



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

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Date: September 20, 2010
To: Interested Person
From: Sean Williams, 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 10-140727 LDP

GENERAL INFORMATION

Applicant: Jamie Thorpe
Central City Homes Llc
6426 SW Beaverton Hillsdale Hwy.
Portland, OR 97221

Representative: Mark Person
W B Wells & Associates Inc.
4230 NE Fremont Street
Portland, OR 97213

Site Address: West of 5008 SW Taylors Ferry Road

Legal Description: W 10.23' OF LOT 1 LOT 2, PARTITION PLAT 2009-81
Tax Account No.: R649893220
State ID No.: 1S1E30DB 00102
Quarter Section: 3924
Neighborhood: Crestwood, contact John Prouty at 503-246-7366.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Other Designations: Potential Landslide Hazard
Zoning: residential 7,000 (R7)
Case Type: Land Division Partition (LDP)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

PROPOSAL:

The applicant is proposing to partition the subject property into two parcels of approximately 8,162 (Parcel 1) and 7,158 (Parcel 2) square feet.

This partition proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (see 33.660.110).

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

RELEVANT APPROVAL CRITERIA:

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

ANALYSIS

Site and Vicinity: The site is currently unimproved. A driveway is located on the northern portion of the site that provides access to 5008 SW Taylors Ferry Road. Existing trees located within the property that were preserved through the previous land division review will continue to be preserved. Stormwater management is proposed to be handled via flow-through planters that will discharge into the public system. The surrounding area is primarily developed with detached homes.

Zoning: The R7 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: City records indicate that prior land use reviews include the following:

- **LU 06-120709 LDS:** Approval of a 5-lot subdivision with a private street tract. A final plat was never pursued and a subsequent land division was requested and approved which replaced this decision.
- **LU 08-101826 LDP AD:** Approval of a 3-lot partition with concurrent approval for adjustments to the maximum lot size of Parcels 2 and 3. A final plat was approved and the survey was platted (Partition Plat 2009-81).
- **LU 09-178304 AD:** Approval of an adjustment to maximum lot size to facilitate a property line adjustment (09-177503 PLA) with property identified as 5008 SW Taylors Ferry Road in order to gain enough width to create standard lots for this proposal.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on July 6, 2010.

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: One written response was received from the Crestwood Neighborhood Association in response to the proposal. The Neighborhood Association has no objection to the proposal but wanted to reiterate their position on tree preservation and traffic safety. Trees preserved through the previous land division review will continue to be preserved with this proposal and the Portland Bureau of Transportation has addressed traffic safety through requiring forward motion vehicle access onto SW Taylors Ferry Road. See findings associated with Tree Preservation and Transportation Impacts.

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 |
|-----------|-----------------|---|--|
| A | 33.610 | Lots | Applicable - See findings below. |
| B | 33.630 | Trees | Applicable - See findings below. |
| C | 33.631 | Flood Hazard Area | Not applicable - The site is not within the flood hazard area. |
| D | 33.632 | Potential Landslide Hazard Area | Applicable - See findings below. |
| 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. |
| G | 33.635 .100 | Clearing and Grading | Applicable - See findings below. |
| G | 33.635 .200 | Land Suitability | Applicable - See findings below. |
| H | 33.636 | Tracts and Easements | Applicable - See findings below. |
| I | 33.639 | Solar Access | Not Applicable - All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference. |
| J | 33.640 | Streams, Springs, and Seeps | Not applicable - No streams, springs, or seeps are evident on the site outside of environmental zones. |
| K | 33.641 | Transportation Impacts | Applicable - See findings below. |
| L | 33.651 - 33.654 | Services and Utilities | Applicable - See findings below. |

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. These density and lot dimension requirements 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, but the site is within the potential landslide hazard. Therefore, the maximum and minimum density for this site is as follows:

Minimum = If any portion of the site is within the potential landslide hazard area, the minimum density requirement is reduced to zero (per 33.610.100).

