



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 15, 2014
To: Interested Person
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 13-241799 LDP

GENERAL INFORMATION

Applicant: Mark Dane Planning, Inc.
13630 SW Butner Rd / Beaverton, OR 97005

Owner: Private Investment Partners LLC
10117 SE Sunnyside Rd #F707 / Clackamas, OR 97015-7708

Site Address: 6704 SE 67TH AVE

Legal Description: BLOCK 31 LOT 17, BRENTWOOD & SUB; BLOCK 31 LOT 18, BRENTWOOD & SUB

Tax Account No.: R120821, R120822

State ID No.: 1S2E20BA 12100, 1S2E20BA 12000

Quarter Section: 3737

Neighborhood: Brentwood-Darlington, contact David Messenheimer at trimess@hotmail.com

Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Zoning: Residential, 2,500 with the "a" Alternative Design Density overlay zone.

Case Type: Land Division Partition

Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes a land division partition to create three parcels. Parcels 1 and 2 are proposed to be 2,500 square feet in size and Parcel 3 is proposed to be 3,000 square feet in size and will retain the existing house. Parcels 1 and 2 are proposed to share a single driveway centered on the common property line. An easement on Parcel 2 for a driveway for

Parcel 3 is also proposed. Stormwater disposal is proposed to be managed with on-site drywells. Two trees are proposed to be preserved at the site as part of the project. Each lot is proposed as a new narrow lot.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (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 3 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**.

FACTS

Site and Vicinity: The site is comprised of two separate, adjoining lots and is developed with a single family residence which will remain on site and a detached garage which will be removed. The slope of the site is very level, with an average slope of 2 percent. The neighborhood is characterized primarily by single family residences and streets without curbs, gutters or sidewalks.

Infrastructure:

- **Streets** – The site has approximately 80 feet of frontage on SE 67th Avenue. There is one driveway entering the site that serves the existing house on the site. Tri-Met provides transit service approximately 540 feet north of the site at SE Duke Street via Bus 19. At this location, the City’s Transportation System Plan classifies SE 67th Avenue as a Local Service street for all modes and is improved with 28-ft of center-strip paving width within a 50-ft wide right of way, with no curbs or sidewalks.
- **Water Service** – There is an existing 6-inch water main in SE 67th Avenue. The existing house is served by a 5/8-inch metered service from this main. The proposed parcels will also be served by future connections to this water main.
- **Sanitary Service** - There is an existing 8-inch public sanitary only sewer line in SE 67th Avenue. A new lateral will be constructed to serve the existing house on Parcel 3 and proposed Parcels 1 and 2 will also be served by future connections to this sewer main. The sewer connection currently serving the existing house will be capped and may serve Parcel 2 in the future.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. Stormwater disposal will be managed through on-site drywells.

Zoning: The R2.5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 9, 2014**. A written response has been received from the Brentwood-Darlington Neighborhood Association (Exhibit F.1). The comment was received by email on November 11th (a holiday) one day after the November 10th deadline. The Association is not in support of the partition based upon the narrow lot proposal and due to the proposed Portland Comprehensive Plan Map land use designation change. The Comprehensive Plan Update is expected to be presented at a City Council hearing in mid-2015 and proposes a zone change from R2.5 to R5 for the site and surrounding neighborhood. As of the date of this report, the proposed update has not been presented to the Portland City Council.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:**A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.**

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. The 8,000 square foot site has a minimum required density of 1 unit and a maximum density of 3 units. The maximum density for the site is calculated at one unit per 2,500 square feet. The minimum density for the site is calculated at one unit per 5,000 square feet based on 80 percent of the site area. The applicant is proposing 3 single dwelling parcels. The density standards are therefore met. The lot dimensions required and proposed are shown in the following table:

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,500		25 (narrow lot)	100	25
Parcel 2	2,500		25 (narrow lot)	100	25
Parcel 3	3,000		30 (narrow lot)	100	30

* 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.

