



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

Carmen Rubio, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7310  
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[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** March 23, 2023  
**To:** Interested Person  
**From:** Diane Hale, Land Use Services  
503-865-6431 / [Diane.Hale@portlandoregon.gov](mailto:Diane.Hale@portlandoregon.gov)

**NOTICE OF A DECISION ON A MIDDLE HOUSING LAND DIVISION PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has 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 <https://www.portlandoregon.gov/bds/46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you may be able to appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 22-201266 MLDP**

**GENERAL INFORMATION**

**Representative:** Danelle Isenhardt, Emerio Design (503) 880-4979  
6445 SW Fallbrook Pl #100 / Beaverton OR 97008

**Owner:** Daniel Silvey, DBS Group LLC  
Po Box 96 / Tualatin OR 97062

**Site Address:** 4941 SE RAYMOND ST  
**Legal Description:** LOT 1, LONGVIEW PK  
**Tax Account No.:** R507500010  
**State ID No.:** 1S2E18BA 19800  
**Quarter Section:** 3535  
**Neighborhood:** Woodstock, contact Thatch Moyle or Les Szigethy at [luc@woodstockpdx.org](mailto:luc@woodstockpdx.org)

**Business District:** Woodstock Community Business Association, contact at <http://www.woodstockbiz.com>

**District Coalition:** Southeast Uplift, contact Matchu Williams at [matchu@seuplift.org](mailto:matchu@seuplift.org)

**Zoning:** R5 – Single dwelling residential 5,000  
**Case Type:** MLDP – Middle Housing Land Division, Partition  
**Procedure:** ELD - Expedited Land Division, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

The applicant has requested a Middle Housing Land Division Partition (MLDP) to partition this site into two parcels for a detached duplex. The existing house will remain on Parcel 2 as one unit of the detached duplex; a new dwelling unit is currently under review (22-184309 RS) and will be constructed on Parcel 1 (see attached site plan). As part of the building permit requirements, the applicant will construct new frontage improvements along SE 50<sup>th</sup> Avenue, including a sidewalk and planter strip with street trees.

Zoning Code regulations apply to the parcels collectively for development and not to each lot approved through a MLDP individually, and the residential structure type (detached duplex in

this case) will remain consistent after the MLDP, rather than being converted to two single family houses (see 33.253.030). Additional Zoning Code regulations that apply to a MLDP are located in 33.253, 33.644 and 33.671.

Review of Preliminary Plans for middle housing land divisions are processed through an Expedited Land Division (ELD) procedure (33.671.110).

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are located in **33.671.130, Middle Housing Land Division Approval Standards.**

## FACTS

**Site and Vicinity:** The site is a 5,842 sq foot corner lot that contains one single-family house constructed in 1949. One driveway enters the site from SE Raymond Street. The area surrounding the site is generally zoned for and developed with single family homes. Commercial and higher density residential development is located ~1/4 mile northeast of the site near SE Holgate Blvd and 52<sup>nd</sup> Avenue. Woodstock Park is located about 2 blocks to the south of the site.

**Zoning:** The R5 zone is one of the single-dwelling zones, which 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.

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

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **January 23, 2023**. One written response has been received from a neighbor asking for clarification about whether parking is required, whether the proposed lots can be sold separately, and details about the land division process. Parking is not required, per 33.266.110, and the lots can be sold separately if the middle housing land division is completed. See exhibit F.1.

## ZONING CODE APPROVAL CRITERIA

### Review of Middle Housing Land Divisions

#### 33.671.130 Approval Standards

The Preliminary Plan for a middle housing land division will be approved if the review body finds that the applicant has shown that all of the following approval standards have been met. Adjustments are prohibited. The approval standards are:

**A. Lots.**

1. The number of lots proposed is the same as the number of dwelling units proposed, approved, or legally existing on the middle housing land division site; and
2. There is only one dwelling unit per lot.

**Findings:** Two (2) lots are proposed to be created, which is the same number of dwelling units that are proposed on the middle housing land division site. In addition, there will only be one dwelling unit per lot. Therefore, these standards are met.

**B. Buildings, structures and other development.**

1. The proposed, approved, or legally existing development meets the standards and regulations of Title 33 applicable to development on the original site prior to the land division. See 33.644, Middle Housing Land Divisions, for development that is eligible for a middle housing land division; and
2. All of the buildings and structures on a resulting lot comply with applicable building code provisions relating to the proposed property lines and, all of the structures and buildings located on the lots comply with the Oregon residential specialty code.

