



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

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**Date:** August 31, 2009  
**To:** Interested Person  
**From:** Justin Fallon Dollard, Land Use Services  
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## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 09-108481 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Jacob Perlitz, 503.724.0398  
6411 SE 17th Ave  
Portland, OR 97202-5521

**Site Address:** 1911 SE SHERRETT ST

**Legal Description:** BLOCK 99 LOT 10, SELLWOOD  
**Tax Account No.:** R752716930  
**State ID No.:** 1S1E23DD 07300  
**Quarter Section:** 3832

**Neighborhood:** Sellwood-Moreland, contact Mat Millenbach at 503-239-1134.  
**Business District:** None  
**District Coalition:** Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.

**Plan District:** None

**Zoning:** R2.5ad. Residential 2,500 with Alternative Design Density Overlay Zone and Design Overlay Zone

**Case Type:** LDP, Land Division (Partition)  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

This partition is reviewed through a Type I land use review because: (1) fewer than four lots are proposed; (2) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area; (3) no other concurrent Type I, II, or IIX land use reviews, except Environmental Review, are requested or required; and (4) an Environmental Review is not required (see 33.660.662). 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).

**Proposal:**

The applicant requests preliminary approval of a proposed partition to an existing 5,000 square foot lot into 2 separate parcels. Parcel 1 will measure 2,500 square feet in area. Parcel 2 will measure 2,500 square feet in area.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.660.120 Approval Criteria for Land Divisions in Open Space and Residential Zones.

**ANALYSIS**

**Site and Vicinity:** The site is a 5,000 square foot lot located at the northeast corner of the intersection of Southeast Sherrett Street and Southeast 19<sup>th</sup> Avenue. Existing development on the site includes a detached, single-family house, a garage and a driveway. The site has no trees. The site has approximately 50 feet of frontage on Southeast 19<sup>th</sup> Avenue and 100 feet of frontage on Southeast Sherrett Street. Both streets are fully improved and classified as local service streets for all modes in the Transportation System Plan.

The surrounding vicinity is predominately single-dwelling houses and most lots are between 5,000 and 10,000 square feet in area. Commercial and low density multi-development is located near Southeast 17<sup>th</sup> Avenue to the west of the site.

**Zoning:** The Residential 2,500 Single Dwelling Zone [R2.5] is intended to preserve land for housing and to provide housing opportunities for individual households. Single Dwelling zones implements the comprehensive plan policies and designations for single-dwelling housing. The Single Dwelling development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special regulations or exceptions.

The purpose of the Alternative Design Density Overlay Zone [a] is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements. Alternative Development Options in the R2.5 Zone offer opportunities for enhancing the variety of housing types and building forms that are found in areas zoned for attached or low-density multi-dwelling residential development. Such areas generally include a mixture of single-dwelling detached and small multi-dwelling development. A variety of types of housing in areas receiving infill development will improve continuity with the character of the existing buildings.

The Design Overlay Zone (d) designation ensures that exterior alterations to existing development conserve and enhance the identified historic, scenic, architectural, and cultural values.

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

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on May 15, 2009.

**1. Agency Review:** Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

**2. Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## 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.**

The relevant criteria are found in 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
<b>A</b>	<b>33.611</b>	<b>Lots</b>	<b>Applicable - See findings below</b>
B	33.630	Trees	Not applicable - No significant trees or trees in excess of 6 inches in diameter located fully on the site.
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.
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 where the proposed density is less than 40 units.
<b>G</b>	<b>33.635 .100</b>	<b>Clearing and Grading</b>	<b>Applicable - See findings below.</b>
<b>G</b>	<b>33.635 .200</b>	<b>Land Suitability</b>	<b>Applicable - See findings below.</b>
H	33.636	Tracts and Easements	Not applicable - No tracts or easements have been proposed or will be required.
I	33.639	Solar Access	Not Applicable - Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
<b>K</b>	<b>33.641</b>	<b>Transportation Impacts</b>	<b>Applicable - See findings below</b>
<b>L</b>	<b>33.651 - 33.654</b>	<b>Services and Utilities</b>	<b>Applicable - See findings below</b>

**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 standards applicable in the R2.5 zone. 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.

The method used to calculate density depends on whether a street is created as part of the land division, and whether the site is subject to certain environmental constraints.

