



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

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Date: August 4, 2015
To: Interested Person
From: Brandon Rogers, Land Use Services
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 15-101887 LDP AD

GENERAL INFORMATION

Applicant: Kevin Partain/Urban Visions
223 NE 56th Ave
Portland OR 97213

Owner: Calibrated Valuation LLC
1157 SE 140th Ave
Portland, OR 97233

Representative: Craig Clemens
1157 SE 140th Ave
Portland, OR 97233-2201

Site Address: 6135 SE Gladstone St

Legal Description: BLOCK 4 LOT 1, STEWART PK
Tax Account No.: R795501020
State ID No.: 1S2E07DD 02100
Quarter Section: 3436
Neighborhood: Foster-Powell, contact Aaron Sorenson at 971-235-0025.
Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Plan District: None
Zoning: Residential 2,500 (R2.5) with the "a" Alternative Design Density overlay zone.

Case Type: Land Division Partition (LDP) with a concurrent Adjustment review (AD).

Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant has requested approval of a land division of a 5,000 square foot site to create two parcels. Parcel 1 is a vacant 2,227 square foot parcel and Parcel 2 is a 2,773 square foot parcel which is developed with an existing residence to remain at the site. Water and sanitary sewer services are provided by existing utility mains located in SE Gladstone Street and SE 62nd Avenue. The site contains one tree subject to tree preservation, a 15-inch Magnolia tree which the applicant proposes to remove. Access to Parcel 1 is from SE 62nd Ave. An Adjustment has been requested to the off street parking requirements for Parcel 2, which contains the existing house. The Adjustment request would result in no off-street parking for Parcel 2.

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land. Therefore this land division is considered a partition.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones and 33.805.040 Adjustments.**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of **Section 33.805.040, Adjustment Approval Criteria**, have been met. The purpose statement to be addressed in Criterion A is listed in 33.266.100.A (Minimum Required Parking Spaces).

FACTS

Site and Vicinity: The site is level and developed with a single family residence that will remain on Parcel 2. A curb cut is located at the north east property line, connecting with SE 62nd Avenue which provides vehicle access for off street parking. The site contains one tree that is subject to tree preservation requirements. The vicinity is developed primarily with single family residences, with commercial uses located along SE Foster Road. Kern Park is located four blocks east of the site and Mt Scott Learning Center High School is located approximately 1,000 feet south of the site.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on SE Gladstone Street and 100 feet of frontage on SE 62nd Ave. There is one driveway entering the site that serves the existing house on the site. At this location, the City's Transportation System Plan classifies SE Gladstone and SE 62nd Ave as Local Service streets for all modes. According to City GIS, SE Gladstone is improved with 24-ft of paving width and a 6-5-2 sidewalk corridor within a 50-ft wide right of way. SE 62nd Ave is improved with 34-ft of paving and a 3-6-1.75 sidewalk corridor within a 54-ft wide right of way (as measured from the applicant’s submitted survey plan).
- **Water Service** – There is an existing and a 12-inch water main in SE 62nd Ave and an 8-inch water main in SE Gladstone Street. The existing house is served by a 5/8-inch metered service from the SE Gladstone Street main.
- **Sanitary Service** - There is an existing 18-inch public combination sewer line in SE 62nd Avenue and an existing 12-inch public combination sewer line in SE Gladstone Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The R2.5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 20, 2015**. Two written responses have been received in response to the notice; one from the Foster-Powell Neighborhood Association and one from a notified property owner. The response from the Foster-Powell NA was received on July 17, 2015, after the June 19, 2015 deadline. A staff response to each point relevant to the approval criteria is provided below:

- **Adjustment to off-street parking.** The Foster-Powell Neighborhood Association has stated their only objection to the proposal is the Adjustment to the off-street parking, stating that the on street parking is severely congested and that granting the adjustment would detract from the livability of the residential area. The Adjustment is discussed in detail below (Page 7) under Approval Criteria for Adjustments.
- **Lot sizes, parking shortage, “green space balance”, quality of infill development.** Lot sizes are consistent with the zoning requirements and are discussed below in Section A, *Lots*. The Adjustment is discussed in detail below (Page 7) under Approval Criteria for Adjustments. There are no approval criteria regarding green space balance or quality of infill development.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 *The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.*

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are **not** applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. The maximum density is one unit per 2,500 square feet. Minimum density is one unit per 2,500 square feet based on 80 percent of the site area (5,000 square feet). The site has a maximum density of 2 units and a minimum required density of 1 unit (minimum density calculation is 2 units, but because minimum density is equal to maximum density, then the minimum is automatically reduced by one per 33.611.100.E.1). The applicant is proposing 2 single dwelling parcels; therefore, the density standards are met. The lot dimensions required and proposed are shown in the following table:

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,227	N/A	44.54	50	44.54
Parcel 2	2,773	N/A	50	55.46	50

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

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

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

Findings: The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees. To satisfy these requirements, the applicant must provide a tree plan that demonstrates, to the greatest extent practicable, the trees to be preserved provide the greatest environmental and aesthetic benefits for the site and the surrounding area. The tree plan must

also show that trees are suitable for preservation, considering the health and condition of the tree and anticipated development impacts. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

Trees that are the highest priority for preservation are healthy, native and non-nuisance species, 20 or more inches in diameter, and tree groves. Additional considerations include trees that are slower growing native species, buffer natural resources, prevent erosion and slope destabilization and limit impacts on adjacent sites.

Some trees are exempt from the requirements of this chapter. Exemptions include trees that are unhealthy, are a nuisance species, are located within 10 feet of a building to remain on the site, are located within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.1) showing the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.3) that identifies each tree, its condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection measures for each tree to be preserved. Based on this information, 1 tree, a 15-inch Saucer Magnolia, is subject to the preservation requirements of this chapter. The tree preservation standards require up to 35 percent of the total non-exempt tree diameter on the site to be preserved which calculates to be 6 inches.

In this case, the applicant proposes a combination of on-site mitigation and payment into the City Tree Planting and Preservation Fund. The applicant states (Exhibit A.1) that the magnolia tree needs to be removed in order to accommodate the proposed development. The proposed mitigation is consistent with Option 4 of Subsection 33.630.100A, which requires preservation (in this case, in the form of mitigation) of at least 35 percent of the total tree diameter on the site where all trees are less than 20 inches in diameter.

The applicant has proposed a specific tree planting plan (Exhibit C.1) showing the location of the proposed mitigation trees. The proposed mitigation will provide for planting of 3 inches of trees (two 1.5 inch Hedge Maple trees, which are classified as a small tree by the Portland Tree and Landscaping Manual) and payment to the City Tree Planting and Preservation Fund for the remaining 3 inches of trees. Staff has determined that the site has adequate area for both the on-site mitigation planting and for the Title 11 tree density planting. The applicant had proposed to plant 4 inches of trees and pay into the City Tree Planting and Preservation Fund for the remaining 2 inches. However, Chapter 11.60, Technical Specifications, states that the minimum caliper size for broadleaf trees is 1.5 inches. Therefore, staff recommends mitigation planting of 3 inches and payment to the Tree Planting and Preservation Fund for the remaining 3 inches.

This mitigation will be consistent with the purpose of the tree preservation regulations, since it will provide for on-site planting and payment into the City Tree Planting and Preservation Fund that will contribute to the general beauty and natural heritage of the City, if not directly on the site, and also:

- help to absorb air pollutants and contamination;
- provide buffering from noise and wind;
- provide visual screening from the adjacent properties;
- reduce energy demand and urban heat island impacts;
- filter stormwater runoff and the reduce the possibility for erosion;
- help with slope stabilization.