**Findings:** The proposal includes a proposed detached duplex consisting of one existing dwelling unit and one proposed dwelling unit, which is a development type that is eligible for a middle housing land division, per 33.644.020.A. The proposed duplex unit is proposed under building permit 22-184309 RS and meets the standards and regulations of Title 33 applicable at the time of application submittal on the original site prior to the land division.

Life Safety has indicated that each unit of the duplex complies with the Oregon residential specialty code as they meet applicable building code provisions for fire separation in relation to the proposed lot lines. Therefore, these standards are met.

**C. Services.**

1. Water service. The Water Bureau and the Fire Bureau have verified that water facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.

**Findings:** The applicant proposes to provide individual water service lines to each parcel from the mains in SE 50<sup>th</sup> Avenue (Parcel 1) and SE Raymond Street (Parcel 2). No easements are required. The Water Bureau has verified this proposal meets established service levels (Exhibit E.3).

The Fire Bureau indicates that they have no concerns about the proposal (Exhibit E.4).

This standard is met.

2. Public sanitary sewer service. The Bureau of Environmental Services has verified that sewer facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.

**Findings:** An existing sanitary service lateral from the main in SE Raymond Street serves the existing dwelling unit to remain on Parcel 2. The applicant proposes to provide an individual sanitary sewer service line to serve the proposed dwelling unit on Parcel 1 from the main in SE 50<sup>th</sup> Avenue. No easements are required. The Bureau of Environmental Services has verified this proposal meets established service levels (Exhibit E.1).

This standard is met.

3. Private on-site sanitary sewage disposal. Private on-site sanitary sewage disposal is prohibited as part of a middle housing land division except when the development proposed, approved, or legally existing is a duplex. When private on-site sanitary sewage disposal is proposed, BDS has verified that an onsite wastewater treatment system that meets established service levels is, or will be, available to serve each dwelling unit separately.

**Findings:** Private on-site sanitary sewage disposal is not proposed for this site, therefore, this standard is not applicable.

4. Stormwater management. The Bureau of Environmental Services has verified that a stormwater management system and stormwater disposal facilities that meet established service levels are, or will be, available to each dwelling unit.

**Findings:** The existing dwelling unit on Parcel 1 is served by an existing drywell for part of the structure, and other parts of the structure drain to splashblocks that meet required setbacks. The new dwelling unit on Parcel 2 will be served by a new drywell. The Bureau of Environmental Services has verified this proposal meets established service levels (Exhibit E.1).

This standard is met.

5. Right-of-way. For public streets, the Bureau of Transportation has preliminarily approved any proposed streets. For private streets, the Bureau of Development Services has preliminarily approved any proposed private streets.

**Findings:** A public or private street is not proposed. Therefore, this standard is not applicable.

#### **D. Tracts and easements.**

1. The preliminary plan includes easements or tracts necessary for each dwelling unit for:
  - a. Locating, accessing, replacing and servicing all services;
  - b. Pedestrian access from each dwelling unit to a street and, in a cottage cluster, to any required common outdoor area;
  - c. Any common use areas or shared building elements;
  - d. Any shared driveways or parking; and
  - e. Any shared common area;
2. The standards of Chapter 33.636, Tracts and Easements, must be met.

**Findings:** No tracts or easements are proposed or required.

This criterion is met.

## **DEVELOPMENT STANDARDS**

The existing development on the site has been reviewed for compliance with the development standards of Title 33 based on the original site prior to the land division. Development on the Middle Housing Land Division Site is subject to the regulations of 33.253, which are summarized below:

- For the purposes of development, the regulations of Title 33 will apply to the lots resulting from a middle housing land division collectively and not to each lot individually.
- The residential structure type on a site that has been divided through a middle housing land division remains the residential structure type that was proposed with the middle housing land division. The detached duplex on this site will remain a detached duplex for the purposes of applying zoning code regulations.
- More than one dwelling unit is prohibited on a lot that has been created through a middle housing land division. Accessory dwelling units are prohibited on the lots created through this land division.
- All the primary uses on a middle housing land division site must be residential uses. Accessory home occupations are allowed (see 33.203).
- The further division of the lots created through this middle housing land division is prohibited.

## CONCLUSIONS

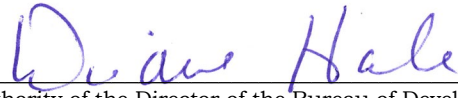
The applicant proposes a middle housing land division to divide the subject site into 2 parcels. As discussed within this report, the relevant standards have been met, or can be met with conditions.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a Middle Housing Land Division to divide a site with a detached duplex into 2 parcels, as illustrated with Exhibit C.1 and C.2, subject to the following conditions:

- A. As-built survey.** An as-built survey shall be submitted with the final plat survey for review and approval. That plan must show that structures and services are constructed in conformance with the preliminary plan and meet requirements in relation to property lines and any easements or tracts.
- B. The final plat must show the following:**
1. The final plat survey shall include a note with the following statement: "This plat was approved as a Middle Housing Land Division under ORS 92.031."

