



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File No.: LU 14-109666 ZC LDP
HO 4140006

Applicant: Mark Desbrow
Green Light Development
1015 NW 11th Avenue, Suite 243
Portland, OR 97209

Owner: Ethan Beck
Ethan Beck Homes
728 SE 71st
Portland, OR 97215

Applicant's Representative: Ryan O'Brien
Emerio Design
8285 SW Nimbus Avenue, Suite 180
Beaverton, OR 97008

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Representative: Shawn Burgett

Site Address: 643 SE 47th Avenue

Legal Description: BLOCK 7 LOT 10 TL 8800, PARADISE SPR TR

Tax Account No.: R642800880

State ID No.: 1S2E06BA 08800

Quarter Section: 3135

Neighborhood: Sunnyside

Business District: Belmont Business Association

District Coalition: Southeast Uplift

Zoning: Residential 5,000 (R5) w/ Residential 2,500 (R2.5) Comprehensive Plan Designation

Land Use Review: Type III, Zone Map Amendment (ZC), Land Division Partition (LDP)

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 1:30 p.m. on May 14, 2014, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:03 p.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed to all testimony and/or written submissions at the end of the hearing.

Testified at Hearing:

Shawn Burgett
Ryan O'Brien
Michael Ard
Linsey Owens

Proposal:

The applicant is proposing to partition the subject property into two parcels of approximately 2,855 (Parcel 1) and 2,461 (Parcel 2) square feet in size in conjunction with a Zone Map Amendment in conformance with the Comprehensive Plan from Residential 5,000 (R5) to Residential 2,500 (R2.5). The applicant is proposing to retain the existing house on Parcel 1 which will have street frontage along SE 47th Avenue. Parcel 2 will have street frontage along SE 46th Avenue.

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

Approval Criteria:

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

- **33.855.050, Approval Criteria for Base Zone Changes.**
- **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their

Staff Report and Recommendation to the Hearings Officer dated May 2, 2014, and to issue the following approval:

Approval of a Zoning Map Amendment, in compliance with the Comprehensive Plan Map designation, from R5 to R2.5;

Approval of a Preliminary Plan for a 2-parcel partition that will result in two lots, as illustrated with Exhibits C.1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review 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 proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- Any other information specifically noted in the conditions listed below.
- As built location of sanitary connection for existing house on Parcel 1

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 46th Avenue and SE 47th Avenue. The required right-of-way dedication must be shown on the final plat.
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.10 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:

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor. The improvements along the frontage of Parcel 1 along SE 47th Avenue, where the existing house will be retained, must be constructed prior to final plat approval. The improvements along the

frontage of the undeveloped lot may be constructed with development on this lot as per the City Engineer's discretion.

Utilities

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 must meet the requirements of BES and submit a completed stormwater management report that includes stormwater facility sizing for both lots.
4. The applicant shall provide information to the satisfaction of the Fire Bureau that Fire Hydrant spacing is adequate. If necessary, the applicant shall meet the requirements of the Fire Bureau for 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.
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.

Existing Development

6. The applicant must obtain a finalized demolition permit for removing the garage on Parcel 2 prior to final plat approval.
7. As required by BES, the applicant will be required to establish a new and conforming connection to the sewer for Parcel 1; plumbing and connection permits must be final prior to BES approval of the final plat.
8. The applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Parcel 1 that demonstrate compliance with the following standards in relation to the proposed new lot lines:
 - 33.110.220 (Setbacks--specifically, the permit must show removal of sufficient portions of the rear porch to meet the rear setback requirement of 5 feet in the R2.5 zone)
9. The applicant must meet the requirements of BES for the stormwater system on the existing house to remain on Parcel 1. The applicant must obtain finalized plumbing permits for the stormwater retrofit prior to final plat approval.


Required Legal Documents

10. If required per Conditions C.4 or C.5 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcel 1 to contain internal fire suppression sprinklers, per Fire Bureau Appeal no *. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

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 will be required to meet any requirements identified through a Fire Code Appeal/install 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.

Basis for the Decision: BDS Staff Report in case number LU 14-109666 ZC LDP, Exhibits A.1 to H.4, and the hearing testimony of those listed above.



Gregory J. Frank, Hearings Officer

May 29, 2014

Date

Application Determined Complete:	March 25, 2014
Report to Hearings Officer:	May 2, 2014
Decision Mailed:	May 30, 2014
Last Date to Appeal:	June 13, 2014
Effective Date (if no appeal):	June 16, 2014

Conditions of Approval. 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.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$ 4,540 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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.**

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of a Zone Map Amendment. These other concurrent approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions as follows:

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

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

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of a Zone Map Amendment. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: Zone Map Amendment. These approval(s) expires if:

