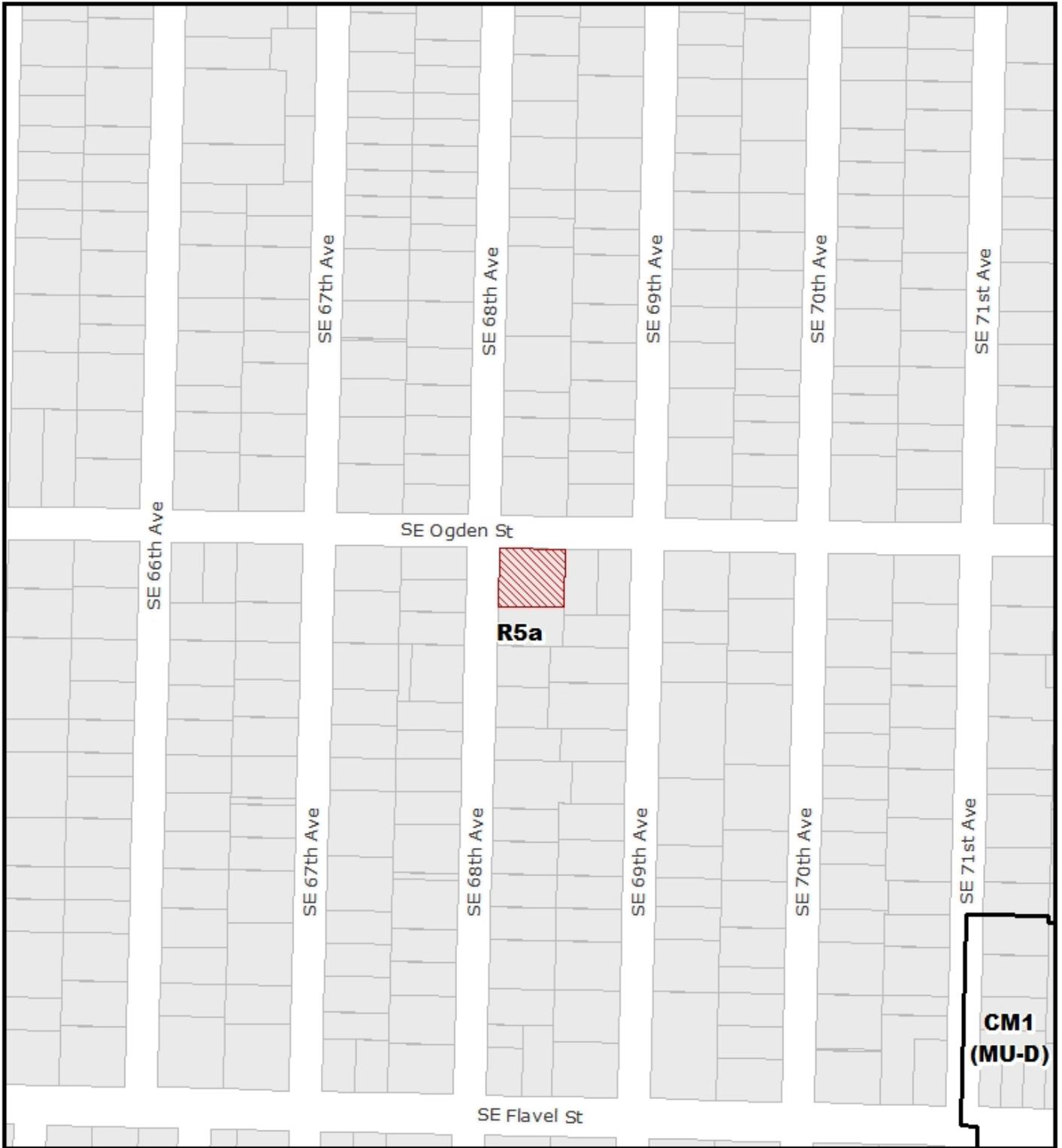
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative addressing land division approval criteria
 - 2. Rapid Solutions Stormwater Report
 - 3. Existing Conditions Site plan
 - 4. Preliminary Site Plan
 - 5. Applicant's response to incomplete letter submitted October 17, 2019
 - 6. Deed
 - 7. Letter from owners electing to pay LTIC
 - 8. Revised Narrative for PBOT approval criterion
 - 9. Revised Preliminary Land Division site plan submitted October 17, 2019
 - 10. Fire Flow Service information from Water Bureau
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Expedited Land Division Acknowledgement form signed
 - 3. October 10, 2019 Incomplete Letter
 - 4. Articles of Organization of Skoro Construction
 - 5. E-mail Communication with application from October 2019-November 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).