**Staff Planner: Diane Hale**

**Decision rendered by:**  **on March 21, 2023**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 23, 2023**

**About this Decision.** This decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold. For information on permitting go to <https://www.portland.gov/bds> or call 503-823-7357.

**Procedural Information.** The application for this land use review was submitted on November 8, 2022, and was determined to be complete on January 19, 2023.

*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 November 8, 2022.

*ORS 197.370* states the City must issue a decision to approve or deny this application within 63-days of the application being deemed complete.

**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 or final plat applications. Plans and drawings submitted during the permit or final plat review 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 by the applicant, owner or any person who submitted written comments. If appealed, a hearing will be held before the Hearings Officer. The appeal application form can be accessed at <https://www.portland.gov/bds/zoning-land-use/documents>. Appeals must be received **by 4:30 PM on April 6, 2023. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov).** If you do not have access to e-mail, please call 503-823-7300 for assistance. **An appeal fee of \$300 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee.

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 the final City decision.

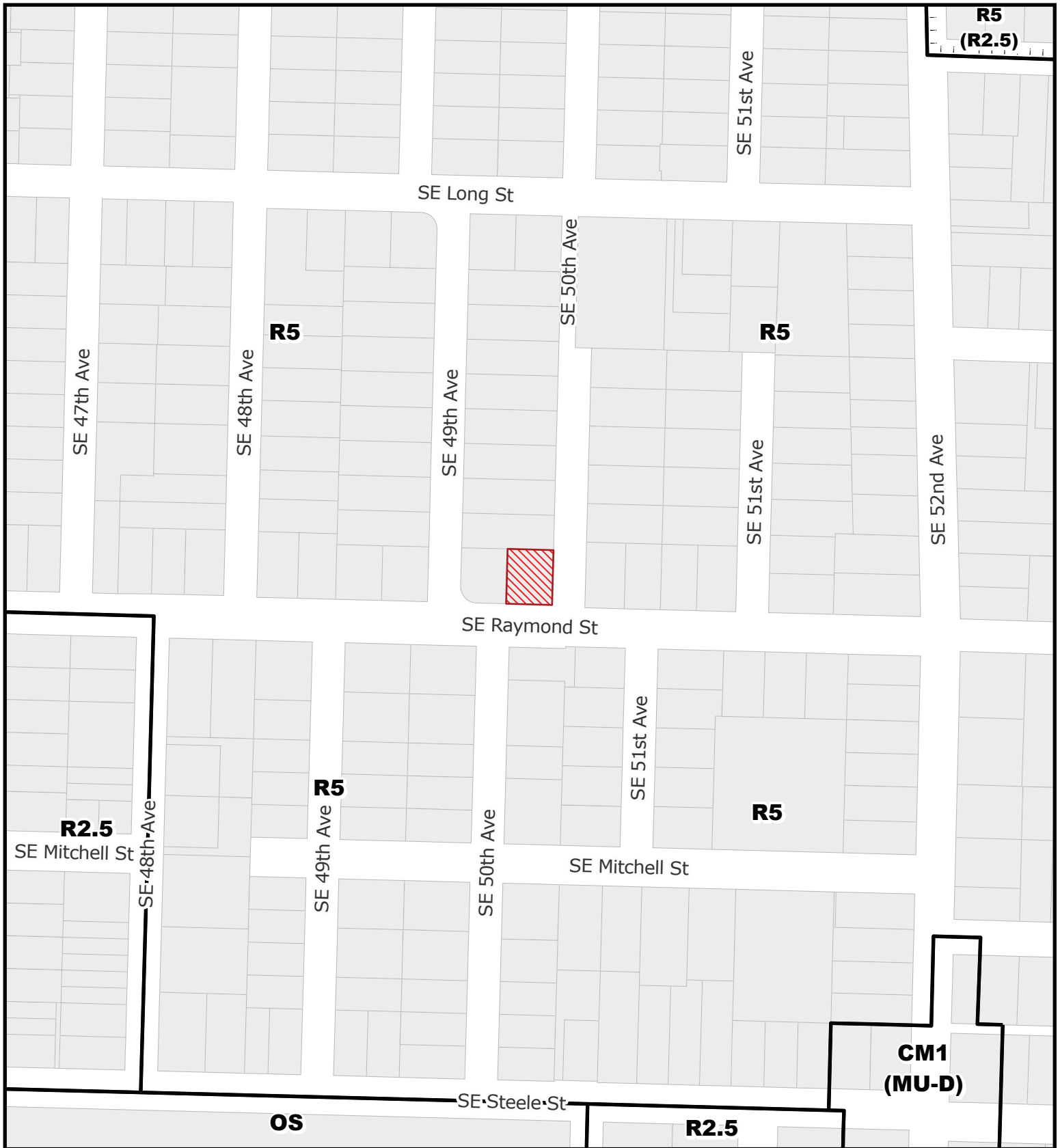
**Expiration of this approval and recording the land division.** This preliminary plan approval will expire unless a final plat is approved by the City within 3 years of the date of the final decision. The final plat must be approved by the County Surveyor and recorded with the County Recording Office within 90 days of City approval.

