



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

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Date: July 30, 2010
To: Interested Person
From: Sue Donaldson, Land Use Services
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NOTICE OF A TYPE IIx 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 and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-113072 PD AS

GENERAL INFORMATION

Applicant: Central City Homes LLC.
6426 SW Beaverton Hillsdale Hwy
Portland, OR 97221

Representative: Mark Dane
Mark Dane Planning Inc.
13005 SW Foothills Dr
Portland OR 97225

Site Address: 5732 SE Duke St, 5742 SE Duke St, 1S 2E 19AA TL 3600

Legal Description: TL 3400 0.14 ACRES, SECTION 19 1S 2E; TL 3300 0.11 ACRES, SECTION 19 1S 2E; TL 3600 0.34 ACRES, SECTION 19 1S 2E

Tax Account No.: R992191350, R992191510, R992191620

State ID No.: 1S2E19AA 03400, 1S2E19AA 03300, 1S2E19AA 03600

Quarter Section: 3736

Neighborhood: Brentwood-Darlington, contact Denise Shook at 971-533-4741.

Business District: Woodstock Community Business Association, contact Lori Boisen at 503-760-7968.

District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.

Plan District: none

Zoning: R2.5a – Single dwelling Residential 2,500 with “a” Alternative Design Density Overlay

Case Type: PD AS (Planned Development; Amendment to an Approved Subdivision)

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

Proposal:

The applicant proposes to amend a previous land division (*LU 06-119939 LDS*) which approved 8 narrow lots (less than 36 feet wide) for attached homes and a private street tract (*Tract A*). This proposal differs from the previous approval in the following ways.

1. Detached rather than attached houses are proposed and therefore lot dimensions are slightly wider to accommodate them. Proposed sizes vary from 2,501 square feet to 1,601 square feet and lot widths vary from 23 feet to 30 feet. Lots will be developed with 19-foot wide detached units that include garages in the front façade. The applicant has proposed three different house plans. Two homes of the same design will not be located side by side in order to promote a more visually diverse subdivision. This change (to lot dimensions) must be reviewed against the planned development (PD) approval criteria. See below for details.
2. In addition to the previously approved private street (Tract A), a 930-square-foot tract (B) is proposed for stormwater management. This change must be reviewed against the land division amendment criteria. See below for details.
3. The applicant proposes to reduce the 5-foot side setbacks to 3 feet for internal lot lines only (Lots 1-8). Three external lots will meet the 5-foot setback requirement. This change is a modification to a site-related development standard and must therefore be reviewed against the PD criteria. See below for details.
4. The applicant proposes to reduce the side setback from 5 feet to 1 foot on Lot 3. This change is a modification to a site-related development standard and must therefore be reviewed against the PD criteria. See below for details.
5. The applicant is proposing to modify the length of street-facing garage wall standards to allow detached dwelling units that are less than 22 feet wide to have garages (33.110.253.E.3.b). This change is a modification to a site-related development standard and must therefore be reviewed against the PD criteria. See below for details.
6. The applicant proposes an internal garage wall facing the street that is more than 50% of the front façade (33.110.253.E.3.a). This change is a modification to a site-related development standard and must therefore be reviewed against the PD criteria. See below for details.
7. *Each parcel will be served by individual drywells, rather than sharing a single facility. For this reason, the applicant proposes to remove Condition A.6 (which required easements on various parcels to accommodate the previously proposed shared drywell).*

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

- 33.660.300, *Review of Changes for an Approved Preliminary Plan*
- 33.665.310, *Approval Criteria for Planned Developments in All Zones*

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; and (2) four to ten dwelling units are proposed, not including accessory dwelling units and (3) a concurrent review (Planned Development) is required (*see 33.660.110*).

ANALYSIS

Site and Vicinity: The site is vacant and has frontage on SE Duke Street, which is paved with curbs but has a substandard 7.5-foot wide curb tight sidewalk. The site is relatively flat and there are no significant topographic features. There are no existing trees on the site. The surrounding neighborhood is developed with detached single-family residences on originally platted lots, interspersed with multi-family structures north, south and east of the site. Further south is Brentwood Park and the Green Thumb horticultural education center.

Zoning: The site is zoned R2.5, which is a high density single-dwelling zone that allows attached and detached single-dwelling structures and duplexes. The Alternative Design Density Overlay zone (a), allows increased density for development that meets additional design compatibility requirements. The applicant is not proposing to take advantage of the a overlay provisions.

Zoning to the east and west, south of SE Duke Street is R2.5, Residential 2500, with an area of neighborhood commercial at the corner of SE Duke Street and SE 60th Avenue. The area north of SE Duke Street is zoned R5, single dwelling residential 5000.

Land Use History: City records indicate that there is one prior land use review on the site:

LU 06-119939 LDS This review approved an 8-lot subdivision with private street tract. The current land use review on this site is an amendment to that approved preliminary plan.

Agency Review: City Bureau comments are discussed under the findings of the relevant approval criteria in this report.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 12, 2010. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.660.300 Review of Changes for an Approved Preliminary Plan

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.660.300 through 33.660.320.

33.660.320 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

- A. *Approval criteria for changes listed in Subsection 33.660.310.B. Changes to the Preliminary Plan that are listed in **Subsection 33.660.310.B** must meet the approval criteria of Section 33.660.120, Approval Criteria.*
- B. *Approval criteria for other changes. All other changes to the Preliminary Plan must meet the following approval criteria:*
 1. *The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;*
 2. *The approval criteria addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.*

Findings: The applicant proposes changes to a preliminary plan that meet Condition A, above, because it requires changing a previous condition of approval (LU 09-119939 LDS). Therefore this proposal must meet the criteria of *Section 33.660.120*.

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 approval criteria in *Section 33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential Zones* have been met.

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. In addition, some findings for LU 06-119939 LDS continue to be relevant to this proposal because of similarities with the previous one. The following table summarizes the applicability of each criterion and identifies the criteria for which new findings are required. Previous findings that continue to be relevant are incorporated by reference.

Criterion	Code Chapter	Topic	Applicability Findings
A	33.611	Lots	Applicable – Changes to lot dimensions and area are proposed. New findings address these changes.
B	33.630	Trees	Not applicable - No significant trees or trees in excess of 6 inches in diameter are 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.

Criterion	Code Chapter	Topic	Applicability Findings
G	33.635.100	Clearing and Grading	Applicable. Previous findings incorporated by reference because no changes are proposed
	33.635.200	Land Suitability	Applicable - Previous findings incorporated by reference because no changes are proposed
H	33.636	Tracts and Easements	Applicable – See new findings below. New easements are required
I	33.639	Solar Access	Applicable – New findings are required because single-dwelling detached homes are now proposed.
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - Previous findings incorporated by reference because no changes are proposed
L	33.651 - 33.654	Services and Utilities	Applicable – New findings are required because there are changes in stormwater management facilities and service connections

Applicable Approval Criteria are:

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

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

Findings: Density standards continue to be met because the number of units has not changed. See applicable findings in *LU 06-119939 LDS*, which are incorporated here by reference.

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 proposed eight lots do not meet the minimum lot width regulations, as discussed above under *Proposal* and therefore must be evaluated against the approval criteria for Planned Developments. These are discussed later in this report with approval of the PD, this criterion can be met.