Maximum = $20,142 \text{ square feet} \div 7,000 \text{ square feet} = 2.87$ (which rounds down to a maximum of 2 parcels, per 33.930.020.B)

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

Lot Dimensions

The lot dimension requirements 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 so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (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 dimensions of the proposed lots as compared to the required lot dimension requirements are shown in the following table (this information is found in Table 610-2 of the Zoning Code):

| | R7 Zone Requirement | Proposed Parcel 1 | Proposed Parcel 2 |
|------------------------|----------------------------|--------------------------|--------------------------|
| Minimum Lot Area | 4,200 sq. ft. | 9,570 sq. ft. | 10,572 sq. ft. |
| Maximum Lot Area | 12,000 sq. ft. | | |
| Minimum Lot Width* | 40 ft. | 40 ft. | 40 ft. |
| Minimum Lot Depth | 55 ft. | 200 ft. | 200 ft. |
| Minimum Front Lot Line | 30 ft. | 40 ft. | 40 ft. |

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

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

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

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The applicant has submitted an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A-2). As a part of land use review LU 08-101826 LDP AD, the applicant was required to preserve 12 trees, of which 2 (#227 & 253) are located within this land division site. Some trees have been exempted by the arborist because they are unhealthy. The inventory identifies the following trees on the site:

| Tree # | Species | Diameter (inches) | Significant? (On Table 630-1) | Exempt? (per 33.630.030) | To be retained? | RPZ (Root Protection Zone) |
|--------|------------------|-------------------|-------------------------------|--------------------------|-----------------|----------------------------|
| 200 | Pine | 15 | | | | |
| 227 | Blue spruce | 20.5 | Yes | | Yes | See Exhibit C-5 |
| 253 | Variegated beech | 19.5 | | | Yes | See Exhibit C-5 |
| 324 | Oregon maple | 46 | Yes | Yes: Unhealthy | | |
| 327 | Douglas fir | 35 | Yes | | | |
| 328 | Douglas fir | 47.5 | Yes | Yes: Unhealthy | | |
| 339 | Deodar cedar | 12.5 | | | | |

The total non-exempt tree diameter on the site is 102.5 inches. The applicant proposes to continue to preserve trees 227 and 253, which equate to 40 inches of diameter, or 39 percent of the total non-exempt tree diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total tree diameter on the site to be preserved. The applicant has provided a Tree Preservation Plan showing the preserved trees and the required root protection zones (Exhibit C-5).

This criterion is met, subject to the condition that development on Parcel 2 is carried out in conformance with the Tree Preservation Plan (Exhibit C-5) and the applicant's arborist report (Exhibit A-2).

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.

33.632.100 Landslide Hazard Area Approval Criterion

The following approval criterion must be met: Locate the lots, buildings, services and utilities on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety.

Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

Findings: The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site is reasonably limited.

In order to evaluate the proposal against this criterion, the applicant has submitted a geotechnical evaluation of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A-3). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability.

The applicant's geotechnical evaluation indicates that the risk of potential landslide hazard at the site is relatively low, given the soil composition, topography, and other risk factors. The proposed land division will result in lots, buildings, services, and utilities that will not significantly increase the risk of landslide potential on the site or other properties in the vicinity of the site. In addition, the geotechnical evaluation has concurred that the applicant's proposed method of stormwater disposal at the site will not have a significant detrimental impact on the slope stability on or around the site. This conclusion was reached because stormwater will not be disposed on the site itself, it will be treated and discharged into an existing drainage ditch as discussed later in this report under the findings for "Stormwater Management Approval Criteria."

Site Development has concurred with the findings of the applicant's geotechnical report. This criterion is met.

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

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

33.635.100 – Clearing and Grading

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

Findings: The 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 located in the Potential Landslide Hazard area. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

A Preliminary Clearing and Grading Plan was submitted with the land division application (Exhibit C-4) that indicates no significant grading is proposed as a part of this review. In addition, a Geotechnical Report (Exhibit A-3) was provided that describes how clearing and grading should occur on the site to minimize erosion risks. The applicant also provided a Tree Preservation Plan (Exhibit C-5) that designates areas on the site where grading should not occur in order to protect the roots of the trees on the site that will be preserved, and an arborist report (Exhibit A-2) that further discusses grading on the site. Both the applicant's geotechnical engineer and arborist recommend that the amount of grading work occurring on the site be minimized as much as possible. It is anticipated that the grading will primarily involve excavating for the foundations of the new houses and trenching for the utilities, but will not include mass grading of the site to alter the existing contours.

Following the recommendations of the Geotechnical Report will help to limit erosion and sedimentation concerns. Stormwater runoff from the lots will be appropriately managed by a shared flow through planter that will discharge into the ditch in SW Taylors Ferry Road to assure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report). In addition, no clearing and grading will be permitted within the root protection zones of the trees on the site that are required to be preserved. Preserving these trees will help limit erosion by assuring that the tree roots will help to hold the soil in place.

