



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

FROM CONCEPT TO CONSTRUCTION

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Date: August 13, 2013
To: Interested Person
From: Sean Williams, Land Use Services
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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 reasons for the decision 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 it to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 13-111620 LDP

GENERAL INFORMATION

Applicant(s): Mark Dane / Mark Dane Planning, INC.
13630 SW Butner Road / Beaverton, OR 97005

Samson Chueng / AAV One LLC
8733 SE Division Street, #201 / Portland, OR 97266-1470

Owner: Tim George
7661 SE Division Street / Portland, OR 97206-1057

Site Address: 7661 SE Division Street

Legal Description: TL 2200 0.21 ACRES, SECTION 05 1S 2E
Tax Account No.: R992050590 **State ID No.:** 1S2E05DC 02200
Quarter Section: 3238
Neighborhood: Montavilla, contact Lewis Scholl at 503-258-0312.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Zoning: Residential 2,000 (R2) w/ Alternative Design Density Overlay (a)
Case Type: Land Division Partition (LDP)
Procedure: Type Ix, 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 three parcels of approximately 2,098 (Parcel 1), 4,800 (Parcel 2) and 1,957 (Parcel 3) square feet in size.

This partition is reviewed through a Type I 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 located on the northwest corner of the intersection of SE Division Street and SE 77th Avenue. Existing development consists of a single family home that will be retained within Parcel 2. No trees subject to preservation standards are located within the land division site. The surrounding vicinity is a mix of multi-dwelling and commercial zoning and development.

Infrastructure:

- **Streets –** The site has approximately 78-feet of frontage on SE Division Street and 117-feet of frontage on SE 77th Avenue. There is one driveway entering the site from SE 77th Avenue that serves the existing house. At this location, SE Division Street is classified as a Neighborhood Collector, Major Transit Priority street, City Bikeway, City Walkway and a Community Main street in the Transportation System Plan (TSP). SE 77th Avenue is classified as a Local Service Street. Tri-Met provides *frequent* transit service on SE Division Street via Bus #4.

At this location, SE Division Street is improved with a 44-foot paved roadway surface and pedestrian corridor that consists of a 6-foot curb tight sidewalk and 2-foot setback to private property (0-6-2) within a 70-foot wide right-of-way. The site’s SE 77th Avenue frontage is improved with a 28-foot paved roadway surface, curb and approximately 10 to 11-foot setback to private property within a 50-foot wide right-of-way.

- **Water Service –** There is an existing 8-inch CI water main in SE Division Street and a 6-inch CI water main in SE 77th Avenue. The existing house is served by a 5/8-inch metered service from this main in SE Division Street.
- **Sanitary Service -** There is an existing 8-inch CSP public combination sewer main in SE 77th Avenue and a 24-inch CSP public combination sewer main in SE Division Street. According to 1932 City of Portland plumbing records the existing house is served through a lateral located 82-feet west of the manhole located at the intersection of SE 77th and Division.

Zoning: The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-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 **April 15, 2013**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

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:
B	33.630 – Tree Preservation	All trees identified in the submitted Arborist Report (Exhibit A.3) are considered exempt as they are either a nuisance, hazardous, located within the adjacent right-of-way or within 10-feet of an existing structure to remain.
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	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end	No dead-end street or pedestrian connections are proposed or required.

	streets and pedestrian connections	
	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 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing one duplex lot (Parcel 2) and two lots for detached houses (Parcels 1 and 3). Single-dwelling or duplex development is proposed for some or the entire site, therefore the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. A right-of-way dedication is required for SE Division Street that totals approximately 313 square feet. Therefore the resulting lot size for calculating density is 8,855 square feet. The site has a minimum required density of 4 units and a maximum density of 4 units.

The required and proposed lot dimensions are shown in the following table:

R2	Minimum lot area (square feet)	Minimum lot width* (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)
Detached Houses	1,600	25	none	25
Duplexes	2,000	33	50	30
Parcel 1	2,098	26.8	78.3	26.8
Parcel 2	4,800	61.3	78.3	61.3
Parcel 3	1,957	25	78.3	25

* Width is measured from the midpoints of opposite lot lines.

