



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** April 25, 2013  
**To:** Interested Person  
**From:** Rachel Whiteside, Land Use Services  
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## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in 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 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 13-118267 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Kevin Partain, / Urban Visions  
223 NE 56th Avenue / Portland, OR 97213

**Owner:** Fanqing Zeng  
1845 SE Elliott Ave / Portland, OR 97214-4813

**Site Address:** 2505 SE 70TH AVE

**Legal Description:** BLOCK 4 INC PT VAC ST LOT 1, PARKDALE ADD  
**Tax Account No.:** R645800370  
**State ID No.:** 1S2E08BA 02900  
**Quarter Section:** 3337  
**Neighborhood:** South Tabor, contact Jamison Cavallaro at 503-232-5265.  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Zoning:** R2.5a – Single-Dwelling Residential with an Alternative Design Density Overlay Zone

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

#### **Proposal:**

The applicant proposes to divide the site into two parcels that are 5,642 and 3,705 square feet in size. The site is currently developed with a single-family residence that is proposed to remain on Parcel 1. Parcel 2 is intended for development with a detached, single-family home.

Sanitary sewer and water mains both exist within SE 70<sup>th</sup> Avenue. Stormwater from the proposed lot will be disposed of in a drywell, while the existing house on Parcel 1 has downspouts that drain onto the ground or to an existing drywell. There is only one tree on the site and it is below the threshold for preservation.

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 proposes to create two parcels.

**RELEVANT APPROVAL CRITERIA:**

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

**FACTS**

**Site and Vicinity:** The site is located on SE 70<sup>th</sup> Avenue where SE Windsor Ct intersects to the east. The lot is currently developed with a detached, single-family house. There is no on-site parking and only one tree.

The surrounding area includes a mixture of single-family and multi-dwelling residential development. There is some commercial use along SE Division Street, as well as higher density residential. There are public and private schools within two blocks of the site and Warner Pacific College is one block north. Mt. Tabor Park is approximately 1,000 feet to the north.

**Infrastructure:**

- **Streets** – The site has approximately 78 feet of frontage on SE 70<sup>th</sup> Avenue. At this location, SE 70<sup>th</sup> Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 325 feet from the site at SE Division Street via Bus #4.

At this location, based on City GIS resources, SE 70<sup>th</sup> Avenue is improved with 28 feet of paving and a 16-foot wide sidewalk corridor (9-5-2 configuration) within a 60-foot wide right-of-way.

- **Water Service** – There is an existing 8-inch CI water main in SE 70<sup>th</sup> Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch CSP public combination sewer line in SE 70<sup>th</sup> Avenue. The existing house is served by a lateral from this main near the southern property line.
- **Stormwater Disposal** – There is no public storm-only sewer available to this property.

**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 is one prior land use review for this site:

- **LU 05-134730 LDP:** Approval of a Preliminary Plan for a 3-parcel partition and new private street. This approval expired January 22, 2009 because the final plat was not completed.

**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 **March 18, 2013**. One written response has been received from a notified property owner in response to the proposal. The letter raised concerns about privacy and property values. Development standards for the proposed parcel will be applied at the time of building permit. Any standards, such as setbacks, that are not met will require a discretionary review at that time that would address an issue like privacy. There are no approval criteria or zoning code standards that address property value.

## 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	No significant trees or trees in excess of 6 inches in diameter are located fully on the site.
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.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	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 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Minimum density in the R2.5 zone is one unit per 5,000 square feet and the maximum density is one unit per 2,500 square feet. The site has a minimum required density of 1 unit and a maximum density of 3 units. The applicant is proposing 2 single family parcels. The density standards are therefore met.

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

	<b>Min. Lot Area (square feet)</b>	<b>Max. Lot Area (square feet)</b>	<b>Min. Lot Width* (feet)</b>	<b>Min. Depth (feet)</b>	<b>Min. Front Lot Line (feet)</b>
<b>R2.5 Zone</b>	1,600	NA	36	40	30
Parcel 1	5,642		45.75	123.60	45.75
Parcel 2	3,705		30.00	123.60	30.00

\* 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

Parcel 2 is 30 feet wide — narrower than the 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.