Narrow Lots:

Parcels 1, 2 are 25 feet wide and Parcel 3 is 30 feet wide — each is narrower than the 36-foot minimum width for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of Section 33.611.200.C, as discussed below.

Consistent with the Purpose of Lot Dimension Regulations

The purpose of Lot dimension regulations are as follows:

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (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 wide enough to allow development to orient toward the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9) lots are compatible with existing lots while also considering the purpose of this chapter.

The applicant has demonstrated that the proposed Parcels 1, 2 and 3 are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that the proposed lot(s) can accommodate a reasonably sized house and garage while meeting the development standards of the zoning code. The existing house on Parcel 3 which will remain also meets this requirement.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street
- The proposed narrow lots are compatible with existing lots because the neighborhood contains twelve narrow lots within approximately 200 feet of the site (Exhibit B); eight parcels located at the intersection of SE 67th and SE Duke Street, 6557 SE 67th Ave and three parcels on SE 66th Ave (6618, 6620, 6622 SE 66th Ave). These parcels have a lot width of between 20 and 30 feet. These parcels are located within the same R2.5 zone district as the project site.

The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet

- The lots will be developed with detached houses; however, the proposed parcels are at least 25 feet wide.

If the lot abuts an alley, then vehicle access is allowed only from the alley

- The site does not have access from an alley, so this standard does not apply.

Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development

- The applicant has demonstrated, with Exhibit C-2 that detached garages are proposed at the rear of Parcels 1 and 2, accessed by a shared driveway that straddles the lots lines between properties. A parking pad is proposed for the existing house which will remain on Parcel 3.

60 percent landscaping requirement for attached houses

- The applicant has indicated that the lots will be developed with detached houses; therefore, this requirement does not apply.

If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.

- Parking is required. Therefore, alley access and the garage limitation requirements described above must be met.

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

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

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter. The applicant has provided an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.3). The site contains 8 trees, two of which are exempt due poor health, one of which poses a structural risk. Therefore, the 6 remaining trees are subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 104 inches. The applicant proposes to preserve trees 4, and 8 which comprise of 35 inches of diameter, or 34 percent of the total non-exempt tree diameter. Additionally, the applicant has proposed mitigation for one inch of tree diameter. Together, this proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total non-exempt tree diameter on the site to be preserved. Payment into the Tree Fund will contribute to the general beauty and natural heritage of the City, if not directly on the site. Criterion B is met with a condition of approval requiring a payment into the City Tree Fund the amount equivalent to 1 inch of trees prior to final plat approval.

The trees to be preserved and the required root protection zones are shown on the applicant's Tree Preservation Plan/Proposed Improvements Plan (Exhibit C.2). The applicant has proposed an alternative root protection plan per 33.248.065.C. The applicant's arborist has stated that the proposed plan provides the same level of protection as 33.248.068. In order to ensure that future owners of the lots are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions at the time of final plat.

This criterion is met, subject to the condition that development on Parcels 1 and 3 is carried out in conformance with the Tree Preservation Plan/Proposed Improvements Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.3) and an Acknowledgement of Tree Preservation Land Use Conditions is recorded with the final plat and that the applicant pay into the City Tree Fund for the equivalent of one inch of tree diameter.

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

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. The Site Development section of BDS has determined that an old cesspool was decommissioned in 1997 when the existing residence was connected to the public sewer system. This criterion is met.

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

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

- A Reciprocal Access Easement is proposed to allow shared use of a driveway that will straddle proposed lot lines of Parcels 1 and 2 and an easement across Parcel 3 is proposed for the driveway for Parcel 3;

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement will be required describing maintenance responsibilities for the easements described above and facilities within those areas. 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(s) with a recording block substantially similar to the following example:

"A Declaration of Maintenance agreement for a reciprocal access easement 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.

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. All of the proposed lots are on the east side of a north-south oriented street, and are considered interior lots (not on a corner). In this context there is no preference that any one lot be wider or narrower than the other lots. This criterion is therefore met.

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

Findings: The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services.

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.