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

Findings:

Clearing and Grading

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

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With this

condition, the new lots can be considered suitable for new development, and this criterion is met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services. The applicant has submitted a Transportation Impact Study (TIS) to address the evaluation factors of this approval criterion (Exhibit A.4). PBOT's Analysis (Exhibit E.2) is quoted, in part, as follows:

*To estimate the trips generated by the proposed partition and construction of two additional single-family homes, trip rates from the manual TRIP GENERATION, 9th Edition, published by the Institute of Transportation Engineers (ITE) were used. The trip generation calculations show that the proposed partition is projected to result in 2 additional trips during the morning peak hour and 2 additional trips during the evening peak hour. The 3 lots are projected to result in 20 additional trips in total each weekday. **NOTE:** As will be further discussed in other sections of this response, PBOT staff also has had to consider a nearby 6-lot subdivision proposal (LU 12-207261 LDS PD) approximately 100-ft north of the subject site. Because of the similar transportation system and constrained environment, PBOT advised the applicant that consideration of both projects would need to be accounted for in the individual review of each land division proposal. Referral to the Traffic Impact Study that was prepared for LU 12-207261 LDS PD has been made by PBOT staff to address this approval criterion for the subject 3-lot partition.*

So, aside from the number of expected vehicle trips noted above, for the subject land division request, the nearby 6-lot subdivision will also generate an increase in vehicle trips along SE 77th Ave. The trip generation calculations show that the proposed partition is projected to result in 4 additional trips during the morning peak hour and 5 additional trips during the evening peak hour. The 6 lots are projected to result in 48 additional trips in total each weekday.

In order to ensure that the nearby transportation system is capable of supporting the new trips from the proposed residential partition, the intersection of SE 77th Ave/SE Division was analyzed using observed traffic volumes counted from 7:00 to 9:00 AM to obtain data for the morning peak hour and from 4:00 to 6:00 PM to obtain data for the evening peak hour. The intersection currently operates at Level-of-Service (LOS) D during the morning peak hour, and LOS E during the evening peak hour. The addition of the trips generated by the two proposed residential land divisions results no changes to LOS during the peak hours. The City of Portland requires that stop-controlled intersections operate at LOS E or better, so the intersection currently meets operational standards and will continue to do so with the addition of site trips from the two proposed residential land divisions.

Vehicle access and loading

There are no turn restrictions or one-way facilities in the immediate vicinity of the site. The site can be accessed from the greater network relatively easily due to its proximity to several arterial routes. It is expected that the intersection of SE 77th Ave/SE Division will be the primary access point for all site trips. From this intersection, SE Division connects directly to several north-south arterials, as well as providing a continuous link between I-205 (about ¾ mile west of the site) and the central city. Vehicle loading will utilize a combination of on-site parking within the proposed individual driveways and garages as well as on-street parking along SE 77th Ave. Ample loading capacity is available to accommodate any delivery vehicles serving the subject property. Vehicle access and loading space is adequate at this location to support the proposed development.

On-street parking impacts

Observations regarding parking supply and demand in the vicinity of this project site were originally made in December, 2012, during the overnight peak period for residential parking demand and in mid-afternoon, during the expected peak parking demand period for several nearby uses including a medical office building across SE 77th Ave from the project site. Similar parking demand was observed during both periods; however there were fewer available parking spaces during the afternoon period due to a parking restriction prohibiting parking along approximately 100-ft of frontage on 77th Ave from 9:00 AM to 6:00 PM Monday through Saturday.

Development of the subject 3-lot residential partition will add two driveways on the west side of SE 77th Ave. Normally it would be expected that new driveways would reduce the amount of available on-street parking in the site vicinity, however since the new driveways are located within a segment of SE 77th Ave where on-street parking is prohibited, the new driveways will not result in a reduction of available on-street parking.

In order to ensure an up-to-date parking study, the mid-afternoon observations were verified on Wednesday, July 24, 2013. Parking was observed along SE 77th Avenue between SE Division and SE Grant St. The observed parking demand was 8 vehicles between SE Division and SE Sherman St. The observed parking demand was one vehicle between SE Sherman St and SE Grant St. Thus, a total of 9 vehicles were parked along both segments.