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

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 above criteria continue to be met because the proposed changes to the previously approved plan does not affect clearing, grading or land suitability. The findings in LU 06-119939 LDS are incorporated here by reference.

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

33.636.100 Requirements for Tracts and Easements

- A. *Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:*
1. *The owners of property served by the tract, or by any other individual or group of people.*
 2. *When the tract is owned by more than one person it must be held in common with an undivided interest;*
 3. *The Homeowners' Association for the area served by the tract;*
 4. *A public or private non-profit organization; or*
 5. *The City or other jurisdiction.*

Findings: Tracts are proposed for the new private street (Tract A) and for a private stormwater facility (Tract B). With a condition that the proposed tracts be owned in common by the owners of lots 1 through 8, this criterion can be met.

- B. **Maintenance agreement.** *The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.*

Findings: As discussed above, two tracts are proposed and required for this land division. In addition to the tracts, the following easements must be granted to the City of Portland:

- A 15-foot wide sanitary sewer easement for the sewer main extension in the private street (Tract A).
- A public Access Easement over the entire length of the sidewalk along the west side of the private street

As stated in Section 33.636.100 of the Zoning Code, maintenance agreements will be required describing maintenance responsibilities for the tracts and easements described above and the facilities within those areas. Facilities with a tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement.

This criterion can be met with the condition that maintenance agreements are prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block, substantially similar to the following example:

"A Declaration of Maintenance agreement for the Private Street (Tract A) and Private Stormwater Management (Tract B) has been recorded as document no. ____, Multnomah County Deed Records."

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

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

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

33.639.100, Solar Access Approval Criteria

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

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

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties. The site faces SE Duke Street, which runs east-west. Due to its size and configuration, a new north-south street is needed through the site to allow lots to have the required street frontage. All of the lots will face the new street. All of the lots except one are interior lots on either the east or west side of the street. These include both the narrowest and the widest lots, but there is no preference that the interior lots be wider or narrower. There is one corner lot abutting SE Duke Street and facing the private street.

The Solar Access Approval Criteria are superseded by other conflicting requirements in the 600's chapters of the *Zoning Code*, per 33.639.020. As described later in this report, Portland Transportation has required that vehicle access to the corner lots must be from the new private street, rather than from SE Duke Street to control new access points on to the public street. Transportation generally requires that driveways be placed at least 25 feet from the intersection, so if the proposed corner lot was any narrower, it would be difficult to meet this Title 17 requirement. Therefore, this criterion does not apply to the corner lot. The other lots meet this criterion.

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 proposed changes to lot dimensions and development standards do not affect traffic. The previous findings, below, are included because they include conditions of approval for street dedication and street improvements:

SE Duke Street is improved with a paved roadway, curbs and a substandard 7.5 foot wide curb-tight sidewalk along the frontage of the site. Due to the classification of Duke Street, a standard pedestrian corridor is required. The applicant will be required to remove the existing sidewalk and construct a new 6-foot wide sidewalk separated from the curb with a 4 foot wide planting strip. 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. In this case Portland Transportation has determined that the sidewalk improvement must be made in order to ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, additional right-of-way must be dedicated along the frontage of the site. With those improvements, seven additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the condition that curb and sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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 16 inch water main is available in SE Duke Street. The water service that serves the existing house may be used to serve future development on Lot 4. Water is available to serve the rest of the lots from the water main in SE Duke. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8 inch public sanitary sewer located in SE Duke Street that can serve the sanitary needs of the proposed lots. The applicant must obtain a public works permit to extend the public sewer from SE Duke Street under the private street to serve the proposed lots prior to final plat approval. 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: A stormwater tract is proposed. The method used to determine the size and location of the stormwater tract is discussed below under criterion B.

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 (SWWM)*. 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 *SWWM* 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 *SWWM*, 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 stormwater management methods described below (Exhibit C-2), and the Bureaus have responded as follows (Exhibits E-1 and E-5):

- **Private Street:** Stormwater will be directed to a 13-foot by 36-foot infiltration planter box located within Tract B. The infiltration planter box will treat the water and slowly infiltrate it into the ground. The applicant has submitted stormwater calculations and soil test results that indicate the size of the proposed planter box can accommodate the volume of stormwater runoff from the impervious areas of the street. Because this type of a system may impact groundwater, the State Department of Environmental Quality (DEQ) requires a permit for the installation of such a system. The applicant has provided a letter from DEQ (Exhibit A.5) stating that the proposed infiltration planter box is Rule Authorized (meets presumptive standards for approval). The Site Development Section has indicated conceptual approval of the proposed planter box location and size. However, Site Development noted that due to the proximity of the planter box to the future building foundation on Lot 3 the planter will have to be constructed with a special impervious liner.

- **Public Street Improvements:** As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards, by reconstructing the sidewalk (discussed earlier in this report). The nominal amount of Stormwater runoff from this new impervious area will be directed into the new 4-foot wide planter strip that will be provided between the curb and the sidewalk.
- **Lots:** Stormwater from the lots will be directed to drywells on each lot that will treat the water and slowly infiltrate it into the ground. The lots have sufficient area for a trench 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.

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. These findings also negate the need for the stormwater easements that were required for the shared drywell that was proposed during the previous review (Condition A.6).

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.

Code Section	Topic	Applicability Findings
33.654.110.B.1	Through streets and pedestrian connections	Applicable - See findings below
33.654.110.B.2	Dead end streets	Applicable - See findings below.
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	Applicable - See findings below.
33.654.120.C.3.c	Turnarounds	Applicable - See findings below.
33.654.120.D	Common Greens	Not applicable – No common greens are proposed or required.
33.654.120.E	Pedestrian Connections	Not applicable – There are no pedestrian connections proposed or required.
33.654.120.F	Alleys	Not applicable – No alleys are proposed or required.
33.654.120.G	Shared Courts	Not applicable – No shared courts are proposed or required.
33.654.130.A	Utilities	Applicable - See findings below.
33.654.130.B	Extension of existing public dead-end streets and pedestrian connections	Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site.
33.654.130.C	Future extension of proposed dead-end streets and pedestrian connections	Not applicable – No street extensions are required to serve abutting sites that are further dividable.
33.654.130.D	Partial rights-of-way	Not applicable – No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

- 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;*
- Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;*

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

Findings: The site is located approximately 75 feet east of the nearest north-south through street (SE 57th Avenue) to the west and approximately 100 feet west of SE 58th Avenue, which is the nearest north-south through street to the east. If the distance between these existing streets is evaluated against the optimum spacing requirements of 530 feet maximum and 200 feet minimum, there should not be a north-south through street provided in the vicinity of the site, because it would result in through streets being spaced approximately 100 feet apart.

The site is not within an area that has an adopted Master Street Plan, so Criterion *d.* does not apply.

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

For the reasons described above, a through street is not required in this location and this criterion is met.

33.654.110.B.2 Approval criterion for dead-end streets in OS, R, C, and E zones. *In OS, R, C, and E zones, dead-end streets may be provided where through streets are not required. Dead-end streets should generally not exceed 200 feet in length, and should generally not serve more than 18 dwelling units. Public dead-end streets should generally be at least 200 feet apart.*

Findings: The proposal includes a private dead-end street and pedestrian connection, which will be located in the new street tract. As discussed under the findings for through streets above, a new public north-south through street is not required for this proposal. The private dead-end street will serve only 8 dwelling units and it is approximately 223 feet long from the frontage along SE Duke Street to the southern end. In this case, a 223-foot long, dead end street is acceptable even though the street is 23 feet longer than the guideline states, because it is a modest increase and the street effectively serves the number of lots and configuration proposed. This criterion is met.

