



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

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Date: July 15, 2022
To: Interested Person
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 21-054328 LDP

GENERAL INFORMATION

Applicant: Sarah Radelet, Strata Land Use Planning
Po Box 90833, Portland, OR 97290
(503) 320-0273 / sarah@stratalanduse.com

Owners: Joseph Parker and Marcy Parker
35 SW Ridge Dr, Portland, OR 97219-6567

Surveyor: Steven Buckles, Reppeto & Associates
Plaza 125, Bldg G, 12730 SE Stark
Portland, OR 97233

Site Address: 9 SW Ridge Drive

Legal Description: E 120' OF LOT 6, SOUTH RIDGE
Tax Account No.: R778800490
State ID No.: 1S1E27BC 11400
Quarter Section: 3929 & 4029

Neighborhood: Collins View, contact at contact@collinsviewna.org
Business District: None
District Coalition: Office of Community & Civic Life, contact Leah Fisher at leah.fisher@portlandoregon.gov

Zoning: Residential 10,000 (R10)
Case Type: Land Division- Partition (LDP)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:
The applicant proposes to divide this 29,832 square foot subject site into three parcels. Parcels 1 and 2 will each be 6,040 square feet in size and Parcel 3 will be 16,236 square feet in size. Parcels 1 and 2 will front along SW Collins Street and be available for future development.

Single dwelling houses with on-site parking are proposed for Parcels 1 and 2. Parcel 3 will retain the existing frontage along SW Ridge Drive and contain the existing house to remain. 9 trees that are 20-inches or more in diameter are proposed to be retained and protected on the site. The applicant has proposed a modification to side building setbacks to better preserve on-site trees. Proposed right-of-way improvements will include right-of-way dedication, improved vehicular access connecting SW View Point Terrace to SW Collins Street within the public right-of-way, and payment of the Local Transportation Infrastructure Charge.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (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 3 units of land (3 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 subject site is located in the Collins View neighborhood in SW Portland. There is an existing house to remain on the site. The site is vegetated with several large trees and understory shrubs. The site slopes up significantly from SW Ridge Drive to SW Collins Street, rising in grade 37 feet from the south to the north of the site.

The surrounding area consists primarily of single dwelling structures on larger lots. The River View Natural Area is just to the east of the subject site. The existing street grid provides reasonable connectivity to and from the site via east-west routes.

Infrastructure:

- **Streets** –The site has approximately 127 feet of frontage on SW Ridge Drive and 120 feet of frontage on SW Collins Street. There is one driveway entering the site from SW Ridge Drive that serves the existing house on the site. At this location, SW Ridge Drive and SW Collins Street are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 710 feet south of the site at SW Terwilliger Blvd via Bus 39.

SW Ridge Drive has a 30-foot paved roadway surface within a 50-foot right-of-way with no curb or sidewalks. SW Collins Street contains a gravel surface with no curbs or sidewalks. A portion of the subject site’s frontage is paved due to being within the intersection of SW Collins Street and SW View Point Terrace.

- **Water Service** – There is an existing 8-inch DI water main in SW Collins Street. The existing house is served by a 5/8-inch metered service from this main. There is an existing 8-inch water main in SW Ridge Drive.
- **Fire Hydrants** The nearest fire hydrant is located within the site frontage along SW Collins Street with a hydrant flow of 1,900 gpm. A second fire hydrant is located east of the subject site in SW Ridge Drive with a hydrant flow of 2,300 gpm. The combined flow is # 4,200 gpm.
- **Sanitary Service** - There are existing 8-inch public CSP sanitary-only sewer lines in SW Collins Street and SW Ridge Drive.

- **Stormwater Disposal** – There is a 10-inch public CSP storm-only main in SW Collins Street. There is an 8-inch CSP storm-only shallow culvert system in SW Ridge Drive. no public storm-only sewer currently available to this property.

Zoning: Residential 10,000 (R10): The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood. Generally, lots in R10 will have a density approximately of 1 lot for every 10,000 square feet of site area.

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 **November 15, 2021**. Ten written responses have been received from the Neighborhood Association and notified property owners in response to the proposal. The following summarized comments were submitted and are followed by the staff response in *italics*:

- Concerns about increased vehicular traffic and parking on SW Collins Street due to the proposed accessory dwelling units (ADUs) in addition to new single-family homes.
At this time the applicant has removed the ADUs from the proposed development plan. If the lots are approved, each lot is permitted to have an ADU.
- Concerns about safe vehicle access along SW Collins Street and SW Viewpoint Terrace.
Portland Bureau of Transportation (PBOT) has provided significant comments attached to this decision (Exhibit E.2). Transportation Impacts and Services and Utilities are addressed in Sections K. and L. of this decision. In general, PBOT found that the impacts of adding two additional residential lots would create minimal increases in traffic volumes and few impacts on safety. PBOT is requiring right-of-way dedication and improvements to SW View Point Terrace that will allow access to SW Collins Street entirely within the public right-of-way without encroachment on neighboring properties.
- Concerns about wildland fire risks.
The subject site is not within the wildland fire hazard zone. The Portland Fire Bureau has reviewed this proposal and has provided comments and requirements to ensure that any new development on the subject site will have adequate access to fire safety apparatus.
- Concerns about pedestrian safety and access from SW Viewpoint Terrace.
Several neighbors have suggested that the new lots obtain access from SW Ridge Drive as a way to better maintain the pedestrian safety of the streets to the north of the site. PBOT noted in their evaluation that the natural grade of the subject site limits practical access for an access off of SW Ridge Drive. PBOT also notes that the expected safety impacts from two additional developable lots do not require any formal mitigation or additional traffic control.

Additional concerns addressed in the public comments are addressed in the body of this decision.

