



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: June 1, 2015
To: Interested Person
From: Stephanie Beckman, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 15-101114 LDP

GENERAL INFORMATION

Applicant: Douglas MacLeod / Blue Sky Property NW
2251 SE Caruthers St #5 / Portland OR 97214 / 503-481-3997

Owner: Greg Cochell / Greenwood Homes LLC
P.O. Box 1225 / Canby OR 97013 / 503-969-1297

Site Address: 9024 SE YAMHILL ST

Legal Description: BLOCK 13 LOT 3&4 TL 8000, ALTAMEAD
Tax Account No.: R019402060, R019402060, R019402070
State ID No.: 1S2E04BA 08000, 1S2E04BA 08000, 1S2E04BA 08000
Quarter Section: 3139
Neighborhood: Montavilla, contact Lewis Scholl at 503-258-0312.
Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832 & Montavilla-East Tabor, contact Dokken Ramey at 503-467-4127.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Zoning: R2.5a – Residential 2,500, with alternative design density (a) overlay zone

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

Proposal:

The applicant proposes to divide the 4,750 square foot site to create two parcels for detached houses. The existing home and detached garage would be removed. Parcel 1 is proposed to be 2,500 square feet and Parcel 2 is proposed to be 2,250 square feet. Both lots are proposed to be 25 feet wide and are therefore considered “narrow lots” because they do not meet the minimum lot width standard of 36 feet in the R2.5 zone. Given this, the lots are subject to the additional requirements for narrow lots in 33.611.200.C.2.

The applicant proposes to provide required on-site parking via a shared 9 foot wide driveway between the homes that would lead to parking pads at the rear of each lot. An Auto Turn diagram was provided to show that this parking configuration is feasible.

The current configuration of the site was created through a lot confirmation (to reestablish a historic lot line) and property line adjustment to reconfigure the eastern property line. A house is currently under construction on the adjacent confirmed lot to the east under permit 14-250744 RS. That site is also owned by the applicant, but is not part of this partition request.

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.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

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

ANALYSIS

Site and Vicinity: The site is developed with a single story house and detached garage. Surrounding development primarily consists of single dwelling development. The predominant housing stock is relatively small post-WWII single-story cottages. Within the block where the site is located, 16 of the 18 homes are 1,100 square feet or less in living space according to Multnomah County tax records. Most homes have attached or detached garages set back from the street. The predominant lot pattern is 50 feet wide lots that are 90 to 100 feet deep. The subject site and the lots within the same block are 90 feet deep. Barrydale Park and the Creative Science School are located south of the site, across SE Taylor. SE 92nd Ave is a busier Neighborhood Collector street and serves as somewhat of a boundary between the area east of the 92nd and the area south of 92nd where the site is located.

Infrastructure:

Streets – The site has 50 feet of frontage on SE Yamhill Street. There is one driveway entering the site that serves the existing house on the site. At this location, the City’s Transportation System Plan (TSP) classifies SE Yamhill as a City Walkway, a City Bikeway, and a Local Service street for all other transportation modes. According to City GIS data, SE Yamhill is improved with a 28-ft wide paved roadway and a 9-6-1 pedestrian corridor (planting strip, sidewalk, setback) within a 60-ft wide right-of-way. Tri-Met provides transit service approximately 805 feet from the site on SE Washington Street via Bus 15.

- **Water Service** – There is an existing 8-inch CI water main in SE Yamhill Street. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch PVC public sanitary-only sewer line in SE Yamhill Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently 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.

Land Use History: City records indicate there are no prior land use reviews for this site. However, the current configuration of the site was created through administrative processes, including:

- PR 14-233729 LC – A lot confirmation that reestablish a historic lot line (the west ½ of Lot 4, Block 13 Altamead). A house is currently under construction on the adjacent confirmed lot to the east under permit 14-250744 RS.
- PR 14-244084 PLA – A property line adjustment to reconfigure the eastern property line between the newly confirmed lot and the subject site, resulting in the jogged lot line in the southeast corner of the site.