**Consistent with the Purpose of Lot Dimension Regulations;**

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 Parcel 1 is 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 applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services
- The proposed lots are compatible with existing lots because there are a variety of lot sizes on the block; and
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street

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

- A private shared driveway will provide vehicle access to Parcels 1 and 2, so the garages can be located at the rear of the lots behind the street-facing building façade. Compliance with this standard can be demonstrated if a reciprocal access easement is shown and labeled on the final plat, and with a condition that Parcel 2 must take vehicle access from this easement.
- As noted under the Facts section of this report on page 2, both parcels are exempt from minimum parking requirements due to their location within 500 feet of a transit street with 20-minute service. As an alternative to providing a reciprocal access easement, the applicant may sign and record a covenant that prohibits future development of Parcel 2 with parking or a curb cut.

***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.

The findings above show that the applicable density and lot dimension standards are met. With a condition that a reciprocal access easement be shown on the final plat or a covenant signed and recorded with the plat, 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. 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. Although the site is currently connected to the public sanitary sewer, there is an old cesspool 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. Additionally, the Bureau of Environmental Services has noted that there are drywells in the location of proposed Parcel 2 that should be decommissioned so that the future lot can be safely developed.

With a condition requiring final inspection for a cesspool decommissioning permit and decommissioning of the existing drywell according to the Oregon Department of

Environmental Quality requirements, the new lot 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 following discussion is based on PBOT's assessment of the transportation impacts for this proposal (from Exhibit E.2):

The proposed land division will create one new parcel (from the existing lot) in order to accommodate one new detached single family home. Referring to the ITE Trip Generation Manual, 9<sup>th</sup> Edition, there will be 1 new AM peak hour trip and 1 additional PM peak hour trip (10 additional total daily trips) that may result from the development proposal on the site. The new peak hour trips are insignificant and do not warrant any mitigation to nearby intersections. The impacts to the area's intersections most likely to be effected by the additional project-related trip generation will be negligible. The intersections will continue to operate at current levels without further degradation from the vehicle trips generated by the proposed project factored into the analysis.

No significant negative impacts are expected to occur in relation to any of the other evaluation factors. The site is served by nearby transit service along SE Division north of the site (via Tri-Met route #4 [Division]). There are existing sidewalk corridors throughout the vicinity, including along the site frontage that facilitate pedestrian travel. There are identified bike facilities (Portland Bike/Walk Map) in the area including a Neighborhood Greenway/signed-marked route along SE Woodward to the south of the subject site and a Shared Roadway along SE 71<sup>st</sup> Avenue, east of the site.

With regard to impacts to on-street parking, according to the applicant's submitted narrative, the residence that will be developed on the site will include utilize the existing driveway serving the site (a new driveway will be provided for the existing house that will remain on the site) that will offer (at least) two on-site parking spaces on each parcel. Although an additional curb cut/driveway will be necessary to access proposed parcel 1, there will remain ample curb length along the subject site frontage to accommodate some on-street parking. Based on review of Google-Street view, the homes north and south of the subject site and along both sides of SE 70<sup>th</sup> Avenue appear to be served by lengthy individual driveways and garages that can accommodate at least 2 vehicles on each respective lot along the street. Further, it does not appear that there is a high demand for on-street parking based on the lack of vehicles shown along the street (on either side). With an on-site parking spaces being provided on both proposed parcels, the impacts to on-street parking should be negligible.

There appears to be clear and sufficient line of sight looking north or south along the property frontage to allow for safe access onto/from the proposed parcels. SE 70<sup>th</sup> Avenue is a straight, generally flat street with no sight obstructions. Parking is allowed on both sides of the street and typical of any street that allows parking, sight distance can be partially obstructed by parked vehicles.

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, PBOT expects 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:** 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:

<p><b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.</p> <p>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.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.</p> <p>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.</p> <p>Plumbing records show the sewer 5-feet north of the north side of the existing house before angling across the front yard to the lateral. The sewer appears to coincide with the proposed property line. Prior to final plat approval the applicant will need to either demonstrate that the sewer is entirely on Parcel 1 or will need to relocate the sewer on-property with plumbing permits finalized.</p> <p>To accurately determine the location of the existing private sewer lateral relative to the proposed property line, BES requires that acceptable documentation – such as a report and site plan from a professional utility locate service – be provided for review. In addition, the location of the lateral must be included on the surveyor’s supplemental plan, and the applicant should be prepared to provide surface locate markers on site for City staff review. For capping and establishing new service, the work must be completed and permits finalized prior to final plat approval.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibit E.1</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed the following stormwater management methods:</p> <ul style="list-style-type: none"> <li>• <b>Parcel 2:</b> Stormwater from this lot will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. This lot 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 drywell.</li> <li>• <b>Parcel 1 (the lot with the existing house):</b> According to 1925 City of Portland plumbing records the existing house is served by drywells at the northwest and southeast corners of the existing house. The northwest drywell and some of the piping appears to be on Parcel 2 or at the property line and does not meet required setbacks. Prior to Final Plat approval, the applicant is required to demonstrate/construct a storm system on Parcel 1 that meets current setbacks from the proposed property line. In addition, the applicant must decommission the existing drywell according to Oregon Specialty Plumbing Code (1101.5.3.4) and Oregon Department of Environmental Quality (DEQ) requirements.</li> </ul> <p>With the conditions noted above, these criteria are met.</p>

