



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

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Date: May 7, 2020
To: Interested Person
From: Timothy Novak, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 19-238388 LDP

GENERAL INFORMATION

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

Owner: Andre Koshuba | Exceptional Homes By Andre Inc
14237 Bridge Ct
Lake Oswego, OR 97034

Site Address: 0531 SW NEBRASKA ST (*'531 S Nebraska St' as of May 1, 2020*)

Legal Description: BLOCK 10 W 40' OF LOT 8, SOUTHERN PORTLAND
Tax Account No.: R780201070
State ID No.: 1S1E15CD 17500
Quarter Section: 3629

Neighborhood: South Portland NA., contact Jim Gardner at contact@southportlandna.org
Business District: South Portland BA, contact at info@southportlanddba.com.
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: None

Zoning: Multi-Dwelling Residential 2,000 (R2) *[Effective 3/1/2020, the site is now zoned RM1, but, for the purposes of this land use review, is vested in the zoning in effect at the time the application was submitted.]*

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 proposes to divide a 4,000 square-foot lot (40-ft by 100-ft) into two (2) side-by-side 2,000 square-foot parcels (20-ft by 100-ft). The existing structures on the lot are proposed for removal. New proposed development will be two (2) attached houses. The applicant Existing Conditions Plan indicates that there are no trees on the lot that are subject to the Tree Preservation Standards of 33.630. Stormwater for the new parcels is proposed to be infiltrated using stormwater planters.

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 parcels and 0 tracts). Therefore, this land division is considered a partition.

Relevant Approval Criteria:

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

- **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

ANALYSIS

Site and Vicinity: **Site and Vicinity:** The subject site is half a block west of SW Macadam Avenue, a major commercial street. Just east of SW Macadam Avenue is Willamette Park, a large riverfront park that provides multiple amenities, including a dog park, tennis courts, a playground and a boat ramp with ample parking for boat trailers. The sidewalk along the frontage of this block of SW Nebraska Street doubles as part of SW Trail #3, a designated urban trail that connects Willamette Park to Multnomah and Garden Home.

The multi-dwelling zoning that the subject site is located in, provides a buffer between the commercial zoning of Macadam and the R5 single-dwelling zoning that begins a half block west of the subject site. SW Nebraska Street is designated as a major public trail along the site's frontage, since SW Nebraska Street provides the primary access point for motor vehicles into Willamette Park.

The street grid in the vicinity is rectilinear with north-south intersections every 200 to 375 feet and east-west connections every 350 feet to the north and every 750 feet to the southwest. The block that the subject site is on is approximately 400 feet long. Interstate 5 is approximately 1,400 feet to the west and effectively creates a barrier with no connectivity to the west within a mile or so of the subject site.

Topography of the vicinity can be generally described as gently sloping towards the river. There are no identified hydrological resources at or abutting the site. It is not within the FEMA Flood Hazard or Regulatory Landslide Hazard Areas.

Infrastructure:

- **Streets** – The site is not in a pedestrian district. At this location, SW Nebraska Street is classified in the Transportation System Plan as a Local Service Traffic Street, Transit Access Street, City Bikeway, City Walkway, and Local Service Freight Street.

At this location, SW Nebraska Street is improved with a 36-ft paved roadway and two 12-foot sidewalk corridors within a 60-ft right-of-way. The sidewalk corridor adjacent to the subject site is currently consists of a 0.5-ft curb, 3.5-ft furnishing zone, 6-ft sidewalk, and 2-foot frontage zone. On-street parking is available on both sides of SW Nebraska Street.

The site is mid-block on a block which is approximately 375 feet long. This meets the City's recommended spacing standard of between 200-ft and 530-ft for public streets. There is one driveway entering the site that serves the existing house. The applicant proposes to close the curb cut; because of proximity to frequent transit on a transit street, no on-site parking is required.