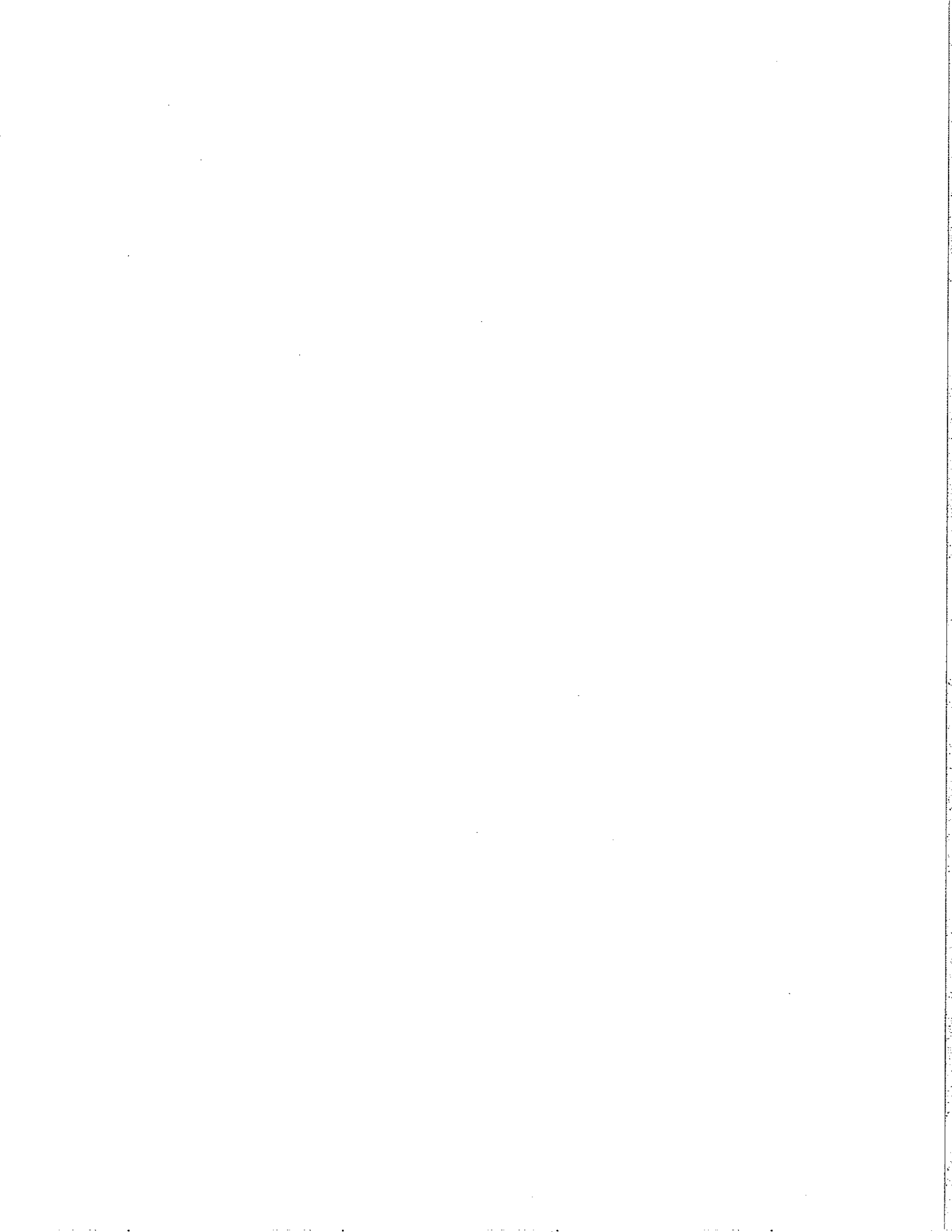
- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Land Division Approval Criteria Narrative
 - 2. Zone Change Narrative
 - 3. Transportation Analysis
 - 4. Simplified Approach
 - 5. Tri-Met bus 15 schedule
 - 6. Arborist Report
 - 7. Early Neighborhood notification documentation
 - 8. Early Neighborhood notification, follow up letter
 - 9. Memo from Applicant
- B. Zoning Map
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans and Drawings
 - 1. Site Plan
 - 2. Utility Plan
 - 3. Full Plan Set
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. 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. Urban Forestry
 - 6. Site Development Review Section of Bureau of Development Services
 - 7. Life Safety Plans Examiner
 - 8. Police Bureau
- F. Letters: (None Received)
- G. Other
 - 1. Original LUR Application
 - 2. Incomplete Letter dated 2/19/14
 - 3. E-mail documentation regarding early neighborhood notification
 - 4. Land Use History

5. Pre-Application conference (13-223662 EA) memo
 6. Fire Flow documentation
- H. Received in Hearings
1. Hearing Notice
 2. Staff Report (**attached**)
 3. PowerPoint
 4. Record Closing Information





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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
 Paul L. Scarlett, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
 www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 14-109666 ZC LDP
 PC # 13-223661
REVIEW BY: Hearings Officer
WHEN: May 14, 2014 at 1:30pm
WHERE: 1900 SW Fourth Ave., Suite 3000
 Portland, OR 97201

RECEIVED
 MAY 08 2014
 HEARINGS OFFICE

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: SHAWN BURGETT / SHAWN.BURGETT@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Mark Desbrow / Green Light Development
 1015 NW 11th Ave, Suite 243 / Portland, OR 97209

Owner: Ethan Beck / Ethan Beck Homes
 728 SE 71st / Portland, OR 97215

Representative: Ryan Obrien / Emerio Design
 8285 SW Nimbus Ave Suite 180 / Beaverton, OR 97008

Site Address: 643 SE 47TH AVE

Legal Description: BLOCK 7 LOT 10 TL 8800, PARADISE SPR TR
Tax Account No.: R642800880
State ID No.: 1S2E06BA 08800
Quarter Section: 3135
Neighborhood: Sunnyside, contact Daniel Rutzick at drutzick@gmail.com
Business District: Belmont Business Association, contact Katie Meyer at 503-360-7814.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Zoning: Residential 5,000 (R5) w/ Residential 2,500 (R2.5) Comprehensive Plan Designation

Case Type: ZC LDP, Zone Map Amendment (ZC), Land Division Partition (LDP)
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal:
 The applicant is proposing to partition the subject property into two parcels of approximately 2,855 (Parcel 1) and 2,461 (Parcel 2) square feet in size in conjunction with a Zone Map Amendment in conformance with the Comprehensive Plan from Residential 5,000 (R5) to Residential 2,500 (R2.5). The applicant is proposing to retain the existing house on Parcel 1 which

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201

CITY OF PORTLAND
 HEARINGS OFFICE
 Exhibit #H-2
 Case # 4140006
 Bureau Case # 14-109666 ZC

will have street frontage along SE 47th Avenue. Parcel 2 will have street frontage along SE 46th Avenue.

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

Approval Criteria:

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

- **33.855.050, Approval Criteria for Base Zone Changes.**
- **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The site is approximately 5,600 square feet in size and located on an interior through lot with frontage on both SE 46th Avenue and SE 47th Avenue. The existing house has its front door facing SE 47th Avenue. The site is located approximately 430-feet north of SE Belmont Street and approximately 450 feet south of SE Stark Street. Existing development consists of a one story single family home and garage that will be removed. The topography is relatively flat. Development in the vicinity is primarily composed of single family homes.

Infrastructure:

- **Streets** - The site has approximately 50-feet of frontage on both SE 47th Avenue and SE 46th Avenue. There is one driveway entering the site from SE 46th Avenue that serves the existing detached garage. At this location, both SE 46th and 47th Avenues are classified as a local service street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service along the site's SE Belmont Street frontage via Bus #15.

At this location, SE 46th Avenue is improved with a 24-foot paved roadway surface and pedestrian corridor that consists of a 2-foot planter strip, 5-foot sidewalk, and 1-foot setback to private property (2-5-1) within a 40-foot right-of-way. SE 47th Avenue is improved with a 24-foot paved roadway surface and pedestrian corridor that consists of a 2.5-foot planter strip, 5-foot sidewalk, and 0.5-foot setback to private property (2.5-5-0.5) within a 40-foot right-of-way.

