



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR
Hearings Office

LaVonne Griffin-Valade, City Auditor
1900 SW 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
Fax: (503) 823-4347
TDD: (503) 823-6868
www.portlandonline.com/auditor/hearings

**DECISION OF THE HEARINGS OFFICER
ON APPEAL OF ADMINISTRATIVE DECISION**

I. GENERAL INFORMATION

File No.: LU 08-176812 LDS AD (HO 4100005)

Applicant: Sabina G. Brown
211 Otis St.
Santa Cruz, CA 95060

Owners: Aaron Brown and
Kenneth A. Brown
211 Otis St.
Santa Cruz, CA 95060

**Applicant's
Representative:** Dale Marx
Marx Associates
Box 565
Gresham, OR 97202

Appellant: Mat Millenbach, Land Use Chair
Sellwood Moreland Improvement League
8210 SE 13th Ave.
Portland, OR 97202

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Mark Bello

Site Address: 5714 SE 15th Ave

Legal Description: LOT 2 BLOCK 1, THE C J REED TR

Tax Account No.: R827300110

State ID No.: 1S1E14DB 10500

Quarter Section: 3632

Neighborhood: Sellwood-Moreland

Business District: None

District Coalition: Southeast Uplift

Zoning: R1d Multi-Dwelling Residential 1,000 with d, Design Review Overlay zone

Land Use Review: Type IIX, LDS AD, Land Division (subdivision) with concurrent Adjustment

BDS Administrative Decision: Approval with conditions

Public Hearing: The hearing was opened at 8:58 a.m. on March 4, 2010, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 10:45 a.m. The record was held open until 4:30 p.m. on March 11, 2010 for new written evidence, and until 4:30 p.m. on March 16, 2010 for Applicant's rebuttal. The record was closed at that time.

Testified at the Hearing:

Mark Bello, BDS Staff Representative

Mat Millenbach, Sellwood-Moreland Improvement League Land Use Chair, 8867 SE 13th Ave., Portland, OR 97202

Rosemarie Evans, 5715 SE 15th Avenue, Portland, OR 97202

Stanley Lee, 1512 SE Reedway, Portland, OR 97202

Ruth Williams, 1433 SE Reedway, Portland, OR 97202

Mark Magee, 5703 SE 15th Ave., Portland, OR 97202

Darian Santner, 1505 SE Ramona, Portland, OR 97202

Meg Goldberg, 5632 SE 15th Ave., Portland, OR 97202

Dale Marx, PO Box 565, Gresham, OR 97030

Kenneth Brown, 211 Otis St., Santa Cruz, CA 95060

Wendy Cawley, Traffic Engineering, Office of Transportation, Development Review

George Helm, Civil Engineer, BDS, Site Development

Proposal:

Land Division

Applicant proposes to divide the 5,965 square-foot lot, currently referred to as 5714 SE 15th Avenue, Portland, Oregon (the "Subject Site") to create four lots. Lots 1 and 2 will be 1,350 square feet in area, Lot 3 will retain the existing house and will be 1,900 square feet in area, and Lot 4 will be 1,365 square feet in area. The Subject Site is in the R1d zone and is located at the intersection of SE 15th Avenue and SE Reedway Street.

City services are located in both SE 15th Avenue and SE Reedway Street. There is a single curb-cut on SE 15th Avenue that provides access for an existing garage. This garage will be demolished and replaced by new development on proposed Lot 2. The existing house will be located on proposed Lot 3, without a garage; no on-site parking. On-site parking will be provided for proposed Lots 1, 2 and 4.

Applicant's arborist report proposed to save the two Cypress trees in the northeast corner of the Subject Site. The saved trees total 19.2 inches or 56% of total tree diameter on site.

The existing house is accessed from SE 15th Avenue. The land division proposes three driveways from SE 15th Avenue serving Lots 1, 2 and 4. The current access is located where Lot 2 is proposed.

Under City regulations, the front lot-line on a corner lot is the shortest lot-line that abuts a street. Currently, the front lot-line is along SE Reedway Street. As a result of the land division, the front lot-line for the existing house will be along SE 15th Avenue. The minimum required front building setback is 3 feet (36 inches). As a result of the land division, the existing house will have a front building setback of 27 inches. Therefore, the Applicant requests an Adjustment to reduce the minimum front building setback from 3 feet (36 inches) to 27 inches.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the Approval Criteria of Title 33.

- **Adjustment** The adjustment request must comply with the Approval Criteria of 33.805.040 A-F.
- **Land Division** The proposed land division must comply with Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

II. ANALYSIS

Site and Vicinity: The Subject Site is a 5,965 square-foot parcel that is located on the southeast corner of the intersection of SE 15th Avenue and SE Reedway Street. The Subject Site is developed with a 1½ story residence and garage that is centered on the site. The development plan for the Subject Site includes retention of the existing house, but demolition of the existing garage. The existing house will be located on a new Lot 3 and the existing garage will be replaced by housing on Lot 2.

The full block, where the Subject Site is located, is bounded by SE 15th Avenue, SE Milwaukie Avenue, SE Reedway Street and SE Ramona Street. The block is split between single-dwelling uses, on roughly the west half of the block, and apartment or commercial uses on the east half of the block. Single-family residences border the Subject Site on the south and east. Across the street from the Subject Site, on the west side of SE 15th Avenue, are single-family residences.

Zoning: On the date the application in this case was filed, the Subject Site was zoned R1, Medium Density Multi-dwelling Residential. This application, therefore, must be reviewed

under the R1 zoning provisions. The R1 zone is a medium density multi-dwelling zone (see PCC 33.120.030 C). The R1 zone allows approximately 43 units per acre. The major type of new housing development in the R1 zone will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. This zone allows up to one unit per 1,000 square feet of site area and requires a minimum of one unit per 1,450 square feet of site area.

The site also has a "d" or Design Overlay zone. This zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay zone as part of community planning projects, development of design guidelines for each district, and by requiring Design Review or compliance with the Community Design Standards. In addition, Design Review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: A previous land division request was made, but withdrawn in 2007 (LU 07-135015).

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed April 2, 2009 and the revised proposal on **October 1, 2009**. Some service Bureaus responded with no issues or standard conditions. Other Bureaus responded with detailed comments or conditions (Exhibits E1 – E7).

Neighborhood Review: Notice for the proposed land division was mailed on April 2, 2009 and October 1, 2009. Twenty-two written responses were received from either the Neighborhood Association or notified property owners in response to the original notice. A Revised Notice of Proposal in Your Neighborhood, which included the requested Adjustment to the front setback for proposed Lot 3, was mailed on October 1, 2009. Neighborhood responses expressed concerns/opposition to the proposal or requested additional studies and conditions. In summary, the neighborhood concerns (prior to the Type IIx appeal hearing) involved the following:

- The proposal crams in four lots, which will result in tall, skinny houses that will block light and air and dwarf the remaining single-dwelling residence;
- The proposal is uncaring as to impacts on safety and livability, especially traffic and parking congestion. A Transportation Impact Study should be required;
- The density of number of allowed units and potential development is too great;
- The reduced setback is out of character with development pattern and changes the character of the neighborhood. The subdivision should be denied;
- Concerns regarding potential limits on on-street parking;
- Could plans for homes, with parking and driveways be reviewed prior to approval of subdivision?
- Concerns regarding storm water and waste water drainage plans and their impacts on the area;

- Concerns regarding the retention of existing trees and impacts on aesthetics, as well as soil stability in a Landslide Hazard Area. An engineering study should be conducted to ensure that additional runoff will not make the ridge above Oaks Bottom less stable;
- Concerns that the proposal is not in keeping with a reasonable physical relationship between residences or reasonable outdoor areas and negatively impacts appearance and livability;
- Opposed to density and height allowed under R1 zoning since it is out of character with the older existing single-dwelling residences in the area;
- Belief that proposed Lot 3 is not wide enough to accommodate the existing house, stating that the house is 31 feet, 4 inches wide, north-to-south, along SE 15th Avenue and the proposed lot is only 28 feet wide. States that Lot 3 would have to be enlarged to accommodate the existing house and then asks whether minimum density would still be met;
- The measurements of the proposed subdivision do not add up to the current lot's dimensions and that 500 square feet is unaccounted for in the proposal;
- States that the most northerly Cypress tree is on City property and not on Applicant's land;
- The Dogwood tree, located between proposed Lots 1 and 2 should be retained;
- Does not allow adequate separation for fire protection and access for firefighting;
- Can Applicant ensure that the development of the lots will meet community design standards, so that they are compatible with existing development in the area?
- How and when was R-1 zoning adopted in this neighborhood? What was the process and how far does it extend along SE 15th Avenue?
- Commitment requested to have property owner work closely with the neighborhood on a design review to assure that any building constructed will comply with the applicable Community Design Standards.