The applicant submitted a professionally prepared Traffic Impact Study (TIS) (Exhibit A.4) to demonstrate compliance with the evaluation factors. The following discussion is based on PBOT's assessment of the analyses and conclusions of the TIS.

Street capacity/level of service

Findings: Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

To estimate the trips generated by the addition of a single-family dwelling to the subject property, trip rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition were used. The data for land use #210, Single-Family Detached Housing are used to calculate trip rates for the additional homes. In relation to the proposed land division partition request, the existing home on the site will be retained on Proposed Parcel 3 and 2 new detached homes will be constructed on the newly created Parcels 1 and 2. Accordingly, in relation to the impacts from the 2 new homes on the site, there will be 2 new vehicle trips generated during each of the AM and PM peak hours of travel and an additional 20 total daily trips.

On-site observations were made by the applicant's traffic consultant along roadways and at intersections in the vicinity of the project site during an evening weekday peak hour. Little or no delay at stop-controlled movements was observed at the intersections of SE 67th Ave/SE Cooper and SE 67th Ave/SE Ogden, and queues were not observed to exceed one vehicle. These intersections both operate at level-of-service (LOS) A, with few conflicts during peak periods. Slightly longer delays of approximately 10 seconds per vehicle on average were observed at the intersections of SE 67th Ave/SE Duke and SE 67th Ave/SE Flavel. However, queues at these intersections also were not observed to exceed one vehicle, and the intersections operate at LOS A/B.

The City of Portland's operational standards require unsignalized intersections to operate at LOS E or better. All intersections that will be impacted by the proposed project are projected to meet this standard upon completion the project. The capacities of SE 63rd Ave, SE Duke and Cooper Streets, and other area roads and intersections are sufficient to support the proposed partition as well as the existing uses in the site vicinity.

Vehicle access and loading

Findings: The subject site is located in a neighborhood where multiple redundant routes to roads of higher classifications exist. Loading is expected to take place using both private driveways for individual homes and on-street parking.

On-street parking impacts

Findings: The parking demand that will be generated as a result of the proposed project was estimated using rates from Parking Generation. The data utilized to determine the parking demand for the additional single-family dwellings were for land use #210, Single-

Family Detached Housing. Based upon this data, the 85th percentile peak parking demand for the additional home is 4 parking spaces.

To determine the demand and availability of on-street parking in the vicinity of the site, observations were made by the applicant's traffic consultant during the overnight period corresponding to the expected peak period for residential parking demand on a weekday evening. Parking was observed along SE 67th Ave between SE Duke and SE Cooper Streets. A total of 17 vehicles were observed to be utilizing on-street parking. A significant number of additional parking spaces were available throughout the segment; the observed segment can easily accommodate at least 40 parked vehicles.

There is ample on-street parking available in the site vicinity to accommodate the additional parking generated by the proposed home, even if all (new) vehicles associated with the new house utilize on-street parking.

Availability of transit service and facilities and connections to transit

Findings: Tri-Met offers bus service in vicinity of the site via route number 19 (Woodstock/Glisan) which travels along SE Duke, north of the site. Additionally, along SE Flavel, further south of the site, route number 71 (60th/122nd) provides bus service. For both bus lines, people can safely walk to the stops by utilizing the shoulders along the low vehicle volume/low speed SE 67th Ave roadway, and sidewalks along SE Duke and SE Flavel.

Impacts on the immediate and adjacent neighborhoods

Findings: The impacts associated with the additional lot that the proposed land division will create are expected to be minor, and primarily consist of the small increase in vehicular traffic associated with the 2 new homes that will be constructed on Proposed Parcels 1 and 2. As described previously, these added trips will not have a significant effect on efficiency or safety of the nearby street system, and the parking supply in the neighborhood is more than adequate to serve this increased demand. The development will therefore have minimal impacts felt by the neighborhood.