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 23, 2015**. A total of twelve written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. These comments are summarized below with staff responses. Exhibits “F” contain the complete responses.

- Proposal for skinny lots/houses is not consistent with character of the neighborhood, (including typical 50 foot wide lots and 30 foot wide houses, 1940s -1950s single level homes, yards with lots of green and space for activity, “old Portland charm”).

Staff Response: *As discussed in the findings under criterion “A. Lots” below, staff agrees that the proposed 25 foot wide lots and 15 foot wide houses are not compatible with existing lots. However, because the proposal meets all of the other components of the stated purpose of the lot dimension standards, it is considered to meet the purpose “on balance”. Since all the requirements to reduce the lot width are met, this proposal must be approved.*

- Height/size of new houses will impact livability/quality of life for residents of adjacent homes (block light and views, reduce privacy).

Staff Response: *The applicant has provided a conceptual site plan showing how development standards can be met on the lots. The footprints of the homes are regulated by zoning code development standards for setbacks, building coverage and required outdoor area. In addition, because these are new narrow lots, the height will be restricted to 1.5 times the width of the dwelling unit (22.5 feet). Otherwise the maximum height in the R2.5 zone is 30 feet for detached houses. Please note that for most residential roof types, height is measured to the mid-point of the highest gable.*

- Loss of property value due to impacts of development and reduced long-term residency. Developer profit should not be favored at the expense of the neighborhood.

Staff Response: *There are no approval criteria that speak to maintaining or the potential loss of property values.*

- Suggestion for attached houses or duplex (instead of two detached houses) to achieve the same density with more compatible design.

Staff Response: *Staff is required to review the applicant’s proposal as submitted and either approve or deny it. While a proposal for attached houses or a duplex could be more compatible with neighborhood character, it is not possible for staff to require this. In addition, it should be noted that a proposal for attached houses would require a planned development review if it included street-facing garages.*

- The existing home should be retained and restored. The petition submitted by neighbors to delay demolition should have been accepted.

Staff Response: This site is not within a historic or conservation district and it does not contain a historic landmark building, therefore there are no regulations that would prevent demolition of the house as proposed by the applicant. In addition, there are no land division approval criteria that address the appropriateness of demolition vs. restoration of existing structures. It is understood that a petition was submitted to request a delay in issuance of the demolition permit for the existing house. The delay was not imposed because the request was not from the recognized neighborhood association as required by Title 24.

- Public notice should have shown the third lot. Some neighbors thought a total of two houses would be built in place of the existing house.

Staff Response: The public notice described the processes that resulted in the current site configuration and indicated that a building permit was underway on the adjacent confirmed lot. The zoning map (Exhibit B) also shows the confirmed lot as “also owned”. The adjacent lot was not shown on the site plan because it is not part of the land division application and cannot be addressed as part of the review.

- Impact to trees adjacent to construction on confirmed lot.

Staff Response: Several letters commented on potential impacts to large trees located on the eastern property line of the confirmed lot (9032 SE Yamhill). That lot was reestablished through the lot confirmation process and is not subject to land division tree preservation requirements. Potential damage to the trees due to root cutting and/or excessive pruning would be a civil matter between property owners.

- Zigzag lot line is not consistent with surrounding area and looks like special treatment to allow development.

Staff Response: The jogged lot line in the southeast corner of the site was the result of a property line adjustment with the confirmed lot. The property line adjustment added square footage to the land division site in order to make it dividable. There are no regulations that require regularly shaped lots or straight lot lines, therefore the property line adjustment proposed by the applicant met standards.

- Parking pads in rear are ridiculous and will be used as patios.

Staff Response: Because of the small size of the lots and the limited maneuvering space, the applicant was required to provide documentation that the proposed parking in the rear will actually be usable. The applicant provided a maneuvering diagram showing the easement and parking spaces.

- Request to consider Commissioner Fritz’s February 5, 2015 memo in this decision.