BDS, in its Administrative Decision (Exhibit H.2), correctly noted that neighborhood concerns about the appropriateness of the R1 zone for the Subject Site are misplaced. The R1 zone was adopted as the zone to be applied to the Subject Site, and some of the surrounding area, by the Portland City Council in a legislative process. Portland City Code ("PCC") 33.700.080 A.1 states, "applications for land use reviews will be processed based on the regulations in effect on the date the application is filed with the City." The Hearings Officer must review this application under the provisions of the R1 zone. The Hearings Officer notes that issues related to maximum/minimum density, height and other neighborhood context issues are tied to the R1 zoning adopted as part of the 1997 Sellwood Neighborhood Plan.

The Appellant Neighborhood Association (the "Appellant"), as well as individual property owners, raised an issue related to the "d" overlay zone. Appellant testified at the Type IIX appeal hearing that Design Review (or, in the alternative satisfaction of the Community Design Guidelines) are triggered "at the time of new development." The Appellant argued that Design Review, or in the alternative Community Design Guidelines, must be addressed at the land division stage and not later at the building permit stage.

The current zoning of the Subject Site is R1d. The "d," as reference above, related to a Design Overlay zone (PCC 33.420). PCC 33.420.025 states, "the regulations of this chapter apply to all design overlay zones." It is clear to the Hearings Officer that PCC 33.420 Design Overlay zone provisions apply to the Subject Site because it does have a "d" zoning overlay.

PCC 33.420.041 states, "unless exempted by Section 33.420.045, Exempt From Design Review, design review is required for the following." Appellant argues that PCC 33.420.041 A applies ("new development") because none of the exemptions in PCC 33.420.045 are applicable. The Hearings Officer finds that two "exemptions" of PCC 33.420.045 may apply to this case. First, PCC 33.420.045 J. states, "proposals where a building or sign permit is not required." The application in this case does not require a "building or sign permit." This application involves the division of land only; building or sign permits are not involved. Second, PCC 33.420.045 O. states, "exterior alterations to existing development and construction of detached accessory structures within the Sellwood-Moreland Design District." Any alterations to the existing residence would be exempt from Design Review. Exterior alterations to the existing residence are not being proposed in this application.

The Hearings Officer finds that Appellant's reliance on PCC 33.420.041 A is misplaced. The Hearings Officer finds that the land division, the subject of this application, is exempt from Design Review under PCC 33.420.045 and therefore, PCC 33.420.041 A ("new development") is not applicable.

The Hearings Officer takes note of PCC 33.420.055. This section states, in part, "Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the Applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards." PCC 33.218.010 states, in relevant part, that "the Community Design Standards provide an alternative process to design review...If the applicant chooses to meet the objective standards of this chapter, no discretionary review process is required."

The Hearings Officer finds that the Community Design Standards are an alternative to Design Review. The Hearings Officer finds that since a land division application is not subject to Design Review (exempt per PCC 33.420.045) a land division application is also not subject to meeting the Community Design Standards. The Hearings Officer, therefore, rejects Appellant's allegation that this application must be denied because the Applicant failed to either engage in the Design Review process or meet the Community Design Standards.

The Hearings Officer, however, does note that new residential structures on the new lots at the Subject Site will be subject to Design Review or the Community Design Standards.

The Applicant submitted a survey that incorrectly indicated that Lot 3 is 1,400 sq. ft. in area. Based upon the BDS Staff representative, the Applicant has corrected the figure to 1,900 sq. ft. (Exhibit C.3).

Testimony was received, during the hearing and in written submissions (See, for example, Exhibit F.10 and Exhibit H.6), related to the possible height of structures to be placed on the proposed lots. The land division process does not address height in any relevant approval criteria. Height is determined by the base zone standards; in this case the R1 zone. In the R1 zone, maximum height is 25 feet within 10 feet of a front property line and 45 feet further away from the property line. Heights are measures to the midpoint of a gable roof, so the elevation of the ridgeline may be higher.

Issues raised in the preceding discussion, by the Appellant and others, that are relevant to a specific approval criteria will be addressed in the findings below.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR ADJUSTMENTS

33.805.010 Purpose of Adjustments The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the Applicant has shown that approval criteria A. through F. stated below, have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: Adjustment Request: Reduce the minimum front building setback from 3 feet (36 inches) to 27 inches for proposed Lot 3. The purposes of building setback requirements are

- to maintain light, air, separation for fire protection, and access for fire fighting;
- to reflect the general building scale and placement of development in the City's neighborhoods and promote a reasonable physical relationship between residences;
- to promote options for privacy for neighboring properties, and
- to 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.
- Larger front setbacks are required to promote open, visually pleasing front yards.

The Hearings Officer finds that the house is an existing structure that will maintain the same relationship to the street frontage that it has always held. The definition of the front lot-line is a shortest street-facing property line. If this application is approved the front lot-line will change from being along SE Reedway Street to being along SE 15th Avenue.

The Hearings Officer finds the SE 15th Avenue setback distance for the current residence (proposed Lot 3) will not change and as such have no negative impact upon light, air, and separation from other residences in the area. The Hearings Officer finds that the front setback on Lot 3 will have no negative impact upon the ability of the City of Portland Fire Bureau to fight a fire at Lot 3, or any other residence in the area.

The Hearings Officer finds that the goal of the purpose statement, in reflecting the general building and scale and placement in the City's neighborhoods, must be considered in the context of the zoning designation in place on the date of the application. The zoning for the Subject Site, and many properties in the surrounding area, is R1d; a zone that contemplates "housing characterized by one to four story buildings". (PCC 33.120.030 C). The R1d zone contemplates "multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses". (PCC 33.120.030 C). There is a strip of R1 land, to the west, that is zoned R1dn (the "n" relates to a "river natural Greenway Overlay zone). The Hearings Officer notes properties located two tax lots to the east, in a strip running north/south along the west side of SE Milwaukie Avenue, are zoned CM. The CM zone "combines commercial and housing uses; including ground floor businesses with housing on upper floors." (PCC 33.130.030 E.). The CM zone front setback is "0". The Hearings Officer also notes that properties located, as close as ½ block to the northeast of the Subject Site, are zoned RHd. The RH zone is a "high density multi-dwelling zone...Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage." (PCC 33.120.030 D.). The RH zone front setback is "0".

The Hearings Officer finds that the neighborhood, in close proximity to the Subject Site, currently has single-family residences with a variety of styles, heights, stories and setbacks. The Hearings Officer finds that the neighborhood, in close proximity to the Subject Site, also currently has apartments and commercial uses; one apartment located two tax lots east of the Subject Site (See Exhibit H.5, pages 8 and 10 and Exhibit H.6 photo).

The Hearings Officer finds, considering the current heterogeneous character of the neighborhood and the intent of the R1, RH, and CM zones, the placement of the front setback on Lot 3 reflects the general placement of development in the neighborhood.

The Hearings Officer finds that the request for a 9-inch front yard setback will not impact the privacy of neighboring properties. The Hearings Officer finds the requested front yard setback provides flexibility to the Applicant to retain an existing residence within the

proposed land division. The Hearings Officer finds that the requested front yard setback adjustment does not promote open, visually pleasing front yards.

The Hearings Officer finds that four of the above-referenced purposes of the setback requirements are equally or better met by granting the adjustment. The only above-reference purpose statement that will not be equally or better met relates to open, visually pleasing front yards. The Hearings Officer finds, on balance, that four of the five listed purpose statements are equally or better met by granting the adjustment. Therefore, the Hearings Officer finds this approval criterion is met.

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and**

Findings: The Subject Site is in a residential zone. The residential area is defined, for the purpose of this approval criterion, as bounded by SE Ellis Street on the north, SE Knight Street on the south, residences along the top of the Oaks Bottom Bluff on the west, and SE Milwaukie Avenue on the east. As described above, in the findings for PCC 33.805.040 A., the area can currently be characterized as heterogeneous; primarily single-family residential along SE 15th Avenue, mixed single-family and multi-family along SE Milwaukie Avenue. The area, in the future, based upon the zoning pattern in the area (R1d, R1dn, CM and RHd) can be expected to see more multi-dwelling structures along and in close proximity to SE 15th Avenue between SE Ellis Street and SE Ramona Street.

The Hearings Officer notes that the requested setback adjustment for Lot 3 relates to an existing residential structure. The existing residential structure on Lot 3 has been, for a number of years, part of the area and neighborhood fabric. The appearance of the neighborhood, by granting the front setback adjustment would be the same if the adjustment were not granted; the existing condition continued. For that reason alone, the Hearings Officer finds that granting the adjustment would not detract from the livability or appearance of the area. However, even if it were reasonable to consider that granting the front setback adjustment did detract from the livability or appearance of the area, the Hearings Officer finds that the detraction would not be "significant." Significant, as defined by the Merriam-Webster Online Dictionary means "noticeably or measurably large." The Hearings Officer finds that any negative impact (which the Hearings Officer finds there is none) resulting from granting a nine-inch front yard setback adjustment would not be significant.