- **Water Service** - There is an existing 8-inch CI water main in both SE 46th and 47 Avenues. The existing house is served by a 5/8-inch metered service from the main in SE 47th Avenue.
- **Sanitary Service** - There is an existing 8-inch vitrified clay public combination sewer main located in both SE 46th and 47th Avenues. There is a 12 inch vitrified clay public combined gravity sewer located within a sewer easement granted to the City of Portland along the southern property boundary. According to City permitting records, the private sanitary sewer lateral for the existing house on this site runs southwest (from the southwest corner of the house) and connects to the 12 inch public combined sewer located within the sewer easement described above.

Zoning: The R5 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 site has a Comprehensive Plan designation of Residential 2,500 (R2.5). The applicant is requesting a Zoning Map Amendment in conformance with this Comprehensive Plan designation.

Land Use History: City records indicate there are no prior land use reviews for this site. The pre-application conference (EA 13-223661 PC) was held for this site on November 26, 2013.

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 22, 2014**. 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 ZONING MAP AMENDMENTS

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map.

1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

Findings: The Comprehensive Plan designation is R2.5. This designation has only one corresponding zone, R2.5. Therefore, this criterion does not apply.

2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.

Findings: This site does not have a C, E, or I designation or a Buffer overlay, so this criterion does not apply.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

Findings: The requested zone change is not from a higher density residential zone to a lower density residential zone or from the CM zone to the CS zone. Therefore, this criterion does not apply.

B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.

- a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.
- b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.
- c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

Findings: The findings below for adequacy of services have been applied only to the specific zone change site. As indicated in the following summary of bureau responses, the Water Bureau, Police Bureau, Fire Bureau, Bureau of Environmental Services and Portland Bureau of Transportation have noted that adequate services are available for the anticipated level of use(s) that would be allowed to occur and had no conditions or additional requirements for approval of the requested Zoning Map Amendment. Therefore, in accordance with responses that are summarized below, this criterion has been met.

Water Bureau (Exhibit E.3)

The Water Bureau has indicated that service is available to the site from the 8-inch CI water main in SE 46th and 47th Avenue. The estimated static water pressure range for this location is 78 psi to 98 psi at the existing service elevation of 184-feet.

Police Bureau (Exhibit E.8)

The Police Bureau does not anticipate any impact in services as a result of the proposed zone change and therefore has no concerns.

Fire Bureau (Exhibit E.4)

The Fire Bureau has reviewed the applicant's Zoning Map Amendment request and has no issues with the ability of its bureau to serve the uses and development allowed under the proposed R2.5 zone.

Bureau of Environmental Services (Exhibit E.1)

The Bureau of Environmental Services (BES) has indicated that sanitary service is available to the site from the 8-inch vitrified clay public combination sewer main in SE 46th and the 12 inch combined sewer lowed within a easement granted to the City of Portland along the southern property boundary of the site. BES has also granted conceptual approval of the applicant's proposed method of stormwater management, based on submittal of a Simplified Approach stormwater report (Exhibit A-4) that demonstrates infiltration rate of 1.5 inches per hour. The applicant proposes off site discharge to the combined sewer after treatment and detention in a vegetated flow though planter. Discharge to this system has been approved by BES. BES has no objections to this approach since the infiltration test indicate on site infiltration may not be feasible due to a low pit infiltration rate.

Bureau of Transportation Engineering and Development Review (Exhibit E.2)

The Development Review Section of the Portland Bureau of Transportation (PBOT) 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 Analysis and analysis of the Transportation Planning Rule (Exhibit A.3) to address this approval criterion. PBOT's Analysis is quoted, in part, as follows:

Zone Change

Adequate Public Services (Zoning Code Chapter 33.855.050.B.2.c) "Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate."

The subject site is a "through lot" with frontage on SE 46th Avenue and SE 47th Avenue. At this location, SE 46th Ave and SE 47th Ave are classified as Local Service streets for all modes in the City's Transportation System Plan (TSP).

In terms of identified functions, the TSP states that Local Streets are designed to complement planned land uses and reduce dependence on arterials for local circulation; they are multimodal, but are not intended for trucks (other than local deliveries) in residential areas. The proposed additional single-family residential home on the subject site will not conflict with the specified objectives of the surrounding street classifications.

The applicant will be partitioning the site into two parcels for single-dwelling development with a net increase of one dwelling unit. In conjunction with the proposed Zone Change and Land Division requests, the applicant submitted a Traffic Impact Study (TIS) prepared by a professional traffic consultant. Using standard trip generation tables in the Institute of Transportation Engineering (ITE) Trip Generation Manual to estimate the daily vehicle trips that will be generated by the proposed development results in approximately 10 new daily trips on the transportation system. A total of 1 additional trip would result during the morning peak hour and 1 additional trip during the evening peak travel hour.

The site and the larger area around the site have been designated via the City's Comprehensive Plan Map to allow twice the density in the area, increases in traffic volumes on the local street system has been acknowledged and are anticipated. The approximate additional 10 daily trips (including the additional 2 peak hour trips) that potentially may result from a development proposal on the site assuming the rezoning request is approved, is not a significant increase in trips and does not warrant improvements to nearby intersections. The applicant's TIS confirms that the impacts to the area intersections most likely to be effected by the additional project-related trip generation will be negligible. The intersection of SE Stark Street/ SE 47th Ave, SE Belmont/ SE 46th, and SE Belmont/ SE 47th are operating at a Level of Service (LOS) C and will continue to operate at acceptable levels with the vehicle trips generated by the proposed project (lot split) factored into the analysis. Even the most congested intersection, SE Stark at SE 46th Ave currently operating at LOS D, could absorb the additional peak hour trips generated by the proposed new residence without measurably changing the performance capacity of the intersection.

The area is served by public transit. Tri-Met bus route #15 (Belmont/ NW 23rd) provides local service along SE Belmont. Pedestrian and bike facilities on area streets are inadequate to serve the site under both the existing and proposed zoning. However, if the subject site and others throughout the area are developed, frontage improvements may be required as development occurs which will enhance the pedestrian and bicycle environments in the area.

Portland Transportation can conclude that public services for transportation system facilities and capacity are capable of supporting the uses allowed by the proposed R2.5 zoning.

Transportation Planning Rule (TPR) 660-012-0060

The subject site is proposed to be zone R 2.5, which is consistent with the designation of the City's Comprehensive Plan. The proposed zone change does not require a revision to the Comprehensive Plan. The City has an acknowledged Transportation System Plan that considers development under that Comprehensive Plan designation. The subject site has been within the urban growth boundary for years and was not exempted from the rule as described in subsection (c) above. Accordingly, Section 9 of the TPR quoted above is satisfied and the City may find there is no "significant impact" and the TPR is satisfied. (Exhibit A-3)

More detailed analysis of street systems is also addressed below on pages 9-11 under Criterion K, Transportation Impacts.