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.
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.
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	No pedestrian connections are proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey, the site area is 29,832 square feet. The maximum density in the R10 zone is one unit per 10,000 square feet. Because the site is within the potential landslide hazard area there is no minimum density. The site has a maximum density of 3 units. The applicant is proposing 3 single dwelling parcels. The density standards are therefore met.

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

Zone	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R10	6,000	17,000	50	60	30
Parcel 1	6,040 SF		60.11	100.5	60.11
Parcel 2	6,040 SF		60.11	100.5	60.11
Parcel 3	16,236 SF		126.69	135	126.69

* 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.

Overall, the findings above show that the applicable density and lot dimension standards are met. Additionally, the lot lines are straight and side lot lines are perpendicular to the street.

Accordingly, 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.

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.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.5) 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, 12 trees, which provide a total of 375 inches of tree diameter are subject to the preservation requirements of this chapter. Two of the non-exempt trees, one 16-inch and one 22-inch Douglas Fir, will become street trees due to right-of-way dedication requirements. The applicant has proposed to protect 9 of the 12 non-exempt trees.

The trees proposed for preservation are in good condition, include native/non-nuisance species, and all 9 of the trees are 20 or more inches in diameter. The proposed root protection zones for the trees to be retained will allow for the type of development anticipated in the R10 zone and will not conflict with any existing utility easements, proposed services or site grading.

Specifically, the applicant proposes to retain 82 percent of the trees that are 20 or more inches and 293 inches of the total tree diameter, so the proposal complies with:

Option 2: Preserve at least 75 percent of the trees that are 20 or more inches in diameter and at least 25 percent of the total tree diameter on the site.

In addition, the applicant's arborist report has identified 2 trees on adjacent sites that are within 15 feet of potential disturbance area on the proposed lots, a 60-inch Sequoia and a 30-inch Big-leaf Maple. In order to protect the off-site trees from construction impacts, the arborist recommends a 30-foot root protection zone with fencing for the Sequoia, and a 15-foot root protection zone with fencing for the Big-leaf Maple, which is reflected on the tree preservation

plan. Parcel 3, the parcel with the existing development, will continue to meet the tree density standards of Title 11 with the proposed tree preservation.

In order to improve the tree preservation proposal, the applicant has requested modifications to reduce interior side building setbacks (33.110.220) from 10 feet to 5 feet along the shared property line between Parcels 1 and 2, allowing future residential development to be located further from trees 5 and 7 to be preserved on the site. The tree preservation regulations allow for modifications to development standards if it results in improved tree preservation and on balance remains consistent with the purpose of the regulation being modified (33.630.400).

The development standards regulating building setbacks have several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of residences in the city's single dwelling neighborhoods;
- They foster a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

Side building setbacks create privacy between adjacent residences and allow for light, air, and separation for fire control. Instead of a 10-foot setback, the applicant is proposing reduced building setbacks of 5 feet from the shared property line between Parcels 1 and 2. The reduced setback would still provide 10 feet of separation between new development on Parcels 1 and 2.

The requested modification is sensitive to the environment by preserving the native trees, which will continue to provide visual screening, reduce energy demand by providing shade and assisting in sustaining the tree canopy within this neighborhood. This modification will allow for a reasonable development on Parcels 1 and 2 while preserving two large native Douglas Fir trees and allowing less disturbance to other preserved Douglas Firs on the subject site. The requested modification will result in improved tree protection of trees 5 and 7 and, on balance, continues to meet the purpose of the standards being modified. Privacy and separation will continue to be maintained between the developments on Parcels 1 and 2.

With this modification to the side setback standard, the tree preservation plan can be approved.

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

In order to ensure that future owners of the parcels 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 Parcels 1-3 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the Arborist Report (Exhibit A.7).

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

At the time of development, the individual parcels/lots must also meet the Title 11-Tree Code provisions, which require a specific amount of site area for tree planting based on the size of the property and the scale of the development. The trees to be retained as part of this review may be applied toward meeting those Title 11 requirements.

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.

Findings: The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

In order to evaluate the proposal against this criterion, the applicant has submitted a Landslide Hazard Study of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A.8).

Site Development, the division of Development Services that makes determinations regarding soil stability, has evaluated the Landslide Hazard Study and concurred with the recommendations. The report indicates that the site is suitable for development and the proposal reasonably limit the risk of landslide potential on the site and other properties in the vicinity given the soil composition, topography, and other risk factors, provided the recommendations in the report are implemented.

Based on these factors, 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.

In this case, the site has steep grades (over 20%), and is located in the Potential Landslide Hazard area. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

The applicant has submitted a Preliminary Clearing and Grading Plan (Exhibit C.2) that depicts the proposed work, including existing and proposed elevation contours, a potential stockpile area, undisturbed areas consistent with the root protection zones of trees to be preserved, per the applicant's Tree Preservation Plan (Exhibit C.1), and the overall limits of disturbed area. Additionally, the applicant's submitted geotechnical evaluation (Exhibit A.8) describes how clearing and grading should occur on the site to minimize erosion risks. The applicant also provided an arborist report (Exhibit A.7) that addresses how to protect the roots of the trees on the site that will be preserved. Following the recommendations of the Landslide Hazard Study will help to limit erosion and sedimentation concerns by minimizing the stripping of the site to 12 inches in depth, backfilling excavations with engineered structured fill, protecting temporary slopes from erosion, and providing shallow foundations for new structures on the site.

The proposed clearing and grading shown on Exhibit C.2 includes grading of the parcels to allow the applicant to conduct the majority of the clearing and grading on the site at one time. This will help manage erosion and sedimentation concerns, assure that the necessary tree protection measures are in place before the grading begins and limit the disturbance on the adjacent properties. The contour changes proposed should not increase runoff or erosion

because the erosion control measures shown on the grading plan must be installed prior to starting the grading work. Stormwater will be appropriately managed by a flow through planter system sized to treat all runoff from rooftops and driveways and then released into the storm sewer in SW Collins Street to assure that adjacent properties will not be adversely impacted (see detailed discussion of stormwater management later in this report).

