



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: July 28, 2020
To: Interested Person
From: Shawn Burgett, Land Use Services
503-823-7618 / shawn.burgett@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 20-111522 LDP

GENERAL INFORMATION

Owner/Applicant: Karin Lambert
Hawthorne & 47th LLC
PO Box 68
Beavercreek, OR 97004

Representative: Danelle Isenhart
Isenhart Consulting LLC
PO Box 2364
Beaverton, OR 97075
Danelle@Isenhartconsulting.com

Site Address: 605 SE 47TH AVE

Legal Description: BLOCK 7 LOT 6 TL 8300, PARADISE SPR TR
Tax Account No.: R642800830
State ID No.: 1S2E06BA 08300
Quarter Section: 3135

Neighborhood: Sunnyside, contact at board@sunnysideportland.org
Business District: Belmont BA, contact at info@belmontdistrict.org.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313

Zoning: R2.5 (Single Family Residential 2,500 sq. ft.)
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 a 2-lot land division on this 5,600 sq. ft. site which has frontage on two streets (SE 46th and SE 47th Ave). The existing house will remain on Parcel 1 which will measure approximately 2,775 sq. ft in area and will have street frontage on SE 47th Ave. The applicant is proposing to remove the existing detached garage. Parcel 2 will measure approximately 2,500 sq. ft. in area and will have street frontage on SE 46th Ave.

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 2 units of land (2 parcels). Therefore, this land division is considered a partition.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant 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 through lot with frontage along SE 46th and SE 47th Avenues. The existing house on the site was constructed in 1950 based on City records and is oriented toward SE 47th Avenue. The area surrounding the site is made of predominately detached single family dwelling units. The area also includes some multi-family type development.

Infrastructure:

- **Streets** –The site is a though lot with frontage on two streets. The site has approximately 50 feet of frontage on both SE 46th and 47th Avenue. There is one driveway entering the site from SE 47th Ave that serves the existing house on the site. At this location, SE 46th and SE 47th Aves are classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 635 feet from the site at SE Belmont St. via Bus 15.

SE 46th Avenue has a 24-foot curb to curb paved surface within a 40-foot right-of-way with parking on one and restricted parking along the east side of the street (no parking between 7am and 6pm). Along the 50-foot wide site frontage the pedestrian corridor includes a 1.5-foot wide planter area, curb, 5-foot sidewalk and a 1-foot wide buffer at the back of the sidewalk (1.5-5-1 configuration).

SE 47th Avenue has a 24-foot curb to curb paved surface within a 40-foot right-of-way with parking on both sides. Along the 50-foot wide site frontage the pedestrian corridor includes a 2-foot wide planter area, curb, 5-foot sidewalk and a 0.5-foot wide buffer at the back of the sidewalk (2-5-0.5 configuration)

- **Water Service** – There is an existing 6-inch CI water main in SE 46th Avenue. The existing house is served by a metered service from the main in SE 47th Ave.
- **Sanitary Service** - There is an existing 8-inch clay public combination sewer line in SE 46th Avenue and an existing 12-inch combined sewer of varying materials in SE 47th Ave.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: 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.

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 **April 21, 2020**. 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:
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 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 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Based on the applicant's survey, the site area is 5,600 square feet. The maximum density in the R2.5 zone is one unit per 2,500 square feet.

The site has a maximum density of 2 units. The applicant is proposing 2 single dwelling parcels. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,775		50	55.5	50
Parcel 2	2,500		50	50	50

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

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

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 C.1) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.7) 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, 1 tree, which provide a total of 13 inches of tree diameter is subject to the preservation requirements of this chapter.

The tree proposed for preservation is in good condition, includes native/non-nuisance species, and is not 20 more than inches in diameter. The proposed root protection zones for the trees to be retained will allow for the type of development anticipated in the R2.5 zone and will not conflict with any existing utility easements, proposed services. It should be noted that grading is required for the widening of the existing sidewalk along SE 47th Ave near this tree proposed for protection. The applicant's arborist (Exhibit A.7) has indicated this tree can survive this encroachment and has provided recommendations that must be followed during the widening of the sidewalk which will be required as a condition approval and discussed further below.

Specifically, the applicant proposes to retain the only non-exempt tree on the site (Tree #1, 13" European Hornbeam) which is equivalent to 100 percent of the total non-exempt tree diameter, so the proposal complies with Option 4 (protecting at least 35% of non-exempt tree diameter).