As shown above the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the applicant's Geotechnical Report to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan and arborist report. 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.

Findings: 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 moderately sloped 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.

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. When the tract is owned by more than one person it must be held in common with an undivided interest;**
- 2. The Homeowners' Association for the area served by the tract;**

3. A public or private non-profit organization; or
4. The City or other jurisdiction.

Findings: No tracts are proposed or required for this land division, so criterion A does not apply.

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: The following easements are proposed and/or required for this land division:

- A Reciprocal Access and utility easement is proposed over the relevant portions of Parcel 1 and 2 for the benefit of Parcel 1, 2 and adjacent property identified as 5008 SW Taylors Ferry Road (Lot 1 of PP 2009-81).

An existing driveway and sanitary sewer connection that serve 5008 SW Taylors Ferry Road are located in the northern portion of the land division site. An easement was established as a part of the previous land division review (LU 08-101826 LDP AD) to accommodate the existing driveway and sewer connection. The applicant is proposing to use the existing driveway to serve Parcels 1 and 2 of this land division review. In addition, shared stormwater facilities associated with development on these parcels will be located within this area. The existing easement over the land division site will be extinguished as a result of re-platting this property and a new easement must be established to accommodate vehicle maneuvering and utilities associated with parcel 1, 2 and 5008 SW Taylors Ferry Road.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement will be required describing maintenance responsibilities for the easement described above and facilities within this area. This criterion can be met with the condition that a maintenance agreement is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement with a recording block, substantially similar to the following example:

"A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

With the conditions of approval discussed above, 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 80 feet of frontage on SW Taylors Ferry Road. SW Taylors Ferry Road is classified as a Neighborhood Collector, Community Transit Street, City Bikeway, City Walkway, Local Freight Street, Minor Emergency Response Street, and Community Corridor in the Transportation Element of the Comprehensive Plan. Tri-Met provides transit service on SW Taylors Ferry Road via bus #43. Parking is currently prohibited on both sides of SW Taylors Ferry Road. There is one driveway entering the site that provides access to off-street parking for 5008 SW Taylors Ferry Road.

At this location, SW Taylors Ferry Road is improved with a paved roadway, and a gravel shoulder on both sides. There are no curbs, planter strips, or 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. The applicant has contributed toward the funding of a recent pavement-widening project completed by the City's Bureau of Maintenance along SW Taylor's Ferry Road. No additional improvements or dedications are required. Based on the traffic volumes of SW Taylors Ferry Road the applicant will be required to provide forward motion vehicles access for Parcels 1 and 2 and demonstrate adequate sight distance, which may entail the trimming of hedges near the driveway approach.

Portland Transportation has not identified or been made aware of any additional factors related to this proposal that lead to a conclusion other than that the proposed development can be safely served by this existing street without having any significant impact on the level of service provided. With the conditions of approval described above, 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. A 12-inch water main is available in SW Taylors Ferry Road that is available to serve the proposed development. An existing 5/8-inch metered service that was associated with past development within the land

division site may be used for future development on Parcel 2. See Exhibit E-3 for more details.

- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch concrete public sanitary sewer located in SW Taylors Ferry Road that can serve the sanitary needs of the proposed lots. An existing sanitary lateral is located within the land division site that serves the adjacent property addressed 5008 SW Taylors Ferry Road. As previously discussed, this lateral will continue to serve this property and will be encompassed by an appropriate easement. 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-3), and the Bureaus have responded as follows (Exhibits E-1 and E-5):

- **Parcels 1 & 2:** Stormwater from these lots will be directed into a shared flow-through planter that removes pollutants and suspended solids. The water will drain from the planter to the existing ditch located in SW Taylors Ferry Road. The land division site

contains sufficient area for a shared planter box, and the Bureau of Environmental Services has indicated that the treated water can be directed to the existing drainage ditch at the frontage of the site.