Staff Response: The memo referenced is not adopted code and therefore does not have direct bearing on this land use review, which is subject to the relevant standards and approval criteria of the zoning code. See discussion above and under criterion “A. Lots” for more information about consistency with existing lots.

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	Findings: Not applicable because:
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	and Topic	
B	33.630 – Tree Preservation	There are two black cherry trees on the site. However, both were determined to be exempt from the regulations by the applicant's arborist. One is identified as dead and the other is identified as having significant decay and cavity resulting in a structural hazard. See Exhibit A.4. Since both trees are exempt from the regulations, these standards and criteria do not apply.
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.
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 maximum density is one unit per 2,500 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. Based a site area of 4,750 square feet, the site has a minimum required density of 1 unit and a maximum density of 2 units (a maximum density of 1.9 rounds up to 2 units per 33.930.020). The applicant is proposing 2 single dwelling lots. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,500		25	90	25
Parcel 2	2,250		25	90	25

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

Narrow Lots

Parcels 1 and 2 are 25 feet wide — narrower than the minimum width for the R2.5 zone, as shown in the table above. However, the Zoning Code allows narrower lots if the regulations of Section 33.611.200.C.2 are met.

a. On balance, the proposed lots will have dimensions that are consistent with the purpose of this section;

The purpose of the lot dimension regulations for R2.5 are stated in 33.611.200 and are as follows:

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are wide enough to allow development to orient toward the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9) lots are compatible with existing lots while also considering the purpose of this chapter.

Each section of the purpose statement is addressed below:

- (1) The applicant has provided an example of a building footprint for detached houses that are 15 feet wide and approximately 56 feet long, resulting in an 840 square foot footprint. Assuming a two story home is constructed on the lots, the resulting home square footage could be approximately 1,600 square feet. While this square footage is larger than many of the existing homes in the area, it is consistent with some homes in the area and is a reasonable size home for new construction. This purpose is met.
- (2) The site plan provided by the applicant shows how development standards can be met, including setbacks, building coverage, required outdoor area and parking. This purpose is met.
- (3) Based on the 2,250 and 2,500 square foot lot sizes, the proposed lots do not appear to be further dividable. This purpose is met.
- (4) Zoning Code section 33.110.235 requires a 250 square foot outdoor area with a minimum dimension of 12 feet x 12 feet. The site plan shows that the minimum dimension can be met in the backyard outside of the parking and maneuvering areas. The remainder of the 250 square feet is provided in the rear and side yards of the lots. This purpose is met.
- (5) The applicant's site plan shows homes that are oriented toward the street. This purpose is met.
- (6) The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services. This purpose is met.

- (7) Both lots abut SE Yamhill and therefore are not landlocked. This purpose is met.
- (8) The lots are the same width for the entire length of the property and the applicant's site plan shows the homes constructed at the 10 foot minimum front setback line. Therefore, the lots do not narrow to an unworkable width close to the street. This purpose is met.
- (9) The area considered for compatibility with existing lots is the R2.5 zoned area west of SE 92nd shown on the zoning map (Exhibit B). This includes lots within the same zoning designation that are within 400 to 650 feet of the site. The area east of 92nd is excluded because it is a busier street that creates a boundary between neighborhoods. The area to the north in the R2 zone is excluded because it is within a different higher density zone. The area to the south in the R5 zone is excluded because it is in a different lower density zone and is somewhat separated from the site due to the large park and school use south of SE Taylor.

The predominant lot pattern in the area described above is 50 feet wide lots that are approximately 83 to 100 feet deep, consistent with the original Altamead subdivision plat. This lot pattern has a few notable exceptions:

- Two corner lots have been divided created lots that are 37 and 40 feet wide. These lots are smaller in square footage than the other lots typical to the area, but they meet the 36 foot minimum lot width standard.
- There is a larger property east of the site that is 125 feet wide and 90 feet deep. It is made up of 2 ½ historically platted lots.
- There is a 25 foot wide lot immediately east of the site. This lot was originally within the same tax lot as the subject site, but the historic lot line was reestablished through the administrative lot confirmation process. This lot is the east half of a historically platted lot in the original subdivision. Because this lot was created through an administrative process there was no review of its compatibility with existing lots.