In this case, a street is not proposed or required, and the site is not within the environmental zone, potential landslide hazard area, or flood hazard area. Therefore, the maximum and minimum density for this site is as follows:

Minimum = (5,000 square feet \* .80) ÷ 5,000 square feet = 0.80 (which rounds up to a minimum of 1 lot, per 33.930.020.A)

Maximum = 5,000 square feet ÷ 2,500 square feet = 2 lots.

The applicant is proposing 2 lots. The density standards are therefore met.

#### Lot Dimensions

The lot dimension standards ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not too large relative to the planned density; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

The dimension of the proposed lots as compared to the required lot dimension standards is shown in the following table (this information is found in Chapter 33.611 of the Zoning Code):

	<b>R2.5 Zone Requirement</b>	<b>Proposed Lot 1</b>	<b>Proposed Lot 2</b>
Minimum Lot Area	1,600 sq. ft.	2,500 sq. ft.	2,500 sq. ft.
Maximum Lot Area	NA		
Minimum Lot Width*	36 ft.	50 ft.	50 ft.
Minimum Lot Depth	40 ft.	50 ft.	50 ft.
Minimum Front Lot Line	30 ft.	50 ft.	50 ft.

\* Width is measured at the minimum front building setback line.

The findings above describe how the applicable lot standards are met. *This criterion is therefore 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 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.*

### **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 site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. *This 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 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 site has approximately 100 feet of frontage on Southeast Sherrett Street and 50 feet of frontage on Southeast 19th Avenue. Southeast Sherrett Street and Southeast 19th Avenue are classified as a local service street for all modes in the Transportation Element of the Comprehensive Plan. Tri-met provides transit service for this location at the corner of SE 17th Ave and SE Harney by way of Route #70, located approximately 590-feet from the site. Parking is currently allowed on both sides of Southeast Sherrett Street and Southeast 19th Avenue.

Southeast Sherrett Street and Southeast 19th Avenue are fully improved with a paved roadway, curbs, planting strips, and sidewalks. In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by these existing streets without having any significant impact on the level of service provided.

PDOT has responded with the following analysis of transportation impacts:

Based on the available information, the estimated increase in daily trips is less than 10 total trips per day (based on the addition of one new SFR) with the majority of trips occurring during non-peak hours, as provided by the Institute of Transportation Engineers – Trip Generation Manual (7th Edition). Additionally, consideration is given to the likely division of the anticipated increase of less than 10 total trips per day being factored by four possible route directions to and from this location. Other consideration in determining potential impacts include this location's proximity to public transit access which provides on-going availability to an alternative mode of transportation (Tri-met) located less than 800-feet from the subject property, as well as the overall area being substantially improved with sidewalks in all directions. In consideration of the availability of frequent service transit, the limited increase in traffic which is anticipated to result from this proposal, and the availability of alternative routes for vehicle access to and from the subject site, it is reasonably anticipated by PDOT staff (including registered traffic engineers), that the minimal increase to the existing transportation system facilities and capacity from this proposed minor partition will not create a significant impact. PDOT has determined that a Transportation Study is not required at this time.

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

- The water standards of 33.651 have been verified. An existing 12-inch water main is available in Southeast 19<sup>th</sup> Avenue to serve proposed Parcel 1. The existing house on proposed Parcel 1 has ¾ -inch metered service which may continue to be used after the partition is approved. An existing 8-inch water main is available in Southeast Sherrett Avenue to serve proposed Parcel 2. New metered service will need to be purchased for proposed Parcel 2 from the Water Bureau. See Exhibit E-3 for more details.

- The sanitary sewer standards of 33.652 have been verified. There is an existing 30-inch combined public sewer located in Southeast 19<sup>th</sup> Avenue that can serve the sanitary needs of the proposed Parcel 1. Proposed Parcel 1 has an existing sewer service from that main. There is an existing 8-inch combined sewer in Southeast Sherrett Street. The sanitary needs of the proposed Parcel 2 may be served by means of a service branch constructed at an angle of an existing manhole. See Exhibit E-1 for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.