Safety for all modes

Findings: Crash data for the most recent available five-year period (2008-2012) was examined by the applicant's traffic consultant for the intersection of SE 67th Ave/SE Duke, which will handle approximately 75% of site trips based upon the expected trip distribution. One crash was reported at this intersection during the five year analysis period, and no apparent safety deficiencies were noted at this intersection during a site visit. The intersection of SE 67th Ave/SE Flavel, which is expected to handle the remaining 25% of site trips also had one reported crash during the analysis period, and no apparent safety deficiencies were noted during a site visit. In both cases, neither the crash history nor the observed operations of the intersections suggest any safety deficiencies. The intersections of SE 67th Ave/SE Cooper SE 67th Ave/SE Ogden had no reported crashes during the analysis period, and few if any conflicting movements during observations.

There are identified bike facilities (Portland Bike/Walk Map) in the area including a Shared Roadway along SE 67th Ave and Bike Lanes (painted) along SE Duke and SE Flavel, north and south of the subject site, respectively.

Although sidewalks are lacking along either side of SE 67th Ave in vicinity of the subject site, pedestrian travel is accommodated along the shoulders of this low volume, low speed Local Service street. Continuous sidewalks exist along SE Duke and SE Flavel. These routes provide pedestrian access to the nearest transit stops as well as other nearby destinations. The subject site and general area currently have no safety concerns for any mode of transportation. No mode of travel will be adversely affected by the proposed land division and subsequent construction of 2 additional homes.

PBOT staff has reviewed the submitted TIS that was prepared to address this specific approval criterion and its associated evaluation factors. The analyses, findings and

conclusions, reached by utilizing acceptable industry methodologies and standards, are supported by PBOT. The applicant has clearly demonstrated that the transportation system will be able to support the existing development in the area as well as the proposed development. These criteria are met.

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

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

:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified. As a result of the proposed land division, the existing sewer connection that serves the house on Parcel 3 would cross over Parcel 2 to reach the sewer main in SE 67 th Avenue. To remedy this situation, the applicant must obtain a plumbing permit to cap the existing sewer connection and establish a new service for the house located entirely on Parcel 3. A condition of approval will require that all plumbing permits must receive final inspection approval prior to Final Plat approval.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods; Parcels 1, 2 and 3: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells. Prior to final plat approval, the applicant must construct the drywell for stormwater disposal for the existing house, to be located on Parcel 3, to comply with Stormwater Management Manual prior to final plat approval. Any required plumbing permits must have final inspection approval. This criterion is met with a condition of approval that the drywell for Parcel 3 is constructed prior to approval of the final plat.
33.654.110.B.1 Through streets and pedestrian connections
This section requires street and pedestrian connections where appropriate and practical, taking a number of factors into consideration. The following discussion is based on Portland Transportation's assessment of the connectivity potential in the area. The City's spacing requirements for public through streets and public pedestrian connections is a maximum of 530-ft and 330-ft, respectively.
Findings: No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject block and others in the vicinity satisfy the above referenced public street and pedestrian connectivity goals in the east-west direction only. The subject block, like all those between SE Duke – SE Flavel and SE 62nd Ave – SE 72nd Ave, a nearly ¼ square mile area, is similarly oriented and sized. Though the subject site is located close to midway along the subject block, making it a desirable location to provide a public street or pedestrian connection through the block, it is not feasible without eliminating existing development on abutting lot(s). Further, considering the existing size of the subject site, providing a standard public street or pedestrian connection through the subject site (or block) would likely compromise the ability to create at least one of the proposed parcels. These impacts do not make further connectivity through the subject

site or block feasible. PBOT therefore has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition. For the reasons described above, this criterion is met.

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

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. At this location, the City's Transportation System Plan classifies SE 67th Ave as a Local Service street for all modes. According to City GIS, SE 67th Ave is improved with 28-ft of center-strip paving width within a 50-ft wide right of way (r.o.w.) with no curbs or sidewalks.