The proposed lots are 25 feet wide and 90 feet deep. With the exception of the one 25 foot wide lot described above, there are no other lots of this width among the 93 other lots in the area considered for compatibility.

In determining compatibility the purpose statement also directs us to consider the purpose of the chapter, 33.611, Lots in the R2.5 zone (33.611.010), which states: *"This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the R2.5 zone. These requirements ensure that lots are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate structures in accordance with the planned intensity of the R2.5 zone."*

There is not a specific description of the "desired character" of the R2.5 zone in the zoning code, therefore the Comprehensive Plan was consulted for direction. The site is within the Attached Residential designation, which is described in Policy 10.4(7) as follows: *"This designation is intended for areas with complete public services and without development constraints. It allows a mixture of housing types of a single-dwelling character, including attached houses. Allowed densities for attached houses are higher than for detached housing. The maximum density is generally 17.4 units per acre for attached housing. To allow the fulfillment of these densities, the allowed scale of these projects should be allowed to be greater than for other single-dwelling housing structure types. The corresponding zone is R2.5."*

The applicant's proposal complies with the maximum density of 1 unit per 2,500 square feet, which is assumed to be the "planned intensity" of the zone. However, it should be noted that this zone allows a wide range in acceptable density (minimum density is 1 unit per 5,000 square feet based on 80 percent of the site area - the same as the R5 zone). While the zoning code does not differentiate attached and detached houses with respect to allowed density, the Comprehensive Plan suggests that attached houses

would be a more appropriate housing type for higher density developments in the R2.5 zone. The applicant's proposal is for 15 foot wide detached houses.

Given the lack of other narrow lots in the area and the applicant's proposal to develop the site to the maximum density of the R2.5 zone with detached houses, the proposal is not compatible with existing lots while also considering the purpose of Chapter 33.611. This purpose is not met.

Section 33.611.200.C.2 requires that "on balance" the lot dimensions are consistent with the purpose of the lot dimension section. As described above, there are nine separate components of the purpose statement. The applicant's proposal meets eight of the nine components. There is no indication that one component of the purpose statement should be weighed more heavily than others, therefore with eight of the nine components met, the proposed lots are found to be consistent with the purpose of 33.611.200 on balance. This requirement is met.

b. 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. The proposed lots are 25 feet wide, therefore this requirement is met.

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

The site does not abut an alley, therefore this requirement does not apply.

d. 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

Garages are not proposed. The applicant has demonstrated that they can meet on-site parking standards without garages with a shared driveway that will provide vehicle access to parking pads located in the rear of the lots. The shared driveway is proposed to be within a 10 foot wide reciprocal access easement. The applicant provided an AutoTURN exhibit (Exhibit C.1) to document that this parking configuration is feasible, which is acceptable to Portland Transportation (see Exhibit E.2). Compliance with this standard is demonstrated with the condition that a reciprocal access easement is shown and labeled on the final plat and the parking spaces shown on the building permits plans match Exhibit C.1, or an alternative showing a parking space meeting zoning code standards located on the lot it will serve and outside of the easement area. Adequate maneuvering must be demonstrated to the satisfaction of PBOT. With these conditions, this requirement is met.

e. 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.

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

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

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

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 on the site. 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. The applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. Demolition permits have been issued, but the work is not complete (14-250141 RS and 14-250145 RS). An old cesspool on the site was decommissioned under permit 14-250141 RS (inspection approved 2/3/15). With the condition for finalizing demolition permits prior to final plat approval, the new lots can be considered suitable for development, and this criterion is met.

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

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

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

- A Reciprocal Access Easement is proposed to allow shared use of a driveway that will straddle proposed lot lines;

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

"A Declaration of Maintenance agreement for Reciprocal Access Easement has been recorded as document no. _____, Multnomah County Deed Records."