In summary, as noted in findings above, the public services for this site have been found to be adequate. Therefore, this criterion is met.

3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.

Findings: The request does not include rezoning the site to the IR zone, so this criterion does not apply.

C. When the requested zone is IR, Institutional Residential. In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

Findings: The request does not include rezoning the site to the IR zone, so this criterion does not apply.

D. Location. The site must be within the City's boundary of incorporation. See Section 33.855.080.

Findings: The site is within the incorporated boundaries of the City of Portland. Therefore, this criterion is met.

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 "non" exempt trees in excess of 6 inches in diameter are located fully on the site per the applicants arborist report (see exhibit A-6)
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 streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. The applicant is proposing to create two lots for detached houses. The minimum and maximum density for the site is as follows:

Minimum = $(5,600 \text{ square feet} * .80) \div 5,000 \text{ square feet} = 0.89$ (which rounds up to a minimum of 1 parcel, per 33.930.020.A)

Maximum = $5,600 \div 2,500 \text{ square feet} = 2.24$ (which rounds down to a maximum of 2 parcels, per 33.930.020.B)

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,855 square feet		50.03 feet	57.06 feet	50.03 feet
Parcel 2	2,461 square feet		50.03 feet	49.19 feet	50.03 feet

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

The findings above 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. 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. With a condition requiring final inspection for a decommissioning permit, 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. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

Level of Service

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

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

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

Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. The applicant has submitted a Traffic Impact Study (TIS) to adequately determine the impacts of the proposed project on the area's transportation system. This TIS indicates that the area's intersections most likely to be impacted by the proposed lot partition currently operate at acceptable level of service and will continue to do so with the additional 10 daily vehicle trips (to include 2 additional peak hour trips) that will be generated by this project.

Vehicle Access and Loading

Access to the subject property will be via SE 46th (new lot) and SE 47th (existing home). It is anticipated that any loading needs for the additional home will be accommodated by using driveway access or on-street parking. It should be noted that on-street parking on the east side of SE 46th is restricted between the hours of 7:00am-6:00pm. The existing facilities are adequate to serve the needs of the proposed development in addition to the existing uses in the area.

On-street Parking Impacts

On-street parking is currently permitted on both sides of SE 47th and along the west side of SE 46th. Parking is prohibited along the east side for SE 46th between the hours of 7:00am and 6:00pm, Monday through Friday. The applicant's traffic consultant conducted field observations during evening peak hours as well as during the very early morning hours (approximately 4:30 AM). Based upon said field observations, there were forty on-street parking spaces available during the evening peak hours along SE 47th between SE Stark and SE Belmont. During the same observation period there were eleven on-street spaces available along the west side of SE 46th. No vehicles were parked on the east side of SE 46th as parking is prohibited during the peak travel hours. During the early morning observation hours, there were 27 available on-street parking spaces along SE 47th Ave and 15 spaces available on the west side of SE 46th Ave between SE Stark and SE Belmont. While parking is not prohibited overnight on the east side of SE 46th, no vehicles were observed parked on this side of the street.

The proposed increase of one single-family dwelling is projected to result in two additional parking spaces during the peak parking demand. Accordingly, the applicant has adequately demonstrated there sufficient on-street parking opportunities exist to accommodate the parking demands of the proposed new residential parcel.

Transit Service

The area is served by Tri-Met bus route #15 (Belmont/NW 23rd), with eastbound and westbound stops along SE Belmont Street immediately east of SE 46th Street. This stop is approximately 430-ft south of the subject property.

Impacts on the Immediate and Adjacent Neighborhoods

Traffic volumes on area roadways and at area intersections are not expected to change significantly upon approval of the proposed lot split. The additional site trips during the peak hours will have no noticeable impacts to immediate and adjacent neighborhoods. No significant operational or safety problems were identified and there is a sufficient on-street parking supply to accommodate the existing and proposed developments. It is PBOT's determination that the proposed lot split will not result in adverse impacts on the immediate and adjacent neighborhoods.

Safety for all Modes

A review of ODOT's most recent available five years of crash data, 2008-2012, for intersections in the vicinity of the site did not reveal any crash patterns or crash rates that were of concern relative to the proposed development.

The site's SE 46th Ave and SE 47th Ave frontage is constructed with a sidewalk corridor that accommodates pedestrians. As a condition of approval, the applicant will be required to re-construct the sidewalk corridor along both site frontages to the satisfaction of the City Engineer, which will enhance the area's pedestrian environment. The surrounding roadways have statutory speed limits of 25 mph. Bikes share the roadway with vehicles on SE 46th and SE 47th and SE 45th is a designated shared roadway providing north/south connectivity on a low volume street in the vicinity of the site. Additionally, SE Taylor Street is also a designated shared roadway providing east/west connectivity in the vicinity. Further, with the restriction of parking along the east side of SE 46th Avenue between 7:00am and 6:00pm, the potential for conflicts with other users of the street is reduced. Accordingly, the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area.

Street Configuration and Public Improvement/Dedication Requirements

At this location, SE 46th and SE 47th Avenues are classified as Local Service streets for all transportation modes in the City's Transportation System Plan. According to City database sources, SE 46th Ave is improved with 24-ft of paving width and a 2-5-1 sidewalk corridor within a 40-ft right-of-way (ROW). SE 47th Ave is improved with 24-ft of paving width and a 2.5-5-0.5 sidewalk corridor within a 40-ft right-of-way (ROW). For Local Service streets abutting R5 (or R2.5) zoned sites, the Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor (0.5-ft curb/4-ft furnishing zone/6-ft wide sidewalk/0.5-ft frontage zone)

The applicant will be required to re-construct the existing sidewalk corridors (along both site frontages) to the above referenced standard. To accommodate the anticipated street improvements, a 3-ft dedication of property for ROW purposes will be required along both site frontages. The dedication of property can occur during the Final Plat stage of the land division process.

RECOMMENDATION

PBOT has no objections to the proposed Zone Change or Land Division Partition requests, subject to the following conditions of approval:

1. In relation to the subject Land Division request, the applicant will be required to re-construct the existing sidewalk corridors to the satisfaction of the City Engineer. For Proposed Parcel 1, the sidewalk corridor re-construction shall occur prior to Final Plat approval. For Proposed Parcel 2, the sidewalk corridor re-construction shall occur prior to the issuance of a Building Permit for the new house.
2. The 3-ft required dedication necessary to accommodate the 11-ft wide standard sidewalk corridor shall occur as part of the Final Plat phased of the Land Division Partition request.