### **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, criterion A 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 an approved method of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

The Stormwater Management Manual contains a hierarchy of acceptable methods of stormwater treatment and disposal. The hierarchy requires that applicants 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, applicants 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 has proposed the following stormwater management methods (Exhibit C-2), and the Bureaus have responded as follows (Exhibits E-1 and E-5):

Parcels 1 & 2: Stormwater from these parcels will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these parcels 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. Site Development has indicated conceptual approval of the drywells. *Prior to final plat approval, the as-built location of the new drywell for proposed Parcel 1 must be shown on a supplemental plan after permit 09-102165-PT is finalized.*

With the conditions of approval described above, the stormwater management criteria are met. As shown by the findings above, the Services and Utilities criteria are met.

### Right of Way Approval Criteria

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.

<b>Code Section</b>	<b>Topic</b>	<b>Applicability Findings</b>
<b>33.654.110.B.1</b>	<b>Through streets and pedestrian connections</b>	<b>Applicable - See findings below</b>
33.654.110.B.2	Dead end streets	Not applicable - No dead end streets are proposed.
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 – The proposal includes a common green/shared court/pedestrian connection instead of a traditional street.
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	Applicable - See findings below. Not applicable – No shared courts are proposed or required.
<b>33.654.130.A</b>	<b>Utilities</b>	<b>Applicable - See findings below.</b>
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:** This is a corner lot location which meets the above criteria for adequate connectivity. In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

*For the reason described above, 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 right-of-way have been identified as being necessary.

*Therefore, 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 report, 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 are not considered to be discretionary reviews. 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 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2.5 zone (Please see section on Other Technical Standards for Building Code standards.)

In this case, there is one Zoning Code standard that relates 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 11.75 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.*
- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, all accessory structures on Parcel 2 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.
- Required Off-Street Parking – In this zone, one parking space per dwelling unit is required. A garage provides this required parking for the existing house on Parcel 1. As a result of this land division, the required parking space for the existing house will be located on a different lot. In order to ensure that parking requirements continue to be met, a new parking space for the existing house must be constructed on Parcel 1 prior to final plat approval. Permits must be obtained to construct a new parking space. Documentation of final inspection of this new parking space will be required prior to final plat approval.

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	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 <a href="http://www.water.ci.portland.or.us/">http://www.water.ci.portland.or.us/</a>
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 <a href="http://www.bes.ci.portland.or.us/">http://www.bes.ci.portland.or.us/</a>
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 <a href="http://www.fire.ci.portland.or.us/">http://www.fire.ci.portland.or.us/</a>

Bureau	Code Authority	Topic	Contact Information
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 <a href="http://www.trans.ci.portland.or.us/">http://www.trans.ci.portland.or.us/</a>
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 <a href="http://www.bds.ci.portland.or.us.">http://www.bds.ci.portland.or.us.</a>

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 aerial access.

**Aerial access is required for buildings that exceed 30 feet in height as measured to the eave of the structure.**

Buildings or portions of buildings exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

Width: Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. Aerial fire apparatus road width may be reduced to not less than 20 feet (no parking allowed) when the building being served is fully sprinklered and access to the building face is from at least 2 directions. The sprinkler system shall be of a greater design than the minimum specified by the OSSC.

Proximity: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

## CONCLUSIONS

The applicant has proposed a 2 parcel partition, as shown on the attached preliminary plat plan (Exhibit C-1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

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

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plat Plan for a 2-parcel partition as illustrated with Exhibit C-1, subject to the following condition:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed general location of future building footprints and stormwater facilities for the vacant lot; and
- The as-built location of the new drywell per permit 09-102165-PT.

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

1. The applicant must obtain a finalized demolition permit for removing the garage on Parcel 2. Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.
2. . A parking space shall be installed on Parcel 1, in conformance with the applicable requirements of the Portland Zoning Code. A copy of the final inspection approval of a Zoning Permit shall be submitted, documenting that the parking space has been installed within the area to become Parcel 1. The new parking space must also be shown on the supplemental plan. An application for a Land Use Review to waive or modify parking requirements may be submitted at the Development Services Center. If granted, a copy of the approved Land Use Review decision must be submitted prior to final plat.

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

1. The applicant must provide a fire accessway to the satisfaction of the Fire Bureau or the height of the new structures shall be limited to 30 feet, measured to the gutter line.