Topsoil storage and general stockpiling on the site should only occur if it will not create any additional erosion concerns as recommended by the geotechnical engineer. In addition, no clearing and grading will be permitted within the root protection zones of the trees on the site that are required to be preserved. Preserving these trees will help limit erosion by assuring that the tree roots will help to hold the soil in place.

As shown above, the Preliminary Clearing and Grading Plan meets the approval criteria.

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 contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

Findings: No tracts are proposed or required for this land division, so criterion A does not apply.

The following easements are proposed and/or required for this land division:

- A Private Storm Sewer Easement is required across the relevant portions of Parcel 2 for the benefit of Parcel 1, for a shared drainage pipe that will provide stormwater disposal for both parcels.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

With the conditions of approval discussed above, 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.

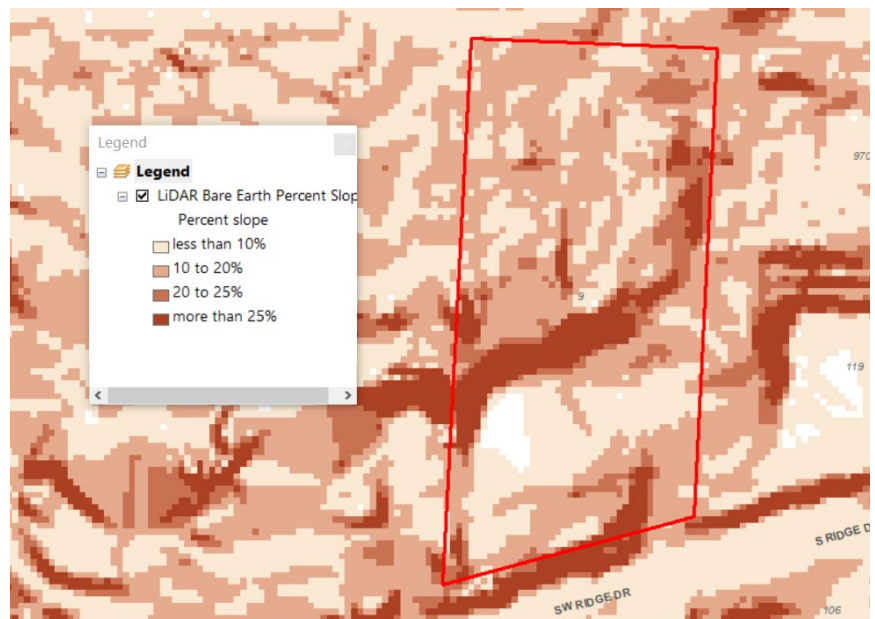
The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

Safety

The site is a through lot with frontage on both SW Ridge Dr. and SW Collins St. Based on information in the City's database on Portland Traffic Deaths and Injuries since 2010, there have been no fatal or injury accidents on SW Ridge Dr, SW Collins St, or SW View Point Terrace.

Both SW Ridge Dr. and SW Collins St. are not maintained by the City of Portland. SW Ridge Dr. contains a 30-ft wide paved roadway surface within a 50-ft right-of-way with no curbs or sidewalks. SW Ridge Dr. is a through street connecting SW 2nd Ave. to S. Palatine Hill Rd. SW Collins St. contains a gravel surface with no curbs or sidewalks, though a portion of this site's frontage is paved due to being within the intersection of SW Collins St. and SW View Point Terrace. The submitted surveys show the paved roadway surface of SW View Point Terrace terminating within the frontage of proposed Parcel 1 transitioning to an approximately 12.5-ft wide gravel surface, which is discussed further under the Street Capacity/Level of Service section. SW Collins St. is a dead end segment current accessed by three existing homes, though additional development potential does exist west of the subject site. The existing house takes access from SW Ridge Dr. No changes are proposed to that access. The two new parcels are proposed to have a shared access point taken within 25-feet of the intersection of SW Collins St. and SW View Point Terrace. Since this driveway is in an intersection, a Driveway Design Exception was required, which was approved. (21-088039-TR) That review included an evaluation of sight distance by a registered professional engineer.

Multiple public comments have been received. Among the topics addressed was the assertion that safety will be increased if this proposal takes sole access from SW Ridge Dr. Accessing the proposed parcels from SW Ridge Dr. is not proposed by the applicant and cannot be compelled. SW Collins St. is a public right-of-way. As such, the applicant has the right to access SW Collins St. through improvements are needed to ensure the access is fully contained within the public right-of-way. In addition, access from SW Ridge Dr. is not practicable due to the grade. The entire site slopes downward from north to south, but the center of the property has a steep portion. The image to the right is taken from City GIS showing the LiDAR derived bare earth percent slope being 25% or more in the middle of the lot. The maximum allowable driveway grade is 18%. The topography provides a natural barrier to taking access from the more improved street. In addition to there being no legal mechanism by which staff can deny access to the public right-of-way of SW Collins St, creating access from SW Ridge Dr. would require substantial site grading and retaining.