For sites zoned R2.5, the City's public r.o.w. standards document requires a 62-ft r.o.w. width to accommodate a 32-ft roadway width (which would allow parking along both sides) & two 15-ft wide sidewalk corridors (0.5-ft curb, 8-ft wide stormwater management facility, 6-ft wide sidewalk & 0.5-ft wide frontage zone). The new curb would typically be located 16-ft from the r.o.w. centerline and the applicant will typically be required to extend the existing edge of pavement to the new curb (if necessary). To accommodate the above referenced standard improvements, a 6-ft dedication of property would be required. However, the applicant has received approval through the Public Works Alternative Review process to allow the existing conditions along the site's frontage to remain, in lieu of the standard r.o.w. improvement construction (see 14-167805 PW). The Alternative Review Committee did (continue to) require the applicant to dedicate the 6-ft of property for future r.o.w. purposes and to submit completed and executed Street and Storm Waivers of Remonstrance.

This criterion is met, with the condition that the required waivers are signed prior to final plat approval.

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

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

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

Future Development

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

- **Narrow Lots**-- development on Parcels 1, 2 and 3 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2.b; and
 - Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.E.3.a
 - Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b.
- **Front Setbacks** – The Proposed Improvements Plan (Exhibit C.2) shows proposed building footprints on Parcels 1 and 2 that do not meet the minimum 10-foot front setback requirement of the R2.5 Zone after the required 6-foot street dedication is made.

All future development must meet the applicable development standards at the time of development or an Adjustment must be requested.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 3. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2.5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Requirements for Building Code standards.) In this case, there are several Zoning Code standards that relate to existing development on the site:

- **Minimum Setbacks** – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5 feet from the new property line, therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.

The site contains an existing, detached garage. After the land division, the garage would not meet the required setbacks for covered accessory structures in the R2.5 zone and would also be located on a parcel with no primary structure. The applicant has proposed to demolish existing detached garage. A condition of approval will require removal of the garage prior to approval of the final plat.

- **Required Off-Street Parking** – In this zone, one parking space per dwelling unit is required. A paved parking pad must be constructed to provide the required parking for the existing house on Parcel 3 prior to final plat approval. Permits must be obtained to construct a new parking space. Documentation of final inspection of this new parking space will be required prior to final plat approval.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees

Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability
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As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for tree planting in front of the existing building on Parcel 3 prior to final plat approval. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 3 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 sewer and stormwater improvements, tree planting and preservation, street dedication and waivers. With conditions of approval addressing these requirements, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition that will result in three narrow lots for detached houses as illustrated with Exhibit C.1, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application, including the location of the replacement parking for Parcel 3;
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 67th Avenue. The required right-of-way dedication must be shown on the final plat.
2. A 9-foot wide minimum Reciprocal Access Easement shall be shown and labeled on the final plat, centered on the common property line between Parcels 1 and 2 as shown on Exhibit C.1. An Access Easement shall be shown and labeled on the final plat on Parcel 2 for benefit of the driveway for Parcel 3. The easements shall allow shared use of these areas for all of the purposes that a driveway would be typically used for.
3. A recording block for each of the legal documents such as maintenance agreement required by Condition C.8 and C.9 below. The recording block shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for a Reciprocal Access Easement has been recorded as document no. _____, Multnomah County Deed Records."

**C. The following must occur prior to Final Plat approval:
Streets**

1. The applicant shall complete street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms and instructions will be provided to the applicant during the final plat review process.

Utilities

2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant and spacing. The applicant must provide verification to the Fire Bureau

that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Other Requirements

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

Existing Development

4. The applicant must remove the garage on Parcel 2. The applicant must submit before and after photos of the removal (with the same perspective).
5. A parking space shall be installed on Parcel 2, in conformance with the applicable requirements of the Portland Zoning Code. A copy of the final inspection approval of a Zoning Permit shall be submitted, documenting that the parking space has been installed within the area to become Parcel 2. The new parking space must also be shown on the supplemental plan.
6. The applicant must meet the requirements of BES for construction of a stormwater management facility that meets SWMM requirements for the existing house to remain on Parcel 3.
7. The applicant must plant 1 street tree(s) within the public right of way on SE 67th Ave adjacent to Parcel 3. Street trees will be chosen from the City's approved street tree list. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.
8. The applicant must obtain finalized plumbing and connection permits to cap the existing sewer connection and establishing a new service lateral for the existing house on Parcel 3. All plumbing permits must receive final inspection approval prior to Final Plat approval.