Bus transit is available at both of the nearest intersections. The intersection of SW Nebraska Street and SW Macadam Avenue, as well as at the intersection of SW Nebraska Street and SW Virginia Avenue have bus service. Tri-Met Route 43 on SW Virginia Avenue provides weekday service northward to the City Center and southwest to Washington Square Transit Center. Three bus lines provide service along SW Macadam Avenue- Tri-Met routes 35, 36, and 99. Tri-Met Route 35 provides daily service connecting southward to Oregon City and northward to the City Center and North Portland including the University of Portland. Tri-Met Route 36 provides weekday service connecting northward to the City Center and southward to Lake Oswego and the Tualatin Park and Ride. Tri-Met Route 99 provides weekday rush hour service northward to the City Center and southward to the Milwaukie City Center, Oregon City Transit Center and Clackamas Community College. Numerous transfer opportunities exist along each of these bus lines.

- **Water Service** – There is an existing 6-inch water main in SW Nevada Street Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is a public 16-inch variable material sanitary-only sewer in SW Nebraska St (BES as-built #0929).
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The R2 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

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 January 21, 2020. No written responses have been received.

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.
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 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing two attached-housing parcels.

Single-dwelling or duplex development is proposed for some or all of the site, therefore the applicant must demonstrate how the proposed lots meet the minimum density and not exceed the maximum density stated in Table 120-3 at the time of the preliminary plan review.

The maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 4,000 square feet and thus has a maximum density of two units. Per 33.120.205.C.1, Minimum Density in multi-dwelling zones, in R3 and R2 zones, if maximum density is two units then minimum density is two units. Therefore, the site has a minimum density of two units and a minimum density of two units. As stated above, the applicant is proposing units of attached single-dwelling development, which meets the density standards.

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Attached Houses	1,600	15	none	15
Parcel 1 – attached housing	2,000	20	100	20
Parcel 2 – attached housing	2,000	20	100	20

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

The findings above show that the applicable density and lot dimension standards are met for attached dwellings. With the condition that future development on the two parcels be limited to attached dwellings, ***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 lot(s) developable. The applicant's arborist report (Exhibit A.2) identified one tree on the adjacent site to the east that is within 15 feet of the subject site. According to the report, the tree is a pine tree with a diameter of approximately 14 inches. The tree is approximately 14 feet away from the subject site and, per the report, is sufficiently protected by the existing fence; no additional protective measures are necessary. *This criterion is met.*

Land Suitability: 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 in order to make the lots suitable for their intended uses and the provision of services and utilities.

As indicated above, the site is relatively flat and contains no known geological hazards. The site is currently in residential use, and there is no record of any other use in the past. Therefore, there are no anticipated land suitability issues and the new parcels can be considered suitable for new development. *This criterion is met.*

- **Therefore, the criteria of 33.635 are met.**

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced and measures to mitigate impacts may be necessary.

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

Safety

The site is on the north side of SW Nebraska St. approximately 183 feet west of SW Macadam Ave. SW Nebraska St. is a two-block long local service traffic street with a 20-MPH speed limit, center line markings, parking on both sides, and a signalized intersection with SW Macadam Ave. There is currently a 36-foot paved roadway and 12-ft. separated sidewalks within a 60-ft right-of-way. Access for motor vehicles and bicycles is accommodated within the same lane. Based on information in the City's database on Portland Traffic Deaths and Injuries since 2008, there have been two injury crashes at the intersection of SW Nebraska St. and SW Macadam Ave. One was an injury to a person walking and the other was to a person biking. A crash with an injury to a cyclist was also reported west of the site near the intersection of SW Nebraska St. and SW Corbett Ave.

Street capacity

SW Nebraska St. has a paved roadway surface which accommodates two-way vehicle travel. Due to the local service classification and low vehicle speeds, the roadway also currently serves as a shared bicycle facility. Separated sidewalk corridors exist on both sides of the street. There appears to be adequate capacity to absorb the increase in trips by all modes from the addition of a 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, SW Nebraska St. is a local service street for which traffic count data is not available. PBOT has not identified any level of service concerns with this segment 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 mid-block on a block which is approximately 375 feet long. This meets the City's recommended spacing standard of between 200-ft and 530-ft for public streets. No additional connection is required.

