



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

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Date: June 16, 2022
To: Interested Person
From: Diane Hale, 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 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 21-072863 LDP

GENERAL INFORMATION

Owners: Joseph Bradford and Hallie Parsons
7316 SE 31st Ave / Portland, OR 97202

Applicant: Mildred and Aurnyn White, BAMA Architecture (503) 253-4283
7350 SE Milwaukie Avenue / Portland OR 97202

Site Address: 6228 SE 14TH AVE
Legal Description: BLOCK 16 LOT 1, TOLMAN TR
Tax Account No.: R836600610
State ID No.: 1S1E14CD 01700
Quarter Section: 3631
Neighborhood: Sellwood-Moreland, contact David Schoellhamer at chair.landuse.smile@gmail.com

Business District: Sellwood-Westmoreland, contact at info@sellwoodwestmoreland.com.
District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org.
Plan District: None
Zoning: R5 – Single dwelling residential, 5,000
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 is proposing a 2-parcel land division for this 5,000 square foot site, resulting in 2 new parcels for attached single-family homes. This proposal utilizes the added density provision of 1 extra unit available for corner lots in the R5 zone (see Zoning Code 33.110.240.E in the code in effect on 7/30/2021). The original application proposed that Parcels 1 and 2 will be 2,500 sq ft each (50 by 50), and that the existing home on the site will be removed. The applicant has requested flexibility to allow approval of either the original proposal, or an alternative proposal in which the existing structure is converted to attached houses, and Parcel 1 would be 55 by 50 (2750 sq ft) and Parcel 2 would be 45 by

50 (2250 sq ft). There are no regulated trees on the site. In order to show feasibility of providing services and other criteria, the applicant has provided a conceptual development plan showing attached single-dwelling residences on each parcel (Exhibit C.1). Actual development will be reviewed under the Zoning Code in effect at the time of building permit submittal in the future.

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 or Environmental Review) are requested or required (see 33.660.110).

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

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

FACTS

Site and Vicinity: The site is a corner lot developed with a house constructed in 2007. The area directly surrounding the site is generally zoned for and developed with single family houses. Commercial mixed-use development is located ~2 blocks to the east on SW Milwaukie Avenue. Llewellyn Elementary School is directly across SE 14th Avenue to the west of the site. The Willamette River is located ~600 feet to the west.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on SE Tolman Street and 100 feet of frontage on SE 14th Avenue. There is one driveway entering the site from SE 14th St that serves the existing house on the site. At this location, the City’s Transportation System Plan (TSP) classifies SE 14th Ave as Local Service for all modes, whereas SE Tolman St is classified as a City Bikeway, Neighborhood Walkway, Local Service for all remaining modes. Both Right-of-Ways (ROW), according to City GIS data, are improved with a 28-ft wide roadway with an 8-6-2 pedestrian corridor within a 60-ft wide ROW. Tri-Met provides transit service a few blocks to the east of the site via Bus 19 (Woodstock) and 70 (Milwaukie).
- **Water Service** – There is an existing 16” water main in SE 14th Avenue. There is an existing 6” main in SE Tolman Street. The existing house is served by a 3/4-inch metered service from the main in SE Tolman Street.
- **Sanitary Service** - There is an existing 8-inch public combination sewer line in SE Toman Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: R5 Zone - The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing. Newly created lots in the R5 zone have a minimum area of 3,000 square feet and maximum density of 1 lot per 5,000 square feet of site area.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 1, 2022**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No trees in excess of 6 inches in diameter are located fully or partially on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands are evident on the site.
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	No pedestrian connections are proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end	No dead-end street or pedestrian connections are proposed or required.

	streets and pedestrian connections	
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

Applicable Approval Criteria are:

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

Findings: Chapter 33. 610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey, the site area is 5,000 square feet. The maximum density in the R5 zone is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area.

The site has a maximum density of 1 unit and a minimum required density of 1 unit. If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore, in this case the minimum density is reduced to 0.

The applicant is proposing 2 parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. The applicant has requested flexibility to either demolish the existing structure and build new attached houses on the site, or to convert the existing structure on the site to attached housing through the proposed land division. The additional lot is allowed provided that the structure is converted to attached houses, or the site is developed with new attached houses.

With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards are 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)
Original lot before division in R5 zone	4,500	NA	NA	NA	NA
Original lot before division					
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Parcel 1 (original proposal)	2500		50	50	50
Parcel 2 (original proposal)	2500		50	50	50
Parcel 1 (alternate proposal)	2750		50	55	50
Parcel 2 (alternate proposal)	2250		45	50	50

* 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.

Attached Houses on Corner Lots

Parcels 1 and 2 are smaller than would normally be allowed in the R5 zone. As described above, these lots are being created through a provision that allows attached houses on

corner lots. To use this code provision the original lot before the division must be at least 4,500 square feet.

As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Proposed Parcels 1 and 2 each exceed the minimum lot dimension standards with either the original or alternate proposal. Therefore, the corner lot may be divided to create Parcels 1 and 2 as proposed.