The Hearings Officer finds this criterion is met.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and**

Findings: Only one Adjustment is being requested. Therefore, the Hearings Officer finds this criterion does not apply.

D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no scenic or historic resources on the site. Therefore, the Hearings Officer finds this criterion does not apply.

E. Any impacts resulting from the adjustment are mitigated to the extent practical.

Findings: No impacts are expected to occur from approval of the requested Adjustment because the position of the house on Lot 3, in relation to the street will not be changing. Therefore, the Hearings Officer finds this criterion does not apply.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Findings: The site is not located in an environmental zone. Therefore, the Hearings Officer finds this criterion does not apply.

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.

The relevant criteria are found in PCC Section 33.660.120 [A-L], **Approval Criteria for Land Divisions in Open Space and Residential Zones**. 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 applicability of each criterion.

| Criterion | Code Chapter | Topic | Applicability Findings |
|-----------|--------------|---------------------------------|--|
| A | 33.612 | Lots | Applicable - See findings below |
| B | 33.630 | Trees | Applicable - See findings below. |
| C | 33.631 | Flood Hazard Area | Not applicable - The site is not within the flood hazard area. |
| D | 33.632 | Potential Landslide Hazard Area | Not applicable - The site is not within the potential landslide hazard area. |

| Criterion | Code Chapter | Topic | Applicability Findings |
|-----------|-----------------|---|--|
| E | 33.633 | Phased Land Division or Staged Final Plat | Not applicable - A phased land division or staged final plat has not been proposed. |
| F | 33.634 | Recreation Area | Not applicable - This is not required when the minimum density for the site is less than 40 units. |
| G | 33.635 .100 | Clearing and Grading | Applicable - See findings below. |
| G | 33.635 .200 | Land Suitability | Applicable - See findings below. |
| H | 33.636 | Tracts and Easements | Not applicable - No tracts or easements have been proposed or will be required. |
| I | 33.639 | Solar Access | Applicable - See findings below. |
| J | 33.640 | Streams, Springs, and Seeps | Not applicable - No streams, springs, or seeps are evident on the site. |
| K | 33.641 | Transportation Impacts | Applicable - See findings below |
| L | 33.651 - 33.654 | Services and Utilities | Applicable - See findings below |

Applicable Approval Criteria are:

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

Findings: PCC Chapter 33.612 contains the lot standards applicable in the multi-dwelling zones. These density and lot dimension standards ensure that lots are consistent with the desired character of each zone, while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and Plan District regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

When single-dwelling or duplex development is proposed for some or all of the site, the Applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 120-3. When development other than single-dwelling or duplex development is proposed, minimum and maximum density must be met at the time of development.

The Subject Site area shown on the Applicant's survey is 5,965 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. No new streets or public street dedications are proposed with this land division.

In this case, Lots 1 through 4 are proposed for residential development. Therefore, the density requirements for this site are calculated as follows:

Minimum = $5,965 \text{ (site area)} \div 1,450 \text{ (minimum density from Table 120-3)} = 4.11$ (which rounds down to a minimum of 4 units, per PCC 33.930.020.A).

Maximum = $5,965 \text{ (site area)} \div 1,000 \text{ (maximum density from Table 120-3)} = 5.96$ (which rounds up to a maximum of 6 units, per PCC 33.930.020.B).

The Applicant is proposing four lots. The density standards are therefore, met.

In the R1, there are no minimum lot area requirements for lots designated for attached houses, detached houses, or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division to avoid further division of lots in the future, which could result in non-compliance with the overall density requirements of the Subject Site as it exists in this proposal. Lot 1 is a corner lot and Lot 3 is the largest lot, so these lots will be assigned a minimum of one unit and a maximum of two units. Lots 2 and 4 will be allowed a minimum and maximum of one unit.

Lot Dimensions

The lot dimensional standards ensure that: (1) Each lot has enough room for development that meets all the requirements of the Zoning Code; (2) Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible; (3) The multi-dwelling zones can be developed to full potential; and (4) Housing goals for the City are met.

The R1 zone allows various housing types including detached and attached houses and duplexes. The dimensions of the proposed lots as compared to the required lot dimension standards for these housing types is shown in the following tables (listed in PCC 33.612; the standards listed below are those in effect at the time of application):

| | R1 Zone Requirement | Proposed Lot 1 | Proposed Lot 2 | Proposed Lot 3 | Proposed Lot 4 |
|---|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Lots for Attached or Detached Houses | | | | | |
| Minimum Lot Area | none | 1,350 | 1,350 | 1,900 | 1,365 |
| Minimum Lot Width* | none | 27 ft. | 27 ft. | 38 ft. | 27.3 ft. |
| Minimum Lot Depth | none | 50 ft. | 50 ft. | 50 ft. | 50 ft. |
| Minimum Front Lot Line | 10 ft. | 50 ft. | 50 ft. | 50 ft. | 50 ft. |

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

| | R1 Zone Requirement | Proposed Lot 1 | Proposed Lot 2 | Proposed Lot 3 | Proposed Lot 4 |
|--------------------------|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Lots for Duplexes | | | | | |
| Minimum Lot Area | none | 1,350 | 1,350 | 1,900 | 1,365 |
| Minimum Lot Width* | none | 27 ft. | 27 ft. | 38 ft. | 27.3 ft. |
| Minimum Lot Depth | none | 50 ft. | 50 ft. | 50 ft. | 50 ft. |
| Minimum Front Lot Line | 10 ft. | 50 ft. | 50 ft. | 50 ft. | 50 ft. |

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

The Hearings Officer's findings above describe how the applicable lot standards are met.

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

Findings: The regulations of PCC Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this Chapter. The Applicant has submitted an arborist report that inventoried the trees on the Subject Site, evaluated the condition of trees on the Subject Site and considered each tree's root protection zones (Exhibit A-2). The inventory identified four trees on site, two Cypress, a Dogwood and a Vine Maple. The land division Code considers a Vine Maple a shrub rather than a tree. The Hearings Officer also notes that a 8.7 inch Cypress, identified by the arborist as Tree #1, is exempt from consideration for preservation, as the survey shows the tree straddling the property line (See also, neighbor comment in Exhibit F.16). The following table indicates the revised proposal for tree preservation:

| Tree # | Species | Diameter (inches) | Significant? (On Table 630-1) | Exempt? (per 33.630.030) | To be retained? | RPZ (Root Protection Zone) |
|---------------|------------------------|--------------------------|--------------------------------------|---------------------------------|------------------------|-----------------------------------|
| 2 | Cypress | 10.5 | No | No | Yes | 6 ft. |
| 3 | Dogwood/Cornus florida | 6.7 | No | No | No | |

The table indicates that only one Cypress, identified by the arborist as Tree #2, will be preserved. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total tree diameter on the site to be preserved -- 10.5 inches divided by total 17.2 inches is 61% of trees on site to be preserved. The Applicant has provided a Tree Preservation Plan (amended) that shows the preserved Cypress and the required root protection zone (Exhibit C-2). The Hearings Officer finds this approval criterion is met.

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

The approval criteria of Chapter 33.635 are found in two groups – clearing and grading, and land suitability.

33.635.100 – Clearing and Grading

- A. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;**
- B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;**
- C. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;**
- D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and**
- E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable.**

Findings: The Subject Site is relatively flat and no significant contour modifications are proposed as part of the land division. Clearing and grading is expected to be minimal. There is no evidence in the record that clearing and grading will impact existing drainage patterns (See Exhibit A.1, page 3 and Exhibits E.1 and E.5). Topsoil will be preserved onsite and stockpiles will be kept on the Subject Site and located in areas designated for clearing and grading (See Exhibit A.1, pages 3 and 4).

The Hearings Officer finds that this criterion is met.

33.635.200 – Land Suitability

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

The Subject Site is currently in residential use, and there is no record of any other use in the past. As indicated above, the Subject Site is relatively flat and no geological hazards were identified by the Applicant or City staff. BDS Site Development noted a landslide hazard exists along the Oaks Bottom Bluff, approximately one block to the west of the Subject Site. (See Exhibit E.5.2 and Exhibit H.19). BDS Site Development, as a result, stated that it could not support the on-site infiltration of stormwater; after treatment stormwater would need to be discharged to the public sewer system. (Exhibit H.19). BDS Site Development stated that the Subject Site was not in a Landslide Hazard Area (Exhibit E.5.1).