33.654.120.C.1 Approval criterion for width of the right-of-way. *The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features.*

Findings: The proposed 36-foot wide tract is sufficient to serve 8 lots and to accommodate the expected users. The *Administrative Rules for Private Rights of Way* are the standards that govern the construction of private streets. These rules recommend a width of 35 feet for dead-end streets less than 300 feet long, serving 4 or more lots, which will provide room for the construction of a 26-foot wide paved roadway that allows two travel lanes, two 1 foot curbs, a 5-foot wide sidewalk on one side of the street, and a 1-foot setback on either side of the street.

In this proposal the applicant will be disposing of stormwater from the private street in an infiltration planter box located within a private stormwater management Tract (B).

A sidewalk is required as part of the private street. In order to assure access to this sidewalk for visitors, delivery persons and the general public, a public walkway easement granted to the City and must be shown over the sidewalk portion of the street on the final plat.

The proposed tract width is sufficient to accommodate the street elements that the *Administrative Rules* governing private streets cites as being adequate for 8 lots. This criterion is met.

33.654.120.C.3.c. Approval criterion for turnarounds. The turnaround must:

- *Be of a size to accommodate expected users, taking into consideration the characteristics of the site such as existing structures, natural features, the length of the street, and the number of housing units served by the street;*
- *Minimize paved area;*
- *Provide adequate area for safe vehicular movement; and*
- *Provide adequate area for safe and convenient movement by bicyclists and pedestrians traveling on the street or traveling from the street to a pedestrian connection.*

Findings: A hammer-head turn-around is proposed as part of the private street tract, located south of proposed Lot 3. Site Development have found that the size and configuration of the turn-around are adequate to provide safe vehicular and bicycle movement for the 8 new lots that will use private street. A sidewalk will be provided along the side of the street opposite the turn-around, which will provide for safe and convenient pedestrian access along the private street and from the interior of the subdivision to the abutting sidewalk along the frontage of SE Duke Street. This criterion is met because the proposed street tract has been sized to provide adequate room for the turn-around.

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: Any easements that may be needed for private utilities that cannot be accommodated within the proposed 36-foot width of the private street tract can be provided adjacent to it. This criterion is met.

33.665 Planned Development Review

Development standards can be modified if the development proposed is found to be compatible with the surrounding area. The applicant can propose development that would not be allowed under the base zone regulations if the proposal shows that the development meets the approval criteria in Zoning Code section 33.665.310.

The proposed changes to both lot size standards and site-related development standards must be approved through a Planned Development Review, as discussed below.

33.665.300 Approval Criteria in General

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.665.310. Some proposals must also meet additional approval criteria, as follows:

A. Proposals to modify site-related development standards must meet the criteria in Section 33.665.320.

B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.665.330.

C. Proposals that do not include a land division must meet the criteria in Section 33.665.340.

Findings: The applicant is requesting modifications three site-related development standards to allow:

1. The applicant proposes to reduce the 5-foot side setbacks to 3 feet for internal lot lines only (Lots 1-8). Three external lots will meet the 5-foot setback requirement.

2. The applicant proposes to reduce the side setback from 5 feet to 1 foot on Lot 3.
3. The applicant is proposing to modify the length of street-facing garage wall standards to allow detached dwelling units that are less than 22 feet wide to have garages (33.110.253.E.3.b).
4. The applicant proposes an internal garage wall facing the street that is more than 50% of the front façade (33.110.253.E.3.a).

Therefore, the additional criteria of *Section 33.665.320* apply. Criteria B and C do not apply because no commercial uses are proposed and this proposal includes an amendment to a land division.

33.665.310 Approval Criteria for Planned Developments in All Zones

Configure the site and design development to:

- A. Visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:
 1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;

Findings: This criterion is satisfied for the following reasons. The applicant is showing an elevation for the Lot 1 that provides sufficient openings, a 5-foot setback will be provided along the north property line, and the parking will be located farthest away from the public right-of-way. The setback will be required to comply with *33.110.220 Setbacks* and *33.266.120 Parking area locations – front yard restrictions*.

2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;

Findings: The site is relatively flat with no stands of trees or water features and there are no structures on the site. The proposed development will significantly change the appearance of the site, but not at the expense of removing any existing natural features. This criterion is met.

3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;

Findings: The applicant has provided façade elevations for each of the three house styles being proposed and one set of typical elevations (*see Exhibit C.6 – a, b, c & d*). The elevations show two and a half story structures that include interesting architectural elements reminiscent of the Bungalow and Craftsman styles such as gable roofs, overhanging eaves, small projections, covered porches supported by columns and windows with the appearance of small panes. Each development, additionally, be required to satisfy requirements for outdoor areas, tree planting on each lot and restrictions on paving in front setbacks. One style has a board-and-batten façade with a small roofed window projection under a gable as well as windows on the separated garage doors that appear to swing open outward. The applicant has not proposed particular building materials, but the building permit plans will be required to be in substantial conformance with the appearance and detailing of the facades and side elevations shown on Exhibits C.6, a, b, c and d. The three styles proposed provide a diversity of building style and materials that, together, satisfy this criterion.

4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;

Findings: The variation in architectural elements provides diversity that will make a positive impact in the area. The development is more in keeping with the R 2.5 zone, which is the most dense and built-up of the single dwelling zones, than surrounding development. For this reason, mitigation is not required and this criterion is satisfied.

5. Minimizing potential negative effects on surrounding residential uses; and

Findings: As discussed above, there are no negative effects on the surrounding uses that require mitigation. The proposed development will add livability and more activity in the area in keeping with the purpose of this residential zone. For this reason, this criterion is met.

6. Preservation of any City-designated scenic resources; and

Findings: There are no City-designated scenic resources on the site. Therefore this criterion does not apply.

33.665.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. As discussed above, this proposal requires modifications to three site-related development standards.

The standards for which modifications are requested are:

- a. 33. 110.253.E.3.a states that the length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 110-11.
- b. 33. 110.253 E.3.b states that where the street-facing façade of a unit is less than 22 feet long, an attached garage is not allowed as part of that façade.
- c. Reduce interior side setbacks from 5 feet to 3 feet and on Lot 3, reduce south side setback to 1 foot, next to the stormwater facility (Tract B).

Two of the standards relate to the width and appearance of the front façade of the houses, and how the garages are integrated. Because they are inter-related the findings below consider them together. Modifications to internal setbacks are discussed separately.

Street Facing Facades

A. Better meets approval criteria. The resulting development will better meet the approval criteria of *Section 33.665.310*, above; and

Findings: The planned development review provisions allow certain exceptions in order to allow projects that are well-designed, innovative and fit within existing neighborhoods. The criteria of 33.665.310 emphasize thoughtful site design, preservation of natural features, consideration of existing development, and effective use of landscape and setbacks. It was previously found that the elevations and plans that the applicant provided take these elements into consideration and that the architectural detailing creates an attractive composition where the garage does not overwhelm the façade. Taken together, while the plans and elevations do not meet specific development standards, as outlined above, the project as a whole, works efficiently and allows for a well-designed, high density project with sufficient infrastructure. This criterion is therefore met.

B. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

Findings: The purposes of the limitation of the garage door on facades that are less than 22 feet wide and garage door sizes is to ensure there is a visual connection between the living areas of the residences of the street, enhance public safety and provide a more pleasant pedestrian environment. These purposes are satisfied by the interesting elevation designs that the applicant has provided. There are sufficient windows and doors serving both stories of the house, the garage doors, though exceeding the limitations identified above, are in scale with the front of the building and do not overwhelm the appearance of the house or the pedestrian environment. Therefore this criterion is met.

Side Building Setbacks

A. Better meets approval criteria. The resulting development will better meet the approval criteria of *Section 33.665.310*, above; and

Findings. The planned development review provisions allow certain exceptions in order to allow projects that are well-designed, innovative and fit within existing neighborhoods or fit in with the purpose of the zone. The criteria of 33.665.310 emphasize thoughtful site design, preservation of natural features, consideration of existing development, and effective use of landscape and setbacks. It was previously found that the elevations and plans that the applicant provided take these elements into consideration through a variety of building elevations, diversity in style, compact building and site design and adequate setbacks, where required. Taken together, while the plans and elevations do not meet specific development standards, as outline above, the project as a whole, works efficiently and allows for a well-designed infill project with sufficient infrastructure. This criterion is therefore met.

B. Purpose of the standard to be adjusted Section 33.110.220

Findings. Generally, the setback requirements are intended to provide open space, separation for fire protection, reasonable physical relationships between properties, privacy and flexibility. The setback adjustments are consistent with these principles because it provides adequate light, air and access through adequate outdoor areas in the front and back. The houses are reasonably placed on each parcel when total setback widths are taken into consideration (that is, the 3 feet of setback on each property is equivalent to 6 feet total between structures), and privacy is also protected. For this reason, the two setback adjustments satisfy this criterion. On Lot 3, the applicant requests a 1-foot setback and has an approved building code appeal that will allow the wall on the south elevation to have windows that will face onto the private street and the stormwater tract. One problem that may result in reducing the setback to one foot is that there will not be enough room to maintain the building on the south side without encroaching into the turnaround area of the street or into the planting area of the stormwater tract. The turnaround area is 23 feet wide, which is more than two vehicle lanes wide and parking is not allowed. On occasion it could be used as a temporary work area if necessary. Also, the infiltration planting area of the stormwater tract should be setback four feet from the north boundary of the tract to allow movement along that side of Lot 3. The 4-foot wide zone must be planted with ground cover material that will allow occasional foot traffic along the boundary between Lot 3 and the Tract B without damaging required stormwater plantings. With this required as a condition of approval, this criterion can be 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. Among the various development standards that will be applicable to this lot, the applicant should take note of:

33.266.120 Development Standards for Houses and Duplexes Subsection C.3.Parking area locations - front yard restrictions. No more than 40 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. In addition, on corner lots, no more than 20 percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. As an exception to the area limitations in this subparagraph a lot is allowed at least a 9-foot wide vehicle area.

33.110.215.B.2 Height of the structures will be limited to 1.2/1.5 times the width of the structure up to 35 feet in the R 2.5 zone

33.110.220 Setbacks. Garage Setbacks are 18 feet

33.110.232 Street facing facades. At least 15 percent of the area of each façade that faces a street lot line must be windows or main entrance doors. Windows in garage doors do not count toward meet this standard

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2.5 zone. Therefore, 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 http://www.water.ci.portland.or.us/
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 http://www.bes.ci.portland.or.us/
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 http://www.fire.ci.portland.or.us/
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 http://www.trans.ci.portland.or.us/
Development Services	Titles 24 –27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 http://www.bds.ci.portland.or.us.

As authorized in 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 is required to make improvements to the proposed private street. Several conditions are required, including provision of plans and financial assurances, initiating a building permit, and providing a maintenance agreement. In addition to the approval criteria of Title 33, these requirements are also based on the technical standards of Title 17 and Title 24.
- The applicant must meet the requirements of the Fire Bureau for posting of "No Parking" signs in the private street, installing a new hydrant and providing an Emergency Vehicle Access Easement over the private street tract. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1 (see Exhibit E.4).

CONCLUSIONS

The applicant has proposed a subdivision amendment and planned development review for a 8 lot subdivision, as shown on the attached preliminary plans (Exhibit C-1 and C.6-a, b, c & d). 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:

- Permitting and bonding for the construction of the private street
- Providing the street and stormwater tracts on the final plat and submitting the associated maintenance agreements for review.

- Meeting the narrow lot criteria at the time of development on the lots.
- Extension of a public sewer main in the private street to serve the new lots
- Providing a new fire hydrant
- Reconstructing the sidewalk along SE Duke Street and right-of-way dedication
- Demolishing the existing house and decommissioning the septic system
- Building permit appeal to allow a one-foot side setback from the south property boundary of Lot 3.

With conditions of approval that address these requirements this proposal can be approved. The conditions from 06-119939 that still apply are listed below in addition to newly imposed conditions resulting from this review.

ADMINISTRATIVE DECISION

Approval of an Amendment to a previously approved subdivision (LU 06 119939 LDS) for an 8-lot subdivision with a private street tract (A) and private stormwater tract (B), that will result in eight lots for detached houses, as illustrated with Exhibit C-1, and deleting Condition A.6 of LU 06-119939 LDS.

Approval of a Planned Development Review with the following modifications:

- Allowing a garage on a street-facing façade that is less than 22 feet in width;
- Allowing a garage wall that exceeds 50 percent of the length of the street-facing building façade;
- Reducing the side yard setbacks for Lots 1-2, 3 (north side yard only), 4-8 from 5 feet to 3 feet; and
- Reducing the south side yard setback for Lot 3 from 5 feet to 1 foot; as illustrated with Exhibit C.2- a & b.

This decision is subject to the following conditions:

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE Duke Street. The required right-of-way dedication must be shown on the final plat.
2. A private street tract to be named, with approval from the City Engineer, and noted on the plat as "Tract A: Private Street (street name)".
3. A sanitary sewer easement, granted to the City of Portland, shall be shown over the relevant portions of the private street to the satisfaction of the Bureau of Environmental Services.
4. An emergency Vehicle Access Easement, granted to the City of Portland, shall be shown over the entirety of the private street to the satisfaction of the Fire Bureau.
5. A public walkway easement must be shown over the 6-foot wide sidewalk portion(s) of the private street (Tract A).
6. A private stormwater management tract, with the approval of BES and noted on the plat as "Tract B: Stormwater Management
7. A recording block for each of the legal documents such as maintenance agreement(s), as required by Conditions B.8 & B.9 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for Private Street (Tract A) and Private Stormwater Management (Tract B) has been recorded as document no. ___, Multnomah County Deed Records."

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of SE Duke Street. The applicant must obtain an approved Right Of Way permit from the Bureau of Transportation Engineering and Development Review to install the required sidewalk and planter strip.
2. The applicant shall submit an application for a Site Development Permit for construction of the private street and related site development improvements. Street design plans must be prepared by, or under the direction of, an Oregon licensed civil engineer.
3. The street must be designed with a 27-foot wide paved surface, to meet the Fire Bureau requirements and allow parking on one side.
4. The applicant shall furnish a financial guarantee of performance, as approved by the Bureau of Development Services, for 125 percent of the estimated construction cost for the private street and all required site development improvements. The applicant shall provide an engineer's estimate of the costs of performance including the costs for temporary erosion control measures required during construction. The financial guarantee of performance shall be accompanied by a performance agreement with the Bureau of Development Services to complete the required improvements.
5. The applicant shall provide a clearing and grading plan with the Site Development permit required for the private street described in Condition B.2. The clearing and grading plan must substantially conform to the Preliminary Clearing and Grading Plan approved with this decision (Exhibit C.4).