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

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

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p> <p>The Water Bureau has indicated that service is available to the site from the 8-inch CI water main in both SE 46th 47th Avenues, as noted on page 2 of this report. The existing house can continue to be served by a 5/8-inch metered service from the main in SE 47th Avenue. The water service standards of 33.651 have been verified. Therefore, this criterion is met.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – 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>As a result of the proposed land division, the existing sewer connection that serves the house on Parcel 1 will cross over Parcel 2 to reach the public sewer main in located within the easement along the southern property boundary of this site. The applicant must obtain a plumbing permit to establish a new service for the house located entirely on Parcel 1. The new sewer connection established for the house must have all required plumbing permits receive final inspection approval prior to Final Plat approval. BES sewer capacity information indicates the 12-inch combined sewer located within a sewer easement granted to the City of Portland along the southern property boundary and the 8-inch combined sewer in SE 46th Avenue have sufficient capacity to receive both sanitary flows from development of this site. The 8-inch combined sewer in SE 47th Avenue does <u>not</u> have available capacity and should <u>not</u> be connected to.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits 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> <p>Parcel 1 and 2: BES has reviewed the stormwater report dated November 26, 2013. The report includes Simplified Approach infiltration test results of 1.5 inches per hour (exhibit A-4). For each parcel, the applicant proposes off-site discharge to the combined sewer after treatment and detention in a vegetated flow-through planter. Discharge to this system has been approved by BES. BES has no objections to this approach for the purposes of land use review, as the infiltration tests indicate that on-site infiltration may not be feasible due to a low pit infiltration rate. The applicant failed to complete the Facility Sizing Worksheet portion</p>

of the Simplified Approach form to show sizing for proposed stormwater planters for Parcel 1 and Parcel 2. It appears sufficient area is available for proposed stormwater planters on this site. The applicant must submit a completed stormwater management report that includes stormwater facility sizing prior to final plat approval. As noted above, BES sewer capacity information indicates the 12-inch combined sewer located within a sewer easement granted to the City of Portland along the southern property boundary and the 8-inch combined sewer in SE 46th Avenue have sufficient capacity to receive both stormwater flows from development of this site. The 8-inch combined sewer in SE 47th Avenue does not have available capacity and should not be connected to.

Parcel 1 (the lot with the existing house): A permit for the proposed stormwater retrofit for the existing house on Parcel 1 must be finalized prior to final plat approval

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. Neither of the spacing goals for public through streets or pedestrian connections are met in this area. Given the existing block and lot pattern in the area as well as the existing residential development it is not practical to apply the connectivity spacing goals in association with this lot split.

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.

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.

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 are several Zoning Code standards that relate to existing development on the site:

- **Minimum Setbacks** – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved

Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The applicant is proposing to remove the rear porch on the existing house; once the porch is removed the existing house will be 5 feet from the new property line. Therefore, the required setbacks are being met. The applicant must provide documentation prior to final plat approval that all portions of rear porch have been removed in order to meet the rear setback standards described above. Building permits are required. The applicant must provide documentation prior to final plat approval that all required building permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary. In addition, portions of the porch that are removed must be shown on the supplemental survey.

- **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, all accessory structures on Parcel 2 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 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 approximately 430 feet from the site on SE Belmont Street via bus number 15. Bus number 15 provides peak-hour service meeting this requirement (See exhibit A-5). As a result, no replacement parking is required for Parcel 1.

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 in regards to addressing requirements; ensuring adequate fire hydrant spacing or installing a new hydrant; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; if required, recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcel 2; meeting fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

It should be noted that the Water Bureau has indicated (Exhibit G-6) that the Fire Flow is 2,500 gallons per minute (GPM) in the vicinity of the site which exceeds the minimum Fire Bureau flow standards found in Exhibit E-4. This information was sent to the Fire Bureau prior to the date there land use response was published. However, the Fire bureau has requested this information be submitted again during final plat approval based on their land use response.

CONCLUSIONS

The applicant has proposed a Zoning Map Amendment, in conformance with the Comprehensive Plan Map, from R5 to R2.5 in conjunction with a 2-parcel partition to create lots for detached housing, as shown on the attached preliminary plans (Exhibits C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

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

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of a Zoning Map Amendment, in compliance with the Comprehensive Plan Map designation, from R5 to R2.5;

Approval of a Preliminary Plan for a 2-parcel partition that will result in two lots, as illustrated with Exhibits C.1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review 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 proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- Any other information specifically noted in the conditions listed below.
- As built location of sanitary connection for existing house on Parcel 1

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 46th Avenue and SE 47th Avenue. The required right-of-way dedication must be shown on the final plat.

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.10 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:

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor. The improvements along the frontage of Parcel 1 along SE 47th Avenue, where the existing house will be retained, must be constructed prior to final plat approval. The improvements along the frontage of the undeveloped lot may be constructed with development on this lot as per the City Engineer's discretion.

Utilities

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 must meet the requirements of BES and submit a completed stormwater management report that includes stormwater facility sizing for both lots.
4. The applicant shall provide information to the satisfaction of the Fire Bureau that Fire Hydrant spacing is adequate. If necessary, the applicant shall meet the requirements of the Fire Bureau for 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.
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.

Existing Development

6. The applicant must obtain a finalized demolition permit for removing the garage on Parcel 2 prior to final plat approval.
7. As required by BES, the applicant will be required to establish a new and conforming connection to the sewer for Parcel 1; plumbing and connection permits must be final prior to BES approval of the final plat.
8. The applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Parcel 1 that demonstrate compliance with the following standards in relation to the proposed new lot lines:

- 33.110.220 (Setbacks--specifically, the permit must show removal of sufficient portions of the rear porch to meet the rear setback requirement of 5 feet in the R2.5 zone)
9. The applicant must meet the requirements of BES for the stormwater system on the existing house to remain on Parcel 1. The applicant must obtain finalized plumbing permits for the stormwater retrofit prior to final plat approval.

Required Legal Documents

10. If required per Conditions C.4 or C.5 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcel 1 to contain internal fire suppression sprinklers, per Fire Bureau Appeal no *. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

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 will be required to meet any requirements identified through a Fire Code Appeal/install 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.

Procedural Information. The application for this land use review was submitted on January 24, 2014, and was determined to be complete on March 25, 2014.

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 January 24, 2014.