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.

| Code Section | Topic | Applicability Findings |
|---------------------|--|---|
| 33.654.110.B.1 | Through streets and pedestrian connections | Applicable - See findings below. |
| 33.654.110.B.2 | Dead end streets | Not applicable - No dead end streets are proposed. |
| 33.654.110.B.3 | Pedestrian connections in the I zones | Not applicable - The site is not located within an I zone. |
| 33.654.110.B.4 | Alleys in all zones | Not applicable – No alleys are proposed or required. |
| 33.654.120.C.1 | Width of the street right-of-way | Not applicable – No streets are proposed or required. |
| 33.654.120.C.3.c | Turnarounds | Not applicable – No turnarounds are proposed or required. |
| 33.654.120.D | Common Greens | Not applicable – No common greens are proposed or required. |
| 33.654.120.E | Pedestrian Connections | Not applicable – There are no pedestrian connections proposed or required. |
| 33.654.120.F | Alleys | Not applicable – No alleys are proposed or required. |
| 33.654.120.G | Shared Courts | Not applicable – No shared courts are proposed or required. |
| 33.654.130.A | Utilities | Applicable - See findings below. |
| 33.654.130.B | Extension of existing public dead-end streets and pedestrian connections | Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site. |
| 33.654.130.C | Future extension of proposed dead-end streets and pedestrian connections | Not applicable – No street extensions are required to serve abutting sites that are further dividable. |
| 33.654.130.D | Partial rights-of-way | Not applicable – No partial public streets are proposed or required. |
| 33.654.130.E | Ownership of Alleys | Not applicable- No alleys are proposed or required. |

Applicable Approval Criteria are:

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

- a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;
- b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;
- c. Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;
- d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;
- e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.

Findings: The site is located on SW Taylors Ferry Rd. approximately 195 feet from SW 52nd St., which runs north south to the west, and approximately 650 feet from SW 48th Avenue, which runs north south to the east. Given the distance between these existing streets, a through connection at this location is appropriate. However, given the surrounding lots' existing development, there is no feasible way to develop a north south through street using the land division site.

The site is within the Portland Master Street Plan for the Southwest District. The plan does not show any through street or pedestrian connections in the site's vicinity. Therefore, the proposal is consistent with the master street plan.

The only new through pedestrian connections is a separated pathway along the south side of SW Taylors Ferry Road, which is part of the Taylor's Ferry Vision plan adopted by the City Council. The applicant contributed funds toward this project that was completed by the City's Bureau of Maintenance.

For the reasons described above, this criterion is met.

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 existing right-of-way can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. 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 site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R7 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; 2008 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/ |

| Bureau | Code Authority | Topic | Contact Information |
|-------------------------|---|---|---|
| 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 must meet the requirements of the Fire Bureau in regards to fire apparatus access and aerial fire department access roads. These requirements are based on the technical standards of Title 31 and Oregon Fire Code. See Exhibit E-4.

CONCLUSIONS

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

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in two standard lots that may accommodate attached or detached housing, as illustrated with Exhibit C-1, subject to the following conditions:

A. The final plat must show the following:

1. A Reciprocal Access, Sanitary Sewer and Storm Sewer Easement, for the benefit of Parcels 1, 2 and 5008 SW Taylors Ferry Road (Lot 1 of PP 2009-81), shall be shown and labeled over the relevant portions of Parcels 1 and 2.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B-2 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (*Reciprocal Access, Sanitary Sewer and Storm Sewer Easement*) has been recorded as document no. _____, Multnomah County Deed Records."

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

Utilities

1. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire accessway for Parcels 1 and 2. Alternately, the applicant will be required to install

residential sprinklers in the new house on Parcels 1 and 2. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

Required Legal Documents

2. A Maintenance Agreement shall be executed for the Reciprocal Access, Sanitary Sewer and Storm Sewer Easement area described in Condition A-1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, 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. Development on Parcel 2 shall be in conformance with the Tree Preservation Plan (Exhibit C-5) and the applicant's arborist report (Exhibit A-2). Specifically, trees numbered 227 and 253 are required to be preserved, with the root protection zones indicated on Exhibit C-5. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.
2. If required, the applicant will be required to install residential sprinklers in the new dwelling units on Parcel 1 and 2 to the satisfaction of the Fire Bureau. Please refer to the final plat approval report for details on whether or not this requirement applies.
3. 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.
4. The applicant shall meet the requirements of the Portland Bureau of Transportation for providing forward motion vehicle access onto SW Taylors Ferry Road and demonstrating adequate site distance.