Transit Availability

Bus transit is available at both the intersection SW Nebraska St. and SW Macadam Ave. as well as the intersection of SW Nebraska St. and SW Virginia Ave. Tri-Met Route 43 on SW Virginia Ave. provides weekday service northward to the City Center and southwest to Washington Square Transit Center. Three bus lines provide service along SW Macadam Ave- Tri-Met routes 35, 36, and 99. Tri-Met Route 35 provides daily service connecting southward to Oregon City and northward to the City Center and North Portland including the University of Portland. Tri-Met Route 36 provides weekday service connecting northward to the City Center and southward to Lake Oswego and the Tualatin Park and Ride. Tri-Met Route 99 provides weekday rush hour service northward to the City Center and southward to the Milwaukie City Center, Oregon City Transit Center and Clackamas Community College. Numerous transfer opportunities exist along each of these bus lines. The site is adequately served by transit.

Availability of pedestrian and bicycle networks.

The subject site is in an area which is constrained by Interstate 5 to the west and the Willamette River to the east. East/West connectivity is generally limited to the area between these two features. Between Interstate 5 and the Willamette River there is a generally complete network of paved streets with separated sidewalks. SW Corbett Ave, SW Nebraska St. and SW Macadam Ave. are all designated as City Bikeways though none of these streets have separated bike lanes. SW Nebraska St. does have a signalized crossing of SW Macadam Ave. which allows cyclists to access the bike and pedestrian path along the Willamette riverfront. This is paved pathway is separated from cars and provides bicycle and pedestrian access to the City Center. The generally complete street network provides safe and convenient travel within the local area for pedestrian and bicycles. The paved pathway along the river allows for travel northward. Generally speaking, Interstate 5, the Willamette River, and the lack of facilities along SW Macadam Ave. (OR 43) make movement in other directions less attractive for pedestrians and cyclists.

The proposed construction of the homes is anticipated to result in the destruction of the existing sidewalk corridor. As a condition of building permit approval, the applicant will be required to rebuild the sidewalk in the frontage of this lot to the current standard. Please note this will shift the sidewalk six inches away from the curb to allow for a larger furnishing zone. It is anticipated the sidewalk reconstruction can be accommodated via a Minor Improvement Permit associated with the building permit for the new dwelling units.

On street parking impacts

On street parking is available on both sides SW Nebraska St. The existing house is proposed for removal and replacement with two attached homes each with a garage which share a single curb cut. The driveway will be designed to have a 14-ft wide approach at the public right-of-way flaring to a 20-ft wide driveway on private property. This design minimizes the amount of curb space lost to curb cuts while maximizing the amount of on-site parking. The single connection point will both minimize on-street parking demand from the development while maximizing the retention of on-street parking.

Access restrictions

SW Nebraska St. is a paved local service street with lane markings. The applicants have proposed a single shared driveway approach to serve both lots. Forward motion vehicular ingress and egress is required on any street with lane markings. The applicant applied for Driveway Design Exception 19-248594-TR which approved backing onto SW Nebraska St. In the decision, PBOT's Development Review Traffic Engineer notes, "Sight distance is acceptable on this straight, flat segment of roadway and there is a pattern of backing motion among other residential properties on this street."

Planner Note: The preliminary plat shows on-site parking on the parcels. The size and location for the parking and vehicle area shown on the applicant's plan does not conform to the parking regulations that came into effect on March 1, 2020; and this land division does not provide approval for any on-site parking. If parking is provided on the lots, the location and design of the parking will need to comply with the regulations in effect at that time the new development is proposed.

The proposed driveway location is in a different part of the frontage than the existing driveway location. The existing driveway curb cut is very wide and is shared with the neighboring property to the east. In order to retain as much full height curb as possible for both stormwater management and on-street parking purposes, the applicant will be required to close the portion of the existing curb cut in the frontage of the subject lot. It is anticipated the curb reconstruction can be accommodated via a Minor Improvement Permit associated with the building permit for the new dwelling units. No further 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. The surrounding street and sidewalk networks are complete. It is anticipated there will be few overall impacts to the neighborhood from the additional lot.