Regarding parking supply, several restrictions limit parking availability in the area, particularly on the segment of SE 77th Ave between SE Sherman St and SE Division. As noted above, parking is prohibited during the weekday afternoon period along part of the frontage on the west side of the street. A full-time parking prohibition is in place along the remaining frontage on the west side of SE 77th Ave, and an additional full-time parking prohibition is in place on the east side of SE 77th Ave between SE Sherman St and the entrance driveway of the nearby medical office building. The estimated parking supply along this segment, based upon an assumed vehicle length of 20-ft and a 4-ft buffer for every two parked vehicles, is 9 parking spaces.

North of SE Sherman St, a full-time parking prohibition is in place on for approximately 50-ft of the eastern frontage of SE 77th Ave, just north of SE Sherman St. No other parking restrictions are in place along this segment, although the west side of the segment has several curb cuts limiting available parking. The estimated parking supply along this segment is 16 parking spaces. Thus, during the mid-afternoon peak period, parking demand along SE 77th Ave between SE Division and SE Grant St is approximately 9 vehicles and parking supply is 25 spaces.

Approximately 16 parking spaces are therefore available along this segment during this period. Based on data from the ITE Parking Generation Manual, 4th Edition, it is projected that the proposed partition will result in an additional peak parking demand of 5 to 6 spaces. The nearby proposed 6-lot residential subdivision will result in a peak parking demand of 11 spaces. The total increase in parking demand in the vicinity of the project is therefore 17 spaces.

The two projects will provide a total of 9 on-site parking spaces. Since the peak period for this demand will be overnight, when more on-street parking is generally available in the vicinity and the mid-day demand for residences is generally much lower than the overnight demand, there will be little effect on the existing parking conditions during mid-days. Additionally, some or all of the new parking demand generated by the proposed projects mid-day can be expected to utilize the proposed on-site parking.

The on-street parking supply in the vicinity of the project site is sufficient to accommodate parking generated by the existing uses as well as the proposed new uses.

Availability of transit service and facilities and connections to transit

The nearest transit to the site is Tri-Met bus route #4 (Division/Fessenden) which can be accessed on SE Division St and runs between Gresham Transit Center and St. John's. This bus route is designated as a frequent service route, with buses running on 15 minute headways during the morning and evening peak periods.

Impacts on the immediate and adjacent neighborhoods

The impacts associated with the additional lots that the proposed residential partition will create are expected to be minor, and primarily consist of the small increase in vehicular traffic associated with the new homes on the proposed lots. These added trips will not have a significant effect on either the nearby street system or the available on-street parking supply. Development of the subject property will result in slightly improved pedestrian connectivity, since sidewalks would be extended along the SE 77th Ave frontage for the subject property. The same can be said of the nearby proposed subdivision site; there will be minimal impacts on the transportation system and the pedestrian connectivity in the area will be improved with the required frontage improvements. The anticipated impacts on immediate and adjacent neighborhoods are minimal and acceptable, in relation to the subject partition request and, in conjunction with the nearby proposed subdivision request.

Safety for all modes

Crash data was examined for the SE Division/SE 77th Ave intersection for the most recent available 5 years (2007-2011). Over the period of time, a total of 11 crashes were reported at this intersection. The crash rate at this intersection was calculated to be 0.34 crashes per million entering vehicles. Typically, crash rates of fewer than one crash per million entering vehicles are not indicative of a significant safety concern.

Pedestrian safety and access will be improved under the proposed partition, as construction of new sidewalks along the site's frontage (as well as along the other proposed subdivision site frontage) will provide additional accommodations to people walking in the neighborhood. The low level of traffic on SE 77th Ave makes this an ideal street for safe bicycling; SE 77th is identified as a "Shared Roadway" in the City's Official Bike/Walk Map. SE Division does not have marked bicycle lanes; however safe parallel routes are available via the residential streets to the north of the subject property. The proposed residential partition will not negatively impact safety for any mode.

Given the area in which the site is located, the minimal increase in vehicle trips that will be generated by the proposed partition, and the classification of the street within the transportation system, as analyzed above, PBOT expects that the transportation system will be able to support the existing development in the area as well as the proposed development.