Based on these factors, no additional mitigation is warranted to satisfy the approval criteria.

In order to ensure that future owners of the parcel are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Parcel 1 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the Arborist Report (Exhibit A.7).

As indicated above, the applicant will be required by to widen the existing sidewalk along SE 47th Ave adjacent to this tree prior to final plat approval as specified by PBOT later in this report. The Arborist report indicated the following Arborist supervision should occur in correlation with the required sidewalk widening:

A new sidewalk will be constructed 3 ft. from Tree 1 in the right-of-way dedication. Grading for the new sidewalk will be done by hand digging within the 8-foot RPZ (root protection zone). Only a shallow grade change of 2 inches to 4 inches is needed. The project arborist will supervise this work and perform root pruning if necessary. Tree 1 has a compact root crown and this species typically does not produce large surface roots. Root pruning will be limited to 3-inch roots and smaller. Larger roots will be evaluated by the project arborist, who will make recommendations to preserve these roots and the health of the tree. Once grading is complete within the RPZ of Tree 1, the project arborist is no longer needed on the site and the above grade work of setting forms and pouring concrete will commence

Therefore, as a condition of approval, prior to final plat approval and installation of the required sidewalk improvements along SE 47th Ave adjacent the existing house, the applicant will be required to provide a documentation that a certified arborist has been hired to implement the Arborist recommendations noted above in association with the required sidewalk improvements.

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. However, as indicated above, minor grading will be required to widen existing sidewalks. The applicant will be required to monitor the widening of the sidewalk along SE 47th Ave near the tree proposed for protection as indicated above.

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.

In addition, the applicant has proposed to remove the existing detached garage in order to redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of the detached garage on the site prior to final plat approval. With this condition, the new lots can be considered suitable for development, and 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 E.2):

The applicant provided a written narrative with an analysis of each evaluation factor. Staff generally concurs with the applicant's findings. The existing roadway and sidewalk

networks are complete in this area. Connectivity meets City standards for block length east/west but not north/south. Connectivity addressed in this response under 33.654.110 below.

The area is served by multiple transit lines and multiple bicycle routes. The closest transit service is Tri-Met service route 15 at the south end of the block approximately 630-feet south of the subject site. This is a frequent service route which provides service 7-days a week with headwinds of 15-minutes or less most of the day, every day. Service is also available on other area collectors such as SE Cesar E. Chavez Blvd., E Burnside St, and SE 60th Ave. Multiple low-stress, low-speed bicycle routes are available near the subject site. For north/south travel, a designated neighborhood greenway exists on both SE 53rd Ave. and the SE 41st/42nd Ave corridor. For east/west travel, a designated neighborhood greenway exists on the SE Taylor/SE Salmon corridor. Accessing these greenways can be achieved via the interconnected grid of low speed, low volume local service streets throughout the area.

Based on information in the City's database on Portland Traffic Deaths and Injuries since 2008, there have been no fatal or injury crashes on SE 46th Ave. or SE 47th Ave. between SE Stark St. and SE Belmont St. SE Belmont St. and SE Stark St. are both collectors. Multiple injury crashes have occurred on both streets in the vicinity of SE 46th Ave. and SE 47th Ave. On SE Stark St, there have been two crashes resulting in injuries to a person who was walking. On SE Belmont St, there have been four crashes, two of which resulting in injuries to people biking and two resulting in injuries to people walking. While this is a higher than ideal crash rate for the larger area, it does not rise to the level of safety concern which should limit development in conformance with the base zone on local service streets with no crash history.

The site is more than 500-feet from a street with frequent service transit, meaning on-site parking is required by 33.266.110.B.2. The applicant is proposing retaining the existing driveway on SE 47th Ave. for Proposed Parcel 1. Proposed Parcel 2 is shown with a new driveway connection to SE 46th Ave. The conceptual plan shows a 9-foot wide driveway being constructed as far to one end of the property as possible while meeting zoning code required setbacks for an attached garage. This layout will maximize the amount of frontage being retained for on-street parking while also meeting the zoning code requirement to provide on-site parking.

PBOT has not identified any level of service concerns with this segment of SE 46th Ave. or SE 47th Ave. in the TSP or other planning documents. It is believed this segment functions well for travel via all modes and has capacity to absorb the anticipated vehicle trips from one additional residential lot.

