

City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

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

Date: January 18, 2013 **To:** Interested Person

From: Kate Green, Land Use Services

503-823-5868 / Kate.Green@portlandoregon.gov

NOTICE OF A TYPE IIx DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 12-160467 LDS

GENERAL INFORMATION

Applicant/ Vlad Rudnitsky/Dilusso Homes LLC **Property Owner:** PO Box 1251 / Clackamas OR 97015

Representative: Danelle Isenhart/Emerio Design

6107 SW Murray Boulevard, Suite 147 / Beaverton OR 97008

Interested Party: Rob Humphrey/Faster Permits

14334 NW Eagleridge Lane / Portland OR 97229

Site Address: 35 NE 55th Avenue

Legal Description: BLOCK 18 E 123' OF LOT 1, CENTER ADD

Tax Account No.: R145802190 **State ID No.:** 1N2E31DB 15600

Quarter Section: 3036

Neighborhood: North Tabor, contact Nicole Davenport at 661-965-9602. **District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010

Zoning: Multi-Dwelling Residential (R2)
Case Type: Land Division-Subdivision (LDS)

Procedure: Type IIx, an administrative decision with appeal to the Hearings Officer

Proposal: The applicant proposes a **Land Division-Subdivision** to divide an 8,887 square foot property into 4 lots. An existing residential structure is proposed to be retained on Lot 1. Other structures, including a garage and shed will be removed from the site. Lots 2, 3, and 4 are proposed be developed with single-dwelling residences.

Drywells are proposed to manage stormwater from new development on the lots. Utilities connections will be via existing public lines in NE 55th Avenue or NE Couch Street.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines "lot" as a single unit of land created by a subdivision of land. The

applicant's proposal is to create 4 units of land (4 lots). Therefore this land division is considered a subdivision.

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 project site is an approximately 8,887 square foot lot located at the southwest corner of NE 55th Avenue and NE Couch Street. There is a retaining wall along the north and east boundaries of the site, which is situated 3 to 4 feet above the abutting sidewalks. There is a two-story residence (constructed in 1908) located in the northeast corner of the site, and a single-story garage located near the northwest corner. A shed is located near the south lot line. There are a number of large trees and shrubs on the property; however, most are nuisance species.

The surrounding area has an established street grid, and the nearby development includes a commercial corridor along E Burnside to the south, lots with multi-dwelling zoning to the east and west, and single dwelling zoned properties to the north. Most of the adjacent lots are developed with single dwelling houses on 5,000 to 10,000 square foot lots regardless of the zoning.

Infrastructure:

• **Streets** – The site has approximately 72 feet of frontage on NE 55th Avenue, and approximately 123 feet of frontage on NE Couch Street. There is one driveway entering the site from NE Couch that serves the existing house. At this location, both streets are classified as a Local Service Streets for all modes in the Transportation System Plan.

NE 55th Avenue has a 28-foot curb to curb paved surface, a 4-6-1 sidewalk corridor, and parking on both sides within a 50-foot right-of-way. NE Couch Street has a 28-foot curb to curb paved surface, an 8-6-2 sidewalk corridor, and parking on both sides within a 60-foot right-of-way.

Tri-Met provides transit service approximately 150 feet from the site along E Burnside via Bus Line 20.

- **Water Service** There is an existing 6-inch CI water main in NE Couch Street and an 8-inch CI water main in NE 55th Avenue. The existing house is served by a 5/8-inch metered service from the main in NE Couch.
- **Sanitary Service** There is an existing 8-inch VSP public combination sewer line in NE Couch Street and a 22-inch VSP public combination sewer line in NE 55th Avenue.

Zoning: The site is located within a Multi-Dwelling Residential (R2) zone. Multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.

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. Please see Exhibits "E" for details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 4, 2012**. No written responses have been received.

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. <u>The following table summarizes the criteria that are not applicable.</u> Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
С	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	Not applicable. These standards only apply to
	Final Plat	land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density
		is less than 40 units.
Н	33.636 - Tracts and Easements	No tracts or easements have been proposed or
		will be required.
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	The site is not located within an I zone.
	in the I zones	
	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
<u></u>	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or
		required
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Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 8,887 square feet, so the site has a minimum required density of 4 units and a maximum density of 4 units.