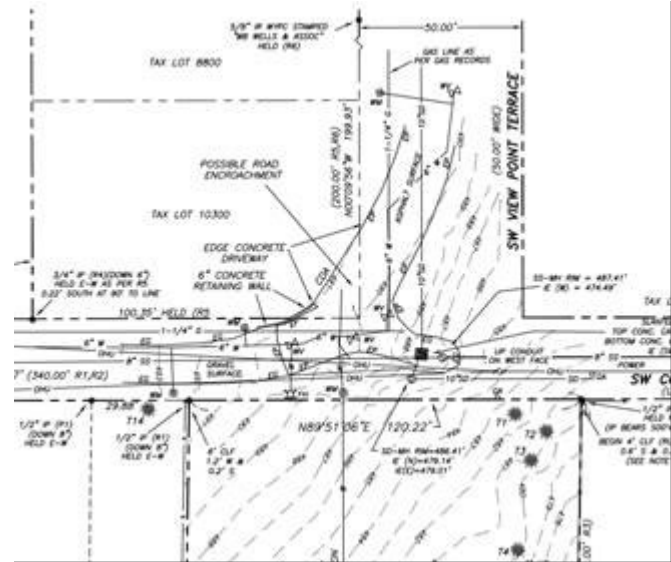
While SW Collins St. does not meet City standards in terms of useable roadway width, it is a dead end segment serving only four properties including the subject site. This is a very low volume roadway, for which PBOT does not have any documented vehicular safety issues. The shared travel surfaces of both rights-of-way make adding additional bicycle or pedestrian trips to this segment likely to have an incremental negative impact.

Street capacity/Level of Service

At this location, SW Ridge Dr, SW View Point Terrace, and SW Collins St. are all local service streets not maintained by the City of Portland. Traffic count data is not available for any of these segments. Due to the local service classification, low volumes, and the unimproved nature of the segments, the roadway surfaces also currently serve as shared bicycle and pedestrian facilities. To staff's knowledge, PBOT has not identified any level of service concerns with these segments in the TSP or other planning documents.

With that said, attention must be paid to the fact that the submitted existing conditions survey shows the

usable roadway surface near the intersection is not fully in public right-of-way. A snip is provided to the right. The roadway surface curves and encroaches substantially onto the private property at the northwest corner of the intersection of SW View Point Terrace and SW Collins St. The applicant has not provided an easement or other document (such as a court judgement) guaranteeing the right of access across the property at the northwest corner of the intersection. The owner of that property has submitted comments to the record stating that she objects to further use of the private property for public access. In the absence of a guaranteed right of access, such as an easement, PBOT must recommend that a drivable surface of adequate width for 2-way vehicle travel be established in the public right-of-way. The improvement may be gravel. The improvement should begin north of the site where SW View Point Terrace begins to curve, then travel south to the site's frontage and west to connect with the portion of SW Collins St. which is in the public right-of-way. A public works permit will be required. PBOT recommends the following conditions of approval to ensure that the street has capacity to provide access to the subject lots without encroaching onto private property:



- Two way vehicular access must be constructed in the public right-of-way adequate to connect the usable portion of SW View Point Terrace to the usable portion of SW Collins Street without encroaching onto private property.
- Construction of the right-of-way improvements must be achieved via a public works permit. The type of public works permit needed will be determined during the public work permit review process. Prior to Final Plat approval, one of the following must occur based on the type of permit
 - a public works permit is issued to construct the requirement improvements OR
 - a public works permit is reviewed to a point where public financial guarantee, such as a bond, be in place to the satisfaction of Public Works Permitting.

Connectivity

The City's connectivity goals are found in both [17.88.040](#) and [33.654.110](#). Both code sections recommend through streets being generally no more than 530-feet apart. Where streets are not feasible, pedestrian connections are recommended no more than 330-feet apart. Numerous factors are listed for evaluation when siting connections including the locations of existing streets, terrain, existing development, streams, and environmental overlay zones. Per [TRN 1.05](#), the maximum street grade for a newly platted public street is 18%; up to 22% can be approved in some situations with a Fire Code Appeal.

The subject site is within a block that is over 1,500-feet long. The location of the site mid-block aligned with SW View Point Terrace could make it a candidate for a connection southward to SW Ridge Rd. given the spacing guidelines in 17.88.040 and 33.654.110. In this case the topography is too steep to site a street which does not exceed the maximum street grade.

The submitted grading plan shows the site being 460-feet in elevation in the driveway at the south end of the site. The north end of the site is shown at 490-feet in elevation, a grade change of 30-feet. The site is 267.7-feet long, meaning the overall slope is 11.2-percent. However, as shown above, portions of the site exceed 25% in slope, meaning substantial amount of site grading and retaining would be needed to achieve a roadway which did not exceed the maximum allowed slope. The minimum right-of-way width for a new road without retaining walls or stormwater management is 46-feet based on Table A.1 in the PBOT Development Review Manual. That would be 38% of this 120.22-ft wide lot without even considering retaining walls or stormwater management. Extracting a full public street is out of proportion to the request to create 2 residential lots.

When a full street connection cannot be achieved, pedestrian connections must be explored. As previously noted, the streets surrounding the site are unmaintained by the City and lack sidewalk facilities. When there is no existing alternate route that meets the Americans with Disabilities Act (ADA), any newly created pedestrian connection in public right-of-way must be built to meet the ADA. The

maximum slope for an ADA compliant pedestrian connection is 8.3%, though PBOT has applicants design to a lesser percent to account for construction tolerances in the field. Substantial switch backs and landings would be needed at this location. Multiple retaining walls and substantial site grading would be needed to install the connection. Given relatively small development proposal (2 additional lots) a requirement to build an ADA compliant pedestrian connection up the hillside is out of proportion to the request.

In this case, the connectivity standards cannot be met due to natural barriers and the limited impact of the two proposed lots.

Transit Availability

The subject site has access to transit. Tri-Met service route 39 operates on SW Terwilliger Blvd, approximately 710-feet south of the site. This route provides weekday service only in the AM and PM peak hours. Full day service and weekend transit service is not available to the neighborhood. While transit is available, the facilities used to access that transit do not meet the City's standard of a separated sidewalk facility.

Availability of pedestrian and bicycle networks.

Separated sidewalk facilities do not exist for the majority of the streets in the subject area, though most do have paved roadway surfaces which operate as shared facilities. The addition of two lots to the neighborhood is anticipated to increase trips via all modes. Adding additional pedestrian trips to an area where pedestrian facilities are not currently built to City standard will have an incremental negative impact.