**Staff Planner: Justin Fallon Dollard****Decision rendered by:** \_\_\_\_\_ **on August 27, 2009**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 31, 2009**

**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 February 13, 2009, and was determined to be complete on May 11, 2009.

*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 February 13, 2009.

*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 90 days, as stated with Exhibit # G-3.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development

Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City’s homepage on the Internet at [www.portlandonline.com](http://www.portlandonline.com).

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

#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

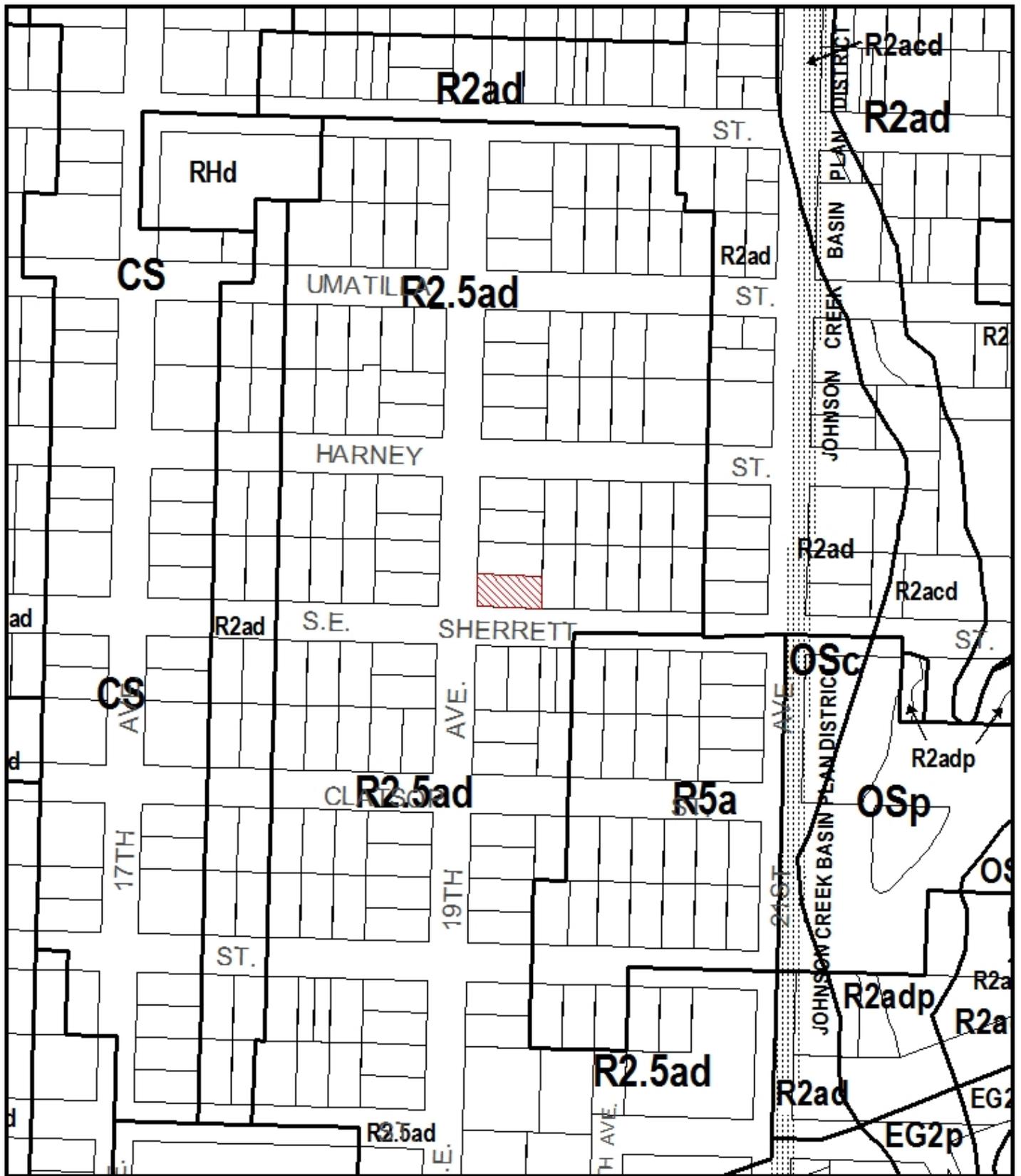
- A. Applicant’s Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plat Plan (attached)
  - 2. Supplemental Site Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety Review Section of BDS