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

R2	Minimum Lot Area (square feet)	Minimum Lot Width (square feet)	Minimum Lot Depth (square feet)	Minimum Front Lot Line (square feet)
Attached Houses	1,600	15	none	15
Detached Houses	1,600	25	none	25
Lot 1	2,796	43	65	43
Lot 2	1,902	29.25	65	29.25
Lot 3	2,095	29	72	29
Lot 4	2,094	29	72	29

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

The applicant is proposing 4 single dwelling lots, and each lot is of sufficient size to meet the dimensional standards for attached or detached houses. So, if each lot were developed with a house (one unit), the density and dimensional standards will be met.

However, Lot 1, with the existing house, is large enough to also meet the dimensional standards for a duplex lot, as shown below:

R2	Minimum	Minimum	Minimum	Minimum
	Lot Area	Lot Width	Lot Depth	Front Lot Line

	(square feet)	(square feet)	(square feet)	(square feet)
Duplexes	2,000	33	50	30
Lot 1	2,796	43	65	43

City records indicate the house on Lot 1 is or has been a duplex. If Lot 1 had a duplex that would result in a total of 5 units, which would exceed the maximum allowed density for the site. The applicant has submitted a letter noting the existing house is not currently developed as a duplex and his intention is to use the house as a single dwelling. To ensure the site density is not exceeded, the applicant must obtain permits to modify the house as necessary, so it is a single dwelling residence and no longer a duplex. Alternatively, if the applicant elects to modify the house to include an Accessory Dwelling Unit (ADU), permits for that conversion must be provided instead. In the Multi-Dwelling zones, ADUs do not count toward maximum density (33.205.040).

With the application of these conditions, the applicable density and lot dimension standards will be met. Accordingly, this criterion will be met.

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The applicant submitted an arborist report that inventories the trees within the land division site and evaluates their condition (Exhibit A.1). The report indicates all the trees are exempt because they are unhealthy, nuisance species, located partially off the property, or located within 10 feet of an existing structure to remain on the property. Based on this report, none of the trees are subject to the preservation standards. As such, this criterion is met. In any event, tree planting standards will apply to each lot at the time of development.

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.

Clearing and Grading: In this case, a retaining wall borders the north and east boundaries of the site, which is situated 3 to 4 feet above the abutting sidewalk grade. Otherwise, the site is relatively flat, and is not located within the Potential Landslide Hazard Area. Grading will be required for the proposed demolition and new development (basements, parking spaces, utilities). However, the grading should not increase runoff or erosion because erosion control measures will be implemented at the time of development.

Land Suitability: Although the site is currently connected to the public sanitary sewer, there is an old septic system (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 Site Development-BDS for the decommissioning of this facility. Additionally, the applicant must cap the existing sewer connection and install a new sewer lateral for the existing house (as discussed in the response from Environmental Service and in more detail in Criteria L, below). Furthermore, the applicant has proposed to remove the existing garage and shed. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all accessory structures on the site.

With the implementation of these conditions, the new lots can be considered suitable for new development, and this criterion will be met.

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties. In this case the site is on a corner, and fronts on both NE Couch Street and NE 55th Avenue. Lot 1 (existing house) will be a corner lot on the south side of the street, no solar access standards are identified for this configuration. Lot 2 will be an interior lot on the west side of a north-south street (NE 55th), and it will be the widest interior lot in accordance with the solar standards. Lots 3 and 4 will be interior lots on the south side of an east-west street (NE Couch), and these lots will be the narrowest, in accordance with the solar access standards. Based on these factors, this criterion is met.

- K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,
- L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

33.651 Water Service standard - See Exhibit E-3 for detailed bureau comments.

The water standards of 33.651 have been verified. Water is available to serve the proposed development from water mains in NE Couch Street (Lots 3 and 4) and NE 55th Avenue (Lot 2). Lot 1 has an existing water service from the main in NE Couch, which may require upsizing if changes are made to the existing house. Water services for new development on the lots will be determined at the time of permit review.