Multiple streets in the area are designated as City Bikeways. For east/west travel, SW Terwilliger Blvd. is a paved through street with striped bike lanes designated as a Major City Bikeway. For an alternate route to Terwilliger, SW Palatine Hill Rd. is designated as a City Bikeway. SW Palatine Hill Rd. is a collector street which does not contain bike lanes. SW Palatine Hill connects to the paved network of private streets which River View Cemetery makes available most of the year for bicycle travel to S Macadam Ave, the Sellwood Bridge, and the Willamette River Greenway.

On street parking impacts

On street parking appears to be available on both sides SW Ridge Drive. The existing house and the associated parking will be retained along the SW Ridge Drive frontage. The frontages of proposed parcels 1 and 2 are within an intersection of two streets, neither of which appear to be wide enough to accommodate on street parking. The closest available on street parking to the proposed parcels appears to be on S Bruger St, approximately 250-feet north of the site. At this location, S Bruger St. contains a paved 32-ft roadway with curbs. This is adequate to accommodate parking on both sides. There appears to be little demand for on street parking currently on S Bruger St. as most of the abutting homes have driveways and on site parking that accommodate multiple vehicles.

On-site parking is proposed for both new parcels, though on-site parking is no longer required for household living uses in single dwelling zones per [33.266.110.B](#).

City Council made a clear statement regarding vehicle parking by passing zoning regulations which do not require off-street parking for any household living use in any single dwelling zoned property. This policy de-emphasized accommodations for vehicles and establishes a position of tolerance for on-street parking impacts that result from infill development. Staff does not dispute that on street parking is constrained within the direct frontage of the proposed parcels, but adequate parking is available within a short 1 block walk of approximately 250-feet. Zoning which encourages infill development and increases in density is expected to create added impacts to on street parking. In this case, the applicants have stated that on site parking will be provided and have even hired a traffic engineer to determine the safest location within their frontage to locate a driveway through the Driveway Design Exception process. (21-088039-TR) Although there may be an impact to the on-street parking supply from the project, the impact is not a basis for denial of development in accordance with the base zone.

Access restrictions

SW Ridge Dr. is a paved local service street. The existing driveway is proposed to be retained.

Proposed parcels 1 and 2 will access the public right-of-way within the intersection of two streets. The applicant submitted a Driveway Design Exception verifying sight distance and designing a driveway to connect at a 90-degree angle to the paved portion of the frontage. (21-088039-PW). This request was reviewed and approved by Rachel Bolton, PE, a traffic engineer working for PBOT who approved the access location. No access restrictions are warranted beyond the shared driveway approach. As noted above, street improvements will be necessary to ensure the access to the site is within the public right-of-way which may slightly alter the approach but are not anticipated to alter the driveway location.

Neighborhood impacts

The proposed development is anticipated to add a small number of trips from all modes into the neighborhood system. All three lots are proposed to have on-site vehicle parking. Additional pedestrian trips in an area with an incomplete sidewalk network will have an incremental negative impact, however it is anticipated there will be few overall impacts to the neighborhood from the additional two lots.

Impacts on pedestrian, bicycle, and transit circulation

There is transit service available on SW Terwilliger Blvd, which is a collector street. The addition of two lots to the neighborhood is not anticipated to have any impact on the transit circulation on nearby collector streets. A network of interconnected mostly paved streets provides bicycle connections from this neighborhood to the larger City. The sidewalk network is incomplete in this area. The addition of two residential lots to the neighborhood is not anticipated to have a substantial impact on area circulation. However, adding additional trips to area where the circulation system is not to City standards will have an incremental negative effect.

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

Findings:

The impact of the development is small enough that asking the property owner to provide off-site improvements to the transportation system beyond those needed to ensure the access is in the public right-of-way would be out of proportion to the development request. Asking the property owner to dedicate land and construct the site's frontage to City standards will alleviate a portion of the need for transportation system improvements in the area. Standard improvements on both SW Ridge Dr. and SW Collins St. would be a half street improvement consisting of a 20-ft paved roadway surface with a curb set 13-feet from centerline and a 14-ft sidewalk corridor consisting of a 0.5-ft curb, 8-ft public stormwater management facility, 5-ft sidewalk, and 0.5-ft frontage zone. This would require a total of 27-feet of right-of-way from centerline.

In this case, the applicant has the choice of constructing standard improvements or paying the Local Transportation Infrastructure Charge (LTIC) and constructing access which does not meet the full City standard. On April 13, 2016, the Portland City Council adopted the Local Transportation Infrastructure Charge (LTIC) via approval of Ordinance 187681. The subject site meets the specified criteria to qualify for the LTIC. The LTIC is based on the total linear frontage of the property, at a rate of \$600.00 per linear foot. Based on the submitted survey, the subject site has 146.93-feet of frontage. The maximum charge for an R10 zoned lot is equivalent to 100-feet of frontage so the LTIC will be \$60,000. When electing this option, applicants are required to execute street and stormwater waivers of remonstrance in addition to paying the LTIC and dedicating land.

The applicant's narrative states they elect to pay the LTIC in lieu of constructing standard improvements. Bureau of Environmental Services has indicated the additional right-of-way needed for stormwater management is not required when applicants pay LTIC. This would reduce the overall ROW width to 23-feet from centerline, requiring dedication of 10.5-feet on SW Collins St. and 2-ft on SW Ridge Dr. The submitted preliminary plat shows both dedications for the full length of the site's frontage.

PBOT has reviewed and concurs with the information supplied and available evidence. The proposed dedication to SW Collins Street and SW Ridge Drive, minor improvements in the public right-of-way adequate to connect the usable portion of SW View Point Terrace to the

usable portion of SW Collins Street without encroaching onto private property, and payment of the Local Transportation Infrastructure Charge, described in greater detail later in this decision, will be sufficient mitigation to allow the transportation system to be capable of supporting the proposed development in addition to the existing uses in the area. With the condition that the proposed right-of-way dedications are shown on the final plat, improvements are constructed to the satisfaction of the City Engineer, and payment of the LTIC is made, these criteria are met.