No off-site mitigation is required for the proposed development. The proposal includes 3.25-feet of dedication on both frontages to allow the installation of sidewalks meeting the current 11-ft sidewalk corridor standard. This will offset the anticipated impact of adding an additional residential lot to the neighborhood. Due to the length of the frontages, the lack of grade breaks, and the lack of need for any ADA compliant curb ramps, it is anticipated these sidewalk corridors can be installed via Minor Improvement Permits

PBOT has reviewed and concurs with the information supplied. Standard sidewalk corridor improvements will be required to serve the proposed development (see criterion L. 33.654). This criteria 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 2 of this report.

The existing house in Parcel 1 may continue to use the existing water service from SE 47th Ave. Water is available to Parcel 2 from the 6" main in SE 46th Ave

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.

1. Existing Development: According to historic plumbing records, the existing structure on proposed Parcel 1 is currently connected to the combined sewer in SE 47th Avenue. This location does not appear to conflict with the proposed new property line.

2. Proposed Development: Parcel 2 will be served by a new connection to the combined sewer in SE 46th Avenue within its frontage.

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:

1. **Existing Development:** Per the submitted site survey and Incomplete Letter Response from Isenhardt Consulting, LLC (dated 4/6/20) stormwater from the existing house to remain discharges to the ground surface. Per the submitted materials, it appears that the downspouts at the rear of the house do not meet setbacks to the proposed new property line. Prior to BES approval of the final plat, the applicant must show that the downspouts at the rear of the house discharge meeting SWMM requirements, to the satisfaction of BES.

2. **Future Development:** Staff reviewed the project's Simplified Approach stormwater report (dated 1/22/20) that describes Simplified Approach infiltration test results of 1 inch per hour on this site and proposes for runoff from the development to be discharged offsite to the combined sewer after pollution reduction and flow and volume control standards are met with a planter sized per the Simplified Approach.

3. **Public Right-of-Way Stormwater Management:** Stormwater runoff from public right-of-way improvements as required by the City of Portland Bureau of Transportation (PBOT) must be managed according to the standards of the SWMM and the Sewer and Drainage Facilities Design Manual. 1. PBOT requires new sidewalk construction in a pedestrian corridor where a curb and paved street already exist. Constructing the sidewalk so that it slopes toward a vegetated area and/or planting street trees will be a viable alternative to constructing stormwater management facilities.

This criterion is met with the following condition of approval: Prior to final plat approval the applicant must modify the stormwater disposal system serving the existing structure on Parcel 1 according to BES and SWMM requirements, to the satisfaction of BES. Obtain finalized permits as necessary prior to final plat approval.

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 lot is located approximately 250 feet south of SE Stark St. the nearest east-west through street to the north and approximately 195 feet north of SE Alder St. which provides a connection to the west along SE 46th Ave. SE 47th Ave does not have an east west through street connection between SE Stark St. and SE Belmont St. which are approximately 900 ft. apart.

However, since SE Alder St. connects to SE 47th Ave approximately 195 ft. south of the subject site that would be a more appropriate location for a pedestrian connection between SE 46th and SE 47th Ave if feasible since it would align with SE Alder St. and provide a through street connection along SE 47th Ave approximately 450 feet (midpoint) between SE Belmont St. and SE Stark St. which are located approximately 900 feet apart.

PBOT had the following comments (exhibit E.2)

Connectivity meets City standards for block length east/west but not north/south. The north/south block length of both SE 46th Ave. and SE 47th Ave. is approximately 930 feet, which is further than the recommended 530 feet for public street connections. The subject site is approximately 250 feet from SE Stark Street, making it too close to an existing right-of-way to be desirable for a public through street. It does meet the minimum distance of 200-feet for public pedestrian connections. Since the existing house is proposed for retention, there is inadequate width to obtain a full 15-foot wide public pedestrian connection through the site. The lots to both the north and south of the subject site have already been divided to their full potential under the current zoning. As such, asking the subject site to provide a portion of a pedestrian connection would be unlikely to result in a future full connection being dedicated. Additionally, the proposal is for adding a single residential lot. The applicant's proposal includes dedicating land on both existing frontages to allow for the construction of standard sidewalk corridors. Asking for additional dedication through the lot to provide a public pedestrian connection would be out of proportion to the request. The connectivity requirements are satisfied

The site is within the Portland Master Street Plan for the Southeast District. The proposal is consistent with the master street plan.