Utilities

6. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main in the private street tract. The public sewer extension requires a Public Works Permit, which must be initiated prior to final plat approval. In addition, the applicant must provide engineered designs, and performance guarantees for the sewer extension to BES prior to final plat approval.
7. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing on-site sanitary sewer system on the site.

Required Legal Documents

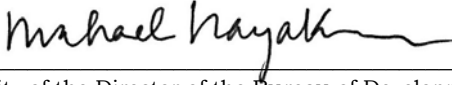
8. The applicant shall execute a Maintenance Agreement for the private street tract. The agreement shall assign common, undivided ownership of the tract to the owners of Lots 1 through 8 and include provisions assigning maintenance responsibilities for the tract and any shared facilities within that area. The agreement must also acknowledge all easements granted within the street tract, the beneficiaries of those easements, and the limitations on the easement areas to the satisfaction of the beneficiary service agencies. The maintenance agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
9. A Maintenance Agreement shall be executed for the Stormwater Management Tract area described in Condition A.6 above. The agreement shall include provisions assigning maintenance responsibilities for the easement areas and any shared facilities within those areas, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

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

1. The first lift of paving for the private street shall be installed prior to issuance of any permits for residential construction.
2. The applicant must post the private street with "No Parking" signs to the satisfaction of the Fire Bureau.

3. Building plans and elevations must be in substantial conformance with Exhibit C.6- a, b, c and d.
4. The infiltration basin plantings must be set back 3 feet from the north boundary of Tract B, as approved by BES, to allow for access to the south side of the house on Lot 3.

Staff Planner: Sue Donaldson

Decision rendered by:  **on July 27, 2010**
By authority of the Director of the Bureau of Development Services

Decision mailed July 30, 2010.

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 19, 2010, and was determined to be complete on April 7, 2010.

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 19, 2010.

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 for 2 weeks as stated with Exhibit A.6 Unless further extended by the applicant, **the 120 days will expire on August 20, 2010.**

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 13th** at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income

individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 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 City Planning Director, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

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

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

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

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

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

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

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

- All conditions imposed herein;

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

EXHIBITS

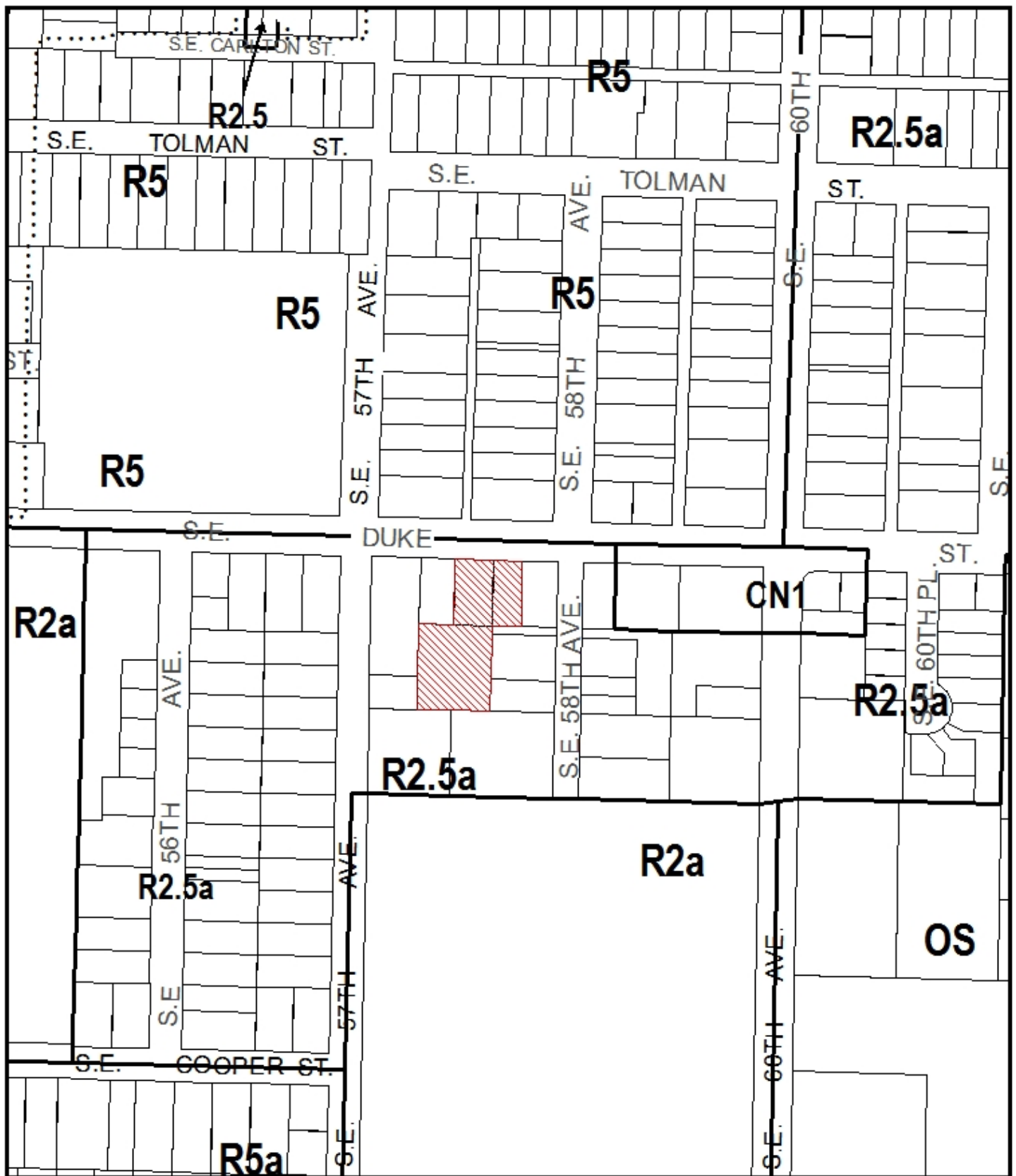
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative amending: LU 06-119939LDS
 2. Application for re-submittal of land use application
 3. Narrative addressing Planned Development criteria
 4. Site photos
 5. Site Plan: Previously Approved Preliminary Plat
 6. Request for Extension of 120-Day Review Period
 7. Proposed Lot Dimensions, Received July 2, 2010
 8. Copy of approved Building Code Appeal to reduce side setback from 5 feet to 1 foot on south side of Lot 3
- B. Zoning Map (*attached*)
- C. Plans/Drawings:
 1. Preliminary Plan, stamped Received Jun 28 2010 (*attached*)
 2. Preliminary Site Plan
 - a. Site Plan showing building locations
 - b. Detail showing 1 foot side setback on Lot 3 and 3-foot setback on Tract B (*attached*)
 3. Preliminary Landscaping Plan
 4. Utility and Grading Plan (previously approved – LU 06-119939 LDS)
 5. Utility Plan
 6. House Elevations (*attached*)
 - a. Façade 1
 - b. Façade 2
 - c. Façade 3
 - d. Typical Elevations
 7. Building Code Appeal approval
- D. Notification information:
 1. Mailing list
 2. Mailed notice
 3. Neighborhood Contact information
- E. Agency Responses:
 1. Bureau of Environmental Services
 - a. Response dated May 12, 2010
 - b. Addendum, dated May 26, 2010
 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 Plans Examiner
- F. Correspondence:

none.
- G. Other:
 1. Original LU Application
 2. Site History Research

3. Land Division Appointment Summary (EA 09-176295)
4. Incomplete Letter, dated March 12, 2010

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



Site

File No. LU 10-113072 PD,AS

1/4 Section 3736

Scale 1 inch = 200 feet

State_Id 1S2E19AA 3600

Exhibit B (Feb 22,2010)