F. Correspondence: None

G. Other:

1. Original LU Application
2. Site History Research
3. Request for Extend 120-Day Review Period
4. Letter of Incomplete Application

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).**



# ZONING

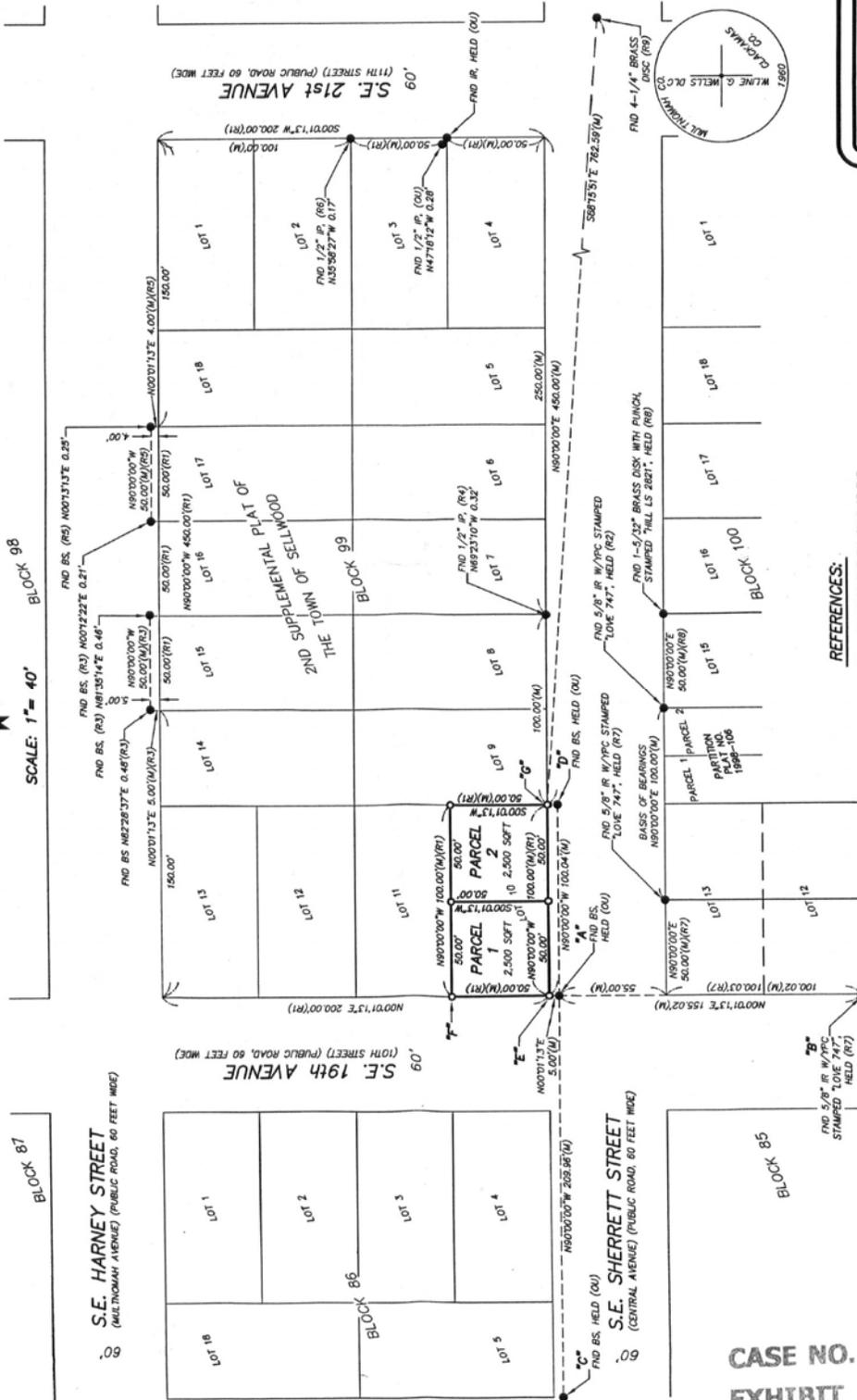
 Site



File No.	LU 09-108481 LDP
1/4 Section	3832
Scale	1 inch = 200 feet
State_Id	1S1E23DD 7300
Exhibit	B (Feb 17, 2009)