With the conditions of approval discussed above, this criterion is met.

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

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 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. To address the approval criteria, the applicant submitted a written narrative (Exhibit A.1).

PBOT has provided the following findings (see Exhibit E.2):

The applicant is proposing this partition to create 2 new parcels for single-family detached housing. The existing home on the site will be demolished and replaced. Therefore, the project will result in a net addition of one new single-family home. Based upon trip generation estimates, ITE Trip Generation Manual, 9th Edition, the new home is projected to generate one additional trip during both the morning and evening peak hours (10 additional trips in total each day). The small number of trips that will be added into the transportation system as a result of the proposed development will not adversely impact the operations of area intersections.

The project will include on-site parking for at least one vehicle per lot via a shared 9-ft wide driveway between the homes. In order to adequately address the on-street parking impact evaluation factor, PBOT required the applicant to submit AutoTURN exhibits (Exhibit C.1) to document that on-site parking was feasible given the narrow lot width and proposed building footprint. The AutoTURN exhibit documented that a vehicle can adequately access the parking pads proposed to be located at the rear of each lot.

There appears to be an abundance of on-street parking spaces along the street and the surrounding development pattern is predominantly single-family detached homes that have sufficient space to accommodate at least one on-site parking space and in many cases on-site parking for multiple vehicles. On-street parking will not be impacted given the lack of apparent high demand for on-street parking in the area. The proposed lot split will not have any effect to transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
BES has reviewed the stormwater report from Dave Carver and Faster Permits dated 11/7/2014 (Exhibit A.5). The report includes Simplified Approach infiltration test results of 6-inches per hour. The applicant proposes on-site infiltration by means of drywells. BES has no objections to the proposed stormwater management approach for the purposes of land use. The stormwater management criteria and standards are met.
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 site is in an area with a well-developed grid street network and the block on which the subject property is located meets the noted spacing requirements. Therefore, this

criterion is met.

33.654.120.B, C. & H. Width & elements of the right-of-way, street trees – See Exhibit E.2 and E.6 for bureau comment

The City's Transportation System Plan (TSP) classifies SE Yamhill as a City Walkway, a City Bikeway, and a Local Service street for all other transportation modes. For a City Walkway, abutting an R2.5-zoned site, the City's Pedestrian Design Guide recommends a 12-ft wide pedestrian corridor comprised of a 0.5-ft curb; 4-ft furnishing zone; 6-ft sidewalk; and a 1.5-ft frontage zone. According to City GIS data, SE Yamhill is improved with a 28-ft wide paved roadway and a 9-6-1 pedestrian corridor within a 60-ft wide right-of-way.

While the pedestrian corridor configuration of this site is not consistent with the Pedestrian Design Guide (1-ft wide frontage zone in lieu of 1.5-ft), the site meets the conditions of Administrative Rule 1.22 "Infill Development on Streets with an Existing Sidewalk Corridor". Accordingly, the existing sidewalk corridor configuration will be accepted as the standard sidewalk configuration for the block lengths. Therefore, no right-of-way improvements or property dedication will be required in relation to the proposed partition request. Minor Improvement Permits associated with the Building Permits for each new house will be required for the new curb cuts/driveways for both parcels. Because a shared driveway is proposed, a reciprocal access and maintenance agreement will be required to be recorded prior to Final Plat approval.

Urban Forestry indicates that the proposed street tree plan meets the standards for street trees. The street trees will be reviewed and installed at the time of development.

The existing right-of-way width is adequate to accommodate expected users. PBOT and Urban Forestry have approved the configuration of elements in the right-of-way. These standards and criteria are met.

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

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

DEVELOPMENT STANDARDS

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

Future Development

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

- Narrow Lots-- development on Parcels 1 and 2 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.
 - Modifications to these standards require a Planned Development Review (Adjustments are prohibited).