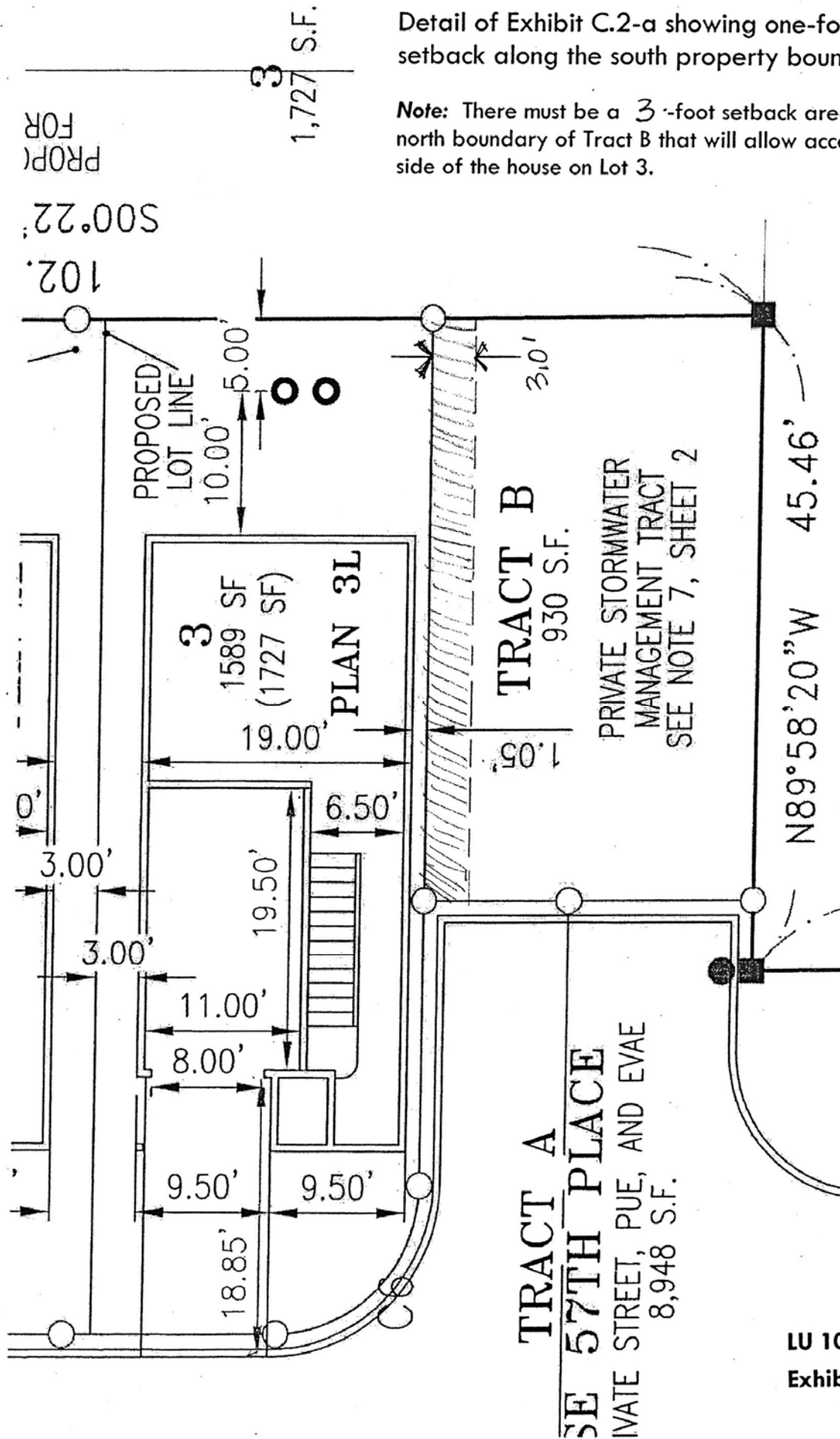


NORTH



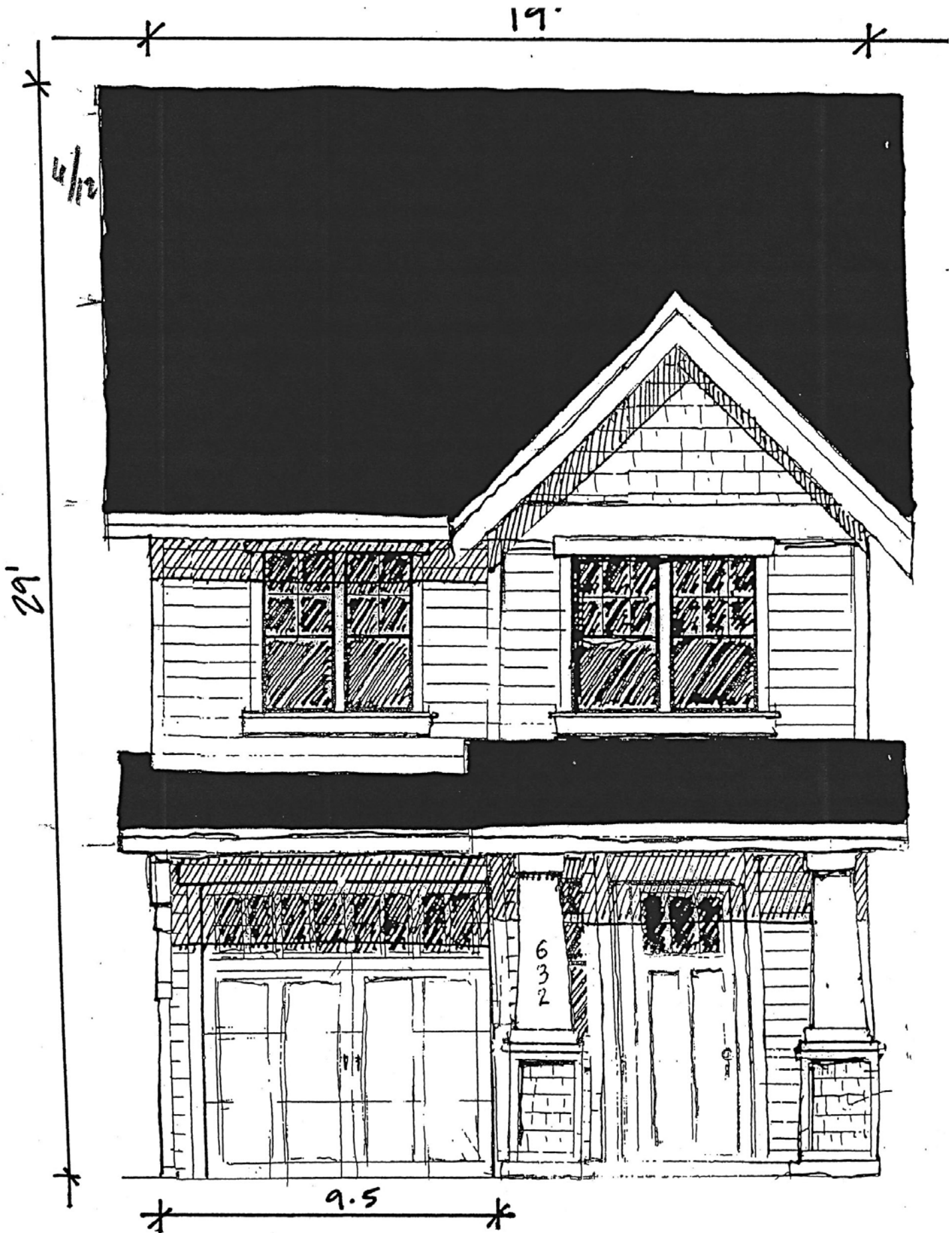
Lot Dimensions
Final

LU 10-113072 PDAS
EXHIBIT C 1 DETAIL



Detail of Exhibit C.2-a showing one-foot side setback along the