Impacts on pedestrian, bicycle, and transit circulation

The surrounding area has a complete network of sidewalks and interconnected streets between Interstate 5 and the Willamette River. There is transit service available on SW Macadam Ave. and SW Virginia Ave. The complete network of sidewalks allows pedestrian connections to the transit service. Bicycles may use multiple lower-speed, lower-volume roadways in the area or connect across Macadam to the bicycle and pedestrian path along the water front for out of area trips. It is anticipated there will be few overall impacts from the additional lot.

Findings:

As documented above, the proposal will result in very few impacts to the transportation system other than those stemming directly from on-site changes and construction impacts. This approval criterion can be met with the following conditions of approval:

- *As a condition of building permit approval, the applicant must close the portion of the existing curb cut within the frontage of the subject site and rebuild full height curb.*
- *As a condition of building permit approval, the applicant must reconstruct the sidewalk corridor to the standard 12-ft wide corridor consisting of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, and 1.5-ft frontage zone.*

As noted below, the applicant’s stormwater management proposal requires modification of the roadway surface, which triggers a Public Works Permit. If the applicant moves forward with modifying the street surface, sidewalk reconstruction will be a part of the Public Works Permit. If the applicant changes their stormwater management proposal so that a PBOT public works permit is not triggered, then it is anticipated the sidewalk reconstruction can be accommodated via a Minor Improvement Permit associated with the building permit for the new dwelling units.

As noted in their findings, PBOT has reviewed the available evidence and has determined that: ***This criterion is met.***

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 3 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 3 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
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant has proposed the following stormwater management methods: Lots: Stormwater for Parcel 1 and Parcel 2 will be managed with flow-through planters and discharged to SW Nebraska St via curb weep holes. The applicant has conceptually demonstrated that it will be feasible to install weep holes without the need for a Public Works Permit to alter the roadway surface. Please see PBOT’s Addendum to the land use response dated April 9, 2020 for detailed information.

The above-described method has been approved by both BES and PBOT and the Stormwater Management criteria and standards of 33.653.020 and .030 have been verified.

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

PBOT will require the applicant to reconstruct the pedestrian corridor along the site frontage to City standards 4-ft wide furnishing zone, 6-ft wide sidewalk, and 1.5-ft frontage zone. This will be required as a condition of development on both parcels.

Based on the foregoing, the width of the right-of-way will be sufficient to accommodate the expected users and PBOT's requirements.

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

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

Urban Forestry requires retention and protection of the existing street tree throughout all phases of future development and install utilities at least 10-feet away from the tree. The reconstructed sidewalk corridor must provide adequate space for growth of the tree. Otherwise, the applicant is responsible for payment of a fee in lieu for lost street tree planting space equivalent to a 1.5-inch caliper tree. These requirements will be included as conditions of approval.

With the conditions of approval described above, this standard 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 the future parcels, the applicant should take note of:

- Size and placement of on-site parking – The preliminary plat shows a shared driveway apron accessing a 9-foot driveway on each parcel. This preliminary plat approval does not vest the project in the development standards in effect at the time the application was submitted. Since that time, 33.266.120 and 33.120 have been amended. At the time of development, the proposal must meet current development standards, including those listed in 33.266 Parking, Loading, and Transportation and Parking Demand Management and in 33.120.283 Additional Development Standards for Structured Parking and Garages.

Existing Development

- Demolition of existing structures - 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 at this site. Therefore, with a condition of approval requiring final inspection and approval of the

demolition of all existing structures on the site, 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 regarding addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; 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 2-parcel partition, as shown on the attached preliminary plan, Exhibit C.1. As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: reconstruction of the sidewalk corridor, closure of the existing curb-cut, meeting on-site parking requirements at time of development or removing it from the proposal, and limiting future development to attached housing.

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

ADMINISTRATIVE DECISION

Approval of a two-parcel partition for attached housing development, per the approved site plan, Exhibit C.1, and subject to the following conditions:

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

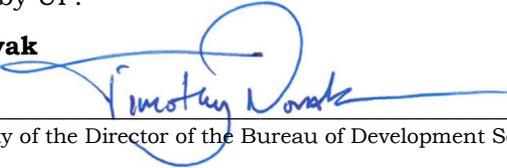
1. Prior to approval of Final Plat, the applicant must receive final inspection and approval of demolition permits for the existing residence and detached garage on the site.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The 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.