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

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

<p>33.651 Water Service standard – See Exhibit E.3 and Exhibit E.4</p> <p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report.</p> <p>The Fire Bureau has reviewed the fire flow and determined the nearest fire hydrant has adequate capacity.</p> <p>As a result of the proposed land division, the water line that provides service to the existing home on Parcel 3 will no longer be located entirely on the same lot as the home. Title 21 requires that the water service connection be located along the frontage of the lot to be served. Water service connections are not allowed by means of an easement. Therefore, prior to final plat, the water service for the existing home must be relocated, so that the service connection will be located along the frontage of the Parcel 3. With this condition, the water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report.</p> <p>BES reviewed the proposed improvement and utility plan and the response is summarized below:</p> <p>1. <i>Existing Sanitary Infrastructure:</i> According to available GIS data, the following sewer infrastructure is located in the vicinity of the project site:</p> <p>a. Public 8-inch CSP sanitary-only sewers in SW Collins and SW Ridge Drive (BES asbuilt # 2735).</p> <p>2. <i>Service Availability:</i> Sanitary connections from private property that are to be permitted according to PCC 17.32.090 must be separately conveyed to the property line and connected through individual laterals to a City sanitary or combined sewer. All discharge must be connected via a route of service approved by the BES Chief Engineer.</p> <p>a. <i>Existing Development:</i> According to historic plumbing and connection permits and the submitted utility plan, the existing structure on proposed Parcel 3 is currently connected to the sanitary-only sewer in SW Ridge Drive via a lateral located approximately 221 feet from the manhole to the east. This location does not conflict with proposed new property lines and will remain within the frontage of Parcel 3.</p> <p>b. <i>Proposed Development:</i> Parcels 1 and 2 will be served by a new connections to the sanitary-only sewer in SW Collins Street within their frontages.</p> <p>3. <i>Private Sanitary Pumping:</i> Given the topography of the site and the location of the public sewer main, it may not be feasible to construct a gravity-only private sewer from the proposed development. If pumping sanitary flows will be proposed, the applicant should note that it must be approved by both</p>

BES and BDS Plumbing during review of building permit plans, and the sewer must transition to gravity flow prior to entering the right-of-way.

4. **Connection Requirements:** Connections to the City sewer system must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual, PCC 17.32.090](#), administrative rules [ENB-4.07](#) and [ENB-4.17](#), and all other relevant City codes and rules. Sanitary sewage from private property must be separately conveyed to the property line and connected through individual laterals for discharge to the City separate sanitary or combined sewer. Per [ENB-4.07](#), sewer connection permits are required to make new connections to City mains and laterals, relocate or upsize existing laterals, and repair sewers in City right-of-way. The permittee is responsible for verifying the location, depth and size of an existing sewer lateral and for ensuring the lateral is clear of obstructions prior to connection.

BES determined the applicant's proposal for sanitary service acceptable for the purpose of reviewing the preliminary land division application against the sanitary sewer disposal standard and approval criterion.

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

BES reviewed the applicant's proposed improvement and utility plan and storm report against the stormwater management approval criteria and standards, and determined that a stormwater management system can be designed that will provide adequate capacity and disposal for the expected amount of stormwater, as summarized below:

No stormwater tract is proposed or required.

The applicant has proposed the following stormwater management methods:

- **Public Street Improvements:** BES understands that the applicant has elected to pay the Local Transportation Infrastructure Charge (LTIC) for SW Collins Street; therefore public right-of-way improvements will not be constructed on SW Collins Street. At this location based on current available information, BES does not require additional dedication for future construction of stormwater management facilities. Refer to PBOT comments for additional information regarding LTIC and dedication requirements.
- **Parcels 1 and 2:** Stormwater from these lots will be directed into flow-through planters that remove pollutants and suspended solids. The water will drain from the planters on each lot to a shared pipe and then to the existing storm sewer in SW Collins Street. Each lot has sufficient size for individual planter boxes. To ensure the availability of a stormwater discharge point to the benefit of Parcel 1, a private storm sewer easement shall be shown and labeled over the relevant portions of Parcel 2. If plans are modified to the satisfaction of BES allowing stormwater management on each individual parcel, no easement will be necessary. With this condition, the Bureau of Environmental Services has indicated that the treated water can be directed to the existing storm sewer in SW Collins Street at the frontage of the site.
- **Parcel 3 (the lot with the existing house):** The existing house has downspouts that drain into underground pipes and discharge to the storm culvert system in SW Ridge Drive. BES has indicated that this location lot will remain within the frontage of proposed Parcel 3 and does not cross proposed property lines.

BES determined the proposal is acceptable for reviewing the land division against the stormwater management approval criteria and standards. With the noted condition that a private storm sewer easement be provided over Parcel 2 for the benefit of Parcel 1, this criterion is met.

33.654.110.B.1 Through streets and pedestrian connections

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

The block on which the subject property is located does not meet the noted spacing

requirements. The site is aligned with SW View Point Terrace. However, as discussed under K. Transportation Impacts (33.641), the site topography is too steep to provide a street that does not exceed the maximum street grade and would take up a large portion of the site. So although the optimum spacing criteria would indicate the need for a north-south through street or pedestrian connection at this site, there is no practicable opportunity to provide them in this land division.

The site is within the Portland Master Street Plan for the Southwest District and the Southwest in Motion Plan. The purpose of these plans is to improve connections and safe pedestrian access throughout SW Portland through a more comprehensive design. Although this site is not appropriate for the provision of a connection between SW Ridge Drive and SW Collins Street, the additional dedication provided on SW Collins Street will allow space for future improvements as dictated by the Transportation System 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

33.644.120.H Street Trees – See Exhibit E.6

The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features.

