



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: April 2, 2020
To: Interested Person
From: Clare Fuchs, Land Use Services
503-823-7843 / Clare.Fuchs@portlandoregon.gov

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 19-217740 LDS

GENERAL INFORMATION

Applicant: Kevin Partain, Urban Visions
223 NE 56th Ave Portland OR 97213
503-421-2967 kevinp@gorge.net

Owner: FX Homes
22060 SE 442nd Ave Sandy, OR 97055

Site Address: 6318 SE 87th Ave

Legal Description: BLOCK 3 S 20' OF LOT 17 LOT 18&19, ARLETA PK 2
Tax Account No.: R036800630
State ID No.: 1S2E16CD 12100
Quarter Section: 3639

Neighborhood: Lents, contact at lentsneighborhood@gmail.com
Business District: Eighty-Second Ave of Roses Business Association, contact at info@82ndave.org, Lents Business Association, contact lentsgrown@gmail.com.

District Coalition: East Portland Community Office, contact at 503-823-4550.

Zoning: Single Dwelling Residential, 2,500 (R2.5)
Overlay Zoning: Alternative Design Density Overlay Zone (a)
Case Type: Land Division - Subdivision (LDS)
Procedure: Type I_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing a 4-lot subdivision for this 10,000 square foot lot. Each lot is proposed to be 2,500 square feet. The proposed lots do not need to meet the minimum lot width standard of 36-feet, if they meet the requirements of Zoning Code Section 33.611.200.C.2. The existing house and trees are proposed for removal and 4 single dwelling

houses, 4 off-street parking spaces, 4 street trees, 4 medium trees, and 4 large trees are proposed to take their place.

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) four to ten lots are proposed (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 4 units of land. 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*. The relevant criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones**.

ANALYSIS

Site and Vicinity: The site currently consists of an approximately 2,000 square foot house on a 10,000 square-foot lot. The most typical development in the area are single dwelling houses on approximately 4,000 to 5,000 square foot lots. The blocks in the neighborhood are approximately 200 feet wide by 600 feet long. The site is approximately 1,700 feet west of I-205 and 1,300 feet south of Foster Road. Glenwood Park is approximately 800 feet to the south.

Infrastructure:

- **Streets** – The site has approximately 100 feet of frontage on SE 87th Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, SE 87th Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 1,280 feet from the site on SE Woodstock via Bus 73.

SE 87th Avenue has a 24-foot curb to curb paved surface within a 48-foot right-of-way with parking on both sides. Along the 100 foot wide site frontage the pedestrian corridor includes a 4-foot wide planter area, curb, 6-foot sidewalk and a 0.5-foot wide buffer at the back of the sidewalk (4-6-0.5 configuration). No street trees are currently planted across this frontage.

- **Water Service** – There is an existing 8-inch water main in SE 87th Avenue. The existing house is served by a 1-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch concrete public combination sewer and stormwater line in SE 87th Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: R2.5 Single Dwelling Residential 2,500, “a” Alternative Design Density Overlay Zone

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

The “**a**” overlay is intended to allow increased density that meets design compatibility requirements. It fosters owner-occupancy, focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the

surrounding residential neighborhood. This land division is not using any provisions of the “a” overlay.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 20, 2020**. One written response has been received from the Neighborhood Association or notified property owners in response to the proposal.

Neighbor #1: the neighbor is worried about losing the existing house, the changing aesthetic of the neighborhood, less parking on the street, and the new housing affordability.

Staff Response: Section 33.660.120 contains the Approval Criteria for Land Divisions in Open Space and Residential Zones. These criteria do not include the demolition of the existing house, changing the aesthetic of the neighborhood, or the price of homes. PBOT is requiring the applicant to combine driveways so that there will only be 2 curb cuts for the 4 homes. Additionally, under current regulations the applicant is required to provide one off-street parking space per home. This will mitigate the effects of 3 more dwelling units on the block.

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:
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	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands are evident on the site.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common	No common greens are proposed or required.

	Greens	
	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 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Based on the applicant's survey, the site area is 10,000 square feet. The maximum density in the R2.5 zone is one unit per 2,500. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. This equates to 4 lots and one lot respectively.

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)	Min. Flag Lot Width (feet)	Min. Flag Lot Depth (feet)
R2.5 Zone	1,600	NA	36	40	30	40	40
Lot 1	2,500		25	100	25	N/A	N/A
Lot 2	2,500		25	100	25	N/A	N/A
Lot 3	2,500		25	100	25	N/A	N/A
Lot 4	2,500		25	100	25	N/A	N/A

* 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.