Staff Planner: Sean Williams

Decision rendered by:  **on September 16, 2010.**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 20, 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 May 25, 2010, and was determined to be complete on June 30, 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 May 25, 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 waived the 120-day review period, as stated with Exhibit G-3.

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 October 4, 2010** 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.

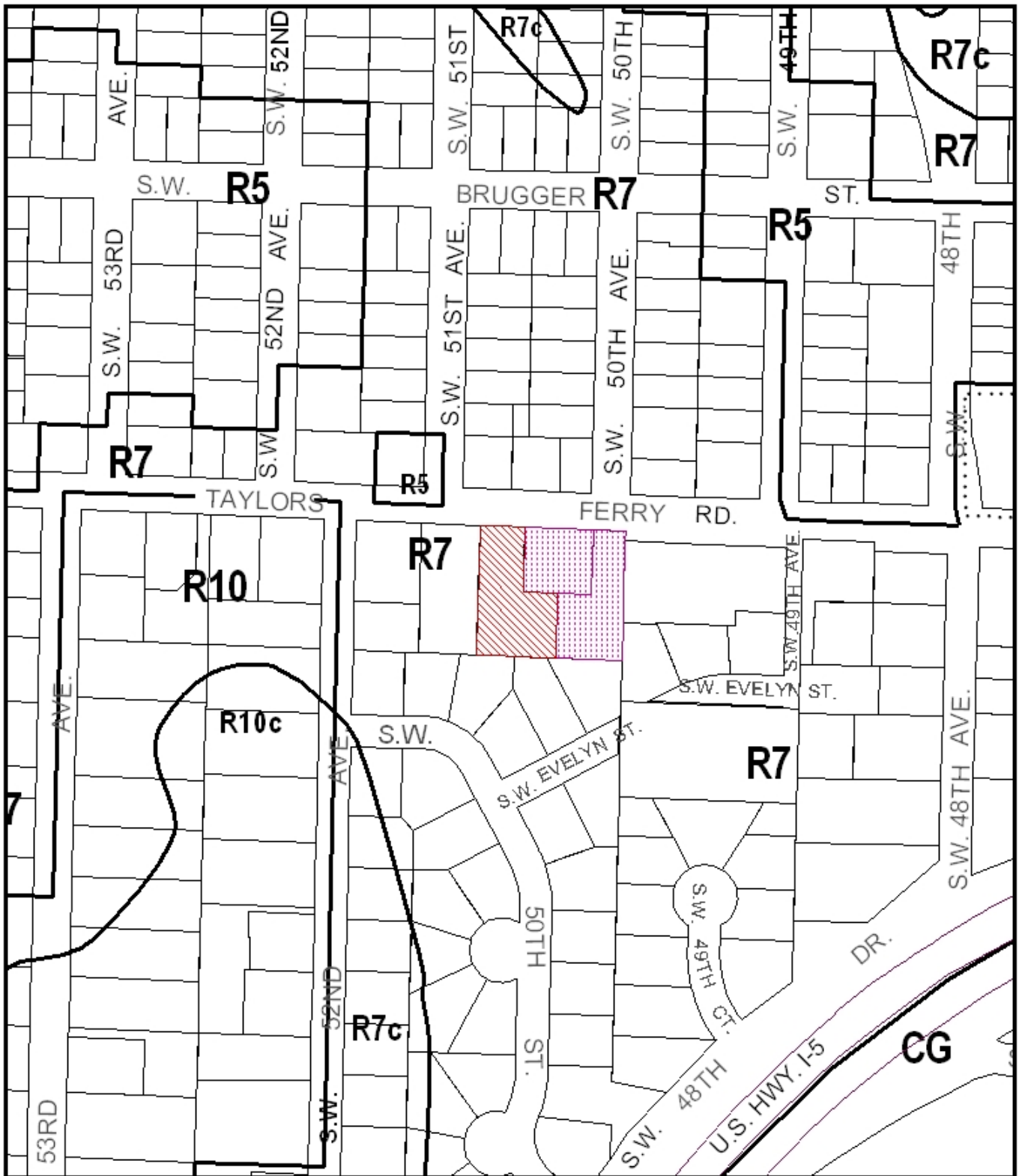
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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
 - 1. Land Division Approval Criteria
 - 2. Arborist Report
 - 3. Geotechnical Report
 - 4. Infiltration testing
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Partition Plat (attached)
 - 2. Existing Conditions Plan
 - 3. Preliminary Utility Plan (attached)
 - 4. Preliminary Clearing/Grading Plan
 - 5. Tree Preservation Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services w/ addendum
 - 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:
 - 1. Crestwood Neighborhood Association (8/4/10)
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Request for extension of 120-day review period
 - 4. Incomplete Letter