Overall, the findings above show that the applicable density and lot dimension standards are met. Additionally, the lot lines are straight and side lot lines are perpendicular to the street.

Accordingly, 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: 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.

Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading: 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. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. 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 Private Sanitary Sewer Easement is required across the relevant portions of Parcel 1, for a sanitary sewer lateral connection that will serve Parcel 2.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement will be required describing maintenance responsibilities for the easement described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement with a recording block for each agreement, 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.”

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 supporting the proposed development in addition to the existing uses in the area.

Evaluation factors include: safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced and measures to mitigate impacts may be necessary.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

The applicant provided a written narrative addressing the transportation approval criteria above. The application proposes to divide the existing 5,000 square foot lot into two 2,500 sq. ft. parcels for attached housing. Both proposed dwellings are providing one on-site parking space, each accessed from separate streets. This maximizes on-street parking availability while also continuing the neighborhood character of the area. Therefore, neighborhood livability and on-street parking demand is expected to be negligible in this case.

Based upon trip generation estimates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, the new proposed parcel is projected to generate one additional morning and one evening trip, for approximately ten daily trips. The net addition of one single-family residence added to the transportation system resulting from the development will not adversely impact the operations of area intersections, as the proposed development adds negligible trips to the transportation network compared to existing volumes in the area, which the established grid-pattern provides many redundant routes for multiple modes, and is consistent with the zoning of the property. The abutting streets are fully improved with a paved roadway and established pedestrian corridors. Therefore, the transportation system is capable of safely supporting the proposed development in addition to existing uses in the area and capable of maintaining acceptable levels of service.

The subject site is located within walking distance from TriMet bus lines 19-Woodstock and 70-Milwaukie, a few blocks to the east. In addition, to two MAX stations are less than a mile away and have complete sidewalks and adequate crossings between the site and transit stops. For bicycles, the SE 15th Ave and SE Tolman are classified as City Bikeways, in addition to the Springwater Corridor to the west. The remaining surrounding streets are Local Service streets, which allows for a safe and comfortable environment for cyclists to connect to other complete facilities in the immediate area and other areas within Portland. For Pedestrians, the abutting and nearby sidewalk network in the area is complete and provides safe passage to locations within the immediate vicinity and to local transit stops. Therefore, the resulting proposed development will not negatively impact transit access or other transportation modes and will maintain the established pedestrian environment.

PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is necessary for the transportation system to be capable of 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 and Exhibit E.4

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

The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report.

BES reviewed the proposed improvement and utility plan and the response is summarized below:

According to City records, the existing structure (proposed to be removed or demolished) is currently connected to the combined sewer in SE Tolman St via a lateral located ~183 feet from the maintenance hole (ID ACN242) at the intersection of SE Toman St and SE 15th Ave. This places the lateral approximately 5 feet from the eastern property line and within the frontage of Parcel 1. Parcel 1 will be served by this existing lateral connection to the combined sewer in SE Tolman St.

The applicant is proposing to serve Parcel 2 with a new connection to the combined sewer in SE Tolman St and a route of service through an easement crossing the proposed Parcel 1. To ensure the availability of sewer service to the benefit of Parcel 2, a private sanitary sewer easement shall be shown and labeled over the relevant portions of Parcel 1 on the final plat.

With this condition, BES determined the applicant's proposal for sanitary service acceptable for the purpose of reviewing the preliminary land division application against the sanitary sewer disposal standards of 33.652. This criterion is met.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1

BES reviewed the applicant's proposed improvement and utility plan and Simplified Approach Form against the stormwater management approval criteria and standards, and determined that a stormwater management system can be designed that will provide adequate capacity and disposal for the expected amount of stormwater, as summarized below:

No stormwater tract is proposed or required.

The applicant has proposed the following stormwater management methods:

Parcels 1 and 2: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.

BES determined the proposal is acceptable for reviewing the land division against the stormwater management approval criteria and standards. This criterion is met.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

The site is located within an area in which the established grid-pattern provides many redundant routes for multiple modes and meets the spacing standard for through streets and pedestrian connections. The abutting streets are fully improved with a paved roadway and established pedestrian corridors. This criterion is met.

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

33.644.120.H Street Trees – See Exhibit E.6

The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features.

For public streets, PBOT reviews the configuration of elements within the street right-of-way for consistency with city standards and specifications; and Urban Forestry addresses the retention and installation requirements for street trees.

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

Urban Forestry evaluated the provision of street trees and planting areas for the public right-of-way and determined that the land division will not move the site out of conformance with standards if new development is proposed. There are currently no street trees along SE 14th Avenue. If the applicant converts the existing structure to attached houses, rather than adding new development to the site, the land division would make the existing development move out of conformance with street tree standards, which is not allowed. To ensure this doesn't happen, if the existing development is converted to attached houses, the applicant must meet the street tree requirements along SE 14th prior to final plat approval.