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

SE 46th and SE 47th Ave are improved with curbs, planter strip and sidewalks. In reviewing this land division, PBOT relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. In this case, PBOT has determined that sidewalk improvements must be made in order to meet City standards ensure that safe pedestrian travel is possible to and from the proposed development. To accommodate these improvements, as well as an associated stormwater facility discussed later in this report, additional right-of-way must be dedicated along the frontage of the site. With those improvements, two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

PBOT noted the following (Exhibit E.2):

The proposal includes 3.25-feet of dedication on both frontages to allow the installation of sidewalks meeting the current 11-ft sidewalk corridor standard. This will offset the anticipated impact of adding an additional residential lot to the neighborhood. Due to the length of the frontages, the lack of grade breaks, and the lack of need for any ADA compliant curb ramps, it is anticipated these sidewalk corridors can be installed via Minor Improvement Permits

Timing of sidewalk improvements: When existing development will be retained, the

sidewalk improvements are required to be constructed for that parcel prior to final plat approval. The newly created, vacant lot may defer installment of the improvements until the new development is constructed. This is to avoid the sidewalks being destroyed during construction of the new development. As such, PBOT recommends a condition of approval to build the sidewalk in front of proposed parcel 1 prior to final plat.

This criterion is met, with the condition that sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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-way's can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

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

Future Development

- Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.D.3.a

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2.5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several Zoning Code standards that relate to existing development on the site:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5.9 feet from the new rear property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental plan showing the surveyed location of the existing building relative to the adjacent new lot lines.
- Accessory Structures – Structures are not allowed to remain on a proposed lot line. Therefore, in order for the proposed new lots to be approved, the detached garage that straddles the line between proposed Parcels 1 and 2 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.

With the conditions noted above, 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 addressing requirements; including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the expanded planter strips adjacent to Parcel 1 prior to final plat approval and adjacent to Parcel 2 at the time of development on this parcel. Urban Forestry had the following comments.

SE 46th Ave: There is approximately 49 feet of street frontage at this location, requiring one new street tree to be planted. This planting will only be required after frontage improvements.

SE 47th Ave: There is approximately 49 feet of street frontage at this location, requiring one tree to be planted or preserved. This tree will be required to be planted prior to Final Plat approval.

This requirement is based on the standards of Title 11.

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: Sidewalk widening and tree preservation

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in two standard lots as illustrated with Exhibit C.1, 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 final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 46th and SE 47th Ave. The required right-of-way dedication must be shown on the final plat.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.5 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: “An Acknowledgement of Tree Preservation Land Use Condition” has been recorded as document no. _____, Multnomah County Deed Records.”

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site’s SE 47th Ave street frontage. The applicant must obtain an approved Right of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor. The improvements along the frontage of Parcel 1, where the existing house will be retained, must be constructed prior to final plat approval. The improvements along the frontage of the undeveloped Parcel may be constructed with development on this parcel as per the City Engineer’s discretion.

Please note: Prior to any ground disturbing activity related to the installation of the new sidewalk along SE 47th Ave, the applicant is required to provide written documentation from a Certified Arborist documenting that they have been hired to monitor and inspect all grading activities associated with installation of the new sidewalk as noted in Exhibit A.7 in correlation with the tree protected under condition D.1 below on Parcel 1.

Existing Development

2. The applicant must obtain a finalized demolition permit for removing the garage that straddles Parcels 1 and 2.
3. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by BES, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.

4. The applicant must meet the requirements of Urban Forestry to plant 1 street tree in the planter strip on SE 47th Ave adjacent to parcel 1. The applicant must contact Urban Forestry at 503-823-TREE (8733) prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit.

Required Legal Documents

5. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 1. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

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

1. Development on Parcel 1 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.7). Specifically, tree number 1 is required to be preserved, with the root protection zones indicated on Exhibit A.7. Tree protection fencing is required along the root protection zone of the trees to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur if it meets the Tree Protection Specifications of 11.60.030.
2. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of Parcel 2. The applicant shall also plant a street tree in the new planter strip in front of Parcel 2 along SE 46th Ave to the satisfaction of Urban Forestry.
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.

Staff Planner: Shawn Burgett

Decision rendered by: S. Burgett **on July 23, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed July 28, 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 January 29, 2020, and was determined to be complete on April 7, 2020.