Appellant alleges that the Subject Site, "lies on the Portland Hills fault and is within a high earthquake hazard zone. The decision does not offer any indication that the Applicant has considered the implications of the suitability of the development of the site in light of the high earthquake hazard zone". (Exhibit H.1a and Exhibit H.7). An adjacent neighbor submitted additional information related to the Portland Hills fault. (Exhibit H.16).

BDS Site Development staff stated the following, regarding an earthquake hazard existing at the Subject Site:

"The site is located near the Portland Hill fault. The actual location of the fault line which also runs beneath the downtown area is only estimated and whether this is an active fault is not yet known. Whether a fault rupture would actually occur at the surface is not known. Due to these uncertainties, the probability for a fault rupture is considered to be low. The site is in Seismic Design Category D1 and the building code addresses this by requiring building designers to address earthquake design in their structures." (Exhibit H.19).

Mr. Helm, a staff representative from BDS Site Development, testified at the hearing. Mr. Helm stated, at the hearing, that "Site Development does not routinely comment on earthquake hazards, those are dealt with through the State Building Code."

Appellant submitted a color copy of a page from Portland Maps titled "Hazard – Earthquake Detail." (Exhibit H.7). Exhibit H.7 shows the Subject Site in a reddish colored area which, per Portland Maps, represents a location of high earthquake hazard. The USGS information (Exhibit H.16a) provides "fault parameters" for the Portland Hills fault. This exhibit also includes a color map produced by the State of Oregon Department of Geology and Mineral Industries showing a number of earthquake fault lines, including the Portland Hills fault. This exhibit contains a black & white map (Pilot Lidar Mapping Project) on which the Subject Site is identified. The final page of this exhibit is a page identified as "Oregon Universities: Sustainable Practices in a Seismic Hot Spot." This page discusses earthquake risks and Oregon university campuses in a general sense. This page states, in a section of the document adjacent to a rendering of a part of downtown Portland, "this schematic image shows PSU buildings straddling the Park Block, the wells and the approximate located of the inferred fault."

The Hearings Officer finds the only geologic condition that could be considered a "hazard" in this proposal is "earthquake." The Hearings Officer finds that Portland Maps does include, under

the category of "hazard" maps, "Earthquake Hazard." The Hearings Officer finds that the Earthquake Hazard map shows the Subject Site as having a high earthquake hazard.

Applicant's civil engineer stated "there is no known geological hazard." (Exhibit H.11). Applicant, in his closing argument, states "the proximity (or lack of it) to this particular property, as opposed to the rest of the City of Portland, would suggest that no properties be subdivided or built within the City of Portland. I am grateful that the issues of seismic concern are addressed by building codes and through the Building and Design stages." (Exhibit H.17).

BDS staff, during its Powerpoint presentation at the public hearing, stated that the Subject Site was near the Portland Hills fault, but the "location, status unknown." (Exhibit H.5, slide 20). BDS staff, at the public hearing, also stated that "probability [is] considered low" for surface damage at the Subject Site location. BDS also stated, at the public hearing, that earthquake issues are to be addressed at the building permit stage through building codes.

The Hearings Officer finds that a geologic "hazard" *may* exist at the Subject Site. The Hearings Officer next considers whether or not the Applicant met its burden, assuming a *possible* earthquake hazard exists at the Subject Site, "to show that the proposed land division will result in lots that are suitable for development." (PCC 33.635.200).

The last sentence of this approval criterion says "the applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities." The Hearings Officer finds that Applicant's burden, regarding showing the lots are suitable for development, is explained in this last sentence. The Hearings Officer finds that the focus of this approval criterion section is to make sure proposed lots are suitable for their intended use; construction of single-family residences.

The Hearings Officer finds that Applicant expended little effort in addressing this approval criterion. Applicant, however, did indicate that it would address earthquake issues during the permitting stage (building codes). Further, BDS Site Development staff indicated that the Subject Site, being in the Seismic Design Category D1 would only be required to address earthquake issues at the building permit stage. The Hearings Officer did not find any evidence in the record to suggest that lots could not be created, but rather the evidence indicates that construction of structures is possible if properly engineered and designed. It is important, in this case, to keep in mind that the Applicant could have submitted a building permit application for an apartment project (no land division) and constructed up to a six units by addressing only the development standards, building codes and "d" overlay requirements (Design Review or Community Design Standards). In the apartment example, the Applicant would have been required to deal with earthquake issues at the building permit stage.

Based upon the evidence in the record, the Hearings Officer finds that an earthquake hazard *may* exist at the Subject Site, and that the lots are suitable for development so long as all proposed residential structures meet building code standards. The Hearings Officer finds no evidence in

the record to persuade the Hearings Officer that anything further (beyond meeting building codes) is required to make the lots suitable for development.

City records indicate that the existing house connects to the public sewer and relocation of the line will be required (Exhibit E.5.4 and Exhibit E.1.4). The Bureau of Environmental Services (BES) and BDS Site Development recommend conditions of approval related to stormwater and sanitary sewers (Exhibit E.5.4 and Exhibit E.1.4). The Hearings Officer finds if the recommended conditions of approval are made part of an approval of the application, the Subject Site will result in lots suitable for their intended use. The Hearings Officer finds that with conditions of approval, this criterion is met.

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

The solar access criteria are applied to proposed lots based on the orientation of the streets, as described below.

33.639.100, Solar Access Approval Criteria

On streets that are within 30 degrees of a true east-west axis, the narrowest lots should be interior lots on the south side of the street and corner lots on the north side of the street.

On streets that are within 30 degrees of a true north-south axis, the widest lots should be interior lots on the east or west side of the street [not applicable as Lots 1 – 4 form a single row of proposed lots north to south.]

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

In this case, the Subject Site is on a corner and fronts on both SE 15th Avenue and SE Reedway Street. The proposed lots are on the east side of a north-south oriented street (SE 15th Avenue).

Lot 1 will be on the corner, but is not wider than interior lots to the south. Lot 2 is proposed to be identical in width, Lot 3 is proposed to be 38 feet in width, and Lot 4 is proposed to be 27.30 feet in width. Lot 3 cannot be any narrower because of the location of the existing residence. Lots 1, 2 and 4 can be adjusted in width, but the Code does not specify how much. The Zoning Code does not specify how much wider a lot must be to meet the Solar Access approval criteria. Lots may be platted as little as 0.1 feet wider to meet this criterion. It should be noted that Final Plat approval standards allow a decrease in the area of any lot by less than 5% (PCC 33.263.200). With a condition of approval that Lot 1 be adjusted to be wider than lots 2 and 4, the Hearings Officer finds this approval criterion is met.

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

The relevant approval criteria of Chapter 33.641 are found in the two paragraphs below.

33.641.020. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

33.641.030. The Applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.

Findings: The regulations of PCC Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land divisions involving only a few dwelling units may not require a formal Transportation Impact Study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required). The application subject to this decision involves three *new* lots/residences; the existing residence creates traffic and parking impacts whether or not this application is approved or denied.

The Subject Site has approximately 50 feet of frontage on SE Reedway Street and approximately 119 feet of frontage on SE 15th Avenue. Both streets are designated as Local Service Streets for all modes in the Transportation Element of the Comprehensive Plan.

SE Reedway Street and SE 15th Avenue both have existing 60-foot rights-of-way and are improved along the Subject Site frontages with 28-foot wide streets, curbs, and 6-foot wide sidewalks separated from the curb by 7.5-foot wide planter strips. The existing improvements on both streets meet City standards. City standards for City street, curb, and sidewalk improvements have been developed and adopted with the intent of providing safe infrastructure for all modes of transportation including vehicles, pedestrians, bicycles, and transit. The Portland Bureau of Transportation (PBOT) reviewed street configuration of both the SE 15th Avenue and SE Reedway Street rights-of-ways and noted that no street frontage improvements or right-of-way dedications are required. (Exhibit E.2).

PBOT estimated, if this application is approved, approximately thirty additional daily vehicle trips would be generated. PBOT estimated three of the additional trips would occur in during the morning (AM) peak hour and three would occur during the evening (PM) peak hour. PBOT,

considering the extensive pre-existing improved transportation system in the nearby area, the additional vehicular trips did not justify requiring the Applicant to prepare a Traffic Impact Study. PBOT concluded that "the impacts to area intersections from three potential peak hour trip[s] are expected to be de minimis." A PBOT representative appeared and testified at the public hearing and confirmed the total number of trips and peak hour vehicle trips generated if the application were approved.