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. PBOT has reviewed and concurs with the information supplied, the methodology, assumptions and conclusions made by the applicant's traffic consultant. In this case, PBOT has determined that sidewalk improvements must be made along the site's SE 77th Avenue and SE Division Street frontages in order to ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements additional right-of-way must be dedicated along the frontage of SE Division Street and potentially SE 77th Avenue. With these improvements, two additional dwellings can be safely served by the existing streets 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: 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.

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
<p>The water standards of 33.651 have been verified and noted at the beginning of this decision (page 2). As a result of the proposed land division, the water line that provides service to the existing home on Parcel 2 will no longer be located entirely on the same lot as the home. Title 21 requires that the water service connection be located along the frontage of the lot to be served. Water service connections are not allowed by means of an easement. Therefore, prior to final plat, the water service for the existing home must be relocated, so that the service connection will be located along the frontage of Lot 2. The water line that serves the existing house on Lot 2 may be used for future development on Parcel 3. Water is available to serve proposed Parcel 1 from the main in SE 77th Avenue. Based on the findings described above, this criterion can be met.</p>
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1
<p>The sanitary sewer standards of 33.652 have been verified and noted at the beginning of this decision (page 2). As a result of the proposed land division, the existing sewer connection that serves the house on Parcel 2 will cross over Parcel 3 to reach the sewer main in SE Division Street. Therefore, 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 2. All plumbing permits must receive final inspection approval prior to Final Plat approval and the as-built location of the new lateral and capped service must be shown on a supplemental plan. The capped sewer connection may be available to serve future development on Parcel 3. The Bureau of Environmental Services (BES) has indicated that the sewer main in SE 77th Avenue is available to serve the sanitary disposal needs of Parcel 1. Based on the findings described above, this criterion can be met.</p>
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1
<p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods:</p> <ul style="list-style-type: none"> Public Street Improvements: As a condition of this land use approval, the Portland Bureau of Transportation (PBOT) requires the applicant to improve the site's SE Division Street and SE 77th Avenue frontages to City standards (discussed earlier in this report). New sidewalks are required, but the curbs already exist. BES has indicated that the sidewalks must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalks to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual. Parcel 2 (the parcel with the existing house): According to 1923 City plumbing records there are two existing drywells within the land division site. The drywells were located directly east and west of the original structure. Based on a BES site visit on 5/10/13 the existing system and materials appear to match the system documented in 1923. BES has no objection to maintaining the existing system provided that it meets current Stormwater Management Manual setbacks. In order to verify this requirement, a supplemental plan will be required prior to Final Plat approval that shows existing and proposed stormwater management facilities. If, as a result of final plat approval, the stormwater system for the existing home will extend beyond the boundaries of Parcel 2 (the lot with the existing home), then the applicant must provide finalized plumbing permits for modifications to the stormwater system that result in a system that meets City requirements. Parcels 1 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. The Bureau

of Environmental Services has indicated conceptual approval of the drywells.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The Portland Bureau of Transportation has provided the following evaluation of connectivity for this proposal (Exhibit E.2):

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. However, the subject block is not representative of the block pattern in the general area in terms of orientation and length. East and west of SE 76th and 77th Avenues and north of the subject site are streets oriented differently and designed to better satisfy the aforementioned connectivity goals. As with other blocks in the area, the subject block is primarily built out with the type and density of the expected housing for the area's zoning. No further street or pedestrian connections are physically possible without impacting existing development on the subject block and beyond. Further, as the subject site is located at the NWC of SE Division/SE 77th Ave, this would otherwise not be an ideal location to expand upon any pedestrian or vehicular connections within the subject block. PBOT 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.