With the condition that a payment equivalent to 3 inches be paid to the City Tree Planting and Preservation Fund and that two 1.5 inch Hedge Maple trees are planted on site prior to final plat approval, tree removal will be adequately mitigated. With the implementation of the noted conditions, the approval criteria will be met.

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

Findings:***Clearing and Grading***

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With a condition requiring final inspection for a decommissioning permit, the new lots can be considered suitable for new development, and this criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services. PBOT has provided the following findings (see Exhibit E.2):

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.

Findings: The minimal expected added vehicle trips (1 AM peak hour trip/ 1 PM peak hour trip/ 10 total new daily trips) will not adversely impact the operations of area intersections. On-street parking will not be adversely impacted as evidenced by the applicant's parking surveys (see below for additional discussion on this matter under the "Adjustment" section). The proposed lot split will not have any effect to transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.

The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.

33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.

The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.

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

No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed to direct stormwater from Parcel 1 (the vacant parcel) to individual drywells that will treat the water and slowly infiltrate it into the ground. Parcel 1 has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.

The existing house has downspouts that drain onto the ground. BES has noted that the downspouts and gutters at the rear of the house are proposed to be removed and that all stormwater will be directed to the downspouts at the front of the house. BES has required the applicant to demonstrate that the downspouts at the rear of the house have been removed prior to approval of the final plat.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located does not meet the noted spacing requirements because it is approximately 548 feet long. However, the site is located on the corner of the block and is not a suitable location for a through street or pedestrian connection. Therefore, this criterion has been met.

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

At this location, according to City GIS, SE Gladstone is improved with 24-ft of paving width and a 6-5-2 sidewalk corridor within a 50-ft wide r.o.w. SE 62nd Ave is improved with 34-ft of paving and a 3-6-1.75 sidewalk corridor within a 54-ft wide r.o.w. (as measured from the applicant's submitted survey plan).

For Local Service streets abutting R2.5-zoned sites, the City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and a 0.5-ft wide frontage zone.

Although the site's existing 13-ft wide sidewalk corridor along SE Gladstone exceeds the 11-ft overall width standard as described above, the existing sidewalk element is 1-ft shy of the 6-ft wide standard. However, this site frontage satisfies the provisions of PBOT's Administrative Rule TRN-1.22. Accordingly, the existing SE Gladstone sidewalk configuration will be accepted as the standard sidewalk configuration for the block length.

The site's existing 10.75-ft wide sidewalk corridor does not satisfy either the 11-ft wide overall standard sidewalk corridor width nor does the existing 2.5-ft wide furnishing zone satisfy the 4-ft wide standard furnishing zone. This site frontage does not satisfy the provisions of PBOT's Administrative Rule TRN-1.22 (the existing furnishing zone is not at least 3-ft wide). However, the applicant filed 15-118668 PW to request that this existing condition along the site's SE 62nd Ave frontage be retained. The Public Works Alternative Review Committee approved the applicant's request in February of this year. Accordingly, there will be no r.o.w. improvements or property dedication associated with this land use request. At the time of Building Permit review for the new house on Parcel 1, a Minor Improvement Permit will be required for the new curb cut/driveway. This criterion is met.

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

Any easements that may be needed for private utilities that cannot be accommodated within

the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary.

APPROVAL CRITERIA FOR ADJUSTMENTS

33.805.010 Purpose

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 providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

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

Findings: The applicant is requesting an Adjustment to the required off street parking because in order to support the proposed lot configuration. **33.266.110 Minimum Required Parking Spaces, Purpose:** The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Multi-dwelling development that includes a large number of units may require some parking to support existing and future uses in the area and serve residents and guests, especially those with disabilities. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