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

1. Future development on Parcels 1 and 2 shall be limited to attached dwelling units.
2. The applicant shall meet the requirements of the City Engineer for closure of the existing curb cut and reconstruction of the sidewalk corridor along the frontage of Parcels 1 and 2.
3. 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.
4. In coordination and cooperation with the Portland Bureau of Transportation (PBOT) and Urban Forestry (UF), the applicant must protect and provide adequate growing space for the existing 15-inch Red maple in the planter strip in the site's frontage. If it is determined by PBOT and UF that the tree cannot be retained, the applicant is responsible for paying a fee in-lieu as required by UF.

Staff Planner: Timothy Novak

Decision rendered by:  **on 5/5/2020**

By authority of the Director of the Bureau of Development Services

Decision mailed May 7, 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 October 9, 2019, and was determined to be complete on December 3, 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 October 9, 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 requested that the 120-day review period be extended 60 days, Exhibit G.3. Unless further extended by the applicant, **the 120 days will expire on: May 31, 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.

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>.

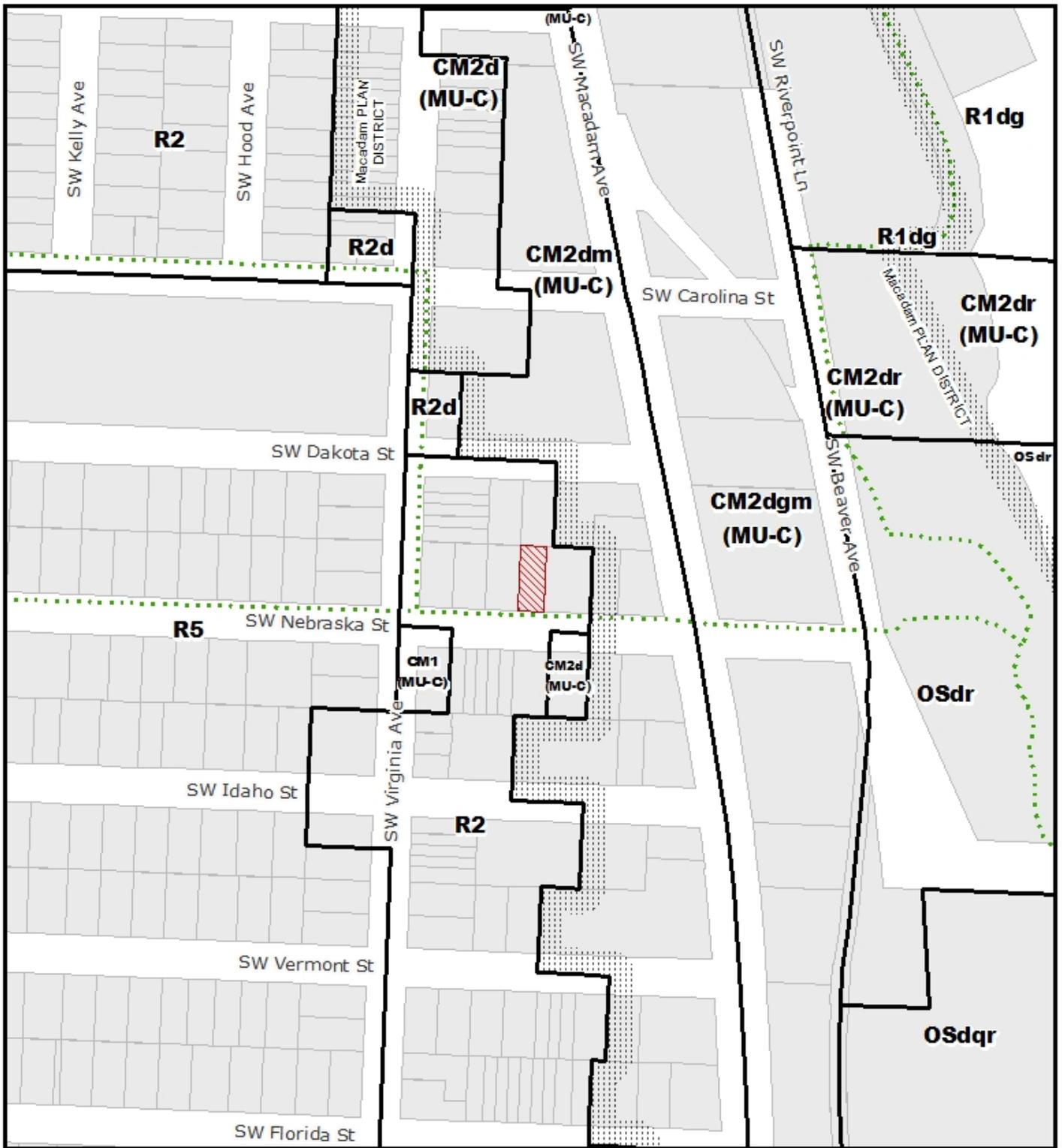
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Applicant’s Narrative
 - 2. Arborist Letter
 - 3. Stormwater Report, submitted with original application
- 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 Review Section of BDS
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application
 - 2. Original Stormwater Report
 - 3. 120-Day Extension Request