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. **The 120 days will expire on July 23, 2014.**

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation 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 report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$4,540 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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.**

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of a Zone Map Amendment. These other concurrent approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions as follows:

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

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

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of a Zone Map Amendment. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

The following approvals were necessary for the land division to be approved: Zone Map Amendment. These approval(s) expires if:

- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

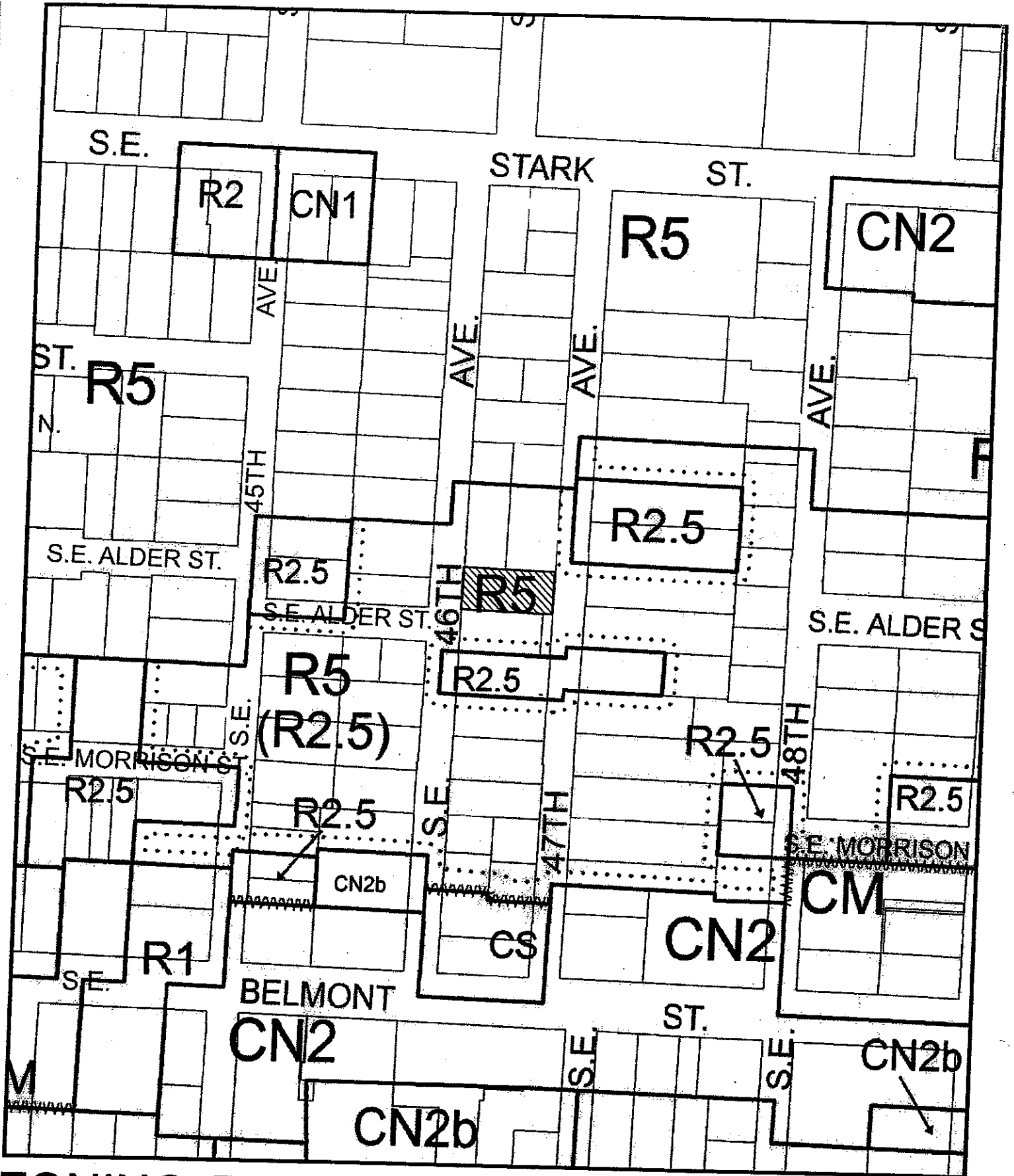
Planner's Name: Shawn Burgett

Date: May 2, 2014

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Land Division Approval Criteria Narrative
 - 2. Zone Change Narrative
 - 3. Transportation Analysis
 - 4. Simplified Approach
 - 5. Tri-Met bus 15 schedule
 - 6. Arborist Report
 - 7. Early Neighborhood notification documentation
 - 8. Early Neighborhood notification, follow up letter
 - 9. Memo from Applicant
- B. Zoning Map (attached):
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans & Drawings:
 - 1. Site Plan (attached)
 - 2. Utility Plan (attached)
 - 3. Full Plan Set
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. 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. Urban Forestry
 - 6. Site Development Review Section of Bureau of Development Services
 - 7. Life Safety Plans Examiner
 - 8. Police Bureau
- F. Letters: (None Received)
- G. Other:
 - 1. Original LUR Application
 - 2. Incomplete Letter dated 2/19/14
 - 3. E-mail documentation regarding early neighborhood notification
 - 4. Land Use History
 - 5. Pre-Application conference (13-223662 EA) memo
 - 6. Fire Flow documentation

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).