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. However, the applicant has submitted a building permit for a home that would be located on proposed Parcel 1 (14-250776 RS). This permit may be issued prior to final plat approval as one single-family home on the existing site. If construction has started prior to final plat approval, it will be necessary to ensure that development standards and conditions of approval are met for the construction that is underway. To ensure this requirement is met, the final plat must be accompanied by a supplemental survey showing the location any existing buildings and paving relative to adjacent new lot lines. With this condition, 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 addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

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

A number of letters were received about the proposed 25 foot wide lots and 15 foot wide houses being out of character with existing lots in the area. Given the predominant 50 foot wide lot pattern in the area, staff agrees with neighbors on this point. However, because the proposal meets all other components of the lot dimension purpose statement and meets all

other requirements for narrow lots, the application must be approved.

The applicant submitted several iterations of a maneuvering diagram to demonstrate that the proposed on-site parking at the rear of the site (accessed via a shared driveway) will actually be usable. Conditions are included addressing easement and parking requirements.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-lot partition, that will result in narrow lots for single-dwelling development, as illustrated with Exhibits C.1 and C.2, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Service 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;
- Any other information specifically noted in the conditions listed below.

Note: An updated plan may be required prior to final plat approval depending on building permit status.

B. The final plat must show the following:

1. A 10-foot wide Reciprocal Access Easement shall be shown and labeled on the final plat, centered on the common property line between Parcel 1 and Parcel 2, as shown on Exhibit C.1. The easement shall allow shared use of this area for all of the purposes that a driveway would typically be used for.
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.3 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for Reciprocal Access Easement 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 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

2. A finalized permit must be obtained for demolition of the existing residence and garage on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.

Required Legal Documents

3. 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.

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

individual lots:

1. Parking spaces shown on the building permits for Parcels 1 and 2 must match Exhibit C.1. An alternative configuration is allowed, provided the parking spaces meet zoning code standards, are located completely on the lot it will serve and are outside of the reciprocal access easement area. Adequate maneuvering must be demonstrated to the satisfaction of PBOT.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Stephanie Beckman**Decision rendered by:** Stephanie Beckman **on May 28, 2015**

By authority of the Director of the Bureau of Development Services

Decision mailed June 1, 2015

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 January 5, 2015, and was determined to be complete on **March 18, 2015**.

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 5, 2015.