Narrow Lots

Lots 1, 2, 3, and 4 are 25 feet wide — narrower than the minimum width for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of Section 33.611.200.C.

On balance, the proposed lots will have dimensions that are consistent with the purpose of R2.5 zone.

The purpose of Lot dimension regulations are as follows:

The lot dimension regulations ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not so large that they seem to be able to

be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are wide enough to allow development to orient towards the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street (9) lots are compatible with existing lots while also considering the purpose of this chapter; and (10) lots are regularly shaped.

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that the proposed lot(s) can accommodate a reasonably sized house while meeting the development standards of the zoning code.
- The lots will not be dividable under the current zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services.
- Each lot is proposed to have an 800 square foot backyard.
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street
- The proposed lots are regularly shaped.
- The lots are capable of holding single dwelling homes like which matches the single dwelling homes in the neighborhood. Also, there are already a handful of other 2,500 square foot lots in the neighborhood. One of the goals of the R2.5 zoning district is to have 2,500 square foot lots. In this case, the allowance to have narrow lots accomplishes this goal.

The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet

- The lots will be developed with detached houses; and are at least 25 feet wide.

Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.D at the time of development.

- The applicant proposes homes without garages. Parking will be accomplished with parking pads located outside of the 10-foot parking setback.

60 percent landscaping requirement for attached houses

- The applicant has indicated that the lots will be developed with detached houses; therefore, this requirement does not apply.

If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.

- The applicant will be providing one parking space in front of each house, no garages are proposed. One off-street parking space is required per lot.

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

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

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

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

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

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

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C1) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A7) that identifies each tree, its condition and suitability for preservation or its exempt status and specifies a root protection zone and tree protection measures for each tree to be preserved.

Based on this information, 3 trees, which provide a total of 33 inches of tree diameter, are subject to the preservation requirements of this chapter.

The applicant proposes to retain no existing trees. Tree number 1 is in the middle of the natural footprint for a future house on Lot 4. Trees number 2 and 3 are both in poor condition according to the arborist. In their place the applicant proposes 4, 1.5 inch diameter medium trees in the front yard of each lot. Those new trees will provide 6-inches of diameter mitigation upon planting. However, 27 inches of the 33 inches of non-exempt trees are coniferous. Therefore, staff finds that the mitigation trees should be coniferous as well. Staff is conditioning the applicant to plant one coniferous tree that is a 5 foot height from the Portland tree and landscaping manual during the building permit process. These mitigation trees shall be planted in the backyards of the new lots where they have a better chance of being retained as they won't interfere with driveways or new or existing utilities. However, it will take quite some time for these 4 trees reach the diameter of the trees being removed.

The Title 11 tree density standards will require that trees be planted on the lots at the time of building permit. Based on the size of the proposed lots, 1-4 trees will be required to be planted on each lot, depending on the type of trees chosen by the applicant. The required conifer trees will ensure that some planting occurs on site, but these trees should be counted toward tree density so the site is not overplanted. A credit of 1-inch per tree should be counted toward mitigation. Given the required tree planting, there is not sufficient room on the lots for additional tree planting to mitigate for tree removal without jeopardizing the overall health of the trees as they mature. Therefore, offsite mitigation in the form of payment into the City Tree Preservation and Planting Fund is more appropriate for this proposal.

The tree preservation standards require up to 35 percent of the total non-exempt tree diameter on the site be preserved. This amounts to 11.55 inches on this site, which rounds up 12-inches. With the conditions that 4 conifer trees be planted on site and that a payment equivalent to 8 inches be paid to the City Tree Planting and Preservation Fund prior to final plat approval, tree removal will be adequately mitigated.

This mitigation will be consistent with the purpose of the tree preservation regulations, since it will provide for the installation of other trees that will contribute to the general beauty and natural heritage of the City, both on the site, and elsewhere. Trees also do the following:

- Help to absorb air pollutants and contamination;
- Provide buffering from noise and wind;
- Provide visual screening from the adjacent properties;
- Reduce energy demand and urban heat island impacts;
- Filter stormwater runoff and the reduce the possibility for erosion;
- Help with slope stabilization;
- The native trees will provide habitat to support wildlife;
- The edible species will provide food for people and wildlife.