**33.654.110.B.1 Through streets and pedestrian connections**

The site contains sufficient width to allow the creation of a public east-west through street. However, the properties adjacent to the portion of the site where the street would terminate are already developed, and not configured in a manner that would easily allow the further extension of a street from the site. So, although the optimum spacing criteria would indicate the need for an east-west through street or pedestrian connection at this site, there is no practicable opportunity to provide them in this land division.

In addition, no street connections have been identified in the vicinity of this property in the Portland Master Street Plan document and the subject block is representative of the block pattern in the general area in terms of orientation and length.

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. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided. 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**

Parcel 2 is a narrow lot and 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; and
- 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.

**Existing development that will remain after the land division.** The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2.5 zone. 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 is one Zoning Code standard 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.

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 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	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 addressing requirements; hydrant spacing; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

## CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C). 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: the existing development and services to that development, parking for Parcel 2, and fire code standards.

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

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-parcel partition, that will result in one standard lot and one narrow lot, as illustrated with Exhibit C, subject to the following conditions:

**A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use and BES 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 location of the sanitary sewer line and stormwater disposal system for the existing house to remain on Parcel 1; and
- Any other information specifically noted in the conditions listed below.

**B. The final plat must show the following:**

1. A minimum 9-foot wide Reciprocal Access Easement shall be shown and labeled on the final plat, centered on the common property line between Parcels 1 and 2. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for. If an easement is not shown, Condition C.X applies.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.6 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

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

**Utilities**

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing cesspool on the site.
2. The applicant shall meet the requirements of the Fire Bureau for residential hydrant spacing. This may require installing a new fire hydrant. The applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.
3. 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.

**Existing Development**

4. Documentation of the location of the sanitary sewer lateral for the existing house shall be submitted to the Bureau of Environmental Services, such as a report and site plan from a professional utility locate service. The location of the lateral must be shown on the Supplemental Plan. If, as a result of final plat approval, sanitary sewer lateral for the existing home will extend beyond the boundaries of Parcel 1 (the lot with the existing home), then the applicant must provide finalized plumbing permits to relocate the sanitary sewer lateral on-site.
5. 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 1 (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.

#### **Required Legal Documents**

6. A Maintenance Agreement shall be executed for the Reciprocal Access Easement described in Condition B.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
7. If a Reciprocal Access Easement is not provided under Condition B.1, then the applicant shall execute a covenant with the city that prohibits the development of an off-street parking space or curb cut on Parcel 2. Such covenant must meet the requirements of section 33.700.060 and must be attached to and recorded with the deed for the new lot.

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

1. The applicant must meet the addressing requirements of the Fire Bureau. The location of the sign must be shown on the building permit.
2. If required, the applicant shall meet any requirements identified through a Fire Code Appeal, including installing residential sprinklers in the new dwelling unit on Parcel 2. Please refer to the final plat approval report for details on whether or not this requirement applies.
3. 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.
4. No on-site parking space(s) or vehicular curb cuts are permitted on Parcel 2 outside of a Reciprocal Access Easement along the shared property line with Parcel 1.

**Staff Planner: Rachel Whiteside**

**Decision rendered by:**           *Rachel Whiteside*           **on April 22, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed April 25, 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 20, 2013, and was determined to be complete on March 14, 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 20, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 12, 2013.**