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 16, 2015.**

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

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

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

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

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

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

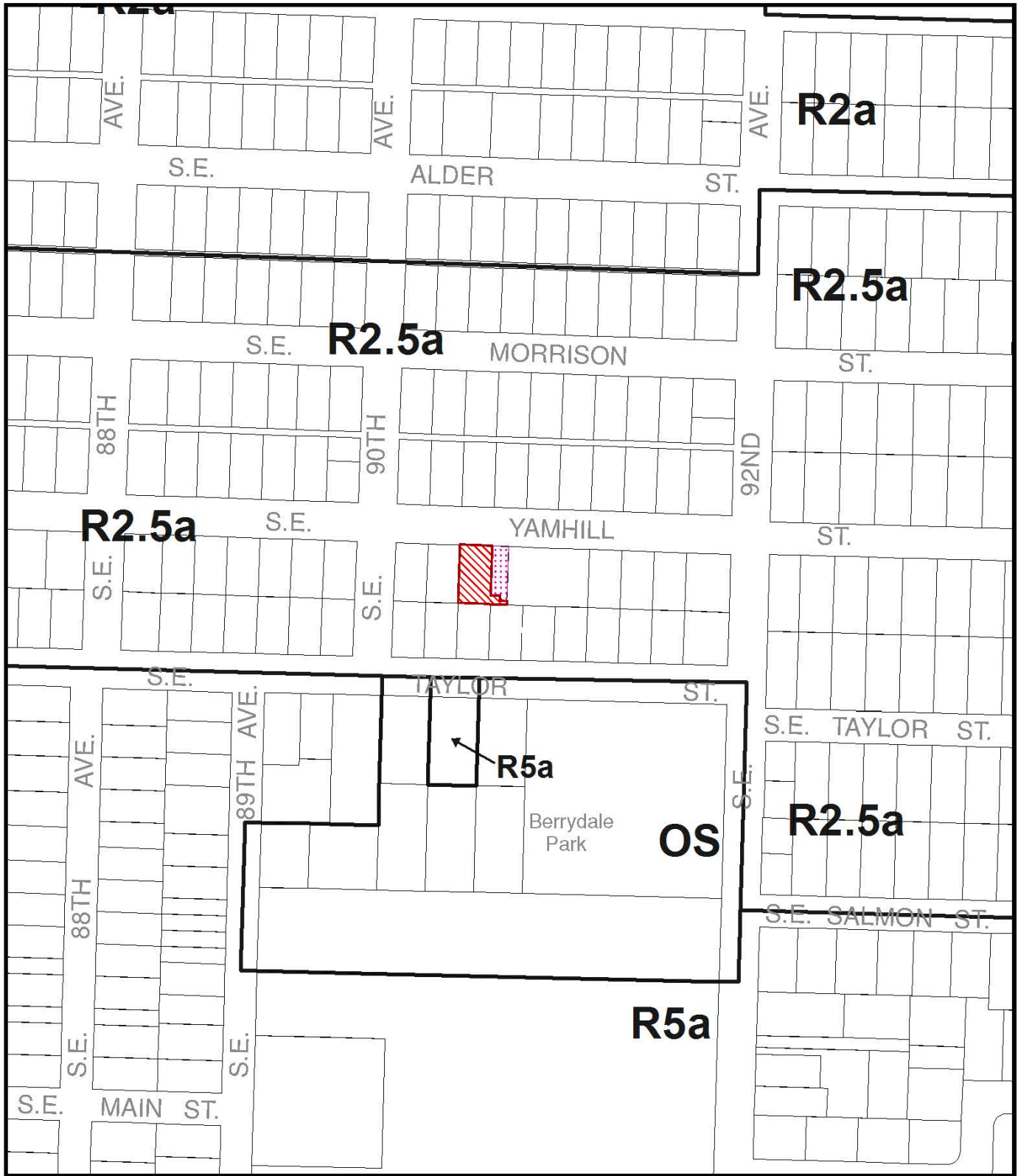
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Original submittal
 - 2. Additional applicant narrative (3/6/15)
 - 3. Additional information (3/18/15)
 - 4. Arborist Report
 - 5. Stormwater Report
 - 6. Fire Flow Documentation
 - 7. Maneuvering Exhibits (5/7/15, 5/14/15, 5/18/15)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Partition Site Plan - includes AutoTURN Exhibit (attached)
 - 2. Preliminary Plat
 - 3. Existing Conditions Survey
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of BDS
- F. Correspondence:
 - 1. Leslee and Lance Thomas (3/30/15)
 - 2. Laurie Chappo (3/30/15)
 - 3. Annette LaBerge (3/31/15)
 - 4. John and Jill Kahnert (3/31/15)
 - 5. Virginia Chappo (4/2/15)
 - 6. Craig Santiago (4/7/15)
 - 7. Harry Stapleton (4/13/15)
 - 8. Mary Stapleton (4/13/15)
 - 9. Lew Scholl, Montavilla Neighborhood Association (4/14/15)
 - 10. Michal Rubin (4/18/15)
 - 11. Lew Scholl, Montavilla Neighborhood Association (4/20/15)
 - 12. Reva Schippers (4/20/15)
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete letter
 - 3. PLA/Lot Confirmation

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



ZONING

 Site
 Also Owned



File No. LU 15-101114 LDP
 1/4 Section 3139
 Scale 1 inch = 200 feet
 State_Id 1S2E04BA 8000
 Exhibit B (Jan 20, 2015)