For public streets, PBOT reviews the configuration of elements within the street right-of-way for consistency with city standards and specifications; and Urban Forestry addresses the retention and installation requirements for street trees.

PBOT has indicated that SW Ridge Drive is currently improved in a manner that is sufficient to serve the expected users of the existing home fronting on SW Ridge Drive. No additional lots will be served by SW Ridge Drive. PBOT indicated that 2 feet of dedication is required to allow a right-of-way width of 23 feet. With the condition that 2 feet of right-of-way dedication be provided along SW Ridge Drive, PBOT has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than the existing development on Parcel 3 can continue to be safely served by this existing street without having any significant impact on the level of service provided.

SW Collins Street contains a gravel surface with no curbs or sidewalks, though a portion of this site's frontage is paved due to being within the intersection of SW Collins Street and SW View Point Terrace. 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. The submitted surveys show the paved roadway surface of SW View Point Terrace terminating within the frontage of proposed Parcel 1 transitioning to an approximately 12.5-ft wide gravel surface, which is discussed further under the Street Capacity/Level of Service section. SW Collins St. is a dead-end segment current accessed by three existing homes, though additional development potential does exist west of the subject site. The two new parcels are proposed to have a shared access point taken within 25-feet of the intersection of SW Collins St. and SW View Point Terrace. Since this driveway is in an intersection, a Driveway Design Exception was required, which was approved. (21-088039-TR) That review included an evaluation of sight distance by a registered professional engineer.

While SW Collins St. does not meet City standards in terms of useable roadway width, it is a dead end segment serving only four properties including the subject site. This is a very low volume roadway, for which PBOT does not have any documented vehicular safety issues. The shared travel surfaces of both rights-of-way make adding additional bicycle or pedestrian trips to this segment likely to have an incremental negative impact.

In this case, the applicant has the choice of constructing standard improvements or paying the Local Transportation Infrastructure Charge (LTIC) and constructing access which does not meet the full City standard. On April 13, 2016, the Portland City Council adopted the

Local Transportation Infrastructure Charge (LTIC) via approval of Ordinance 187681. The subject site meets the specified criteria to qualify for the LTIC. The LTIC is based on the total linear frontage of the property, at a rate of \$600.00 per linear foot. Based on the submitted survey, the subject site has 146.93-feet of frontage. The maximum charge for an R10 zoned lot is equivalent to 100-feet of frontage so the LTIC will be \$60,000. When electing this option, applicants are required to execute street and stormwater waivers of remonstrance in addition to paying the LTIC and dedicating land.

The applicant's narrative states they elect to pay the LTIC in lieu of constructing standard improvements. Bureau of Environmental Services has indicated the additional right-of-way needed for stormwater management is not required when applicants pay LTIC. This would reduce the overall ROW width to 23- feet from centerline, requiring dedication of 10.5-feet on SW Collins St. and 2-ft on SW Ridge Dr. The submitted preliminary plat shows both dedications for the full length of the site's frontage.

This approval criterion can be met with the following conditions of approval:

- Property dedication necessary to accommodate public improvements shall occur as part of the Final Plat review.
- Prior to Final Plat approval, the applicant shall pay the Local Transportation Infrastructure Charge and execute street and stormwater waivers of remonstrance.
- Two way vehicular access must be constructed in the public right-of-way adequate to connect the usable portion of SW View Point Terrace to the usable portion of SW Collins Street without encroaching onto private property.
- Construction of the right-of-way improvements must be achieved via a Public Works Permit. At this time, it is unclear what type of public works permit will be required. Prior to Final Plat approval, one of the following must occur.
 - The applicant must obtain an issued public works permit to construct the required improvements
 - OR
 - The applicant must have a public works permit under review and post a public financial guarantee, such as a bond, to the satisfaction of Public Works Permitting.

Urban Forestry evaluated the provision of street trees and planting areas for the public right-of-way and determined:

Street Trees

Land Division proposals are required to have preliminary approval from the City Forester, in consultation with the City Engineer, for the retention of existing street trees and providing adequate areas for future street tree planting on existing and proposed public streets (33.654.120.H).

1. Existing Street Conditions

- a. SW Ridge Dr: The site has approximately 120 feet of street frontage. The right-of-way is improved with pavement only. There are no overhead high voltage power lines. There are 0 street trees.
- b. SW Collins St: The site has approximately 126 feet of street frontage. The right-of-way is unimproved. There are no overhead high voltage power lines. There are 2 street trees.
 - i. 16" Douglas Fir in good condition
 - ii. 22" Douglas Fir in good condition

2. Street Tree Preservation (11.50.040)

The 2 existing Douglas Fir street trees along SW Collins St must be preserved and protected through all phases of construction.

If the applicant believes the tree must be removed to facilitate development, the applicant must provide adequate technical analysis demonstrating why the tree cannot be preserved while developing the site to City standards.

3. Street Tree Protection Specifications (11.60.030)

Tree protection is required in accordance with Title 11 Trees, Protection Methods (11.60.030). Tree protection shall follow either the Prescriptive or Performance path. Protection methods must be shown

on the tree plan. If using the Performance path, the alternate tree protection plan must be prepared by an arborist who has visited the site.

4. *Street Tree Planting* (11.50.060.C)

One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum 1.5 caliper inches. Trees will be required to be planted through any public works permit.

Street tree planting may be exempt under 11.50.060.B when existing above or below grade utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide.

Due to the existing condition of the right-of-way, street trees may not be required unless PBOT requires frontage improvements.

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

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

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

DEVELOPMENT STANDARDS

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.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 3. 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 R10 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 is one Zoning Code standard 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 53 feet from the new 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.