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



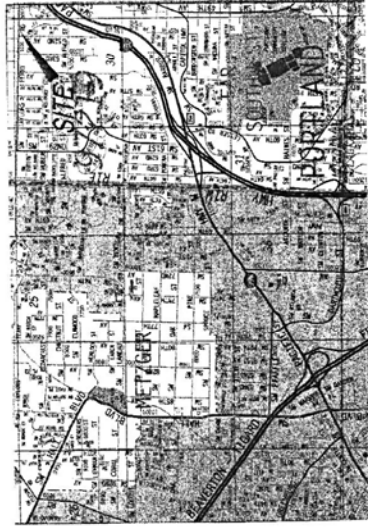
ZONING

-  Site
-  Also Owned



File No. LU 10-140727 LDP
 1/4 Section 3924
 Scale 1 inch = 200 feet
 State_Id 1S1E30DB 102
 Exhibit B (May 27, 2010)

TAYLORS FERRY STATION PARTITION



VICINITY MAP

N.T.S.

APPLICANT:

CENTRAL CITY HOMES
ATTN: RALPH FULLERTON
6426 SW BEAVERTON-HILLSDALE
PORTLAND, OR 97202
PHONE: 503-239-5525

PROPOSAL:

2-LOT SINGLE-FAMILY PARTITION

LAND USE:

R-7

SIZE:

19,119 S.F.

TOPOGRAPHY:

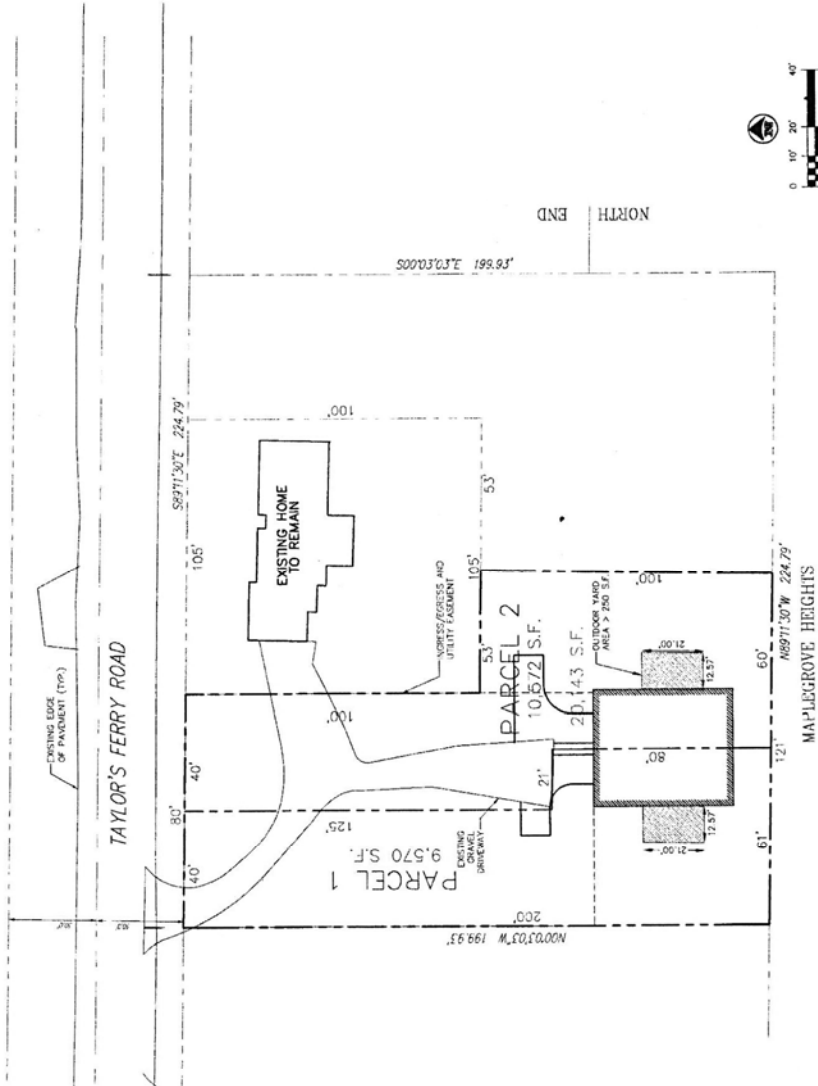
W.B. WELLS & ASSOCIATES, INC.