In order to ensure the mitigation is provided, the applicant must plant 1 coniferous tree in the back yard of each lot at the time of building permit to meet Title 11 tree density standards. The applicant shall also make a payment to Tree Planting and Preservation Fund for 8 inches prior to final plat approval.

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

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

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

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

Clearing and Grading: In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. The existing house will be demolished, and sewer capped through a demolition permit. This criterion is met.

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

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

Evaluation factors include: safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced and measures to mitigate impacts may be necessary.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E2):

The applicant provided an analysis of impacts as required by this approval criterion. Staff concurs with the applicant's findings. The existing roadway and sidewalk networks are complete in this area. The east/west block length in the area meets City connectivity standards;

the north/south block length is a well established pattern which exceeds the City's recommended 530 feet by approximately 100 feet. This is close enough to the recommended standard that additional connections are not warranted given the development pattern and difficulty in creating those additional connections. The area is served by multiple transit lines on SE Woodstock Blvd, SE Foster Road, and SE 82nd Ave. Multiple designed bicycle routes exist including SE Duke, SE Tolman, SE Woodstock, SE Foster Road, and SE 82nd Ave. These connect to the larger city network in all directions.

Based on information in the City's database on Portland Traffic Deaths and Injuries since 2008, there have been no fatal or injury accidents on SE 87th Ave. between SE Duke and SE Foster or on SE Tolman between SE 82nd Ave and SE 92nd Ave.

The site is not mapped as being exempt from vehicle parking per 33.266.110.B.1. On-site parking is required and is proposed. The lots are only 25-feet wide and the required minimum driveway width is 9-feet. If each lot were to have its own driveway, there would be very little potential remaining for on-street parking within this frontage. In order to reduce the development's impact on the amount of curb space remaining for on-street parking, the applicant has proposed shared driveways, which is highly preferred. The applicant's tentative plan shows the driveway approaches narrowing to 7 feet each at the curb. This is appreciated, but not required. The on-street parking impacts evaluation factor will be met with a condition of approval requiring shared driveways which are no more than 9-feet wide on each parcel for a maximum curb cut width of 18-feet.

No off-site mitigation is required for the proposed development. Any sidewalk panels which are damaged or destroyed during construction will be required to be replaced. Any existing curb cuts which no longer lead to parking areas will need to be closed and the curb reconstructed.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. 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 has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant has proposed the following stormwater management methods:
<ul style="list-style-type: none"> • Lots: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the soakage trenches/drywells.

33.654.110.B.1 Through streets and pedestrian connections

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

The block in which the subject site sits is approximately 600 feet long. The site is 60-feet from the intersection of established rights-of-way. Additional connections would not be prudent at this location.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply. For the reasons described above, this criterion is met.

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment**33.654.130.D Partial Rights of way**

In reviewing this land division, PBOT relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. PBOT has indicated that the existing street is currently improved with a curb, planting strip, and sidewalk that is sufficient to serve the expected users. PBOT has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that three additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

Based on the foregoing, the width of the right-of-way will be sufficient to accommodate the expected users. This criterion is met.

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

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

DEVELOPMENT STANDARDS

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 requirements of Title 11 can be met, and that all development standards 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:

- Narrow Lots-- development on Lots 1, 2, 3, and 4 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2; and
 - Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.D.3.a and street facing garage façade is not allowed in a lot less than 22-feet wide per 33.110.253.D.3.b.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, 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 R2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to fire / water supply flow addressing requirements; and 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 4 lot subdivision, as shown on the attached preliminary plan (Exhibit C1). 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: tree preservation and on-street parking.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 4 lot subdivision, that will result in 4 narrow lots as illustrated with Exhibit C1, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Any other information specifically noted in the conditions listed below.

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

1. A finalized permit must be obtained for demolition of the existing residence and any other structure in excess of 200 square feet on the site and capping the existing sanitary sewer connection in accordance with Title 24. Note that Title 24 requires a 35-day demolition delay period for most residential structures. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources.
2. The applicant must pay into the City Tree Preservation and Planting Fund [Private Property Trees – Planting and Establishment, fee in Lieu (per inch)] the amount equivalent to 8 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau. Payment must be completed prior to any tree removal, or prior to Final Plat approval, whichever would occur first.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

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

1. The applicant must meet the addressing requirements of the Fire Bureau for Lots 1, 2, 3, and 4. The location of the sign must be shown on the building permit.
2. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.
3. Any vehicle access to the right-of-way must be shared in accordance within PBOT requirements. Lots 1 and 2 may have a single shared driveway approach. Lots 3 and 4 may have a single shared driveway approach. The total width of the driveway approach in the public right-of-way may not exceed 9-feet on any lot (maximum total width of 18-feet).
4. One Large coniferous tree from the Portland Tree and Landscaping Manual shall be planted in the rear yard of each of the 4 lots. Each of these trees shall be at least 5-feet in height at the time of planting. The trees shall be labeled as required landscaping and shall be maintained over time. These trees may be counted toward Title 11, tree density requirements.