A number of persons testifying at the public hearing raised transportation and/or parking issues. Appellant, in Exhibit H.1a, stated that it found "the analysis of traffic, both existing and future, to be very cursory. (33.641.020, 33.641.030)." Appellant, in Exhibit H.1, stated that "approval of this development will result in safety issues caused by sight reduction for cars driving north on 15th or west on Reedway...In summary, we find the analysis of transportation impacts to be insufficient because it does not adequately take into account many of the current and planned conditions of traffic and parking in the immediate area." At the public hearing, Appellant indicated that the transportation analysis did not take into consideration weekends and evenings (high traffic generated by nearby commercial uses), the "jog" at the SE 15th Avenue/SE Reedway Street intersection, and reduced sight lines resulting from the construction of the proposed residences (in particular the residence at the corner of SE 15th Avenue/SE Reedway Street). Other persons testifying at the public hearing referred to the possible location of a driveway for the corner lot and the BDS staff decision underestimating parking demand.

The Hearings Officer finds that no person at the hearing or in written submissions into the record provided data to contest the PBOT estimates of 30 total additional vehicular trips, 3 AM peak trips and 3 PM peak trips. The Hearings Officer, therefore, finds vehicular PBOT trip estimates to be credible and reliable.

The Hearings Officer finds that PBOT's professional opinion that nearby intersections, even if the application is approved, will not experience negative impacts (PBOT stated the impacts would be "de minimus") is supportable and correct. There is no numerical evidence/data or other professional opinions in the record to dispute PBOT's level-of-service and capacity opinions. The Hearings Officer finds that street capacity and level-of-service evaluation factors are addressed and satisfied.

Concern was expressed, at the public hearing, regarding traffic impacts if the corner lot (Lot 1) was approved. The perceived concern related to the possibility of a driveway accessing the residence on Lot 1 being in very close proximity to the corner of SE 15th Avenue and SE Reedway Street. The PBOT representative, at the public hearing, stated that PCC Title 17 requirements are that a driveway should be twenty-five feet from an intersection. The PBOT representative testified that frequently the twenty-five foot standard is waived if PBOT finds that the location of a driveway is not expected to create operational issues. The PBOT representative testified, at the hearing, that because SE 15th Avenue and SE Reedway Street were wider than typical Local Service Streets and pedestrian amenities were in place, she did not anticipate any operational issues for a driveway located on the proposed Lot 1. The Hearings Officer finds, based upon the evidence in the record, that a driveway may be approved for Lot 1, so long as it

either meets the distance standards of Title 17 or, in the alternative, a request for a waiver is approved by PBOT.

PBOT (Exhibit E.2) indicated that the existing widths of SE Reedway Street and SE 15th Avenue were "wide enough to accommodate parallel on-street parking on both sides of the street. There are no significant on-street parking impacts impacted with the subject land division." The only testimony/evidence regarding on-street parking, presented by Appellant and/or those in opposition, related to weekend and evening demand created by commercial businesses located on SE Milwaukie Avenue. (See also Exhibits F3, F4, F9, F.12, F.20, F.21). The Hearings Officer acknowledges that a formal on-street parking study was not performed by Applicant as part of this application. The Hearings Officer also notes that comments made by the Appellant and other opponents, as referenced in the previous sentence, are anecdotal in nature and cannot be considered representative of an on-street parking study.

The Hearings Officer finds that the comments by the PBOT representative are credible; no significant on-street parking impacts can be expected to result if three additional residences are constructed. The Hearings Officer finds that it is common and expected, in residential areas within the City of Portland, that there will be demand for on-street parking spaces. The Hearings Officer finds that if this application is approved at least three, with the possibility of all four, residences will have a garage and/or driveway. The Hearings Officer finds that having a garage and/or driveway absorbs some of the on-street parking demand. The Hearings Officer finds, as related to on-street parking impacts, the current transportation system in the area of the Subject Site is capable of safely supporting the proposed development.

PBOT made the following comments regarding transit service in the vicinity of the Subject Site. "Transit service is provided by Trimet less than 1/4/ mile from the subject site on SE Milwaukie Avenue (bus line 19) and on SE 17th Avenue (bus line 70) with bus stops located at SE Milwaukie Avenue/SE Ramona Street and at SE 17th Avenue/SE Knight Street." (Exhibit E.2). The Hearings Officer finds transit service and facilities are readily accessible to the Subject Site.

The impacts on the immediate and adjacent neighborhoods arising from this application will relate primarily to the increase in traffic, increase in parking demand and location of driveways in relation to the SE 15th Avenue/SE Reedway Street corner. The Hearings Officer agrees with the PBOT comments that the addition of 30 vehicle trips per day with three in each the AM and PM peak hours, will create only minor impacts on the immediate and surrounding neighborhoods.

Comments were made, at the public hearing, that SE 15th Avenue has been designated as "Bikeway" under a recent City Council ordinance. The Hearings Officer points out, once again, that it is Code in effect on the date the application that is relevant. The Hearings Officer finds that the "Bike Plan" referred to by neighbors, on SE 15th Avenue relates to an ordinance that became effective after the date of submission of the application and therefore, is not applicable to this decision.

PBOT staff stated, in Exhibit E.2:

“SE Reedway Street and SE 15th Avenue both have existing 60-foot rights-of-way and are improved along the site frontages with 28-foot streets, curbs, and 6-foot sidewalks separated from the curb by 7.5-foot wide planter strips. The existing improvements on both streets meet City standards. City standards for City street, curb and sidewalk improvements have been developed and adopted with the intent of providing safe infrastructure for all modes of transportation including vehicles, pedestrians, bicycles, and transit.”

There were statements made, in written submissions, that bicycle use of SE 15th Avenue would become less safe because of the additional parking demand created by approval of the project in this case. (See, for example, Exhibit F.12). The Hearings Officer finds, based upon comments from neighbors (See, Exhibit F.12, and Exhibits F.3 and F.4) that on-street parking is currently extensively utilized. The Hearings Officer finds that the minimal increase in the demand for on-street parking will not create a measurable negative safety impact for bicycles.

The Hearings Officer finds that the sidewalk system in the area is well developed and adequate for the neighborhood; with or without the additional residential units requested in this application.

The Hearings Officer finds, based upon the evidence in the record, that the transportation system is capable of safely supporting the proposed development.

The Hearings Officer finds this approval criterion is met.

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

Findings: PCC Chapters 33.651 through PCC 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights-of-way.

- The water standards of PCC 33.651 were verified by the Portland Water Bureau. (Exhibits E.3.1 and E.3.2). There is an existing 5/8-inch metered service, which provides water to the existing residence on the site from the 6-inch water main in SE Reedway Street. The Water Bureau responds that existing service is adequate to provide water to Lot 1, the furthest north of the proposed new lots. There is water available from the 6-inch water main in SE 15th Avenue. Proposed Lots 2, 3, and 4 will get their water from the 6-inch water main in SE 15th Avenue. This includes the existing residence. City Code requires metered water services to be installed in the public right-of-way, adjacent to the properties they are to serve. The Water Bureau requests that a condition be included if the application is approved requiring new water connections to SE 15th Avenue; including a new water service for Lot 3. Fees for this will be calculated at the time of Building Permit application, with fees added directly to the Building Permit.

- The sanitary sewer standards of PCC 33.652 were verified by BES. (Exhibits E.1.1 through E.1.4). BES indicated that there is an existing 16-inch public sanitary-only sewer located in SE 15th Avenue and SE Reedway Street. According to City of Portland plumbing records, the 16-inch sanitary sewer located in SE Reedway Street currently serves the sanitary disposal needs of the existing house (proposed Lot 3) by means of an existing service branch, located approximately 64 feet from the manhole west of this property in the intersection of SE Reedway Street and SE 15th Avenue (refer to BES As-built #2-0554).

BES requires that each lot must be shown to have a means of access and individual connection to the public sanitary sewer system, and must be shown on a site plan prior to final plat approval. New service branches to the main line in SE Reedway Street and/or SE 15th Avenue will be required to be constructed to serve the proposed development at the Applicant's or owner's expense at the time of development.

BES requires that the existing service branch to the existing house on proposed Lot 3 be capped and a new service must be established. Permits for this work must be obtained and finalized prior to final plat approval.

- BES and BDS Site Development noted that the technical standards of PCC Chapter 33.653 related to stormwater management were discussed with the Applicant and the locations of stormwater infrastructure have been verified. (Exhibits E.1.1 through E.1.4 and Exhibits E.5.1 through E.5.4). The findings below, for the Stormwater Management Approval Criteria of 33.653.020, are incorporated into these findings.

The Hearings Officer finds that this approval criterion is met through the findings below.

33.653.020 Stormwater Management Approval Criteria

- A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and**
- B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.**

Findings: No stormwater tract is proposed or required. Therefore, the Hearings Officer finds subsection A. of this criterion, is not applicable.

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In order to meet this approval criterion, land division proposals must demonstrate (1) an approved method of cleaning (water quality treatment), and (2) an approved method of detention (delayed release), and (3) an approved disposal point.