Based on the foregoing, the width of the right-of-way will be sufficient to accommodate the expected users. This criterion is met.

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

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

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review have not been addressed in the review. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

Future Development

- Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions for attached houses on corners (Section 33.110.240.E of the code in effect on July 30, 2021). Note: the code in effect at the time of building permit submittal will apply to future development on the site.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Parcel 2 must be oriented toward SE 14TH Ave and development on Parcel 1 must be oriented toward SE Tolman St.
 3. The height of the two units must be within 4 feet of each other
 4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.
 7. Trim must be the same in type, size and location.
 8. Windows must match in proportion and orientation.

Existing development that will remain after the land division. The applicant is seeking flexibility to either remove the existing structure on the site or retain it and convert it to attached houses. 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 R5 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).

If the existing structure will be removed prior to final plat approval, all demolition permits must receive final inspection approval and then there will be no development on site and therefore the land division will not cause existing development to move out of conformance with Zoning Code standards.

If the applicant chooses to retain the existing structure and convert it to attached houses, the proposed parcels/structures will need to meet all applicable requirements of City titles and the conversion permits must receive final inspection approval prior to final plat approval. Additionally, the applicant will be required to submit any required documentation (e.g. survey) to verify that the shared wall of the converted attached houses is located on the proposed lot line.

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 https://www.portland.gov/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 https://www.portland.gov/bes	Title 17 – Sewer Improvements Stormwater Management Manual
Fire Bureau/503-823-3700 https://www.portland.gov/fire	Title 31 – Fire Regulations Portland Fire Code
Transportation/503-823-5185 https://www.portland.gov/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 https://www.portland.gov/parks	Title 11 –Trees
Water Bureau/503-823-7404 https://www.portland.gov/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.

- If the applicant chooses to retain the existing structure and convert it to attached houses, the proposed structures will need to meet all applicable Building Code requirements prior to final plat approval.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and the Portland Fire Code.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions related to utility easements, demolition/conversion of the existing structure and fire standards.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in 2 parcels for attached housing as illustrated with Exhibit C.1, subject to the following conditions:

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

- The surveyed location of any buildings or accessory structures on the site at the time of the final plat application, including the common wall between attached houses;
- The surveyed location of 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.

B. The final plat must show the following:

1. A private sanitary sewer easement, for the benefit of Parcel 2, shall be shown and labeled over the relevant portions of Parcel 1.
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.4 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."
3. The proposed parcels must meet one of the following options for lot dimensions (original or alternative):

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
Parcel 1 (original proposal)	2500		50	50	50
Parcel 2 (original proposal)	2500		50	50	50
Parcel 1 (alternate proposal)	2750		50	55	50
Parcel 2 (alternate proposal)	2250		45	50	50

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

Existing Development

1. If the applicant chooses to remove the existing structure on the site, a finalized permit must be obtained for demolition of the existing residence 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. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources.

2. If the applicant chooses to convert the existing structure to attached houses, the applicant must obtain finalized building permits for the conversion of the existing structure to comply with all City requirements based on the proposed lot line. The permit plans must include the note: *This permit fulfills requirements of Condition C.2 of LU 21-072863 LDP.*
3. If the applicant chooses to convert the existing structure to attached houses, the applicant must meet the street tree planting requirements along SE 14th to the satisfaction of Urban Forestry.

Required Legal Documents

4. A Maintenance Agreement shall be executed for the Private Sewer 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. Parcels 1 and 2 may only be developed with attached houses meeting the development standards for attached houses on a corner in effect at the time of building permit submittal.
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: Diane Hale

Decision rendered by:  **on June 14, 2022**

By authority of the Director of the Bureau of Development Services

Decision mailed June 16, 2022

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 July 30, 2021, and was determined to be complete on January 12, 2022.

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 July 30, 2021.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may

be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 35 days (Exhibit A.6). Unless further extended by the applicant, **the 120 days will expire on June 16, 2022.**

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. 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.portlandoregon.gov.

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. Applicant’s original submittal and plans
 - 2. Applicant’s response, Jan 12, 2022
 - 3. Applicant’s response, April 25, 2022
 - 4. Applicant’s response, May 3, 2022
 - 5. Applicant’s response, May 11, 2022 (SWMM Form)
 - 6. Extension Form
- B. Zoning Map (attached)
- C. Plans/Drawings:

1. Proposed Site Plan (attached)
 2. Existing Conditions Survey
- D. Notification information:
1. Mailing list for proposal
 2. Mailed proposal notice
- E. Agency Responses:
1. Portland Bureau of Environmental Services
 2. Portland Bureau of Transportation Engineering and Development Review
 3. Portland Water Bureau
 4. Fire Department
 5. Site Development Review Section of BDS
 6. Life Safety Section of BDS
 7. Urban Forestry
- F. Correspondence: None
- G. Other:
1. Original LU Application and Expedited Land Division Form
 2. Incomplete Letter

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