33.654.130.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:

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

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

In this case, there are 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. In this case, the applicant has proposed to remove a portion of the existing house to meet required setbacks. Therefore, the applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Parcel 2 that demonstrate compliance with the required setbacks in relation to the proposed new lot lines. To ensure this standard is met, the final plat must be accompanied by a supplemental survey showing the as-built location of the remodeled house relative to the adjacent new lot lines.
- **Accessory Structures** – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, the detached garage located on Parcel 1 must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.
- **Required Off-Street Parking** - A detached garage provides parking for the existing house on Parcel 2. As a result of this land division, the parking space for the existing house will be located on a different lot, and will no longer be available to Parcel 2. The Portland Zoning Code does not require off-street parking on sites that are less than 500 feet from a transit street with 20-minute peak-hour bus, streetcar, or light rail service. Tri-Met provides transit service on SE Division Street via bus number 4. Bus number 4 provides peak-hour service meeting this requirement. As a result, no replacement parking is required for Parcel 2.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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

- The applicant must meet the requirements of the Fire Bureau in regards to fire flow/water supply and aerial Fire Department access roads. These requirements are based on the technical standards of Title 31 and Oregon Fire code (Exhibit E.4).
- The applicant must meet the requirements of Urban Forestry for street tree planting adjacent to Parcel 2 after street improvements are complete, prior to Final plat approval. If the property is bonded for street improvements, to be done after final plat approval, street trees will be included in the street plan and will be bonded with the street job. At this time, existing street trees are to be protected and preserved. Removal and replacement of the trees will be reviewed during building permit application and street improvement application. These requirements are based on the standards of Title 20 (Exhibit E.6).

CONCLUSIONS

The applicant has proposed a 3-parcel partition, as shown on the attached preliminary plan (Exhibit C.2). 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: Transportation impacts and services/utilities.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition that will result in one duplex lot (Parcel 2) and two lots for detached houses (Parcel 1 and 3), as illustrated with Exhibit C.2, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed general location of future building footprints;
- Existing and proposed stormwater management facilities that demonstrate compliance with required setbacks;
- The as-built location of the new sanitary lateral to serve the existing home to remain on Parcel 2, per condition C.4 below;
- The as-built location of the remodeled home to remain on Parcel 2 that demonstrates compliance with required setbacks, per condition C.7 below;
- Reduced internal side setbacks (Section 33.120.270.D);
- 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 Division Street. If any right-of-way dedications are required for SE 77th Avenue, the proposal is exempt from the standards of 33.663.200.A. The required right-of-way dedication(s) must be shown on the final plat.

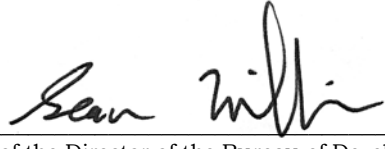
C. The following must occur prior to Final Plat approval:

1. The applicant shall meet the requirements of the City Engineer for right-of-way improvements along the site's SE 77th Avenue and SE Division Street frontages. The applicant must obtain applicable permits from the Portland Bureau of Transportation to install the required sidewalk corridors. The improvements along the frontage of Parcel 2, where the existing house will be retained, must be constructed prior to final plat approval. The improvements along the frontage of the undeveloped lots (Parcels 1 and 3) may be constructed with development on each lot as per the City Engineer's discretion.
2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.
3. The applicant shall meet the requirements of the Water Bureau concerning relocation of the water service connection to the existing home to be retained within Parcel 2.
4. The applicant shall meet the requirements of the Bureau of Environmental Services to obtain a plumbing permit to cap the existing sewer connection and establish a new service for the house located entirely on Parcel 2.
5. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
6. The applicant must obtain a finalized demolition permit for removing the detached garage on Parcel 1.
7. The applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Parcel 2 that demonstrates compliance with the following standard in relation to the proposed new lot lines:
 - 33.120.220 (Setbacks--specifically, the permit must show removal of sufficient portions of the house to meet the side setback requirement).
8. Documentation of the location of the stormwater disposal system for the existing house shall be submitted to the Bureau of Environmental Services. The location of any existing or required stormwater systems serving the existing home must be shown on the Supplemental Plan. If, as a result of final plat approval, the stormwater system for the existing home will extend beyond the boundaries of Parcel 2 (the lot with the existing home), then the applicant must meet one of the following:
 - Provide finalized plumbing permits for modifications to the stormwater system that result in a system that meets City requirements.
9. The applicant must plant street tree(s) in the new planter strip on SE 77th Avenue adjacent to Parcel 2. Street trees will be chosen from the City's approved street tree list for the 4-foot planting strip. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

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

1. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Sean Williams

Decision rendered by:  **on August 9, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 13, 2013

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

Procedural Information. The application for this land use review was submitted on February 1, 2013, and was determined to be complete on April 5, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 1, 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 waived the 120-day review period, as stated with Exhibit A.6.