The Stormwater Management Manual contains a hierarchy of acceptable methods of stormwater treatment and disposal. The hierarchy requires that an Applicant must first explore the use of methods that have a lower potential impact on groundwater, such as on-site surface infiltration swales and infiltration planters. If these methods are not feasible on a site, an Applicant may move lower on the hierarchy, to methods that inject water deeper into the ground through mechanical devices such as drywells or sumps, or carry it off of the site into storm sewers, drainageways, or other approved disposal points.

In addition to determining appropriate treatment and disposal methods by working through the hierarchy in the Stormwater Management Manual, stormwater facilities must be sized, through engineering calculations, to accommodate the expected amounts of stormwater. In some cases, sizing a stormwater facility necessitates testing the infiltration rate of the soil at the site.

The Applicant, in this case, has proposed the following stormwater management methods (Exhibit A), and the Bureaus have responded to Applicant's suggestions (Exhibits E.1.1 through E.1.4 and Exhibits E.5.1 through E.5.4). BES noted, in Exhibit E.1.4, that Applicant's supplementary submissions (see Exhibit E.1.4 page 1 for specific documents submitted by Applicant) demonstrated a feasible stormwater management plan. BES expressed it had no objection to the stormwater management plan subject to any approval of the application including certain conditions (See Exhibit E.1.4, page 2 for the specific conditions). BDS Site Development also indicated it had no objection to Applicant's stormwater management plan was acceptable subject to any approval of the application including certain conditions (See Exhibit E.5.4, page 2 for the specific conditions).

The Hearings Officer finds the BES and BDS Site Development comments in Exhibits E.1.4 and E.5.4 to be credible. In reliance upon the BES and BDS Site Development comments, in Exhibits E.1.4 and E.5.4, the Hearings Officer finds a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater to be generated by the proposed development on the Subject Site. The Hearings Officer finds this approval criterion, with inclusion of the recommended BES and BDS Site Development conditions (Exhibit E.1.4 and Exhibit E.5.4), is met.

Right of Way Approval Criteria

PCC Chapter 33.654 contains standards and approval criteria for rights-of-way. Due to the location of this site, and the type of street that is proposed, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

| Code Section | Topic | Applicability Findings |
|-----------------------|---|---|
| 33.654.110.B.1 | Through streets and pedestrian connections | Applicable - See findings below |
| 33.654.110.B.2 | Dead end streets | Not applicable - No dead end streets are proposed. |

| Code Section | Topic | Applicability Findings |
|---------------------|--|---|
| 33.654.110.B.3 | Pedestrian connections in the I zones | Not applicable - The site is not located within an I zone. |
| 33.654.110.B.4 | Alleys in all zones | Not applicable – No alleys are proposed or required. |
| 33.654.120.C.1 | Width of the street right-of-way | Not applicable – No new street is proposed. |
| 33.654.120.C.3.c | Turnarounds | Not applicable – No turnarounds are proposed or required. |
| 33.654.120.D | Common Greens | Not applicable – No common greens are proposed or required. |
| 33.654.120.E | Pedestrian Connections | Not applicable – There are no pedestrian connections proposed or required. |
| 33.654.120.F | Alleys | Not applicable – No alleys are proposed or required. |
| 33.654.120.G | Shared Courts | Not applicable – No shared courts are proposed or required. |
| 33.654.130.A | Utilities | Applicable - See findings below. |
| 33.654.130.B | Extension of existing public dead-end streets and pedestrian connections | Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site. |
| 33.654.130.C | Future extension of proposed dead-end streets and pedestrian connections | Not applicable – No street extensions are required to serve abutting sites that are further dividable. |
| 33.654.130.D | Partial rights-of-way | Not applicable – No partial public streets are proposed or required. |

Applicable Approval Criteria are:

33.654.110.B.1 Approval criterion for through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:

- a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;

- b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;
- c. Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;
- d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;
- e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.

Findings: The Subject Site is located at the corner of SE 15th Avenue and SE Reedway Street. The Subject Site extends 50 feet in an east-west direction and 119 feet in a north-south direction. The Hearings Officer finds that the spacing standards listed above are always met on a corner site of this dimension because it is on the corner and is smaller than the minimum spacing required.

In addition, the Hearings Officer finds that the Subject Site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

The only new through pedestrian connections included in the proposal are new sidewalks along the frontage of the Subject Site. This is a straight-line connection on which users will be able to see the ending of the pedestrian route from the entrance.

For the reasons described above, the Hearings Officer finds this criterion is met.

Utility Location, Extension of Streets, Partial Rights of Way

33.654.130 Additional Approval Criteria for Rights-of-Way

- A. **Utilities.** Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way.

Findings: Utilities are defined in the Zoning Code as telephone, cable, natural gas, electric, and telecommunication facilities. Any easements that may be needed for private utilities that cannot be accommodated within the right-of-way can be provided on the final plat. At this time no

specific utility easements adjacent to the street tract or right-of-way have been identified as being necessary. Therefore, the Hearings Officer finds this criterion is met.

DEVELOPMENT STANDARDS

General Information about Development Standards and Approval Criteria. The Zoning Code contains two types of regulations: Development standards and Approval criteria.

Approval criteria, such as those listed earlier in this decision, are administered through a land use review process. Approval criteria are regulations where the decision-maker must exercise discretion to determine if the regulation is met. Public notice is provided and public comments received that address the approval criteria are addressed in the decision.

Development Standards: Development standards are clear and objective regulations (for example: building setbacks; number of required parking spaces; and maximum floor area). Compliance with development standards is reviewed as part of the administrative permitting process and is not considered to be discretionary reviews.

PCC Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

Among the various development standards that will be applicable to this application, the Applicant should take note of:

- **PCC 33.218 Community Design Standards**

The Applicant did not provide, as part of this application, sufficient information to allow the BDS staff or the Hearings Officer to review these standards to see if they are met. As an alternative, the Applicant can apply for discretionary Design Review (PCC Chapter 33.825).

Existing development that will remain after the land division. The existing development on the Subject Site will remain and be located on Lot 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 R1d zone. Per PCC 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).

- **Street-Facing Facades in the Multi-Dwelling Zones** -- In this zone, street-facing facades of buildings that contain any residential floor area are required to have windows and/or main entrance doors that comprise at least 15 percent of the façade area. The existing

house encroaches into the SE 15th Avenue right-of-way. Any alternations that are proposed must meet Zoning Code development standards.

With the conditions noted above, this land division proposal can meet the requirements of PCC 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 | Topic | Contact Information |
|------------------------|---|---|---|
| Water Works | Title 21 | Water availability | 503-823-7404 http://www.water.ci.portland.or.us/ |
| Environmental Services | Title 17; 2002 Stormwater Manual | Sewer availability Stormwater Management | 503-823-7740 http://www.bes.ci.portland.or.us/ |
| Fire Bureau | Title 31 Policy B-1 | Emergency Access | 503-823-3700 http://www.fire.ci.portland.or.us/ |
| Transportation | Title 17, Transportation System Plan | Design of public street | 503-823-5185 http://www.trans.ci.portland.or.us/ |
| Development Services | Titles 24 -27, Admin Rules for Private Rights of Way | Building Code, Erosion Control, Flood plain, Site Development & Private Streets | 503-823-7300 http://www.bds.ci.portland.or.us. |

As authorized in PCC Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Hearings Officer's decision.

- The Applicant must meet the requirements of the Fire Bureau in regards to aerial fire department access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The Applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Lot 3 prior to final plat approval. This requirement is based on the standards of Title 20.

III. CONCLUSION

The Applicant proposed a 4-lot subdivision at the southeast corner of SE Reedway Street and SE 15th Avenue. BDS staff, in a decision dated January 27, 2010, approved the application subject to the imposition of conditions. Appellant Mat Millenbach, Land Use Chair, Sellwood Moreland Improvement League, raised six issues in the written appeal document (attachment to Exhibit H.2). The six issues, in summary, are:

1. The land division process must include some form of Design Review (formal Design Review process or alternative Community Design Standards); and
2. Design Review issue similar to 1. above; and
3. The proposed driveway placement for proposed Lot 1 does not meet City Code; and
4. The Applicant failed to adequately address the earthquake hazard at the Subject Site per PCC 33.635.200; and
5. The traffic analysis provided by the Applicant and City staff is inadequate under PCC 33.641.020 and PCC 33.641.030;
6. Alternative development scenarios should have been considered.

The Hearings Officer reviewed sections of the Portland Zoning Code related to Design Review (Community Design Standards) and found that design standards are not required to be addressed at the land division stage. The Hearings Officer did note that any residences constructed on Lots 1, 2 and 4 and any exterior alterations to the existing dwelling on Lot 3 will require Design Review, or in the alternative meeting the Community Design Standards.