Required Legal Documents

9. Maintenance Agreements shall be executed for the easements described in Condition B.2 above. The agreements shall include provisions assigning maintenance responsibilities for the easement areas and any shared facilities within those areas, consistent with the purpose of the easements, 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.
10. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcels 1 and 3. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

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

1. Development on Parcels 2 and 3 shall be in conformance with the Tree Preservation Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.3). Specifically, trees numbered 7 and 8 are required to be preserved, with the root protection zones indicated on Exhibit C.2. 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. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Brandon Rogers

Decision rendered by:  on December 11, 2014
By authority of the Director of the Bureau of Development Services

Decision mailed December 15, 2014

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 December 26, 2013, and was determined to be complete on **June 24, 2014** at the request of the applicant (Exhibit A.5).

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 December 26, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 245 days (Exhibit A.5). With the extension, The 120 day review period **expires on: December 26, 2014.**

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

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

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

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

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 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.portlandonline.com.

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessor's 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.

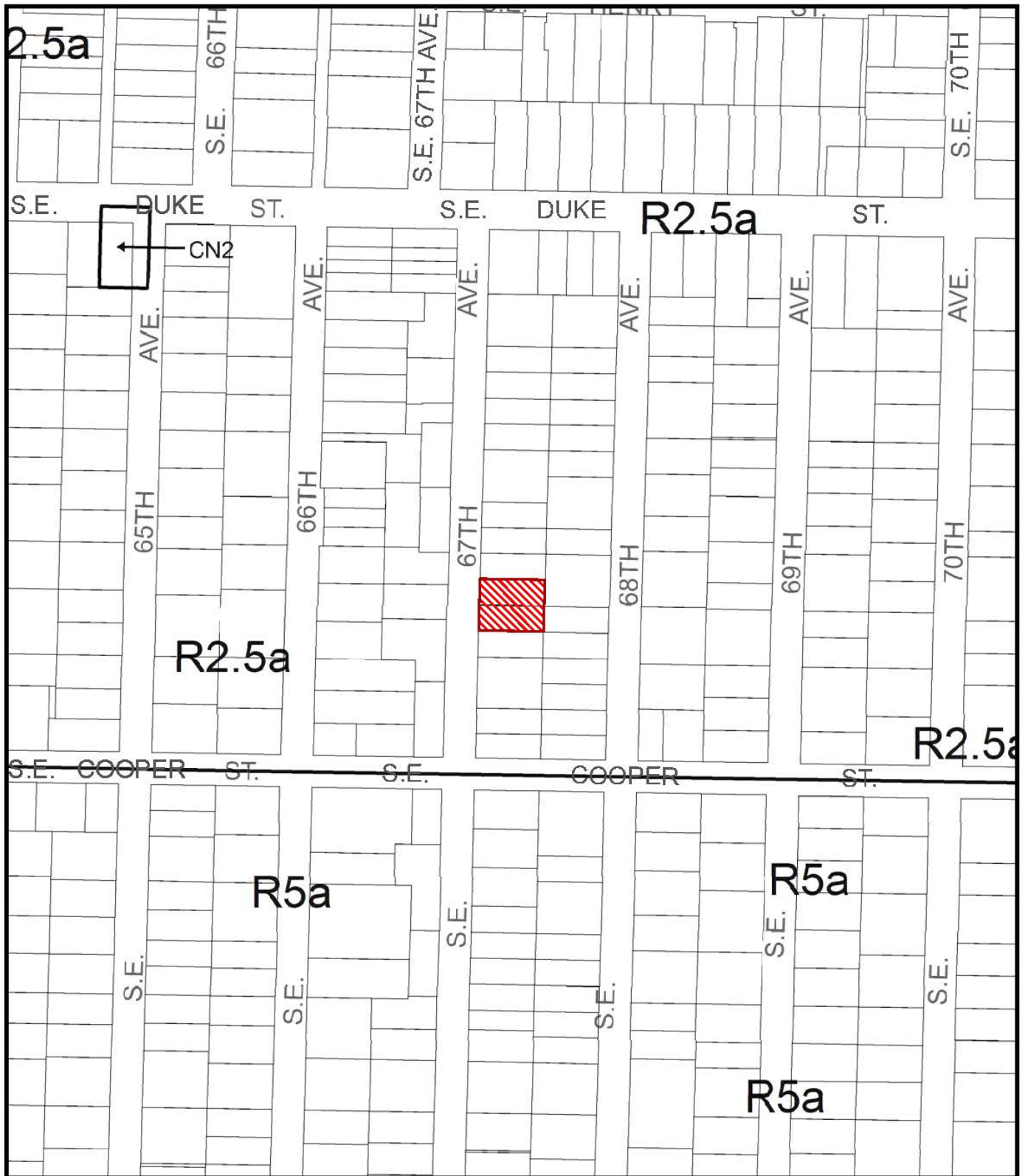
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Submittal