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

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

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

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

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

The file and all evidence on this case 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.

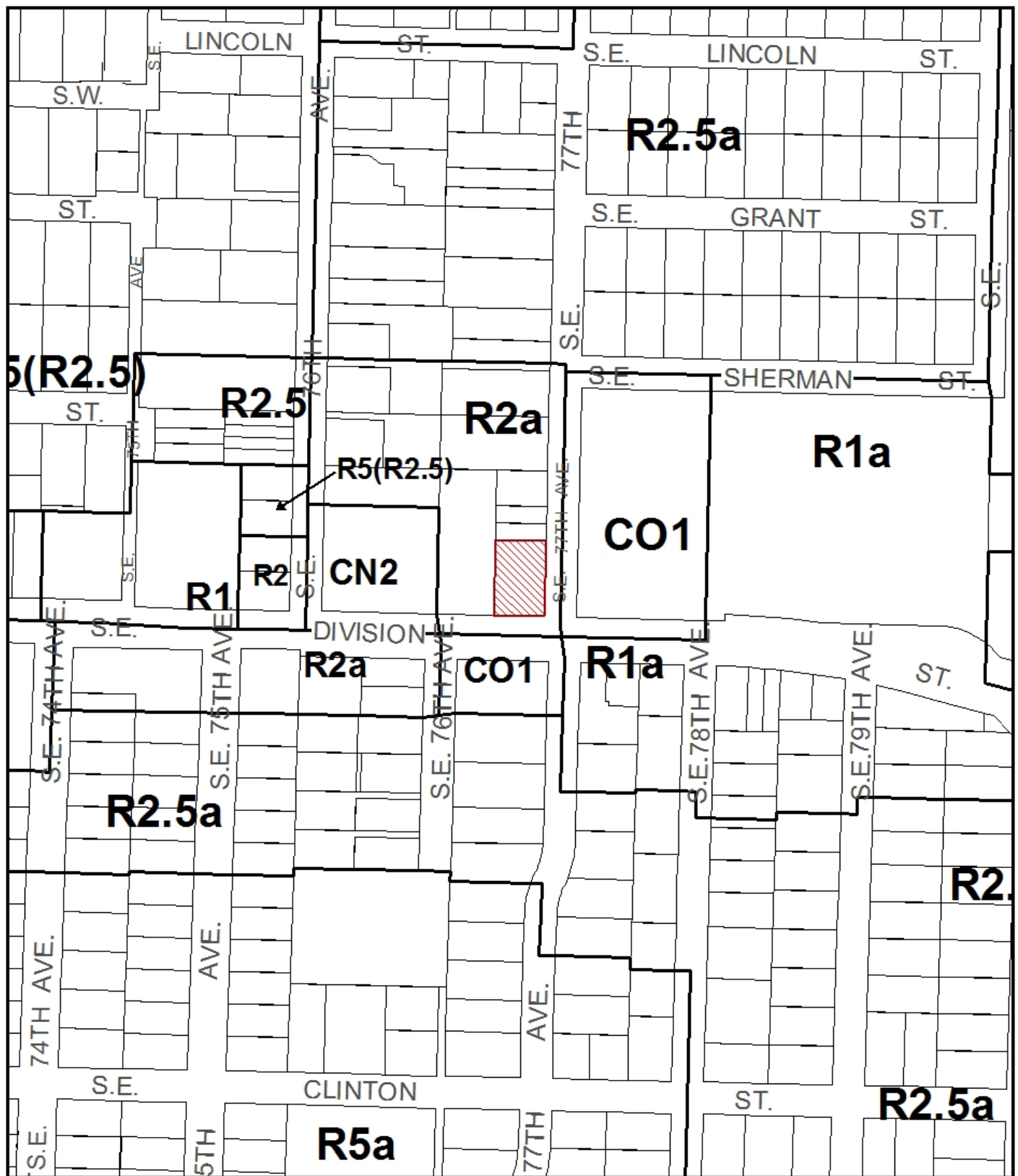
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Application Narrative
 - 2. Applicant's response to incomplete letter
 - 3. Arborist Report
 - 4. Transportation Impact Study
 - 5. Simplified Approach stormwater report
 - 6. Request for Extension of 120-Day Review Period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions
 - 2. Preliminary Plat (attached)
 - 3. Preliminary Site Plan
 - 4. Tree Protection Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
 - 3. Mailed notice (Revised)
- 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 Plans Examiner
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter w/ RFC Responses