The Hearings Officer found that *if* a driveway is proposed, for Lot 1, that does not meet City Title 17 separation standards, approval of the driveway would only be permitted if the Applicant sought and PBOT approved a waiver.

The Hearings Officer found that an earthquake geologic hazard *may* exist at the Subject Site. However, the Hearings Officer found that if an earthquake hazard does exist the appropriate time to deal with the risk is at the building permit stage; any improvement to be constructed on the Subject Site would be required to meet State and City Building Codes, including those related to earthquake risks.

The Hearings Officer found that the proposed 4-lot subdivision will create 30 additional vehicle trips with three of those trips occurring during the AM peak hour and three trips during the PM peak hour. The Hearings Officer found that the existing roadway is wide enough to accommodate traffic and on-street parking. The Hearings Officer found that all relevant intersections and roadways would continue to operate safely. In summary, the Hearings Officer found the traffic and parking impacts generated if this application were approved were not significant.

The Hearings Officer found no approval criteria requiring an "alternatives analysis" as suggested by the Appellant in issue number 6 above.

The Hearings Officer found, with conditions, this application satisfied all relevant approval criteria.

IV. DECISION

The Appellant did not prevail in this appeal.

Approval of a Preliminary Plan for a 4-lot subdivision that will result in four lots, with an existing house to be located on Lot 3.

Approval of an Adjustment to reduce the minimum front building setback for the existing house on Lot 3 from three feet (36 inches) to 27 inches (33.120.220.B); this approval only relates to the existing residence and would not apply if the residence is demolished and a new residence/structure constructed.

The approved plan is illustrated by Exhibit C-3 and is **subject to the following conditions:**

A. Supplemental Plan. Three copies of an additional Supplemental Plan shall be submitted with the final plat survey for the land division and adjustment. The Supplemental Plan must portray how the conditions of approval listed below are met. In addition, the Supplemental Plan must show the surveyed location of the following:

- Any buildings or accessory structures on the Subject Site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas, meeting Title 17 requirements or in the alternative approved waiver(s) of Title 17 requirements, on the Subject Site at the time of the final plat application;
- The proposed interior side setbacks for all of the lots if the reduced setback provisions of PCC Section 33.120.270.D.1 are intended to be used.
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots. For the existing house on Lot 3, the as-built location of the stormwater system retrofit facilities and new sanitary and stormwater sewer lines shall be shown on a Supplemental Plan after required inspections are approved and permits are finalized. The Supplemental Plan must show two connections to the public sewer main in SE 15th Avenue for Lot 3.
- Any other information specifically noted in the conditions listed below.

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

1. The final plat must show Lot 1 to be wider than Lots 2 and 4.

Utilities

2. Unless otherwise approved by BDS Site Development, final approval of required permits to install a stormwater system retrofit for the existing house on Lot 3 shall be required prior to final plat approval.
3. Prior to final plat approval, the existing sewer service branch must be capped and a new service must be established for Lot 3. Permits for this work must be obtained and finalized prior to final plat approval.
4. The Applicant will be required to purchase a new metered water service for the existing residence, on proposed Lot 3; therefore, all lots shall have new metered water service.

Existing Development

5. The Applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Lot 3 that demonstrates compliance with the following standards in relation to the proposed new lot lines:
 - PCC 33.120.232.B (standards for Street-Facing Facades in the Multi-Dwelling zones);
6. The Applicant must meet the requirements of BDS Site Development for the stormwater systems and new sewer line for the existing house to remain on Lot 3 (see Supplemental Plan condition of approval, above)
7. The Applicant must plant one street tree in the planter strip on SE 15th Avenue adjacent to Lot 3. Street trees will be chosen from the City's approved street tree list for 7-8 foot planting strip without overhead power lines. Tree size requirements for residential sites are to be two-inch caliper. The Applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted, and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

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

1. Development on Lot 1 shall be in conformance with the Tree Preservation Plan (Exhibit C.2) and the Applicant's arborist report (Exhibit A.2). Specifically, Tree number 2 is required to be preserved, with the root protection zones indicated on Exhibit C.2. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision. The report from an arborist and any revisions to permit plans reflecting new root protection zones must be submitted and approved by

Planning and Zoning, prior to any working occurring in the root protection zone. If work is conducted in the RPZ and Planning & Zoning approval is not obtained before the work begins and the tree subsequently falls, it may result in a violation.

2. The minimum and maximum density for the lots in this land division are as follows:

| Lot | Minimum Density | Maximum Density |
|-----|-----------------|-----------------|
| 1 | 1 | 2 |
| 2 | 1 | 1 |
| 3 | 1 | 2 |
| 4 | 1 | 1 |

3. If the existing curbs and/or sidewalks along the site's street frontage are in disrepair or become damaged during the development of the site, the Applicant shall reconstruct the curbs and/or sidewalks to the standards of the City Engineer.
4. Residential structures on Lots 1, 2 and 4 and any exterior alterations to the existing residence on Lot 3 shall be subject to the "d" overlay requirements of PCC 33.420.



Gregory J. Frank, Hearings Officer

MARCH 25, 2010

Date

Application Deemed Complete: March 30, 2009
Report to the Hearings Officer: February 19, 2010
Decision Mailed: March 26, 2010
Last Date to Appeal: April 16, 2010

Conditions of Approval. 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. The Hearings Officer's decision is final and takes effect on the day the notice of decision is mailed. The decision may not be appealed to City Council, but may be appealed to the Oregon Land Use Board of Appeals (LUBA), as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that:

- an appellant before LUBA must have presented testimony (orally or in writing) as part of the local hearing before the Hearing's Officer; and
- a notice of intent to appeal is filed with LUBA within 21 days after the Hearings Officer's decision becomes final.

Please contact LUBA at 1-503-373-1265 for further information on filing an appeal.

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 City Planning Director, 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.**

Recording other land use decisions. If the preliminary land division approval also contains approval of other land use decisions (examples include adjustments, conditional uses, and environmental reviews), these other approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

The Applicant, builder, or their representative may record the final decisions on these other land use decisions as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

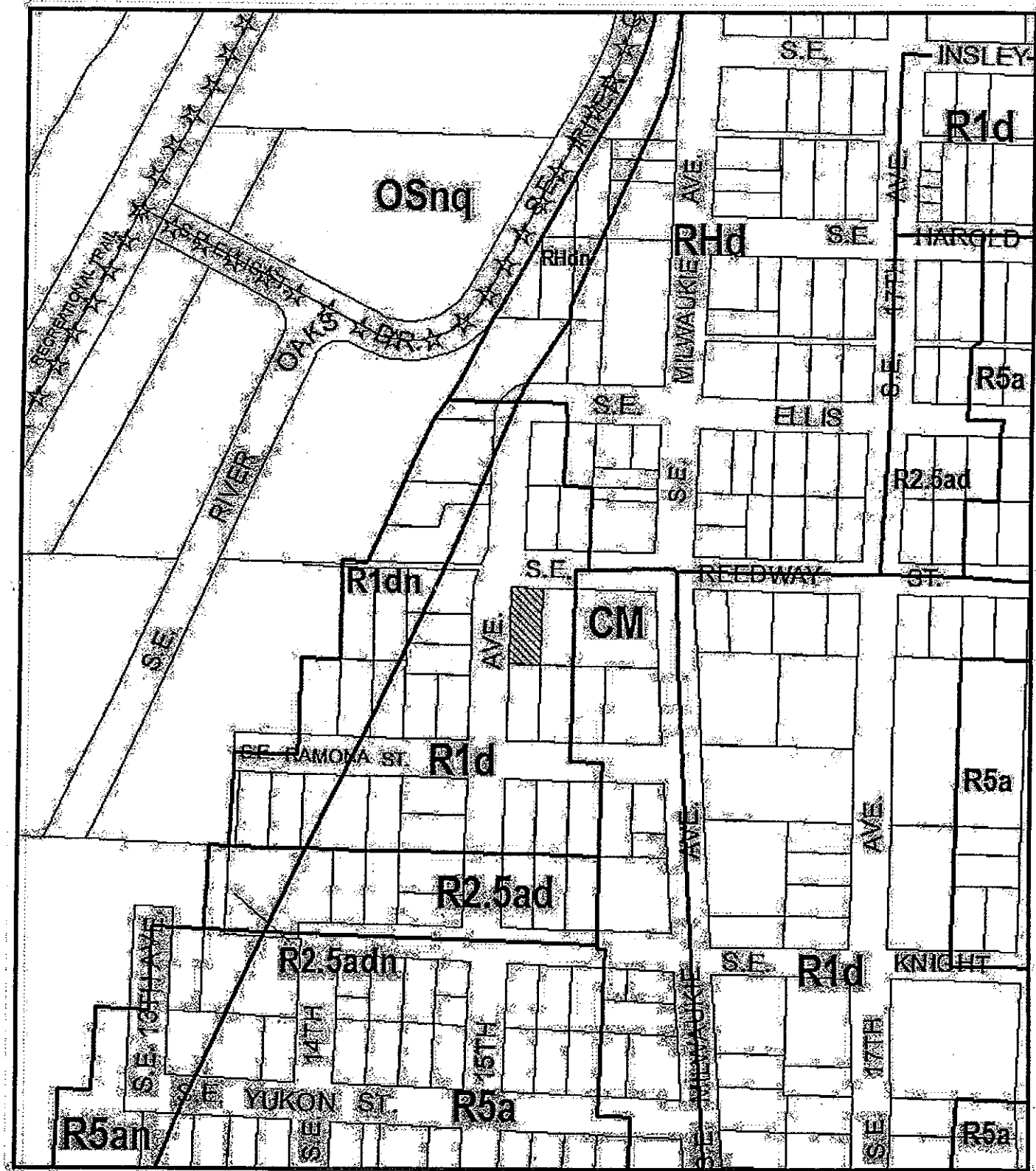
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Tree Report
 - 3. Supplementary Material regarding stormwater
- B. Zoning Map (**attached**)
- C. Plans/Drawings (**attached**)
 - 1. Site Plan
 - 2. Tree Plan
 - 3. Preliminary Plan
- D. Notification information
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 1.1 May 4, 2009
 - 1.2 October 29, 2009
 - 1.3 January 12, 2010
 - 1.4 January 20, 2010
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 3.1 April 28, 2009
 - 3.2 October 27, 2009
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 5.1 April 8, 2009
 - 5.2 May 5, 2009
 - 5.3 January 8, 2010
 - 5.4 January 20, 2010
 - 6. Bureau of Parks, Forestry Division
 - 7. Bureau of Development Review, Fire & Life Safety
- F. Correspondence
 - 1. Joyce and Stanley Lee, April 23, 2009
 - 2. Joyce Lee, April 25, 2009
 - 3. Lisa Yeo, April 30, 2009
 - 4. Ruth Williams, May 1, 2009
 - 5. Gerald and Janice Bondy, May 2, 2009
 - 6. Mat Millenbach, Chair, Land Use Committee, SMILE, May 3, 2009
 - 7. Mark Simpson and Shari Dougal, May 2009
 - 8. Stephen Johnsrud, May 4, 2009