LEGAL DESCRIPTION:

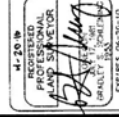
TAX LOT 100 OF TAX MAP 15 1E 3009

DRAWINGS:

1. PLAT / VICINITY MAP / INDEX OF DRAWINGS
2. EXISTING CONDITIONS
3. PRELIMINARY UTILITY PLAN
4. CLEARING AND GRADING PLAN
5. TREE PRESERVATION PLAN



TAYLORS FERRY STATION
PRELIMINARY PARTITION PLAT
FOR
CENTRAL CITY HOMES
CITY OF PORTLAND, OREGON



Central City Homes
Attn: Ralph Fullerton
6426 SW Beaver-Hillsdale
Portland, OR 97202
503-239-5525

REVISIONS:

| | |
|--------------|-----------------|
| DESIGNED BY: | EGS |
| DRAWN BY: | MOP |
| CHECKED BY: | |
| FILE # | 05-000-ENG-0245 |
| PLAT DATE | mm dd yy |
| JOB NO. | 05-156 |
| SHEET | 1 OF 5 |

CASE NO. 10-140727
EXHIBIT C-1

LU10-140727 CDP



**TAYLORS FERRY STATION
PRELIMINARY UTILITY PLAN**
FOR
CENTRAL CITY HOMES
CITY OF PORTLAND, OREGON



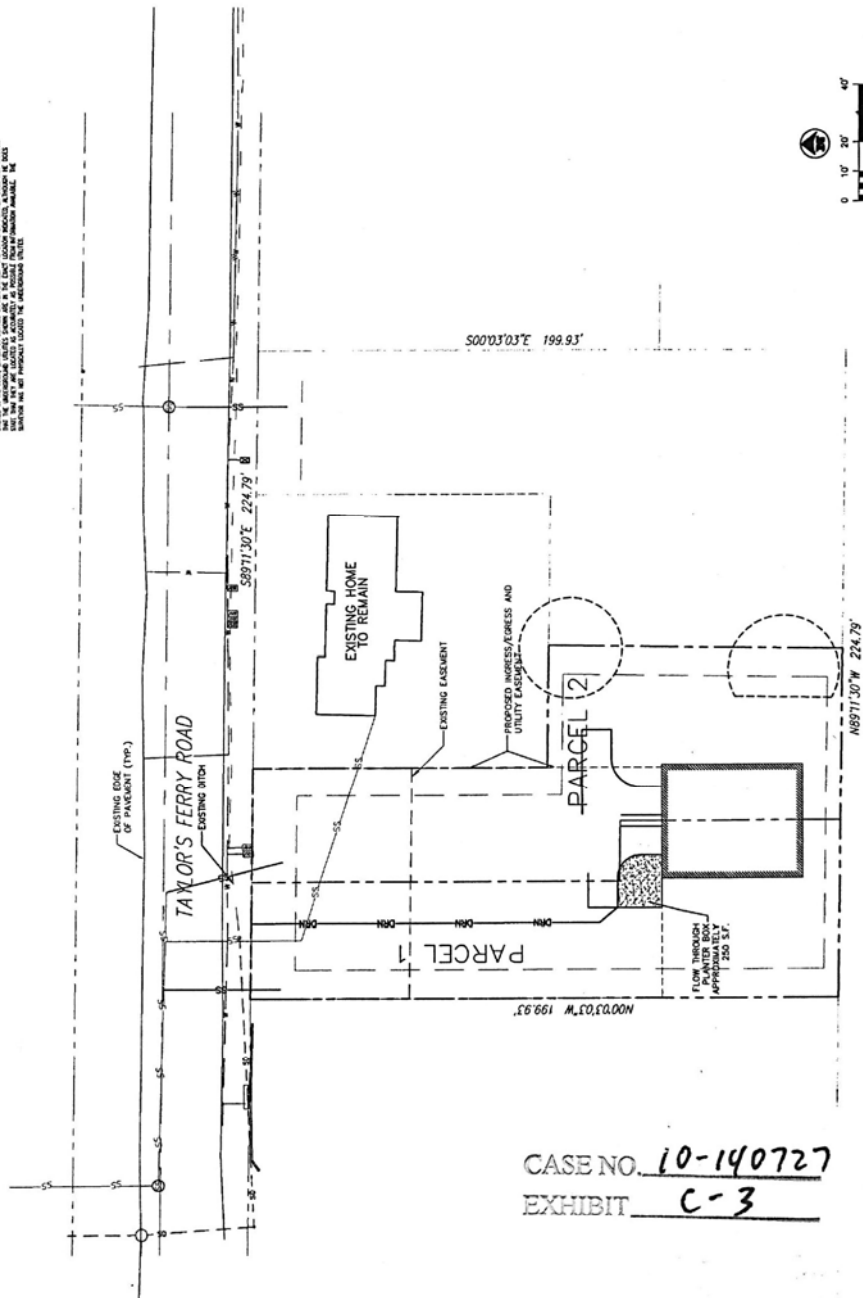
Central City Homes
Attn: Ralph Fullerton
1448 SE Ravenna-Billings
Portland, OR 97202
503-297-1433