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



NORTH

File No.	LU 13-111620 LDP
1/4 Section	3238
Scale	1 inch = 200 feet
State_Id	1S2E05DC 2200
Exhibit	B (Feb 01, 2013)

TOPOGRAPHIC/SITE SURVEY OCTOBER 26, 2012

FOR: PALACE CONSTRUCTION
 BEING: TAX LOT 2200, MAP 1S-2E-5DC
 IN THE SE 1/4 SEC. 5, T.2S., R.2E., W.M
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

NOTES:

1. ELEVATION BATHIM IS CITY OF PORTLAND FROM BENCH MARK NO. 2008 A BRASS DISK AT THE NW CORNER OF SE SHERMAN ST AND SE 77TH AVE. WITH AN ELEVATION OF 257.51 FEET.
2. THE BOUNDARIES AS SHOWN ON THIS MAP ARE APPROXIMATE ONLY. THIS MAP DOES NOT REPRESENT A SURVEY TO BE RECORDED BUT WAS MADE FOR SITE PLANNING INFORMATION ONLY.
3. THIS SURVEY IS MADE FOR THE ORIGINAL PURCHASER OF THE SURVEY ONLY AND PARTS & ASSOCIATES, INC. ASSUMES NO LIABILITY FOR INFORMATION CONTAINED HEREIN OR ANY OTHER INFORMATION ON SUBSEQUENT PURCHASES OF THE PROPERTY.
4. SURVEY IS VALID ONLY IF FRONT HAS SEAL AND SIGNATURE OF SURVEYOR
5. THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED BY THE SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA. EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION AS SHOWN OR AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
6. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
7. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH OR SURVEY FOR THE PURPOSE OF DETERMINING THE EXISTENCE OF ANY INTERESTS THAT COULD AFFECT THE TITLE OF THIS PROPERTY. NO ATTEMPT HAS BEEN MADE IN THIS SURVEY TO SHOW SUCH MATTERS THAT MAY AFFECT TITLE.