south property boundary of Lot 3.

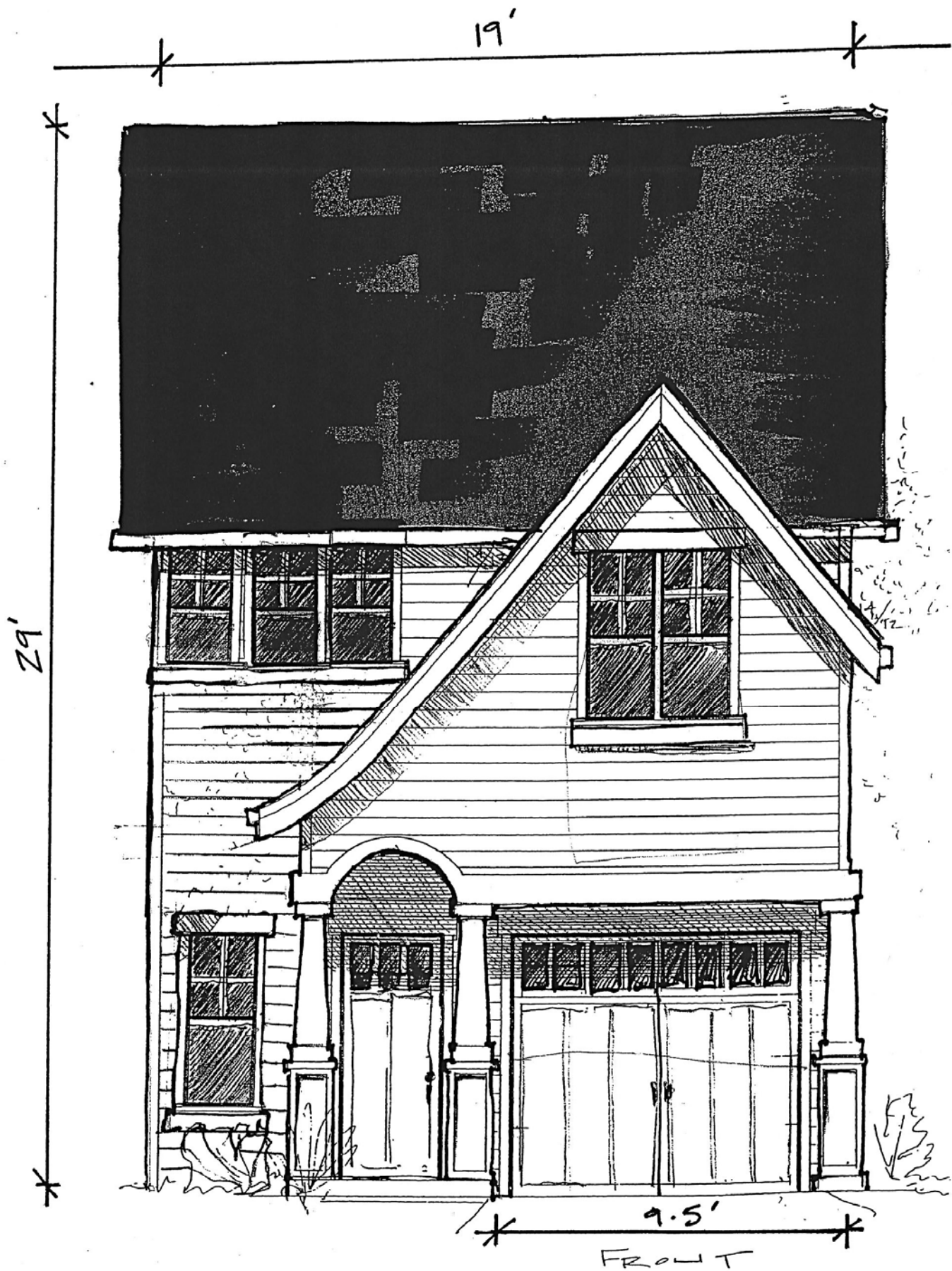
Note: There must be a 3-foot setback area along the north boundary of Tract B that will allow access to the south side of the house on Lot 3.