33.652 Sanitary Sewer Disposal Service standards - See Exhibit E-1 for detailed comments.

The sanitary sewer standards of 33.652 have been verified. There are existing public combination sewers located in NE Couch Street and NE 55th Avenue that can serve the sanitary needs of the proposed lots. However, based on city records, the existing house is served by a lateral located that crosses proposed Lot 2 and an onsite septic system. As noted in the response from Environmental Services, the applicant must cap the lateral for the existing house and establish a new lateral and sewer connection for Lot 1. Once a new sewer connection is established for Lot 1, all plumbing permits must receive final inspection approval. The existing lateral may be available for future development on Lot 2. Additionally, as outlined in the comments from Site Development, the onsite septic system must be located and decommissioned.

33.653.020 & .030 Stormwater Management criteria and standards- See Exhibits E.1 & E.5

BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. The applicant has proposed the following stormwater management methods:

- Lot 1 (existing house): Environmental Services has noted that the existing house does not have gutters or an approvable stormwater discharge point. Therefore, the applicant must install a stormwater management system for the existing house to the satisfaction of Environmental Services. The system must be all required setbacks from property lines and building foundations, and the applicant must obtain and finalize permits for all elements of the system. Additionally, the applicant must show the location of all as-built stormwater management facilities on a Supplemental Plan. With the implementation of these conditions, prior to final plat approval, the applicant will demonstrate there is an acceptable stormwater management system provided for the existing house.
- Lots 2, 3 and 4: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. BES has no objections to this approach. Site Development has noted that the proposed drywells do not meet required setbacks from the conceptual building foundations, and a Plumbing Code Appeal would be required to change any required foundation offsets. At the time of development, the applicant must demonstrate the drywell setbacks will be met.

33.654.110.B.1 -Through streets and pedestrian connections

33.654.130.B - Extension of existing public dead-end streets & pedestrian connections 33.654.130.C - Future extension of proposed dead-end streets & pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The block on which the subject property is located meets the noted spacing requirements, and no other street connections have been identified in the vicinity in the Portland Master Street Plan. The sidewalks along NE Couch Street and NE 55th Avenue provide through straight-line pedestrian to and from the site. For these reasons, this criterion is met.

33.641 - Transportation Impacts - 33.641.020 and 33.641.030

33.654.120.C Width and Design of the street right-of-way

33.654.130.D Partial Rights of way

Portland Transportation evaluated the proposal and provided the following comments: Referring to the ITE Trip Generation Manual, 8th Edition, there will be 3 new AM peak hour trip and 3 additional PM peak hour trip that may result from the development proposal on the site (30 new total daily trips). The new peak hour trips are insignificant and do not warrant any mitigation to nearby intersections. The impacts to the area's intersections most likely to be effected by the additional project-related trip generation will be negligible. The primary intersections expected to be utilized by residents of the new homes are at NE Couch/NE 55th and at NE Burnside/NE 55th. The adjacent unsignalized NE Couch/NE 55th intersection is uncontrolled (even though it is slightly off-set) primarily because of the Local Service streets that it serves and the expected low volume of vehicles along these residentially-lined streets. The NE Burnside/NE 55th intersection is stop controlled with a signal. Both of these intersections appear to have adequate capacity and the 3 additional vehicle trips during each of morning and afternoon peak hours of travel will have negligible impacts. Given the robust grid pattern in the vicinity, with vehicles able to navigate in any direction to access the broader transportation system, it is not likely that all of the peak hour trips will be utilizing one specific intersection. The area intersections will continue to operate at acceptable levels with the vehicle trips generated by the proposed project factored into the analysis.

No significant negative impacts are expected to occur in relation to any of the other evaluation factors. Vehicle access will be via individual driveways to at least 3 of the 4 lots. On-street parking impacts will be minimal considering the opportunities for on-site parking to be provided on each parcel. Other homes in the area are served by lengthy driveways/garages that accommodate multiple vehicles. Tri-Met offers public transit opportunities nearby and south of the site along E Burnside via bus route number 20 (Burnside/Stark). Additional transit availability exists further north and east of the site. The minimal number of expected vehicle trips to be generated by the proposed project and the availability of on-site parking will result in insignificant impacts to the immediate and adjacent neighborhoods. The proposed three new single dwelling residential detached homes will have no bearing on the safety of any mode of travel throughout the area.

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

Based on these factors, this criterion is met.