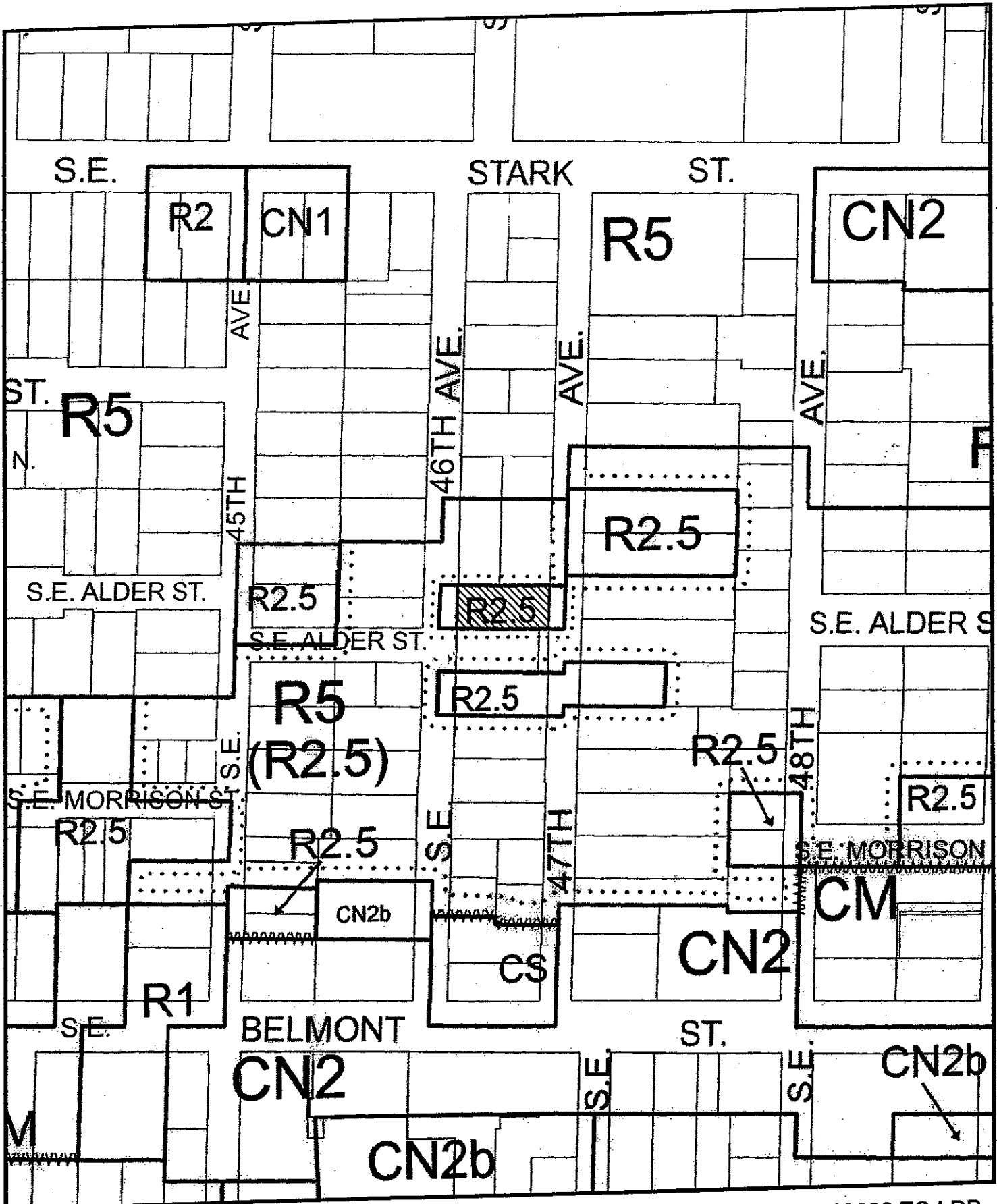
**ZONING
EXISTING**

 Site



NORTH

File No. LU 14-109666 ZC,LDP
 1/4 Section 3135
 Scale 1 inch = 150 feet
 State Id 1S2E06BA 8800
 Exhibit B.1 (Jan 28,2014)



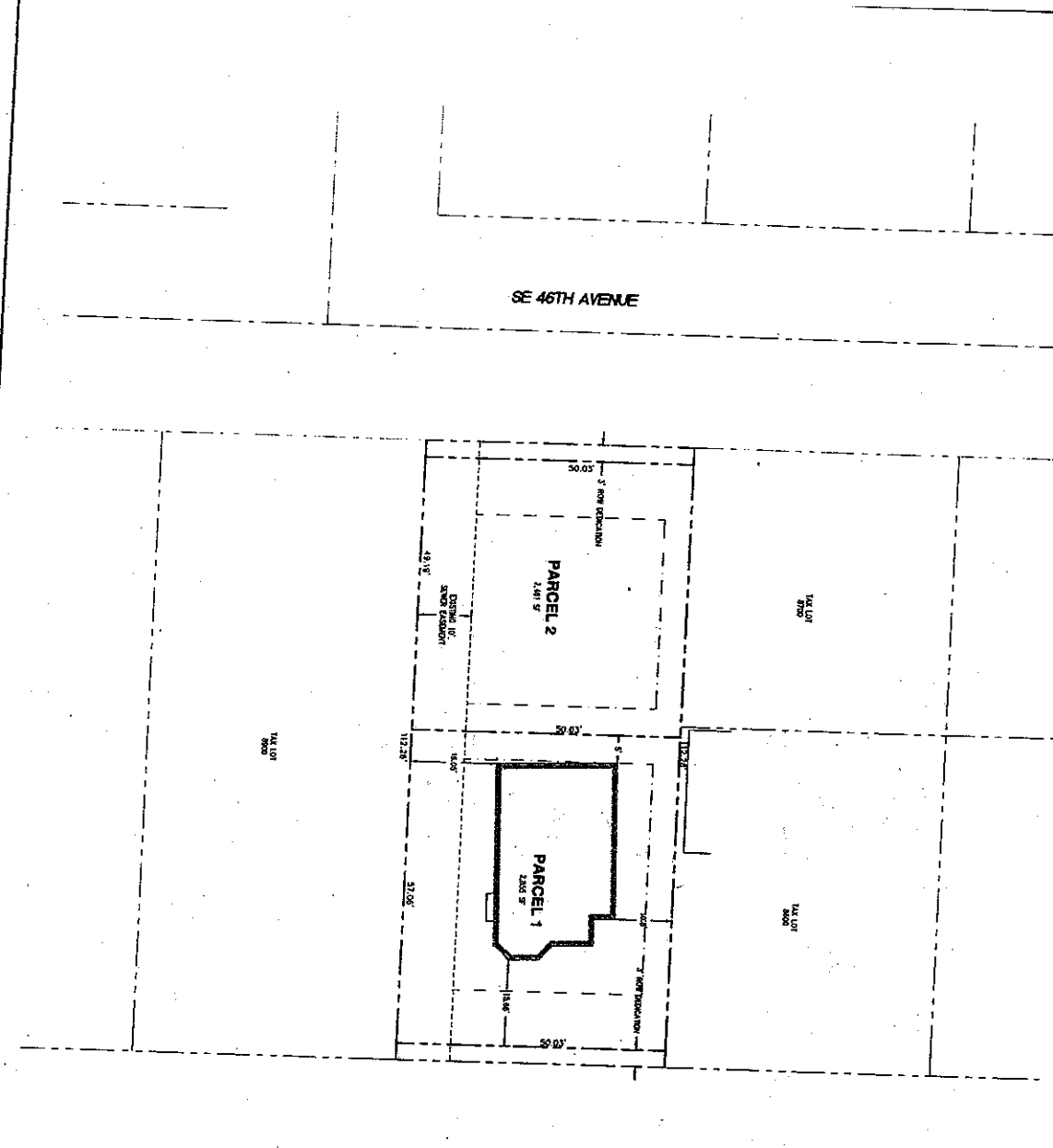
ZONING PROPOSED

 Site



NORTH

File No. LU 14-109666 ZC,LDP
 1/4 Section 3135
 Scale 1 inch = 150 feet
 State_Id 1S2E06BA 8800
 Exhibit B.2 (Jan 28,2014)



SE 46TH AVENUE

SE 47TH AVENUE

ZONE
 ZONING CHANGE
 FROM RS TO R2.5
SETBACKS
 FRONT: 10 FT.
 GARAGE: 18 FT.
 REAR: 5 FT.
 SIDE: 5 FT.