# PARTITION PLAT NO.

A REPLAT OF LOT 10, BLOCK 99, 2ND SUPPLEMENTAL PLAT OF THE TOWN OF SELLWOOD, SITUATED IN THE S.E. 1/4 OF SECTION 23, T.1S, R.1E, W.M. CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



### LEGEND:

- 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED TELS 2351\* SET ON JANUARY 30, 2008.
- FOUND MONUMENT AS NOTED
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- (R) REFERENCE DATA
- (M) MEASURED DATA
- BS BRASS SCREW
- NO. NUMBER
- IR IRON ROD
- IP IRON PIPE
- FND FOUND
- OU ORIGIN UNKNOWN
- W/IPC WITH YELLOW PLASTIC CAP
- M.C.P.R. MULTNOMAH COUNTY PLAT RECORDS
- M.C.S.R. MULTNOMAH COUNTY SURVEY RECORDS
- M.C.D.R. MULTNOMAH COUNTY DEED RECORDS

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT.

REGISTERED PROFESSIONAL LAND SURVEYOR  
 THOMAS G. NELSON  
 #2351  
 OREGON  
 P.L.L.C. 044.111A.114

RENEWAL 12/31/10

**Tom Nelson & Associates, L.L.C.**  
 1001 SE WATER AVE, SUITE 390  
 PORTLAND, OREGON 97214  
 PHONE: (503) 236-1932  
 FAX: (503) 236-1962

DATE: DEC 15, 2008  
 FILE: 8061/8061.dwg  
 DRAWN BY: SRZ  
 SHEET: 1 OF 2

- ### REFERENCES:
- R1 2ND SUPPLEMENTAL PLAT OF THE TOWN OF SELLWOOD, M.C.P.R.
  - R2 PARTITION PLAT NO. 1989-108, M.C.P.R.
  - R3 SN #403, M.C.S.R.
  - R4 SN 10885, M.C.S.R.
  - R5 SN 68816, M.C.S.R.
  - R6 SN 24191, M.C.S.R.
  - R7 SN 61884, M.C.S.R.
  - R8 B.T. BOOK G, PAGE 681, M.C.S.R.
  - R9 B.T. BOOK G, PAGE 167332, M.C.D.R.
  - R10 DOCUMENT NO. 2007-167332, M.C.D.R.