The proposed Adjustment would allow the existing house on Parcel 2 to remove the existing off-street parking space and not provide replacement parking. Parcel 1 will be required to provide off-street parking for at least one vehicle, at the time of development. Transit is available in a variety of locations around the site, including at SE Foster Road (595 feet south-west of the site) and at SE Powell Blvd (1500 feet north of the site). Although this level of service does not meet the standard to exempt the site from parking requirements (frequent service transit within 500 feet of the site or transit center within 1,500 feet of the site), it provides access to nearby transit services. As noted in the response from PBOT (Exhibit E.2), the area has an established grid of connecting streets with extensive pedestrian facilities. Additionally, PBOT has determined that the highest observed demand for on street parking, as shown by the applicant's parking study, is 50 percent of the available supply. PBOT has determined that the project will result in a demand for 3 on-street parking spaces, which can be accommodated by the current supply of on-street parking spaces. Therefore, this 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 site is located in a residential area and not within an OS, C, E, or I zone. The applicant has provided a parking study to evaluate the existing on-street parking demand and capacity (Exhibit A.5). PBOT has reviewed and evaluated the parking study and offers the following findings:

The applicant conducted multiple on-street parking surveys to identify the current parking supply/demand in the area as well as factor in the impact to on-street parking in relation to the associated land division request. The parking survey area in the applicant's analysis includes the north/south sides of SE Gladstone between SE 60th and SE 62nd Aves and both sides of SE 62nd Ave between SE Center and SE Boise. Within this area, there are approximately 46 on-street parking spaces (supply). Based on the evidence that has been entered into the record, the highest observed demand for on-street parking was 50% of the available supply (23 out of 46 spaces were occupied).

It should be noted that the expected increase in parking demand associated with the associated land division request is 2 additional spaces. The applicant's submitted plans suggest that there will be sufficient area on Proposed Parcel 1 to accommodate one vehicle. Accordingly, based on the requested Adjustment to allow no on-site parking space to be provided on Proposed Parcel 2, there will be a demand for 3 on-street parking spaces (1 of the 2 spaces from Proposed Parcel 1 + the 2 spaces from Proposed Parcel 2). As noted above, the applicant's parking observations indicate that at worst, there will be a minimum of 23 spaces remaining as associated with the current area demand for on-street parking spaces. The 3-space demand associated with the proposed land division can easily be accommodated by the current supply of on-street parking spaces.

Accordingly, there is "enough on-site parking provided on the land division site to accommodate the majority of traffic generated by the expected use that will be located at the site over time", and therefore, the above referenced approval criterion is satisfied.

Therefore, for the reasons listed above, staff finds that the proposal to waive Parcel 2 from the on-site parking requirement will not significantly detract from the livability or appearance of the area. Criterion B 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: The applicant has requested only one Adjustment, therefore, this criterion is not applicable.

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

Findings: There are no City-designated scenic or historic resources on the site. Therefore, this criterion is not applicable.

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

Findings: PBOT agrees with the applicant's parking study, stating there will be a minimum of 23 spaces remaining (within the study area) as associated with the current area demand for on-street parking spaces. The 3-space demand associated with the proposed land division can easily be accommodated by the current supply of on-street parking spaces. There are no discernible impacts that would result from granting the requested adjustment and no mitigation is required. Should the house be removed and a new house constructed the required minimum off street parking requirements will apply. With the above mentioned condition, this criterion is met.

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 within an environmental zone; therefore this criterion is not applicable.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 2. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2.5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

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

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.
- Title 11 On-site Tree Density Standard –Due to the land division, and associated tree removal, Parcel 2 with existing house is moving further out of conformance with this standard. Parcel 2 is 2,773 square feet, therefore 1,100 square feet of tree area is required. Prior to final plat approval, the applicant must meet this requirement by planting any combination of tree sizes from Table 50-2 meeting the on-site tree density standards of Title 11. This requirement is separate from the tree mitigation planting requirements of Chapter 33.630.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan

Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Parcel 2 along SE Gladstone Street prior to final plat approval. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 2 parcel partition, and an Adjustment to the off-street parking requirements of Chapter 33.266, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

The primary issues identified with this proposal are: on-site tree mitigation planting, Title 11 Tree Density planting, and stormwater management for the existing house to remain at the site. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition that will result in two standard lots as illustrated with Exhibit C.1, and;

Approval of an Adjustment to Section 33.266.110 for Parcel 2, to reduce the required number of required off-street parking spaces from 1 to 0 for the existing house on the site;

Subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review section review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any other information specifically noted in the conditions listed below.