2. Arborist Report
3. Infiltration Testing
4. Traffic Impact Study, Lancaster Engineering, dated 12-20-2013
5. 120-Day Extension
6. Response to Incomplete Letter
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Preliminary Plan (attached)
 2. Proposed Improvements Plan
 3. Existing Conditions Plan
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
 7. Life Safety Section of BDS
- F. Correspondence:
 1. Brentwood-Darlington Neighborhood Association, November 11, 2014, Comprehensive Plan Update.
- G. Other:
 1. Original LU Application
 2. 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).



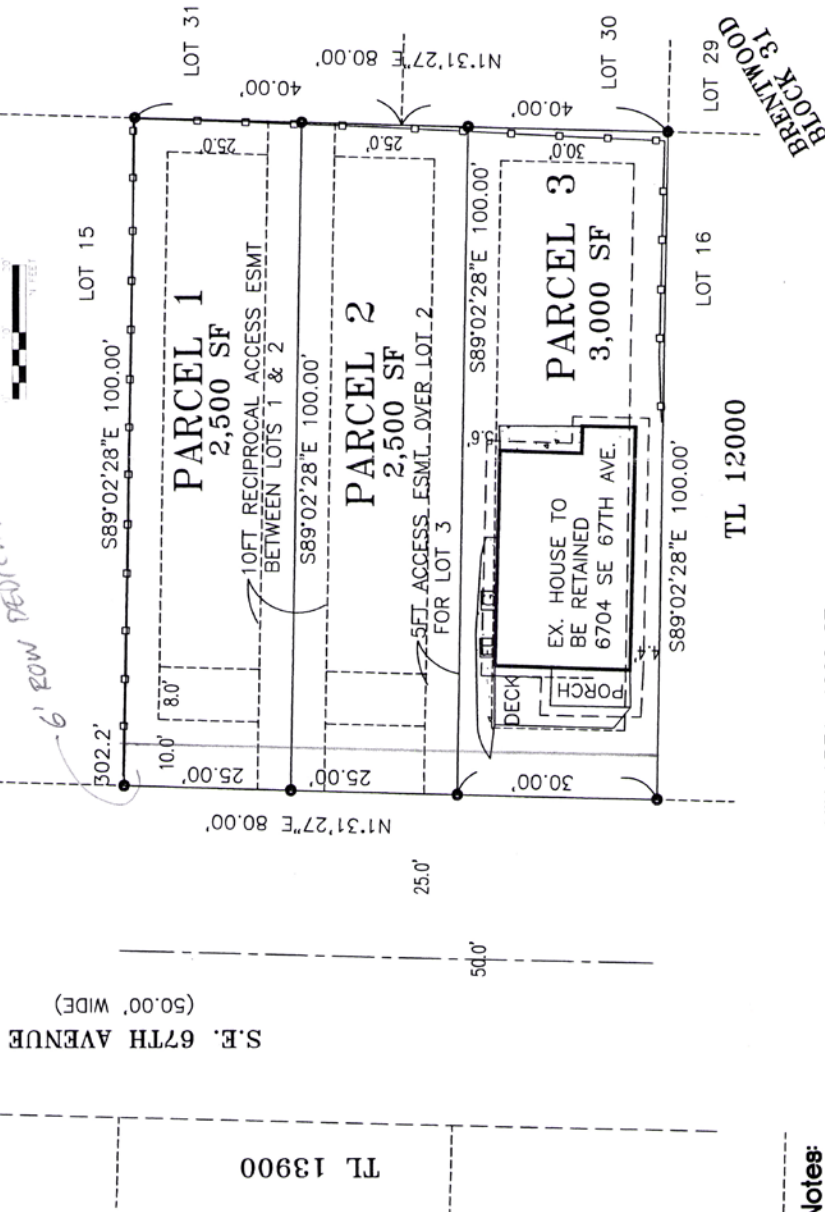
ZONING



File No. LU 13-241799 LDP
 1/4 Section 3737
 Scale 1 inch = 200 feet
 State_Id 1S2E20BA 12100
 Exhibit B (Dec 31, 2013)

6704 SE 67th Avenue Partition

LOT 17, BLOCK 31, "BRENTWOOD"
IN THE NW 1/4, SECTION 20, T.1S., R.2E., W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



Notes:
PROPERTY ID: R120821/
STATE ID: 1S2E20BA 12100
ACCOUNT NO: R099914930
ZONING: R2.5
PARCEL SIZE: 8,000 SF)
SETBACKS:
10/5/5/18
HEIGHT: 35-FT

MIN AREA: 1600 SF
MIN FRONT: 25 FT*
MIN WIDTH: 25 FT*
* 33,611.200 C 2a-f