**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](http://www.portlandonline.com).

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

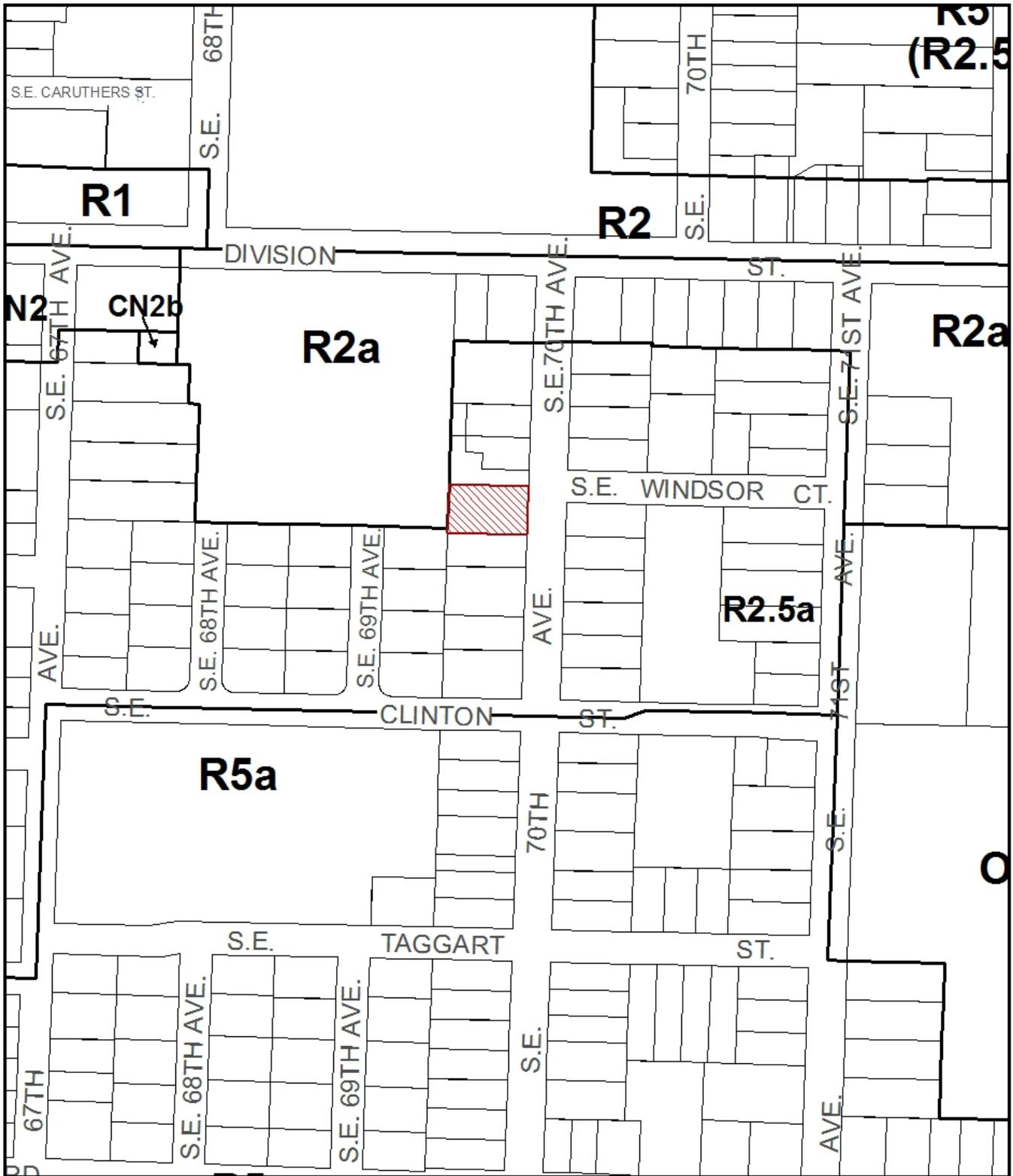
## EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement:
  - 1. Narrative
  - 2. Simplified Stormwater Approach
- B. Zoning Map (attached)
- C. Preliminary Site Plan (attached)
- D. Notification information:

1. Mailing list
2. Mailed notice
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Site Development Review Section of BDS
  6. Life Safety Review Section of BDS
- F. Correspondence:
  1. Mark Werth & Leila Ghodsi, Letter received 4/11/13 with concerns about privacy and property values.
- G. Other:
  1. Original LU Application
  2. Communication with Applicant

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



# ZONING

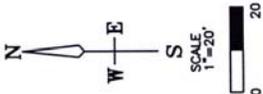
 Site



File No. LU 13-118267 LDP  
 1/4 Section 3337  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E08BA 2900  
 Exhibit B (Feb 26, 2013)