**SURVEYED FOR:**  
 JACOB PERLITZ  
 6411 SE 17TH AVE  
 PORTLAND, OREGON 97217  
 PHONE: (503) 724-0388

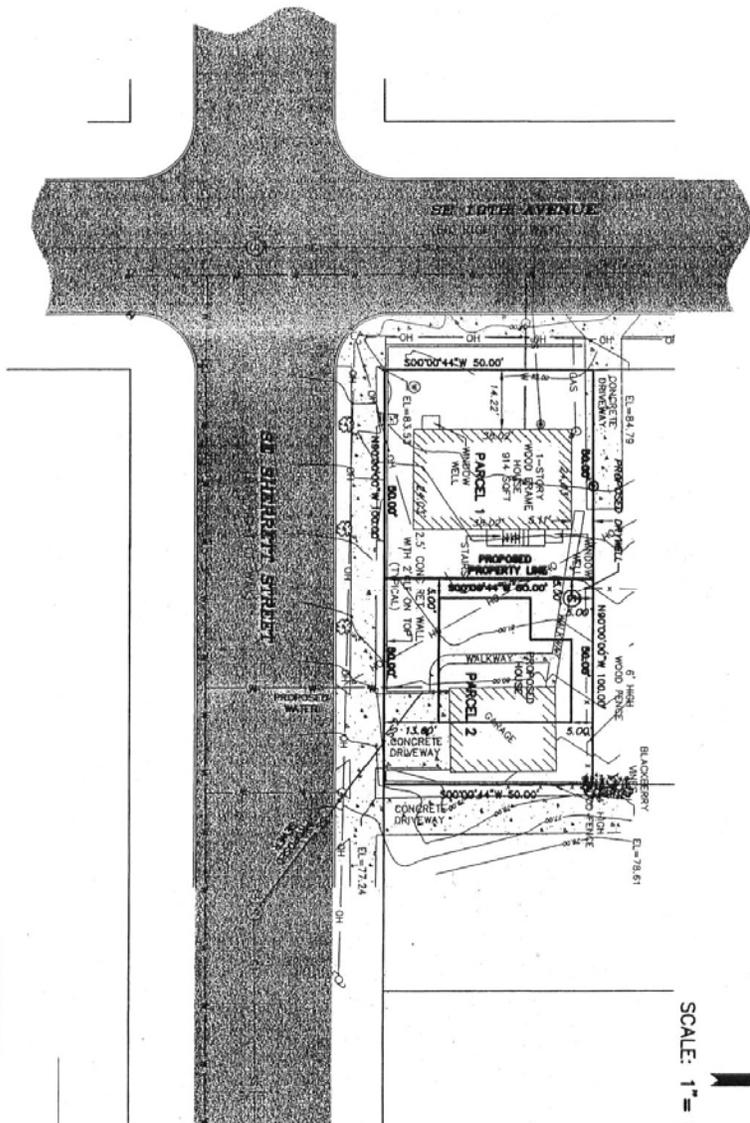
CASE NO. 09-108481 VDP  
 EXHIBIT C-1

**DATUM**  
 ASSUMED CORRECTED MAGNETIC NORTH AZIMUTH  
 VERTICAL: BM 4778  
 CITY OF PORTLAND: ELEV. 61.300 C.G.P. DATUM  
 STREET LIGHTS: 10' W. OF CURB  
 2 1/2" BRASS DISC WITH SPACER

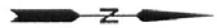
**UTILITY STATEMENT**  
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM RECORD DRAWINGS AND FIELD SURVEY. THE SURVEYOR MAKES NO WARRANTIES THAT THE UNDERGROUND UTILITIES SHOWN CORRESPOND TO ALL SUCH UTILITIES IN THE AREA. OTHER IN SERVICE OR UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

- LEGEND**
- FOUND MONUMENT
  - OIL FILL COVER
  - ⊙ POWER POLE
  - ⊙ SANITARY SEWER MANHOLE
  - ⊙ BENCHMARK
  - ⊙ WATER VALVE
  - ⊙ DECADUOUS TREE
  - ⊙ RINGED STUMP (RTWELL)
  - ⊙ 48" MAX. 3' DEEP
  - SANITARY METER
  - GAS METER
  - SANITARY CLEANOUT
- SUBJECT PROPERTY
  - RIGHT-OF-WAY
  - FENCELINE
  - EXISTING CONTOUR MAJOR
  - EXISTING CONTOUR MINOR
  - GAS LINE
  - WATER LINE
  - OVERHEAD POWER LINE
  - SS — SANITARY SEWER LINE
- ▨ BUILDING
  - ▨ CONCRETE SURFACE
  - ▨ PAVEMENT SURFACE

**SUPPLEMENTARY SITE PLAN**  
 WITH EXISTING CONDITIONS AND PROPOSED SITE PLAN FOR A FUTURE PARTITION PLAT. SITUATED IN THE S.E. 1/4 OF SECTION 23, T.1S, R.1E, W.M. CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



SCALE: 1" = 20'



**MANHOLE CHART**

- (1) SANITARY MANHOLE  
 RW = 61.75  
 E 61.70 = 61.43  
 E 61.70 = 61.61
- (2) SANITARY MANHOLE  
 RW = 61.88  
 E 61.70 = 61.67  
 E 61.70 = 62.18
- (3) SANITARY MANHOLE  
 RW = 65.01  
 E 61.70 = 65.01

**SURVEYED FOR:**

JACOB FERLITZ  
 6417 SE 17TH AVENUE  
 PORTLAND, OREGON  
 P (503) 724-0398

REGISTERED PROFESSIONAL LAND SURVEYOR  
 THOMAS G. NELSON  
 72351  
 RENEWAL 12/31/10



**Tom Nelson & Associates, L.L.C.**

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 FAX: (503) 238-1862

DATE: JULY 07, 2009  
 FILE: 8061/8061.dwg  
 DRAWN BY: SRZ  
 SHEET: 1 OF 1

CASE NO. 09-10848108  
 EXHIBIT C-2