#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Submittal
  - 2. Submittal, January 17, 2023
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Draft Partition Plat
  - 3. Existing Conditions Survey
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Bureau of Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of Bureau of Development Services
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety Section of Bureau of Development Services
- F. Correspondence:
  - 1. Suzanne Emel - January 24, 2023 – 5009 SE Raymond St
- G. Other:
  - 1. Application and ELD Form
  - 2. Incomplete Letter

**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).**



For Zoning Code in Effect Post October 1, 2022

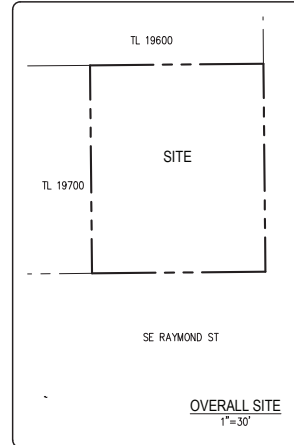
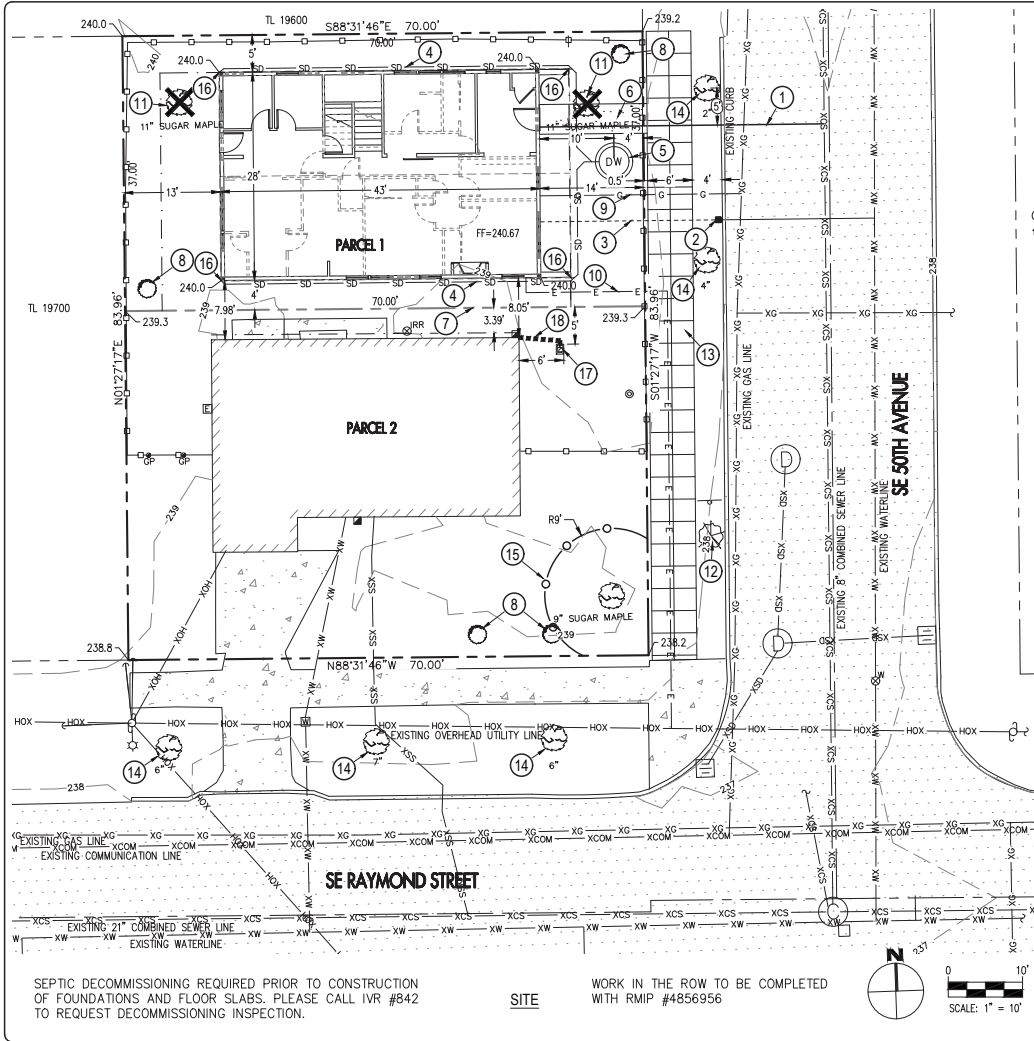
**ZONING** 