| | |
|--------------|----------------|
| DESIGNED BY: | BSS |
| DRAWN BY: | MOP |
| CHECKED BY: | |
| FILE NO: | 00-000-DNP-DWG |
| PLOT DATE: | mm-dd-yy |
| JOB NO: | 05-150 |
| DATE: | 05-15-00 |
| SHEET | 3 OF 5 |

LEGEND

- EXISTING GAS LINE
- EXISTING SANITARY SEWER AND IM
- EXISTING STORM SEWER, IM AND CATCH BASIN
- EXISTING OVERHEAD UTILITY
- EXISTING EDGE OF PAVEMENT
- EXISTING DRIVE
- EXISTING SANITARY LINE, WATER & GATE VALVE
- EXISTING CENTERLINE
- EXISTING LOT LINE
- EXISTING E.O.N.
- PROPOSED K.O.N.
- PROPOSED LOT LINE
- PROPOSED CENTERLINE
- PROPOSED DRIVE
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER, IM, M.I. & IM
- PROPOSED WATERMETER & SERVICE LINE

THE UNDERSIGNED CERTAINLY KNOWS THE TRUE AND CORRECT LOCATION OF THIS INTERSECTION AND THE EXISTING UTILITIES AND HAS BEEN ADVISED BY THE ADJACENT PROPERTY OWNERS THAT THE EXISTING UTILITIES ARE AS SHOWN ON THIS PLAN. THE ADJACENT PROPERTY OWNERS HAVE BEEN ADVISED THAT THE EXISTING UTILITIES ARE AS SHOWN ON THIS PLAN. THE ADJACENT PROPERTY OWNERS HAVE BEEN ADVISED THAT THE EXISTING UTILITIES ARE AS SHOWN ON THIS PLAN. THE ADJACENT PROPERTY OWNERS HAVE BEEN ADVISED THAT THE EXISTING UTILITIES ARE AS SHOWN ON THIS PLAN.



CASE NO. 10-140727
EXHIBIT C-3

| TREE TABLE | | | COMMENTS | |
|------------|---------------------|---------------|----------|----------------|
| NO. | TRUNK SIZE - INCHES | TYPE | ORP | |
| 500 | 15 | FRS | 52 | FRS MULTI-STEM |
| 501 | 20 | BELIE SUBJECT | 20 | FRS MULTI-STEM |
| 502 | 25 | BELCO | 40 | FRS |
| 503 | 19.5 | BELCO | 40 | FRS |
| 504 | 46 | ORIGON MUL | 40 | EXEMPT |
| 505 | 37 | DOUG FIR | 40 | FRS |
| 506 | 32.1 | DOUG FIR | 55 | EXEMPT |
| 507 | 35 | DOUG FIR | 55 | FRS |
| 508 | 12.5 | DOUGA DOB | 20 | FRS |

TOTAL INCHES: 195
EXEMPT INCHES: 93.5
REMAINING INCHES: 102.5

35% REQ. INCHES: 35.87

PRESERVE - 40" RETAINED > REQ. INCHES OF 35.87"

ROOT PROTECTION AREA

CASE NO. 10-140727
EXHIBIT C-5

22051-140227 CBP