9. Darian and Sarah Santner, May 4, 2009
 10. John K. Ankeney and Rosemarie Evans, May 4, 2009
 11. Meg Goldberg, May 4, 2009
 12. Gregg and Kay Seiler, May 2, 2009
 13. Joyce Lee and Stanley Lee, October 14, 2009
 14. Ruth Williams, October 23, 2009
 15. Tracy Klein and Mark Magee, October 24, 2009
 16. John K. Ankeney and Rosemarie Evans, October 27, 2009
 17. Darian Santner, October 27, 2009
 18. Rachael Rischar, October 29, 2010
 19. Patrick McCormick and Meg Goldberg, October 29, 2009
 20. Caroline Lehmkuh, October 29, 2009
 21. Lisa Yao, October 29, 2009
 22. Mat Millenbach, undated
- G. Other
1. Original LU Application
 2. Site History Research
 3. Incomplete Letter, December 2, 2008
 4. Applicant request for time extension
- H. Received in the Hearings Office
1. Hearing Notice - Bello, Mark
 - 1a. Type II & IIX Decision Appeal Form w/ attached letter - Bello, Mark
 2. Decision and Appeal Documents - Bello, Mark
 3. Memo - Poelwijk, Yvonne
 4. 3/3/10 letter - Ankeney, John
 - 4a. PCC Chapter 33.612 - Ankeney, John
 - 4b. Portland Maps printout - Ankeney, John
 - 4c. Google Maps printout - Ankeney, John
 5. PowerPoint Presentation - Bello, Mark
 6. Photos/Map - Millenbach, Mat
 7. Portland Maps printout w/PCC Chapter 33.635 - Millenbach, Mat
 8. Drawing/House details - Millenbach, Mat
 9. Portland Maps printout - Evans, Rosemarie
 - 9a. Portland Maps printout - Evans, Rosemarie
 - 9b. Google Maps printout - Evans, Rosemarie
 10. 3/9/10 Memo - Bello, Mark
 11. Memo (4 copies) - Georgescu, Richard S.
 12. Photos (2 sets) - LMB Permit Services
 13. Letter - Goldberg, Meg
 14. Letter from Ruth Williams to Hearings Officer - Goldberg, Meg
 15. Letter from Ruth Williams to Commissioner Leonard - Goldberg, Meg
 16. Letter w/attachments - Evans, Rosemarie
 - 16a. USGS website printouts with maps (4 pgs) - Evans, Rosemarie
 17. Letter - Brown, Aaron & Kenneth A.

18. Letter - Barker, Lisa M. (Submitted after the record closed)
19. 2/22/10 E-mail from Staff File - Bello, Mark



ZONING



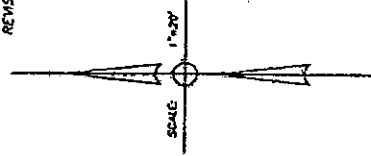
File No LU 08-176812 LDS AD
 1/4 Section 3632
 Scale 1 inch = 200 feet
 State ID 1S1E14DB 10500
 Exhibit B (Sep 29, 2009)

TENTATIVE PLAN FOR LAND DIVISION, EXISTING CONDITIONS PROPOSED UTILITIES, IMPROVEMENTS AND TREE PLAN LOT 2, BLOCK 1, "THE C.J. REED TRACT"

SITUATED IN THE SE 1/4 OF SECTION 14, T.1S., R.1E., W.M.
MULTNOMAH CO., OREGON
CITY OF PORTLAND

MARY ASSOCIATES
18015 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-667-5550
FAX: 503-666-8668
EMAIL: DALEMARY@MCAONLINE.COM

DATE DRAWN: SEPTEMBER 18, 2008
ACCOUNT NO. 06087
DRAWING NO. 06087TP
REVISED: JULY 18, 2008
REVISED: APRIL 23, 2008
REVISED: DECEMBER 30, 2008



BUILDING COVERAGE CALCULATIONS
LOT 1 - 1350 SF ± 402 = 810 SF
BUILDING FOOTPRINT= 810 SF
LOT 2 - 1350 SF ± 402 = 810 SF
BUILDING FOOTPRINT= 810 SF
LOT 3 - EXISTING STRUCTURE
LOT 4 - 1350 SF ± 402 = 810 SF
BUILDING FOOTPRINT= 810 SF

REGISTERED
PROFESSIONAL
LAND SURVEYOR

ONCE
FEBRUARY 14, 1985
DANIEL A. BAUER
EXPIRATION DATE: 12/31/09

NOTES & LEGEND:

1. BOUNDARY IS CITY OF PORTLAND BOUNDARY AREA. ELEVATION 103.80' LOCATED AT THE SE CORNER OF
S.E. 1/4 14N ABOVE S.E. 1/4 14N STREET.
2. VERTICAL VALUES ARE TAKEN TO THE BEGINNING POINT OF THE ELEVATION VALUE IN PARENTHESES (XXX.XX)
AND GUTTER SHOWN

- 1. "T" DENOTES TOP OF CURB.
- 2. "C" DENOTES CONCRETE.
- 3. "D" DENOTES DRIVE.
- 4. "W" DENOTES WALK.
- 5. "P" DENOTES PARKING.
- 6. "S" DENOTES SIDEWALK.
- 7. "L" DENOTES LOT.
- 8. "A" DENOTES AREA.
- 9. "V" DENOTES VOLUME.
- 10. "E" DENOTES ELEVATION.
- 11. "H" DENOTES HEIGHT.
- 12. "D" DENOTES DRAINAGE.
- 13. "S" DENOTES SERVICE.
- 14. "P" DENOTES PROTECTION.
- 15. "Z" DENOTES ZONE.
- 16. "M" DENOTES MOUNTAIN.
- 17. "R" DENOTES RIVER.
- 18. "L" DENOTES LAKE.
- 19. "O" DENOTES OCEAN.
- 20. "I" DENOTES ISLAND.

OWNERSHIP:
T. AARON AND K. BROWN
1517-1529 S.E. 15TH STREET
PORTLAND, OR 97233

LEGAL:
1517-1529 S.E. 15TH STREET
1517-1529 S.E. 15TH STREET
1517-1529 S.E. 15TH STREET

LOT SIZE:
3983 SF
R10

CASE NO. 08-176812
EXHIBIT C-2

CASE NO. 08-176812
EXHIBIT C-3