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
-  Recreational Trails

File No.	LU 19 - 238388 LDP
1/4 Section	3629
Scale	1 inch = 200 feet
State ID	1S1E15CD 17500
Exhibit	B Oct 14, 2019

**SUPPLEMENTAL PLAN
EXISTING CONDITIONS, TREE SURVEY AND
TENTATIVE PLAN FOR A PROPOSED PARTITION PLAT,
WEST 40.0' OF LOT 8, BLOCK 10,
SOUTHERN PORTLAND
DOCUMENT NO. 94 187354**

SITUATED IN THE S.W. 1/4 OF SECTION 15, T.1S., R.1E., W.M.
CITY OF PORTLAND
MULTNOMAH CO., OREGON

MARX ASSOCIATES
18615 E. BURNSIDE STREET
PORTLAND, OR 97223
TEL: 503-667-4540
FAX: 503-666-8866
EMAIL: DOM@MARXASSOCIATES.NET

DATE DRAWN: SEPTEMBER 27, 2019
DRAWING NO. 19072Z
REVISED: SEPTEMBER 28, 2019
REVISED: NOVEMBER 23, 2019

ZONING:
R2 RESIDENTIAL 2,000
SITE SIZE:
4,000 SQUARE FEET
PARCEL DATA:
WEST 40.0' OF LOT 8, BLOCK 10, SOUTHERN PORTLAND--DOCUMENT NO. 94 187354