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

Utilities

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the septic system on the site.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Existing Development

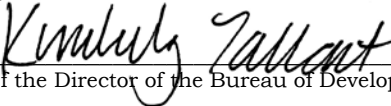
3. The applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Parcel 2 demonstrating compliance with the standards listed below in relation to the proposed new lot lines. The permit plans must include the note:
This permit fulfills requirements of Condition B.3 of LU 15-101887 LDP, AD.
 - 33.110.220 (Setbacks--specifically, the permit must show removal of sufficient portions of the existing residence to meet the rear setback requirement of 5 feet in the R2.5 zone).
4. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 2. Specifically, the gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by BES, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.
5. The applicant must plant one street tree in the planter strip on SE Gladstone Street adjacent to Parcel 2. Street trees will be chosen from the City's approved street tree list for the 6- foot planting strip. Tree size requirements for residential sites are to be 2-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.
6. The applicant must meet the Title 11 tree planting requirement on Parcel 2 with the existing house by planting any combination of tree sizes from Table 50-2 meeting the on-site tree density standards of Title 11 for the 2,773 square foot parcel. A finalized Zoning Permit must be obtained to document tree planting prior to final plat approval. The applicant must plant trees on Parcel 2, as shown on Exhibit C.1, as mitigation for tree preservation. The trees shall be broad leaf trees with a minimum size of 1.5 caliper inches. A finalized Zoning Permit must be obtained to document tree planting prior to final plat approval. The mitigation trees do not count towards the tree planting requirements of Title 11.

Other requirements

7. The applicant must pay into the City Tree Fund the amount equivalent to 3 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

1. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
2. Should the existing house be removed on Parcel 2 in the future, the new development must comply with applicable zoning code requirements for minimum parking, or an approved Adjustment must be obtained to waive the required parking.

Staff Planner: Brandon Rogers**Decision rendered by:**  **on July 31, 2015**

By authority of the Director of the Bureau of Development Services

Decision mailed August 4, 2015

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 7, 2015, and was determined to be complete on **May 14, 2015**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 7, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 245 days (Exhibit G.3). **The 120 days will expire on: May 13, 2016.**

Note: some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 18, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any

further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

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

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

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of an Adjustment. This concurrent approval must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with the concurrent land use review. The applicant, builder, or their representative may record the final decisions on these concurrent 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 concurrent approvals. The preliminary land division approval also includes concurrent approval of an Adjustment. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: an Adjustment to Section 33.266.110 for Parcel 2, to reduce the required number of off-street parking spaces from 1 to 0. This approval expires if:

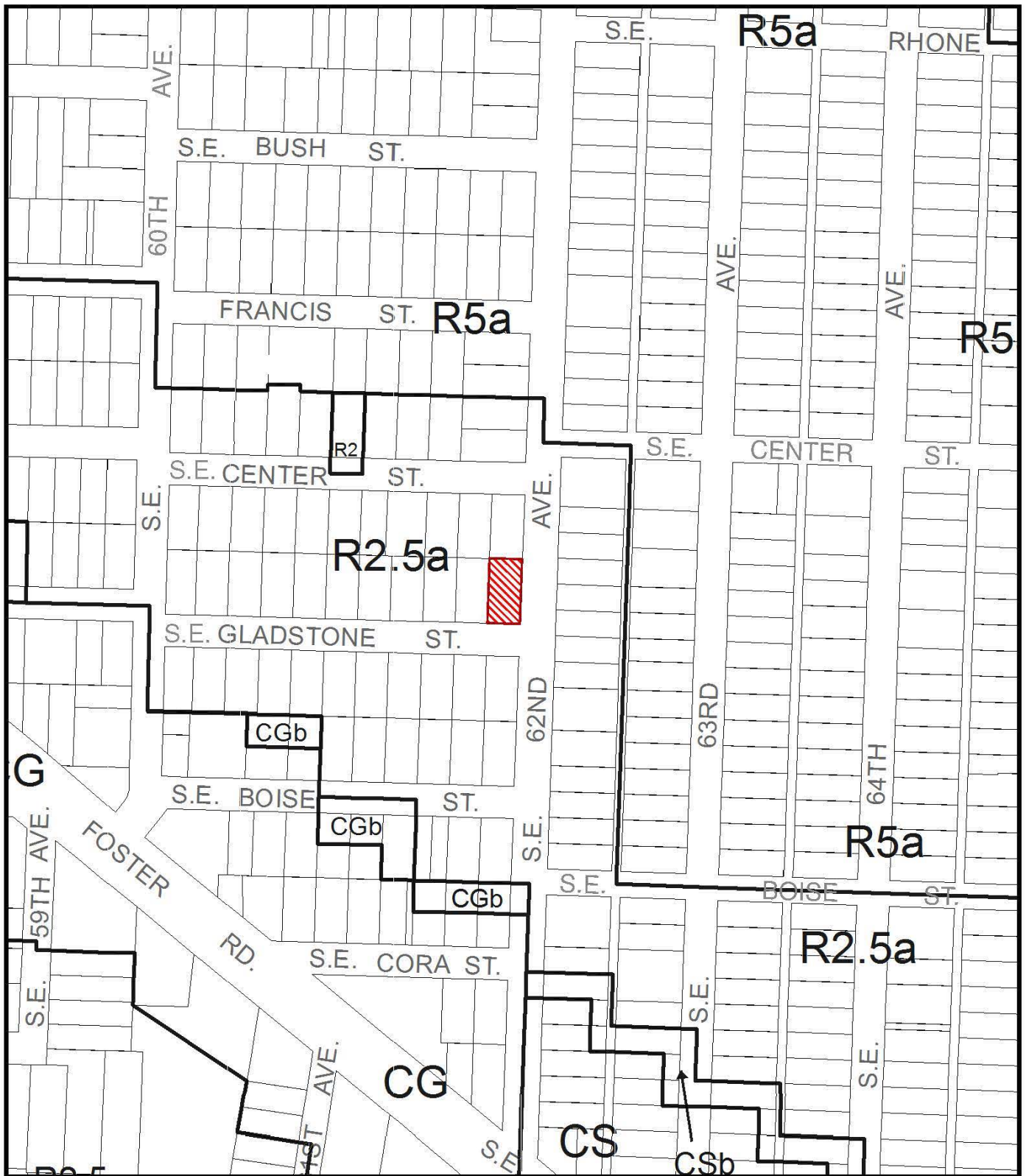
- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Submittal
 - 2. Applicant's Response to Incomplete Letter
 - 3. Arborist Report
 - 4. Simplified Stormwater Report/Stormwater Design
 - 5. Transportation Analysis
 - 6. Early Neighborhood Notification
 - 7. Revised Submittal and Adjustment Approval Criteria Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Land Division Plan, Existing Conditions, Proposed Improvements, Utility and Tree Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Urban Forestry
 - 6. Site Development section of BDS
 - 7. Life Safety Section of BDS
- F. Correspondence:
 - 1. Tim Lohnes, June 5, 2015
 - 2. Shawn Morgan, Foster-Powell Neighborhood Association, July 17, 2015
- G. Other:
 - 1. Original Land Use Application
 - 2. Incomplete Letter
 - 3. Extension of 120-day period

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



File No. LU 15-101887 LDP, AD
 1/4 Section 3436
 Scale 1 inch = 200 feet
 State_Id 1S2E07DD 2100
 Exhibit B (May 15, 2015)

15-101887 COP,
SE NO. _____
HIBIT C-1