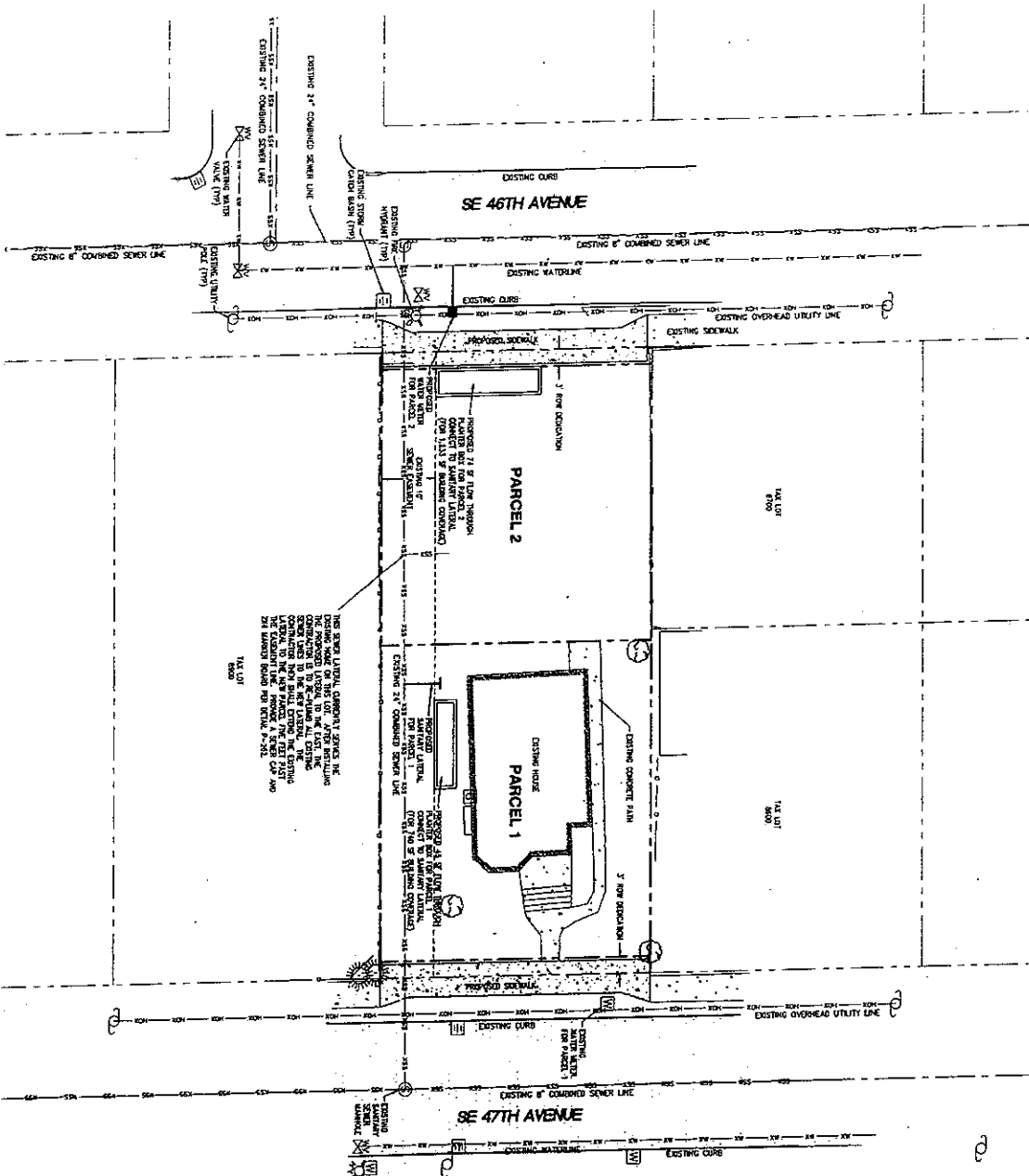
LEGEND
 PROPERTY LINE
 EXISTING/PROPOSED LOT LINE
 EXISTING LOT AND
 EXISTING LOT



SCALE: 1" = 10'
 1/8" = 10'

<p>8107 SW MURRAY BLVD, SUITE 147 BEAVERTON, OREGON 97008 PH: (503)-748-8812</p>	REVISIONS		PRELIMINARY PLAT	643 SE 47TH AVENUE TAX MAP T1S R2E 06BA TAX LOT 8800 PORTLAND, OREGON				
	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.			DATE	DESCRIPTION		
NO.	DATE	DESCRIPTION						

CASE NO. 14-109666
 EXHIBIT C



THE SEWER LATERAL, GARDNER'S SERVICES, INC. HAS REVIEWED THIS PLAN FOR THE PROPOSED LATERAL AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF PORTLAND'S SEWER LATERAL DESIGN AND INSTALLATION MANUAL. THE EXISTING LATERAL IS TO BE REMOVED AND A NEW LATERAL IS TO BE INSTALLED. THE EXISTING LATERAL IS TO BE REMOVED AND A NEW LATERAL IS TO BE INSTALLED. THE EXISTING LATERAL IS TO BE REMOVED AND A NEW LATERAL IS TO BE INSTALLED.

- LEGEND**
- BOUNDARY LINE
 - - - - - ADJACENT/ADJOINING LOT LINE
 - EXISTING LOT ROW
 - EXISTING SANITARY SEWER MAINLINE
 - EXISTING WATER MAIN
 - EXISTING FIRE MAINLINE
 - EXISTING UTILITY FIELD
 - EXISTING DIT PIPE
 - EXISTING DRAIN BASIN
 - EXISTING COMBINED SEWER LINE
 - EXISTING STORM DRAIN LINE
 - EXISTING WATER LINE
 - EXISTING OVERHEAD UTILITY LINE
 - PROPOSED SANITARY SEWER MAINLINE
 - PROPOSED SANITARY LATERAL
 - PROPOSED WATER MAIN



4
5

EMERIO
Design
6107 SW MURRAY BLVD. SUITE 147
BEAVERTON, OREGON 97008
PH: (503)-746-8812

REVISIONS	
NO.	DESCRIPTION

**PRELIMINARY SITE/
UTILITY PLAN**

643 SE 47TH AVENUE
TAX MAP T1S R2E 06BA
TAX LOT 8800
PORTLAND, OREGON

CASE NO. 14-109666
C-7