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 January 29, 2020.

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. **The 120 days will expire on: August 5, 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>.

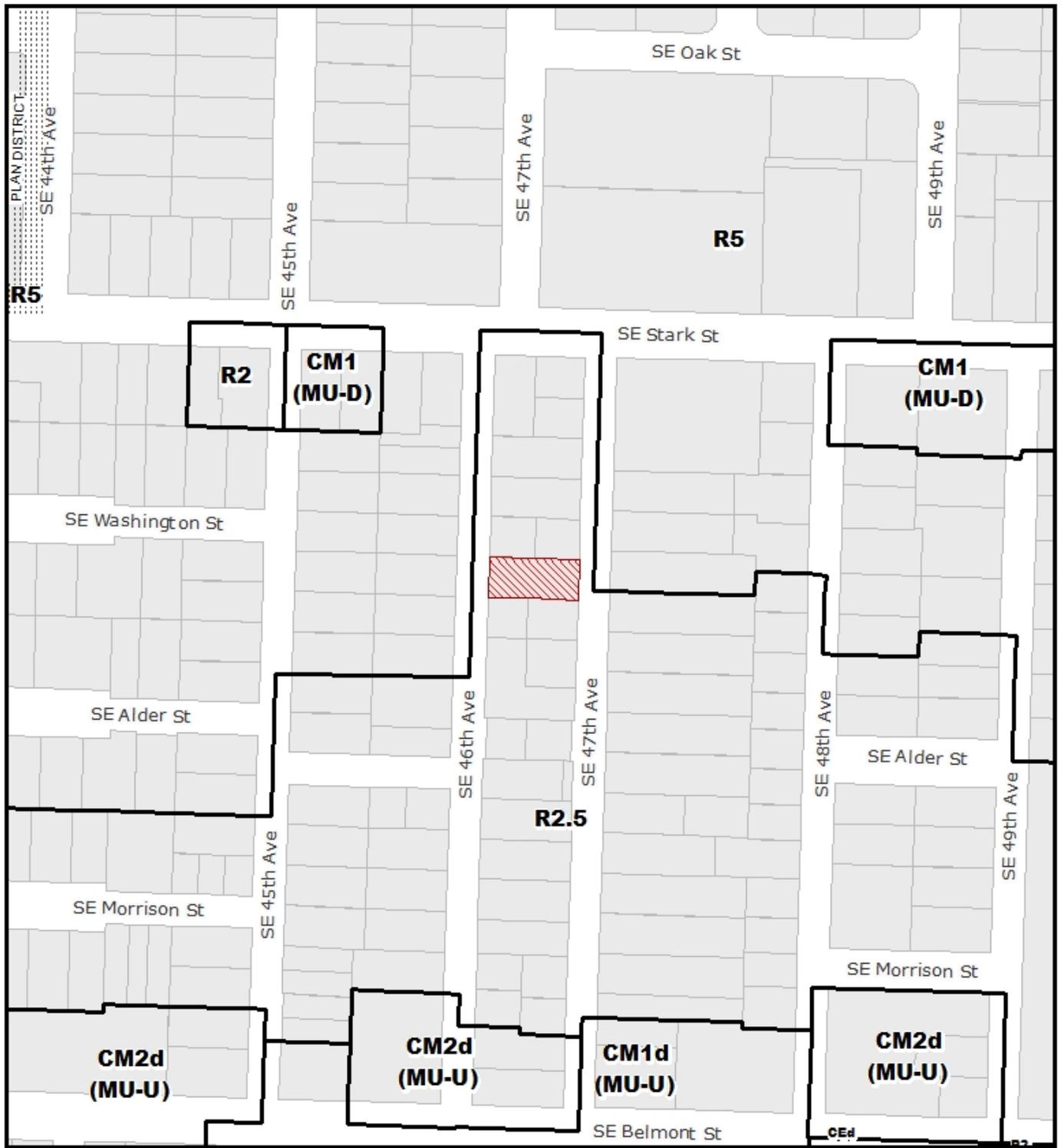
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Applicants Narrative
 - 2. Fire Flow
 - 3. SIM Test
 - 4. Arborist report dated 9/5/19
 - 5. Revised Applicant Narrative received 4/6/20
 - 6. Memo from applicant in response to incomplete letter dated 4/6/20
 - 7. Final Arborist report dated 7/9/20
 - 8. Site Plans set submitted 1/29/20
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing conditions survey
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety
- F. Correspondence: (none received)
- G. Other:
 - 1. LU application
 - 2. Incomplete Letter dated 2/27/20