Staff Planner: Clare L. Fuchs**Decision rendered by:** _____ **on March 31, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed April 2, 2020

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 August 27, 2019, and was determined to be complete on December 13, 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 August 27, 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: April 11, 2020.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on April 16, 2020 **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and Ix decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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.

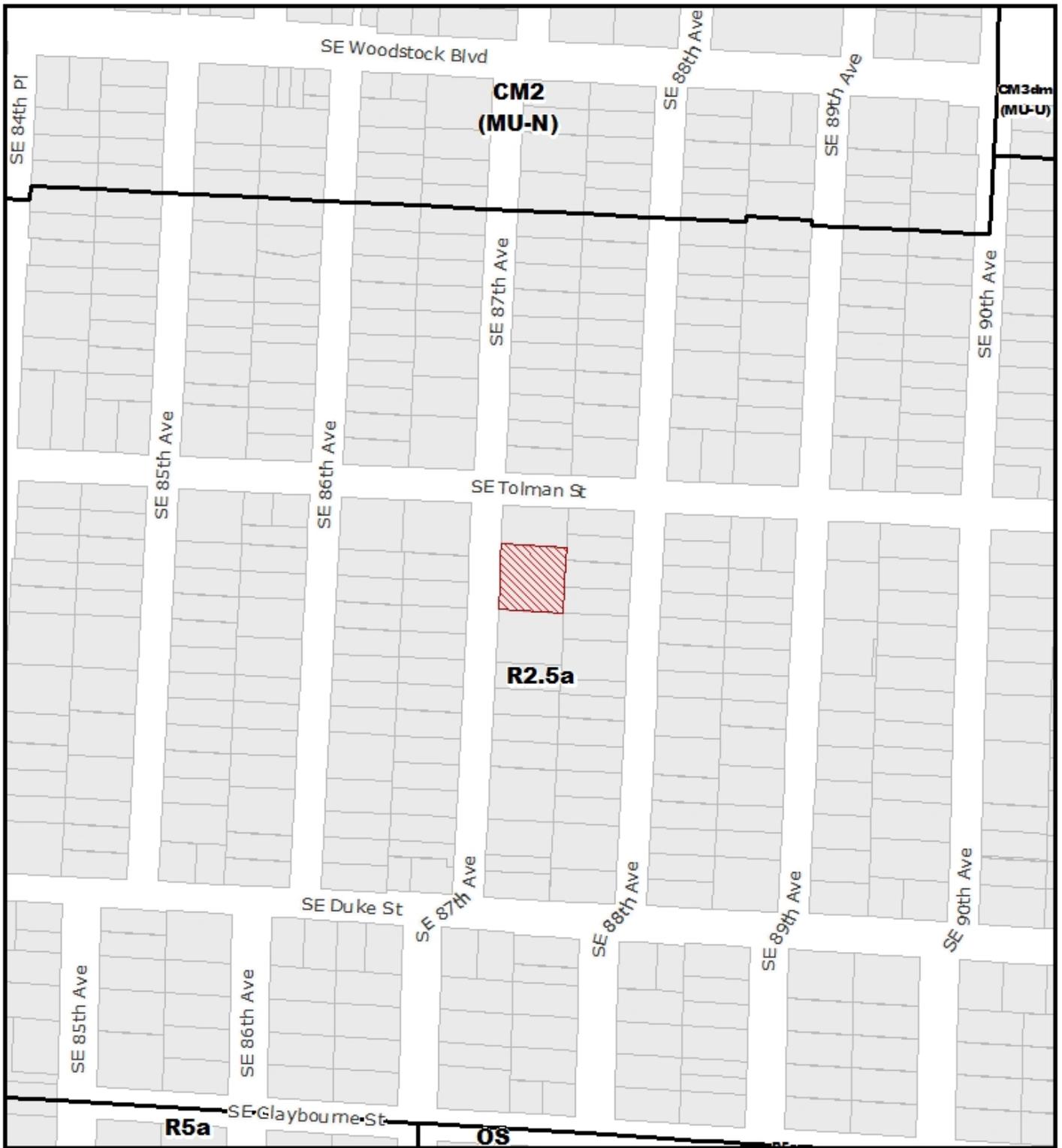
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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.**