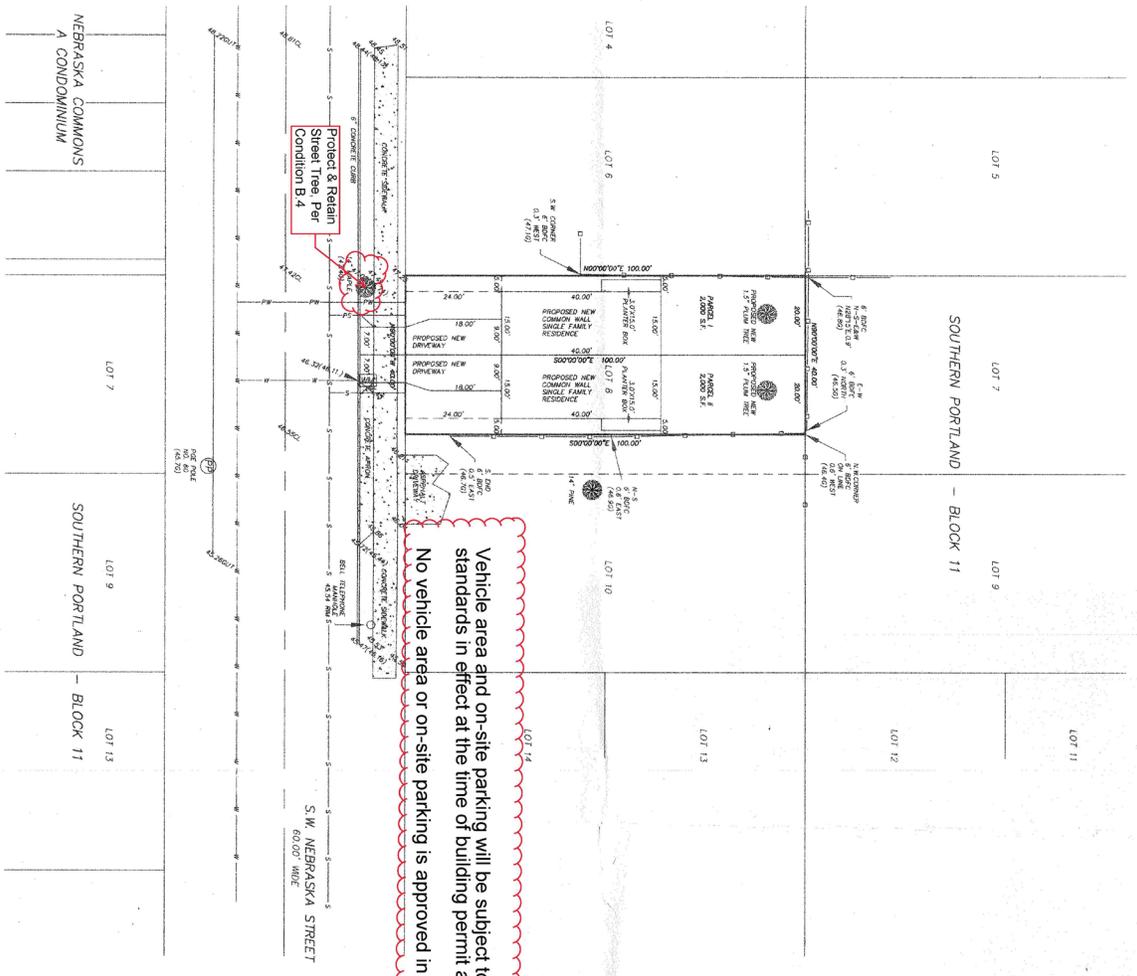
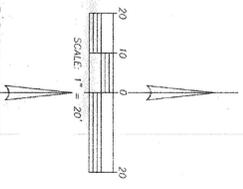
BENCHMARK:
BENCHMARK IS CITY OF PORTLAND BENCHMARK NO. 3173, 8' NORTH OF CURB P.C., S.W. CORNER, S.W. DIAGONAL STREET AND S.W. MADRID AVENUE. ELEVATION IS 82.792, CITY OF PORTLAND DATUM.

NOTES & LEGEND:

- ☒ - DEPICTS WATER WALTER
- ⊕ - DEPICTS POWER POLE
- ⊗ - DEPICTS BOARD FENCE
- B— - DEPICTS BOARD FENCE
- W— - DEPICTS WATER LINE
- S— - DEPICTS SENIOR LINE
- PW— - DEPICTS PROPOSED WATER LINE
- PS— - DEPICTS PROPOSED SENIOR LINE
- 1213.450UT - (ELEVATION IS AT THE DECIMAL POINT)
- 1213.450T - (ELEVATION IS AT THE TOP CURB DECIMAL POINT)
- 1213.450 - (ELEVATION IS AT THE DECIMAL POINT)
- 123.450 - (ELEVATION IS AT THE DECIMAL POINT)
- 123.45 - (ELEVATION IS AT THE DECIMAL POINT)
- SP - (ELEVATION IS AT THE DECIMAL POINT)
- SP - DEPICTS SQUARE FEET
- SP - DEPICTS DOWNSPOUT TO DRAIN

NOTES:
1. THESE ARE LOCATED AS SHOWN, PER ORD. 1755, OR CITY OF PORTLAND AS BUILT DATA. ACTUAL LOCATION SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION.
2. EXISTING DEVELOPMENT TO BE REMOVED.

Vehicle area and on-site parking will be subject to the development standards in effect at the time of building permit application.
No vehicle area or on-site parking is approved in this review (LU 19-238388 LDP).



REGISTERED
PROFESSIONAL
LAND SURVEYOR
FERDINAND L. BAUER
DANIEL S. BAUER
EXPIRATION DATE: 12/31/19



Exhibit C.1
LU 19-238388 LDP