With the condition 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 https://www.portland.gov/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 https://www.portland.gov/bes	Title 17 – Sewer Improvements Stormwater Management Manual
Fire Bureau/503-823-3700 https://www.portland.gov/fire	Title 31 – Fire Regulations Portland Fire Code
Transportation/503-823-5185 https://www.portland.gov/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 https://www.portland.gov/parks	Title 11 –Trees
Water Bureau/503-823-7404 https://www.portland.gov/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 per Exhibit E.4. The applicant obtained a fire code appeal to waive the requirement for a turnaround at the end of Viewpoint Terrace, which dead-ends at the site (Exhibit A.11, Appeal ID #27773). At the time of development, the applicant must meet requirements in regards to addressing and a ; fire apparatus access, including aerial access. A minimum 20' wide roadway is required to Parcels 1 and 2. No specific sprinkler requirements have been identified, but Fire indicated that if sprinklers are required, they must be shown on the permit plans. These requirements are based on the technical standards of Title 31 and the Portland Fire Code.

CONCLUSIONS

The applicant has proposed a 3-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: tree preservation and modifications for tree preservation, transportation impacts, and stormwater management.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition, that will result in three standard lots; and

Approval of Modifications to reduce the interior side building setbacks for Parcels 1 and 2 from from 10 feet to 5 feet in order to better meet tree preservation requirements.

Above approvals are illustrated with Exhibits A.7 and C.1 – C.4, subject to the following conditions:

- A. Supplemental Plan.** 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 following:

- The surveyed location of any buildings or accessory structures on the site at the time of the final plat application; and
- The surveyed location of any driveways and off-street vehicle parking areas on the site at the time of the final plat application.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SW Collins Street and SW Ridge Drive. The required right-of-way dedication must be shown on the final plat.
2. A private storm sewer easement, for the benefit of Parcel 1 shall be shown and labeled over the relevant portions of Parcel 2. Alternatively, the applicant may provide a revised stormwater management plan acceptable to BES that does not require an easement.
3. 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 Conditions C.4 and C.5 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for Private Storm Sewer Easement 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 pay the Local Transportation Infrastructure Charge and execute street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms and instructions will be provided to the applicant during the final plat review process.
2. The applicant shall meet the requirements of the City Engineer for right of way improvements to construct two-way vehicular access in the public right-of-way adequate to connect the usable portion of SW View Point Terrace to the usable portion of SW Collins Street without encroaching onto private property. Construction of the right-of-way improvements must be achieved via a public works permit. The type of public works permit needed will be determined during the public works permit review process. Prior to Final Plat approval, one of the following must occur based on the type of permit:
 - a public works permit is issued to construct the required improvements OR
 - a public works permit is reviewed to a point where a financial guarantee, such as a bond, is in place to the satisfaction of Public Works Permitting.

Utilities

3. The applicant shall meet the requirements of the Water Bureau concerning relocation of the water service connection to the existing home to remain on Parcel 3.

Required Legal Documents

4. A Maintenance Agreement shall be executed for the Private Storm Sewer easement described in Condition B.2 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval. If it is determined an easement is not required, a maintenance agreement is not required.

5. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcels 1-3. 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 Parcels 1, 2, and 3 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.7). Specifically, trees numbered 3, 5, 6, 7, 8, 9, 10, 11, and 12 are required to be preserved on the site, with the root protection zones indicated on Exhibits C.1 and A.7. Off-site trees number 13 and 14 are also required to be protected during construction on the lots as indicated on Exhibits C.1 and A.7. Tree protection fencing is required along the root protection zone of the trees to be preserved according to the root protection zones established by the applicant's arborist report (Exhibit A.7). The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground.
2. The applicant must meet the Fire Bureau requirements for addressing, providing a 20 foot wide fire department access, and aerial access, if applicable. 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: Leah Dawkins

Decision rendered by: Leah M. Dawkins **on (July 13, 2022.)**
By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec. date) July 15, 2022

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 June 7, 2021, and was determined to be complete on November 4, 2021.

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 June 7, 2021.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by a total of 184 days (Exhibits A.13a-A13g.) Unless further extended by the applicant, **the 120 days will expire on: September 4, 2022**

Note: some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on July 29, 2022. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Submittal- 06/05/21
 - 2. Resubmittal- 07/12/21
 - 3. Resubmittal- 11/04/21
 - 4. Resubmittal- 05/25/21
 - 5. Applicant Narrative
 - 6. Resubmittal Letters
 - 7. Revised Arborist Report and Tree Table
 - 8. Geotechnical Report and Landslide Hazard Study
 - 9. PAC Stormwater Report
 - 10. Fire Flow email and Hydrant Map
 - 11. Fire Code Appeal Approval
 - 12. BPS Garbage Safety Email-04/26/22
 - 13a-13g. 120-Day Waivers
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Preliminary Clearing and Grading Plan
 - 3. Proposed Utility Plan
 - 4. Proposed Plat Map
 - 5. 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 of Bureau of Development Services
- F. Correspondence:
 - 1. Laraine Gladstone, 12/07/21
 - 2. Constance Jackson and Xavier Le Hericy, 12/07/21
 - 3. Ken Werthiemer, 12/13/21
 - 4. Gregory A. Fredricks, 12/13/21
 - 5. Larry Knudsen and Sheryl Horwitz, 12/13/21
 - 6. Karin Bryson, 12/14/21
 - 7. Collins View Neighborhood Association, 12/14/21
 - 8. Cheryl Beyer, 12/14/21
 - 9. Donna Mae Barringer, 12/15/21
 - 10. Kent and Phyllis Snyder, 12/15/21
 - 11. Gene Lynard, 12/15/21, video testimony submitted
- G. Other:
 - 1. Original LU Application and Expedited Land Division Acknowledgement
 - 2. Incomplete Letter
 - 3. Urban Forestry Consult Email
 - 4. Zoning Permit 19-263191 ZP, Tree removal for parking pad

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).