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Main Narrative
 - 2. Tree Preservation Narrative
 - 3. Fire Flow Data
 - 4. Stormwater Report
 - 5. Neighborhood Meeting
 - 6. November 16, 2019 Arborist Report
 - 7. December 13, 2019 Arborist Report
 - 8. November 18, 2019 Incomplete Response
 - 9. December 13, 2019 Incomplete Response
 - 10. Reduced and Full Size August 27, 2019 Existing Conditions and Subdivision Map
 - 11. Reduced and Full Size November 18, 2019 Existing Conditions and Subdivision Map
 - 12. Reduced and Full Size December 13, 2019 Existing Conditions and Subdivision Map
 - 13. Reduced and Full Size November 18, 2019 Site Plan and Preliminary Plat Map
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Reduced and Full Size Site Plan and Tree Survey (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:
 - 1. Laura Herrera, December 30, 2019, opposition to the proposal
- G. Other:
 - 1. Original LU Application
 - 2. September 19, 2019 Incomplete Letter
 - 3. November 26, 2019 Incomplete Letter
 - 1. BES Completeness Response
 - 2. PBOT Completeness Response

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



ZONING  NORTH

 Site

File No.	LU 19 - 217740 LDS
1/4 Section	3639
Scale	1 inch = 200 feet
State ID	1S2E16CD 12100
Exhibit	B Aug 30, 2019

EXISTING CONDITIONS, TREE SURVEY AND
TENTATIVE PLAN
FOR A PROPOSED SUBDIVISION PLAT,
LOTS 19, 18 AND S. 20' OF LOT 17, BLOCK 3,
ARLETA PARK NO. 2, DOCUMENT NO. 2016-148996

SITUATED IN THE S.W. 1/4 OF SECTION 16, T.1S, R.2E, W.M.
MULTNOMAH CO., OREGON

MARK ASSOCIATES
1001 S. TOLAMAH STREET
PORTLAND, OREGON 97232
TEL: 503-667-5550
FAX: 503-667-8666
EMAIL: DON@MARKASSOCIATES.NET

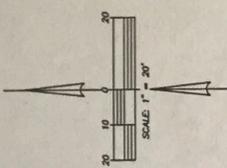
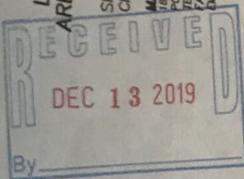
DATE DRAWN: OCTOBER 1, 2019
DATE REVISION: NOVEMBER 12, 2019
REVISION: NOVEMBER 12, 2019
REVISION: DECEMBER 5, 2019

ZONING: R2.5-RESIDENTIAL 2,000
SITE SIZE: 10,000 SQUARE FEET
PARCEL DATA: LOT 19, 18 AND S. 20' OF LOT 17, BLOCK 3, ARLETA PARK NO. 2, DOCUMENT NO. 2016-148996
BENCHMARKS: BENCHMARKS OF PORTLAND DEPARTMENT OF PUBLIC WORKS, 2.0' LAST S.W. CORNER S.E. TOLAMAH STREET AND S.E. BRINK ARLETA, ELEVATION IS 217.51, CITY OF PORTLAND DATA.