GRAPHIC SCALE



PREPARED BY
AND ASSOCIATES, INC.
 10000 NE 10TH AVE, SUITE 100
 PORTLAND, OREGON 97220
 PH: 503.466.3344

NOTES

PROPERTY: 10/30/12
 STATE OF OREGON: 10/30/12
 ALLOTMENT NO: 10/30/12
 MAP: 120
 PARCEL SIZE: 6.11 ACRES

APPLICANT

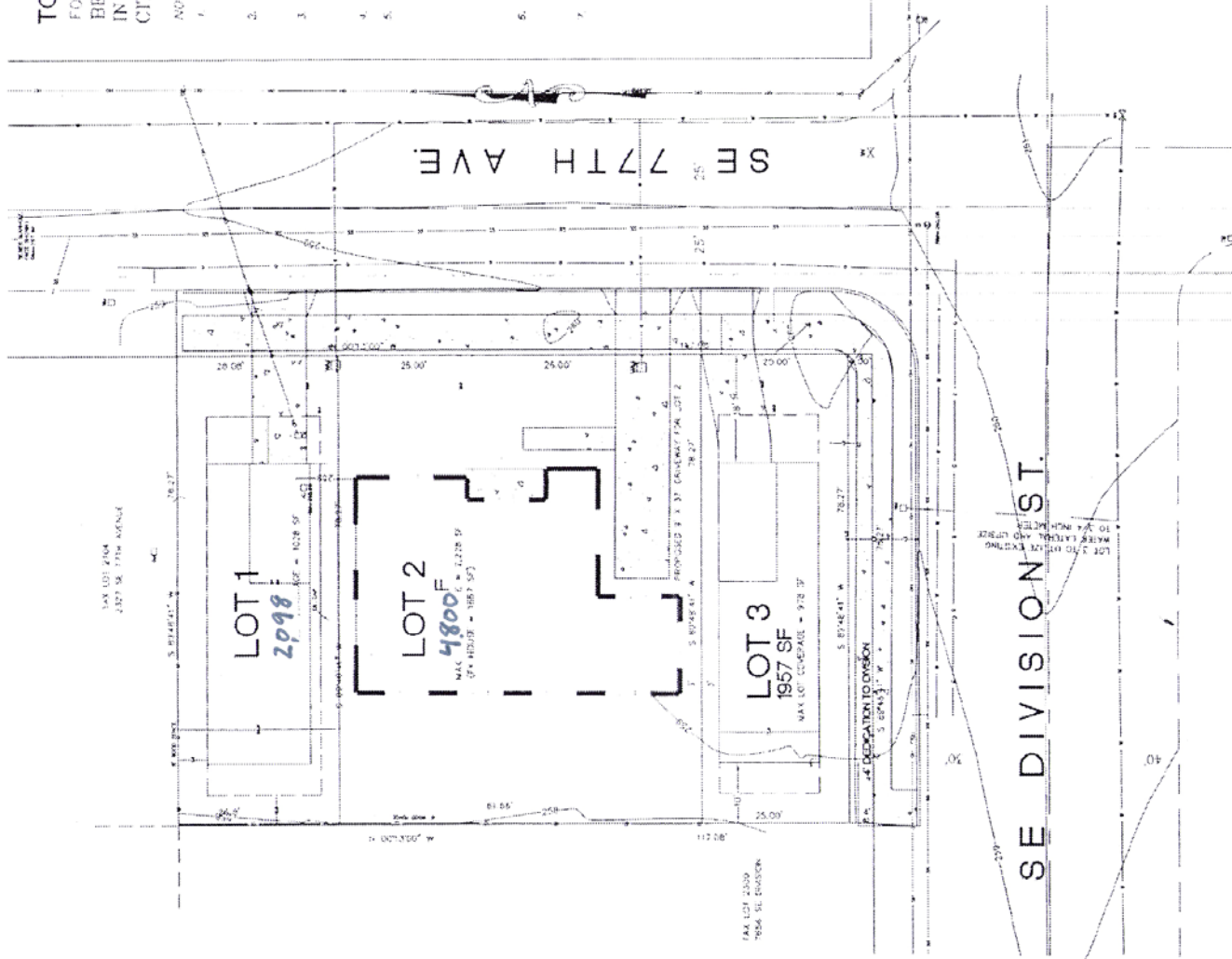
OWNER
 TIM GOURLE
 7805 SE DIVISION STREET
 PORTLAND, OREGON

LAND PLANNER

MARK EMMETT PLS, INC.
 1000 NE 10TH AVE, SUITE 100
 PORTLAND, OREGON 97220
 PH: 503.466.3344

- WATER METER
- WATER VALVE
- SAINTARY SEWER MANHOLE
- CATCH BASIN
- AREA DRAIN
- GAS METER
- UTILITY POLE
- ELECTRIC METER
- WATER LINE
- NATURAL GAS LINE
- SANITARY SEWER LINE
- OVERHEAD UTILITY LINES
- SPOT ELEVATION GROUND
- SPOT ELEVATION EDGE OF CONCRETE
- SPOT ELEVATION EDGE OF PAVEMENT
- SPOT ELEVATION FINISHED FLOOR
- SPOT ELEVATION TOP OF CURB

1100 JESSIE MARBLE
 1100 JESSIE MARBLE
 1100 JESSIE MARBLE



THREE PARCEL PARTITION
 PRELIMINARY SITE PLAN
 7661 S.E. DIVISION
 PALACE CONSTRUCTION

PROJECT NO.
SAM-002

FILE
 DATE: 10/30/12
 DESIGNED: MD
 DRAWN: MD

TOWNSHIP/RANGE/SECTION
 1S 111BB

COUNTY
 MULTNOMAH

TAX LOTS
 2200

SHEET TITLE
 PRELIMINARY
 PLAT

SHEET NUMBER
D3