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

No specific utility easements adjacent to the right-of-way have been identified as being necessary. 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, and this criterion will be 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:

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

Existing Development. In this case, there are several Zoning Code standards that relate to existing development on the site:

- <u>Minimum Setbacks</u> The existing house identified to remain on Lot 1 must meet the required Zoning Code setbacks from the proposed <u>new</u> lot lines. The applicant revised the lot dimensions for Lots 1 and 2 to ensure the existing house will be 5 feet and the eaves will be 3 feet from the new property lines. Therefore, the required setbacks will be met. To ensure this standard continues to be met, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent 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.
- <u>Accessory Structures</u> 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 Lot 2, 3 and 4 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 Presently, a garage provides parking for the existing house on Lot 1. As a result of this land division, that parking space will no longer be available to Lot 1. However, the Portland Zoning Code does not require off-street parking on sites that are within 500 feet of a transit street with 20-minute peak-hour bus, streetcar, or light rail service. Tri-Met provides transit service approximately 200 feet from the site on E Burnside via Line 20, which meets the peak-hour service requirement. As a result, no replacement parking is required for Lot 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
Water Bureau/503-823-7404	Title 21 - Water availability
www.portlandonline.com/water	
Environmental Services/503-823-7740	Title 17; 2008 Stormwater Manual
www.portlandonline.com/bes	Sewer availability & Stormwater Management

Bureau	Code Authority and Topic
Fire Bureau/503-823-3700	Title 31 Policy B-1 - Emergency Access
www.portlandonline.com/fire	
Transportation/503-823-5185	Title 17, Transportation System Plan
www.portlandonline.com/transportation	Design of public street
Development Services/503-823-7300	Titles 24 –27, Admin Rules for Private Rights of Way
www.portlandonline.com/bds	Building Code, Erosion Control, Flood plain, Site
	Development & Private Streets

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.

- **Fire Bureau:** The applicant must meet the requirements of the Fire Bureau in regards to fire flow, hydrant spacing, addressing and access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- **Urban Forestry:** The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strips on NE Couch and NE 55th adjacent to Parcel 1 prior to final plat approval. This requirement is based on the standards of Title 20.
- **Portland Transportation:** Curb cuts and driveway construction must meet the requirements in Title 17. Title 17 driveway requirements will be enforced during building permit review. The applicant's plans show new driveways for Lots 2-4 that will trigger driveway/curb cut permits from PBOT during the Building Permit process. The existing driveway/curb cut located along the western end of the NE Couch frontage will no longer serve the site and will have to be closed. There also appears to be an ADA ramp towards the northern end of the NE 55th Avenue frontage that does not meet current code standards that will also need to be closed.

(**NOTE:** The applicant's submitted plans show a driveway serving Proposed Lot 3 that is not perpendicular with NE Couch. Further, there will be less than 5-feet of straight curb separating this driveway with the driveway proposed to serve Lot 4. The applicant may be attempting to avoid replacing an existing power pole in proximity to the driveway. The applicant is advised that the proposed driveway configuration will not be supported by PBOT and will need to be designed and constructed pursuant to Title 17 requirements (which may require that the power pole be relocated).

CONCLUSIONS

The applicant has proposed a 4-lot subdivision, 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. The primary issues identified with this proposal are:

- Modifications to sanitary and stormwater management services for the existing house
- Modifications to demonstrate the existing house is a single-dwelling residence, not a duplex
- Demolition of accessory structures
- Decommissioning of the on-site septic system (cesspool)
- Fire Bureau requirements for fire flow, hydrant spacing, addressing and access
- Urban Forestry requirements for street trees

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 4-lot subdivision that will result in 4 single dwelling lots as illustrated with Exhibit 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 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 (including eaves) 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 approved as-built locations of the new sanitary lateral and stormwater management facilities for the existing house on Lot 1;
- 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.

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

Utilities

- 1. The applicant shall meet the requirements of the Site Development-BDS for the decommissioning of the existing sanitary sewer system on the site.
- 2. The applicant shall meet the requirements for ensuring adequate hydrant flow, hydrant spacing, and fire apparatus access to the satisfaction of the Fire Bureau.