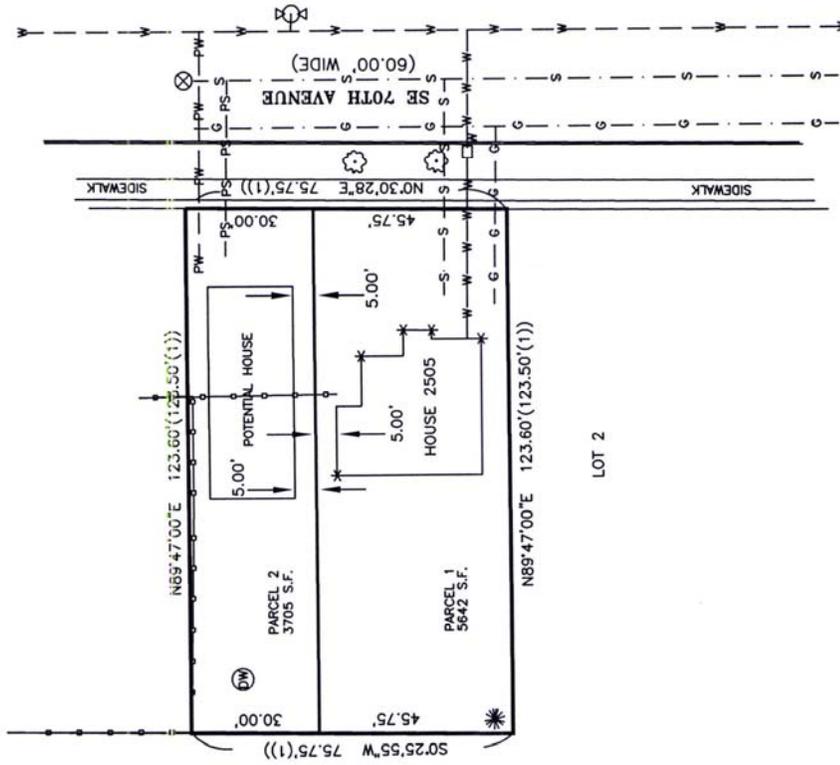
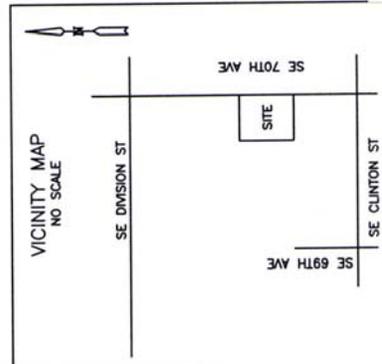
# SITE PLAN

LOT 1, BLOCK 4, "PARKDALE ADDITION",  
SITUATED IN THE NORTHWEST 1/4 OF SECTION 8, T.1S., R.2E., W.M.,  
IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON  
DATE: FEBRUARY 14, 2013



## SYMBOLS

- ⊕ = POWER POLE
- ⊙ = GUY ANCHOR
- ⊠ = WATER METER
- ⊠ = GAS METER
- ⊠ = ELECTRIC METER
- ⊠ = WATER VALVE
- ⊠ = GAS VALVE
- ⊠ = MANHOLE
- ⊠ = DRY WELL
- ⊠ = CATCH BASIN
- ⊠ = FIRE HYDRANT
- ⊠ = DOWN SPOUTS
- ⊠ = WATER LINE
- ⊠ = GAS LINE
- ⊠ = ELECTRIC LINE
- ⊠ = SANITARY SEWER
- ⊠ = PROPOSED SANITARY SEWER
- ⊠ = PROPOSED WATER
- ⊠ = PROPOSED DRYWELL
- ⊠ = DECIDUOUS
- ⊠ = CONIFEROUS



## NOTES:

- ZONE IS R2.5
- DRYWELL AND OTHER UTILITIES TO BE LOCATED AT THE TIME OF BUILDING PERMITS.
- DOWNSPOUTS ON EXISTING HOUSE WILL GO TO SPLASH BLOCKS
- UTILITIES ARE DRAWN FROM MAPPING PROVIDED BY CITY
- DIMENSIONS AND AREAS MAY VARY SLIGHTLY UPON FINAL BOUNDARY RESOLUTION
- DISTANCES SHOWN FOR EXISTING HOUSE ON PARCEL 1 ARE PERPENDICULAR TO THE PROPOSED PARCEL LINES FROM THE FOUNDATION CORNERS.

REGISTERED PROFESSIONAL LAND SURVEYOR  
 JOE H. FERGUSON  
 OREGON  
 JULY 25, 1980  
 RENEWAL DATE 12/31/13

SHEET NO. 1 OF 1  
 JOB NO. 13-015  
 DRAFTED: 2/14/13 KF

Ferguson Land Surveying, Inc.  
 646 SE 106TH AVENUE, PORTLAND, OR 97216  
 Phone (503) 408-0601 Fax (503) 408-0602

JENNY ZENG  
 12550 SE 93RD AVE  
 SUITE 200  
 CLACKAMAS OR, 97015

LU 13 118267 LDP