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 20 - 111522 LDP
1/4 Section	3135
Scale	1 inch = 163 feet
State ID	1S2E06BA 8300
Exhibit	B Jan 31, 2020

SURVEY NOTES:

THE DATA FOR THIS SURVEY IS BASED UPON CITY OF PORTLAND BENCHMARK NUMBER 278 BEING A BRASS DISK ON TOP OF CURB AT THE S.W. CORNER OF THE INTERSECTION OF S.E. 44TH AVENUE AND S.E. BELMONT STREET. THE ELEVATION IS 174.016'. COP DATUM IS A TRIMBLE SP-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.

THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER RECORD OF SURVEY RECORDED UNDER PRIVATE SURVEY NUMBER 64386, RECORDS OF MULTNOMAH COUNTY.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERMETER BOUNDARY OF TAX LOT 8300 MAP 15, 2E, 68A DEED DOC. NO. 2014-080671.

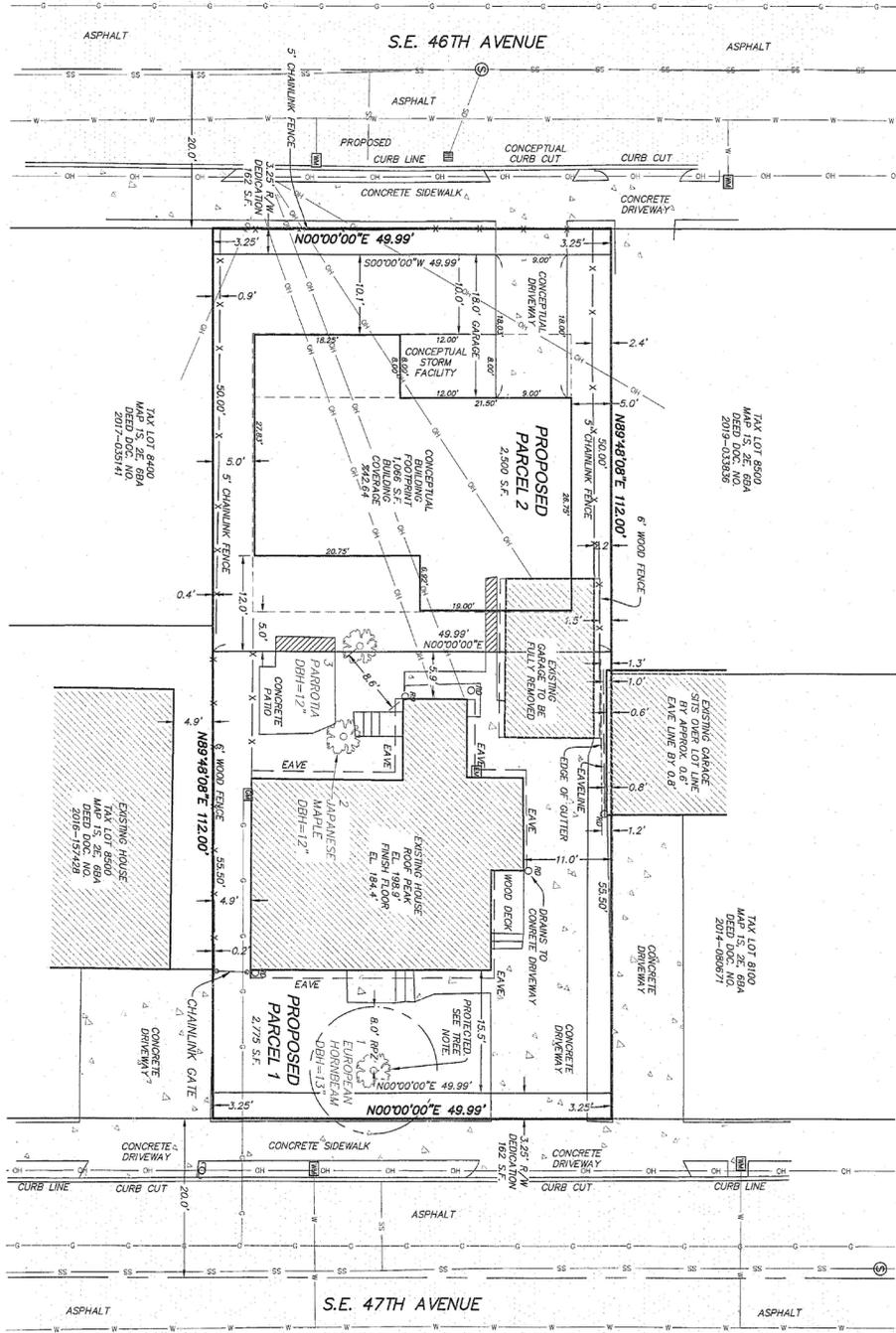
NO MONUMENTS ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUESCENCE, ETC.

NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE GROUND STRUCTURES AND AS MARKED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN CORRESPOND TO THE UTILITIES IN THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH HE DOES CERTAIN THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION OBTAINED FROM FIELD SURVEY AND RECORDS OF MULTNOMAH COUNTY. THE SURVEYOR'S LIABILITY FOR DAMAGE TO OR INTERFERENCE WITH ANY UNDERGROUND UTILITY IS LIMITED TO THE EXTENT OF HIS LIABILITY AS A PARTY TO THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

PRELIMINARY PLAN MAP

TAX LOT 8300 MAP 15, 2E, 68A
 LOCATED IN THE N.W. 1/4 SECTION 06, T.5S, R.2E, W.M.
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 APRIL 1, 2020 SCALE 1"=10'
 LAST REVISION: JULY 9, 2020



UTILITY NOTES:

1. OVERHEAD POWER TO EXISTING HOUSE TO BE REROUTED FROM S.E. 47TH AVENUE.

TREE NOTE:

1. APPROX TO BE ON SITE DURING CONSTRUCTION OF THE NEW SIDEWALK THAT LANDS IN THE ROOT PROTECTION ZONE.

LEGEND:

Some Symbols shown may not be used on map

- 12" DEODIOUS TREE
- 24" EVERGREEN TREE
- TRAFFIC SIGNAL POLE
- UTILITY POLE
- STORM SINKER MANHOLE
- CATCH BASIN
- SMALLER SINKER MANHOLE
- SMALLER SINKER MANHOLE
- WATER MANHOLE
- WATER METER
- WATER VALVE
- GAS VALVE
- GAS METER
- BRILLIANT
- SIGN
- UTILITY RISER
- TELEPHONE MANHOLE
- UTILITY BOX
- STORM CULVERT
- FOUND MONUMENT
- DOWN SPOUT TO SPLASH
- OTHERS UNLESS NOTED
- FO = FOUND
- PI = IR TREE
- PI = PINE TREE
- IRZ = ROOT PROTECTION ZONE
- DE = DEODIOUS TREE
- DBH = DIAMETER AT BREAST HEIGHT
- YPC = YELLOW PLASTIC CAP
- STORM SIGNAL POLE
- LIGHT POLE
- GUY WIRE
- ELECTRIC BOX
- ELECTRIC METER
- TRANSFORMER
- ELECTRIC RISER
- HEAT PUMP
- OVERHEAD LINE
- GAS LINE
- ELECTRICAL LINE
- COMMUNICATIONS LINE
- SMALLER SINKER LINE
- STORM DRAIN LINE
- WATER LINE
- FENCE LINE
- HANDRAIL
- ROOT PROTECTION ZONE
- CE = CEDAR TREE
- IR = IRON PIPE
- IR = IRON ROD
- YPC = YELLOW PLASTIC CAP
- DE = DEODIOUS TREE
- DBH = DIAMETER AT BREAST HEIGHT
- YPC = YELLOW PLASTIC CAP

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19375 NW 114th Ave., Suite 120
 Beaverton, OR 97004
 PHONE 503.650.0188 FAX 503.650.0189
 PLOTTED: K:\PROJECTS\LAMBERT-47TH AVE-SE-605\DWG\PLAN MAP-CSD.dwg

SIGNED ON: *[Signature]*
 REGISTERED PROFESSIONAL LAND SURVEYOR
 JULY 13, 2004
 TORBEN
 6037725
 REVISIONS: DECEMBER 31, 2021

GRAPHIC SCALE
 1"=10' (IN FEET)