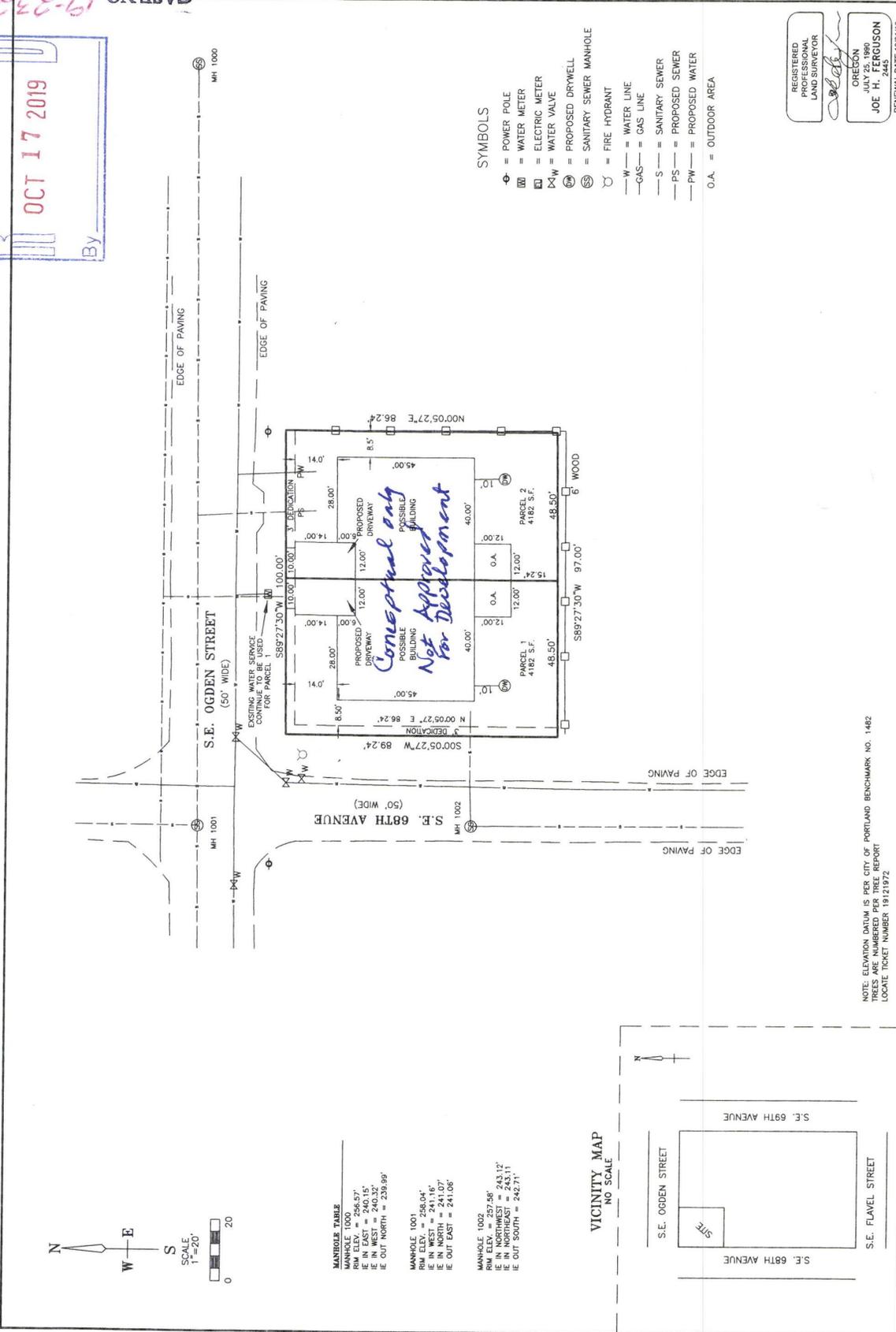
ZONING 
NORTH

 Site

File No.	<u>LU 19 - 232660 LDP</u>
1/4 Section	<u>3737</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E20BD 8400</u>
Exhibit	<u>B Sep 30, 2019</u>

CASE NO. 19-23766
EXHIBIT C1

RECEIVED
OCT 17 2019
By



- SYMBOLS**
- ⊕ = POWER POLE
 - ⊗ = WATER METER
 - ⊙ = ELECTRIC METER
 - ⊕ = WATER VALVE
 - ⊙ = PROPOSED DRYWELL
 - ⊙ = SANITARY SEWER MANHOLE
 - ⊕ = FIRE HYDRANT
 - W — = WATER LINE
 - GAS — = GAS LINE
 - S — = SANITARY SEWER
 - PS — = PROPOSED SEWER
 - PW — = PROPOSED WATER
 - O.A. = OUTDOOR AREA

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 25, 1980
JOE H. FERGUSON
2445
RENEWAL DATE 12/31/19

<p>DATE: MAY 29, 2019 REVISED: 10/16/2019 REVISED</p>	<p>CLIENT: VINTAGE PROPERTIES NW LLC JIM LASHBAUGH 10800 N. WASHINGTON AVENUE PORTLAND, OR 97202</p>	<p>JOB NO. 19-052 DRAFTED 05.29.19 REVISIONS</p>	<p>SHEET 1 OF 1</p>
<p>NOTE: ELEVATION DATUM IS PER CITY OF PORTLAND BENCHMARK NO. 1482 TREES ARE NUMBERED PER TREE REPORT LOCATE TICKET NUMBER 19121972</p>			
<p>PROPOSED CONDITIONS LOT 10, BLOCK 10, "BRENTWOOD" SITUATED IN THE NW 1/4 OF SECTION 20, T.15., R.2E., W.M. CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON</p>			
<p>Ferguson Land Surveying, Inc. 846 SE 106TH AVE. PORTLAND, OR 97216 Phone (503) 408-0601 Fax (503) 408-0602 www.FergusonLandSurveying.com</p>			