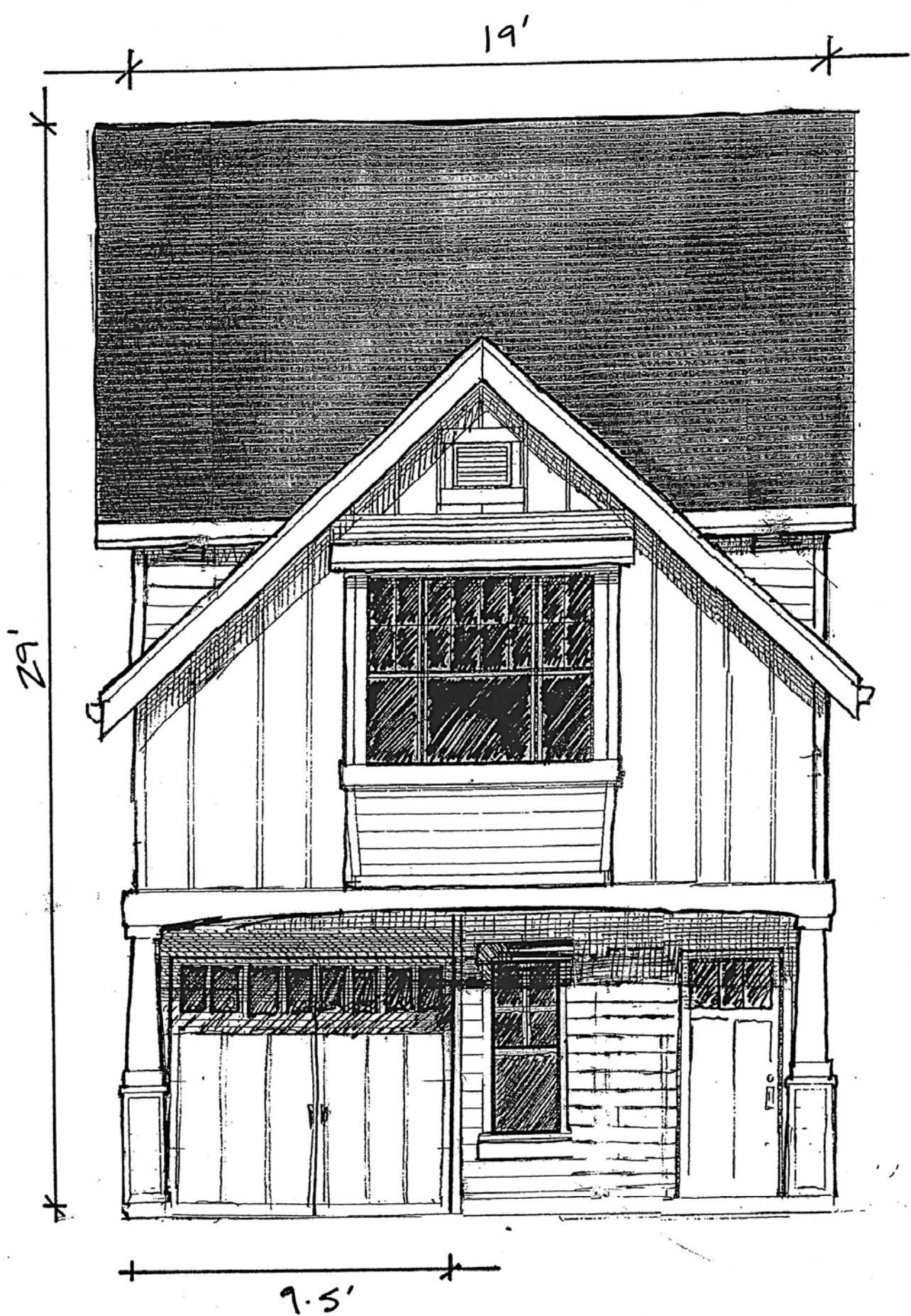
LU 10 - 113 072

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LU 10-113072 PD AS
EXHIBIT # C 6.2

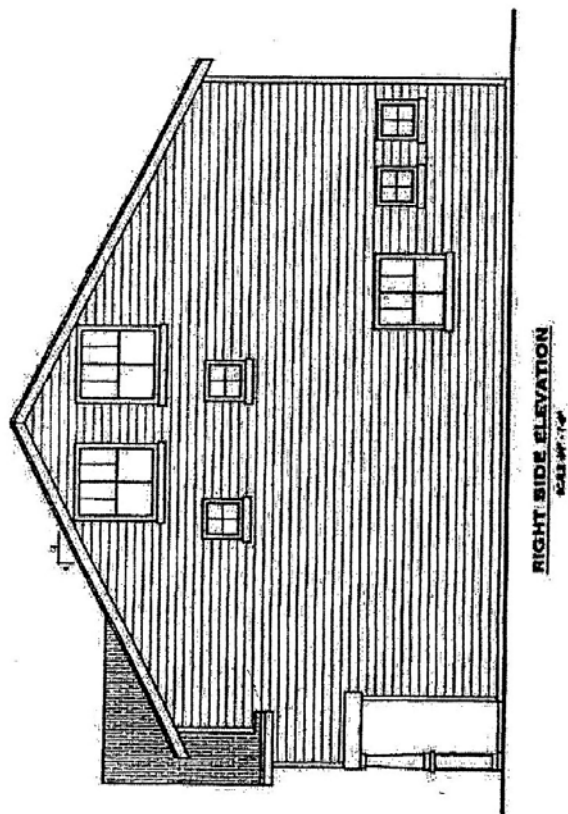
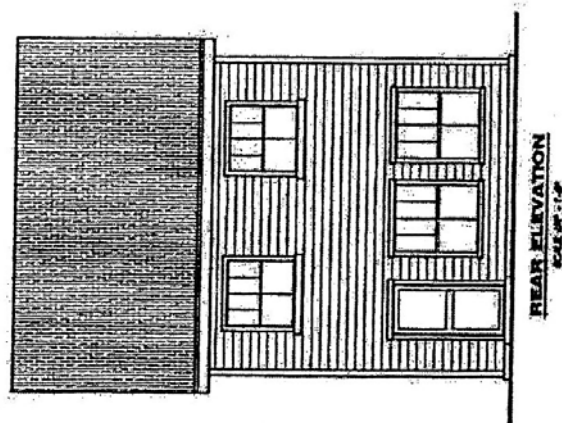
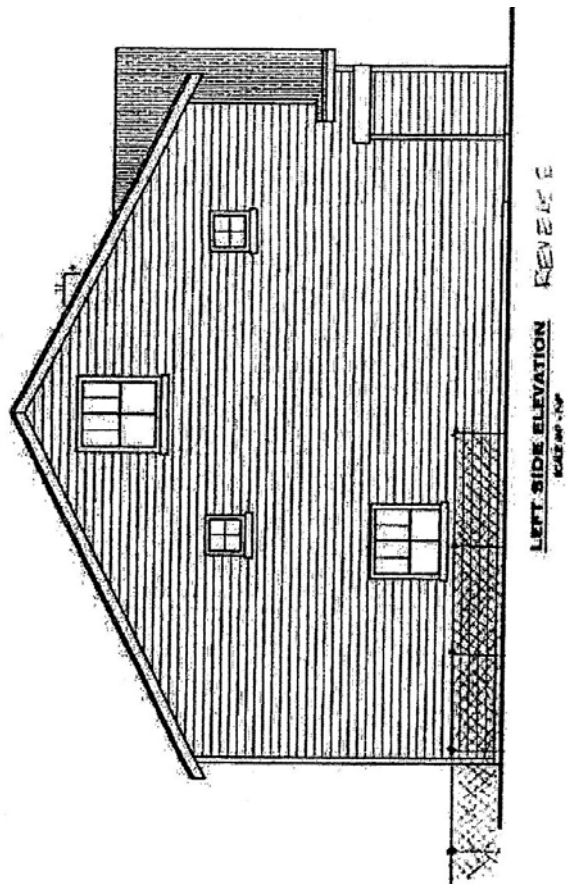
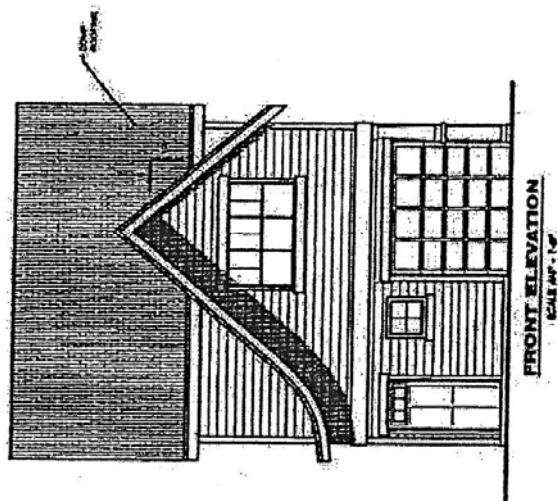


LU 10 - 113072 P1 LU 10-113072 PD AS
EXHIBIT # C6.b



LU 10 - 113072

LU 10-113072 PD AS
EXHIBIT # C.60



LU 10-113072 PDAS
Exhibit C.6d