Existing Development

- 3. The applicant must obtain a finalized demolition permit for removing the garage and shed on Lots 2, 3 and 4.
- 4. The applicant must obtain a finalized building permit(s) for modifications to the existing house that will remain on proposed Lot 1, which demonstrate the structure is a single-dwelling residence, and not a duplex. As allowed by applicable regulations, the permit for the modifications to the existing house may include an accessory dwelling unit (ADU).
- 5. The applicant must install a stormwater management system (including collection and disposal) for the existing house to remain on Lot 1 to the satisfaction of Environmental Services. The applicant must obtain finalized permits for this work. The approved as-built location(s) of the stormwater management facilities must be included on a Supplemental Plan.
- 6. The applicant must cap the sanitary sewer lateral serving the existing house and establish a new lateral and sanitary sewer connection entirely on Lot 1 to the satisfaction of Environmental Services. Permits for this work must be obtained and finaled, and the location of the approved facilities must be documented on a Supplemental Plan.
- 7. The applicant must plant 2 street trees in the planter strips adjacent to Parcel 1. One tree must be planted on NE 55th Avenue and another must be planted on NE Couch. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Tree size requirements for residential sites are to be 2-inch caliper. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

Required Legal Documents

- 8. If the Fire Bureau requires an Acknowledgement of Special Land Use Conditions form, the applicant shall execute the acknowledgement the satisfaction of the Fire Bureau. The acknowledgement shall be recorded with Multnomah County and referenced on the final plat.
- C. The following conditions are applicable to site preparation and the development of individual lots:

- 1. The minimum and maximum density for each lot (Lots 1, 2, 3, and 4) is one unit.
- 2. The applicant must meet the addressing and aerial fire department access road requirements of the Fire Bureau.

Staff Planner: Kate Green

Decision rendered by: ______ on Januar
By authority of the Director of the Bureau of Development Services

Decision mailed January 18, 2013

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

Procedural Information. The application for this land use review was submitted on September 6, 2012, and was determined to be complete on **November 29, 2012.**

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 September 6, 2012.

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: March 29, 2013.

Note: 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.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed by 4:30 PM on February 1, 2013 at 1900 SW Fourth Avenue. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized

organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 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.ci.portland.or.us.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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.

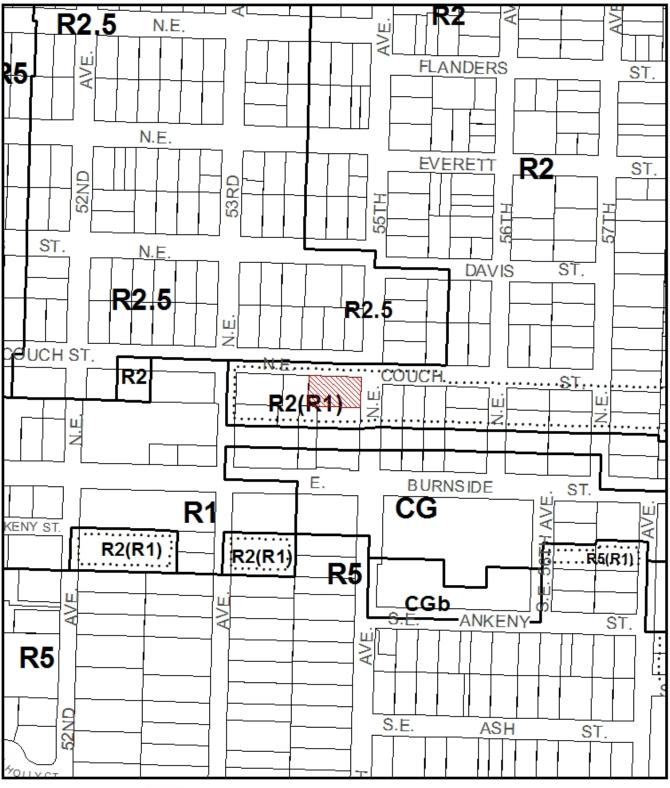
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Supplemental Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plat (attached)
 - 2. Conceptual Development Plan (attached)
 - 3. Full-size plan set
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:

- 1. Bureau of Environmental Services
- 2. Portland Transportation
- 3. Water Bureau
- 4. Fire Bureau
- 5. Site Development Review Section of BDS
- 6. Bureau of Parks, Forestry Division
- 7. Life Safety
- F. Correspondence: (none received)
- G. Other:
 - 1. Original LU Application
 - 2. Letters to/from applicant

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



ZONING Site

LU 12-160467 LDP File No. 3036 1/4 Section

1 inch = 200 feet Scale 1N2E31DB 15600 State_Id

В (Jul 23,2012) Exhibit.