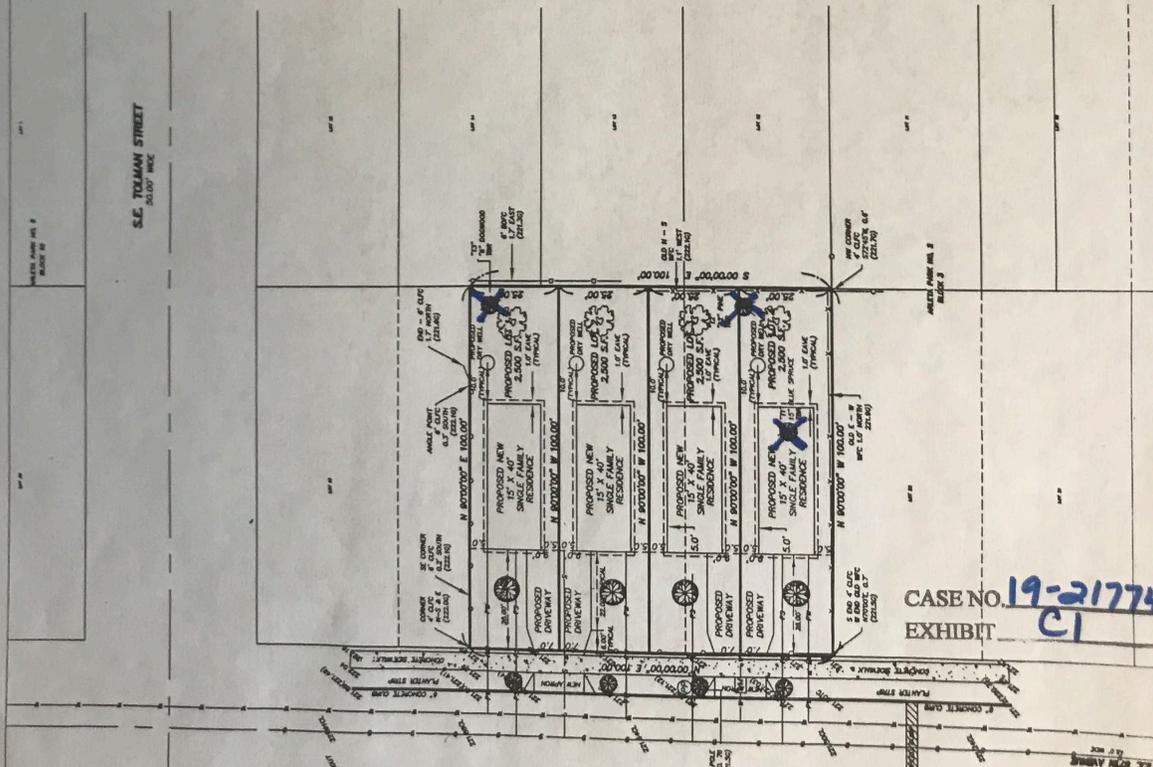
NOTES & LEGEND:

- 1" = 10' DENOTES WATER METER.
- 1" = 10' DENOTES CURB INLET, SIZE AS NOTED.
- 1" = 10' DENOTES MANHOLE.
- 1" = 10' DENOTES POWER POLE.
- 1" = 10' DENOTES WIRE RAIL FENCE.
- 1" = 10' DENOTES WIRE RAIL FENCE.
- 1" = 10' DENOTES CHAIN LINK FENCE.
- 1" = 10' DENOTES CHAIN LINK FENCE.
- 1" = 10' DENOTES BOARD FENCE.
- 1" = 10' DENOTES BOARD FENCE.
- 1" = 10' DENOTES WATER LINE.
- 1" = 10' DENOTES SEWER LINE.
- 1" = 10' DENOTES PROPOSED NEW WATER LINE.
- 1" = 10' DENOTES PROPOSED NEW SEWER LINE.
- 121.450' DENOTES GUTTER ELEVATION (ELEVATION IS AT THE EXTERNAL POINT)
- 121.451' DENOTES TOP CURB/GUTTER ELEVATION (ELEVATION IS AT THE EXTERNAL POINT)
- 121.452' DENOTES GROUND ELEVATION (ELEVATION IS AT THE EXTERNAL POINT)
- 121.453' DENOTES SPOT ELEVATION (ELEVATION IS AT THE EXTERNAL POINT)
- 121.454' DENOTES SQUARE FEET.
- 121.455' DENOTES TREE TO BE REMOVED.
- 121.456' DENOTES TREE TO BE REMOVED.
- 121.457' DENOTES NEW LARGE TREE.
- 121.458' DENOTES NEW MEDIUM TREE.
- 121.459' DENOTES NEW STREET TREE.

NOTE: UTILITIES ARE LOCATED AS SHOWN PER FIELD TEST OR RECORD DRAWINGS. THE EXACT LOCATION SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION. UNDEGROUND UTILITIES ARE SURFACE MARKED.



REGISTERED
LAND SURVEYOR
DAVID L. HARRIS
EXPIRES 12/31/2025
EXPIRES 12/31/2025



CASE NO. 19-217740
EXHIBIT C1

LU 19-217740-LDS Site Plan