 Site

File No.	<u>LU 22 - 201266 MLDP</u>
1/4 Section	<u>3535</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E18BA 19800</u>
Exhibit	<u>B</u> <u>Nov 08, 2022</u>

# SE RAYMOND STREET

LONGVIEW PK, LOT 1  
 N.E. 1/4, N.W. 1/4, SECTION 18, T.1S., R.2E., W.M.,  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

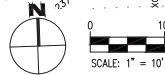


- NOTES:**
- 1 PROPOSED 4" 3034 PVC SANITARY LATERAL (TAP THE EXISTING MAIN LINE)
  - 2 PROPOSED WATER METER
  - 3 PROPOSED 1" WATERLINE
  - 4 PROPOSED 4" ABS STORM LINE
  - 5 PROPOSED 48" DIA. X 5' DEEP DRYWELL TOP=237.00, BOTTOM=232.00
  - 6 PROPOSED CONCRETE PATH
  - 7 FUTURE PROPERTY LINE
  - 8 PROPOSED 1.5" OREGON ASH
  - 9 GAS LINE TO BE DESIGNED BY OTHERS
  - 10 POWER LINE TO BE DESIGNED BY OTHERS
  - 11 EXISTING TREE TO BE REMOVED
  - 12 PROPOSED 1.5" ZELKOVA SERRATA 'JFS-KW'
  - 13 PROPOSED 6" SIDEWALK UNDER RMP #4856956
  - 14 EXISTING STREET TREE
  - 15 TREE PROTECTION FENCE (6" HIGH CHAINLINK SECURED TO THE GROUND WITH 8" METAL POSTS DRIVEN INTO THE GROUND)
  - 16 DOWNSPOUT LOCATION (APPROX.)
  - 17 EXISTING SPLASH BLOCK
  - 18 EXISTING DRAIN PIPE

SEPTIC DECOMMISSIONING REQUIRED PRIOR TO CONSTRUCTION OF FOUNDATIONS AND FLOOR SLABS. PLEASE CALL IVR #842 TO REQUEST DECOMMISSIONING INSPECTION.

**SITE**

WORK IN THE ROW TO BE COMPLETED WITH RMP #4856956



**PROPERTY DATA:**

ZONE: R5  
 SETBACKS (MINIMUM)  
 FRONT 10'  
 GARAGE 18'  
 SIDE 5'  
 REAR 5'  
 LOT AREA: 5,877 SF  
 BUILDING COVERAGE (NEW): 1,316 SF  
 (EXISTING): 1,046 SF  
 (TOTAL): 2,362 SF  
 MAX. BLDG. COVERAGE ALLOWED: 2,381 SF  
 ROOF AREA: 1,439 SF  
 PATH: 56 SF  
 TOTAL IMPERVIOUS AREA: 1,495 SF  
 FAR (EXISTING): 1,046 SF  
 (NEW): 2,332 SF  
 (TOTAL): 3,378 SF

**TREE REQUIREMENT:**

TREE DENSITY REQUIREMENT  
 5,877 SF X 0.4 = 2,351 SF  
 (5) 1.5" OREGON ASHES (2,500 SF) PROPOSED, EXISTING  
 9" SUGAR MAPLE (500 SF) TO BE PRESERVED,  
 REQUIREMENTS MET.

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

**NOTES:**

CONFIRM FINISH FLOOR HEIGHT w/OWNER & BUILDING SECTION

BES PRIVATE STORMWATER FACILITY INSPECTION REQUIRED  
 NOTE: BES APPROVAL REQUIRED PRIOR TO OCCUPANCY. TO SCHEDULE, DIAL IVR AT 503-823-7000  
 REQUEST #487 BES ON-SITE STORMWATER FACILITY EVAL  
 NEED ASSISTANCE? CONTACT BES AT 503-823-7761 OPTION 2

SEPARATE BES SEWER CONNECTION UC PERMIT REQUIRED WORK IN THE PUBLIC RIGHT OF WAY  
 CALL 503-823-1026