REQUIRED ODA
250 SF (MIN 12X12)
MIN WIDTH: 25 FT
MIN DEPTH: NONE

OWNER/APPLICANT
PRIVATE INVESTMENT PARTNERS LLC
10117 SE SUNNYSIDE ROAD #F707
CLACKAMAS, OR 97015-7708

PLANNER
MARK DANE PLANNING INC.
13630 SW BUTNER ROAD
BEAVERTON OR 97005
ATT: MARK DANE
markdaneplanning@gmail.com
503-332-7167

CIVIL
PINNACLE ENGINEERING
17757 KELOK ROAD
LAKE OSWEGO OR 97034
ATT: JIM STORMO
jamesstormo@comcast.net
503-636-4005

SURVEYOR
FURGUSON LAND SURVEYING INC.
646 SE 106TH AVENUE
PORTLAND OR 97216
503-408-0601
JOB NO. 13-128

ARBORIST
ROBERT MAZANY & ASSOCIATES
P.O. BOX 1305
BEAVERTON OR 97075
503-533-1064

TRAFFIC ENGINEER
LANCASTER ENGINEERING
321 SW 4TH AVENUE, #400
PORTLAND OR 97204
ATT: TODD MOBLEY
todd@lancasterengineering.com
503-248-0313

MARK DANE PLANNING
13630 SW BUTNER ROAD
BEAVERTON OR 97005
(503) 332-7167
markdaneplanning@gmail.com

PRELIMINARY LAND DIVISION

LOTS 16, & 17, BLOCK 31, BRENTWOOD
6704 SE 67TH AVENUE

PROJECT NO.
PIP-001
DATE
11/15/13
DESIGNED: MD
DRAWN: MD
TOWNSHIP/RANGE/SECTION
1S 2E 08DA
COUNTY
MULTNOMAH
TAX LOTS
10700
SHEET TITLE
PRE-PLAT
& PLATS
SHEET NUMBER

P2

CASE NO LU13-24177-CDP EXHIBIT C.1

REVISED 9-25-14