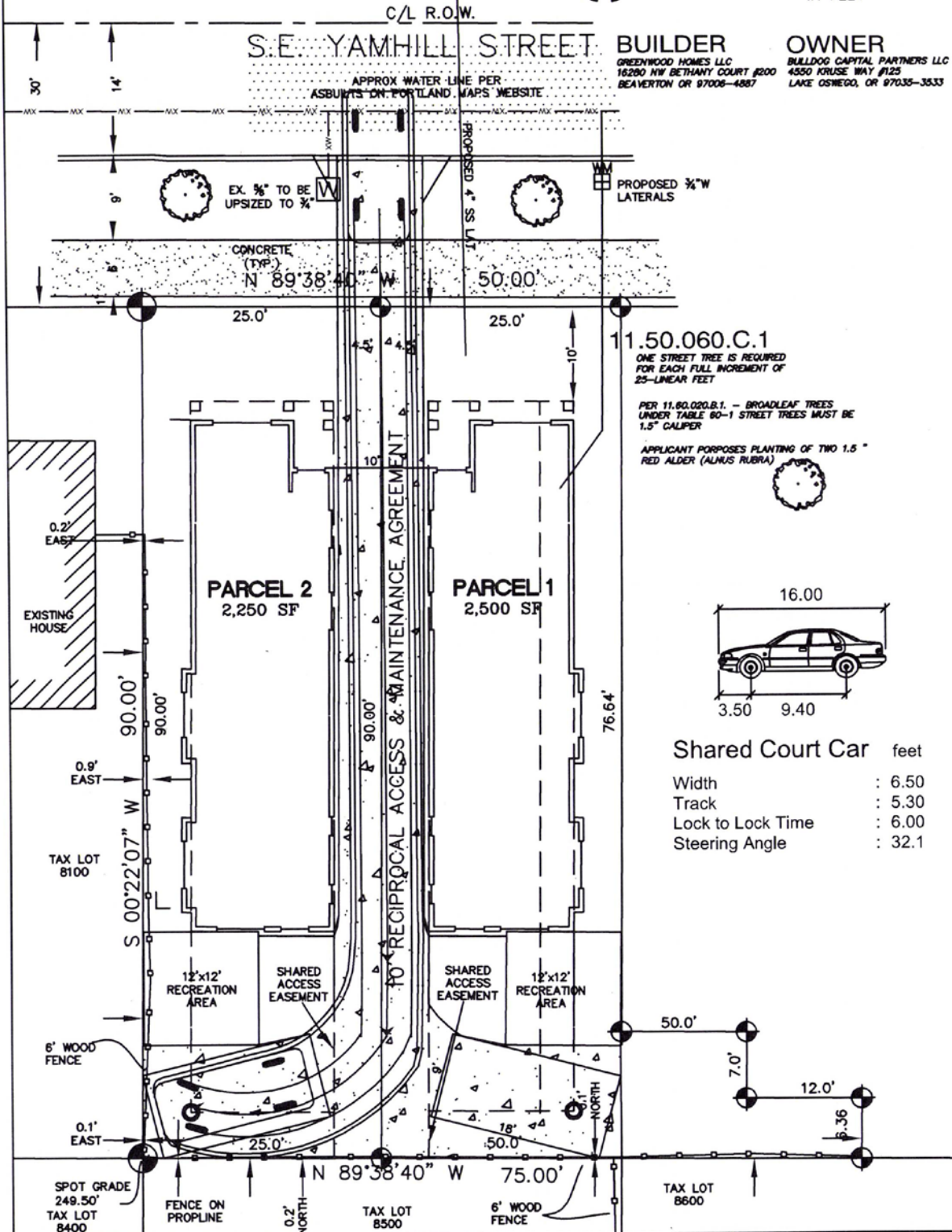
PARTITION SITE PLAN 9024 SE YAMHILL ST.



APPROXIMATE SANITARY LINE PER
ASBUILTS ON PORTLAND MAPS WEBSITE



SCALE
0' 10' 20'
IN FEET



CASE NO. 15-101114

EXHIBIT C.1