



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

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Date: May 24, 2016
To: Interested Person
From: Shawn Burgett, Land Use Services
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NOTICE OF A TYPE II_x 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 15-177535 LDP

GENERAL INFORMATION

Applicant: Rob Humphrey
Faster Permits
14334 NW Eagleridge Lane
Portland, OR 97229

Owner: Vic Remmers
Everett Custom Homes Inc
735 SW 158th Ave #180
Beaverton, OR 97006-4952

Site Address: 3015 SW Idaho St

Legal Description: BLOCK 8 LOT 13-15 TL 5000, GLENELYN
Tax Account No.: R323501860
State ID No.: 1S1E17DC 05000
Quarter Section: 3626
Neighborhood: Hayhurst, contact Janet Hawkins at 503-988-3707.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Zoning: R5 (Single Family Residential 5,000 square feet)
Case Type: LDP (Land Division Partition)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:
The applicant is proposing a 2-lot land division for new detached homes on the site. Each Parcel will measure approximately 5,802 square feet. The existing house and detached garage on the site will be demolished. The applicant is proposing to preserve a 12" diameter American Chestnut tree located on proposed Parcel 2 in order to meet the Zoning Code's Tree Preservation criteria.

For purposes of State Law, this land division is considered a partition. To partition land is to

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

Approval Criteria:

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

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

FACTS

Site and Vicinity: The site is approximately 11,600 square feet in size and located on an interior lot with frontage SW Idaho St. The single family home that was previously located on the site has been demolished. Most of the site topography is relatively flat, however the sites slopes downward toward the north end of the site. Development in the vicinity is primarily composed of single family homes.

Infrastructure:

- **Streets** – The site has approximately 116-feet of frontage on SW Idaho St. At this location, SW Idaho Street is classified as a local service street for all modes in the Transportation System Plan (TSP). At this location, SW Idaho Street is improved with a 20-foot paved roadway (no sidewalks or curbs) within a 60-foot right-of-way.

Tri-Met provides transit service approximately 280 feet south of the site on SW Vermont St. via Bus #45.

- **Water Service** – There is an existing 6-inch CI water main in SW Idaho Street that can serve future development on Parcels 1 and 2.
- **Sanitary Service** - There is an existing 8-inch public sanitary only sewer main located in SW Idaho St. that can serve this site.

Zoning: The R5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: City records indicate there are no prior land use reviews for this site. However, it should be noted that a property line adjustment was approved on this site in correlation with adjacent property (3105 SW Idaho St.) in 1990 under PLA 0333.

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 **September 18, 2015**. Several written responses have been received from notified property owners in response to the proposal.

Neighborhood Comments: Two of the letters (Exhibits F-1 and F-3) expressed concern regarding the slope at the northern edge of the site, which slopes downward toward the adjacent properties. These letters expressed concern about the stormwater management method proposed near the north property boundary and were concerned that new development on the site would negatively impact a retaining wall located along the north property boundary of the site due to the slope which the neighbors felt was already showing signs of distress. In addition, one of the neighbors hired their own Geotechnical Engineer (Terra Dolce Consultants, Exhibit F-1) to review the applicant’s stormwater management proposal. The Engineer who

prepared the report pointed out several issues that she felt needed to be addressed prior to City approval of a stormwater management plan on the site. Another letter expressed concern regarding the scale of new homes being built in the City of Portland, she felt new development were very out of scale with existing development in the vicinity. This letter also expressed concern regarding the loss of trees on the site.

BDS Response: All the comments were forwarded onto the applicant, the Bureau of Environmental Services (BES) and the Site Development section of BDS in correlation with this review so review staff was aware of the Neighborhood concerns regarding the slope in the rear of the site and the stormwater management plan proposed. It should be noted that the Geotechnical Engineer (Exhibit F.1) who provided comments only reviewed the first stormwater management proposal that was submitted by the applicant (Exhibits A.7 and A.8). This plan was not approvable. However, the applicant did submit additional information (addressed later in the report under in the findings below) that met the applicable approval criterion regarding stormwater management on the site. It should also be noted the applicants Geotechnical report dated 2/9/16 (exhibit A.9) addressed the concerns brought forth by the Geotechnical Engineer (Terra Dolce Consultants, Exhibit F.1) hired by the Neighbor. Please see finding below under the Landslide Hazard approval criteria (33.632) for additional details.

In regard to the loss of trees on the site, this aspect of the proposal is addressed below under the Tree Preservation approval criteria (33.630). It should be noted that the development standards for new homes in single family residential zones are found under section 33.110 of the Zoning Code. This aspect of the proposal is not reviewed until building permit submittal. The neighbor is encouraged to contact the Bureau of Planning and Sustainability who administer the regulations in place in the Zoning Code regarding any suggested changes to the Zoning Code that could result in new homes that are in keeping with the scale with surrounding development.

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:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the R5 zone. The applicant is proposing to create two lots for detached houses. The minimum and maximum density for the site is as follows:

Since the site is located within a potential landslide hazard zone, no minimum density standards are applicable per 33.610.100.C.2

Maximum = $11,600 \div 5,000$ square feet = 2.32 (which rounds down to a maximum of 2 parcels, per 33.930.020.B)

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Parcel 1	5,802 square feet		58 feet	100 feet	58 feet
Parcel 2	5,802 square feet		58 feet	100 feet	58 feet

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

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

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

Findings: The regulations of Chapter 33.630 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees.

To satisfy these requirements, the applicant must provide a tree plan that demonstrates, to the greatest extent practicable, the trees to be preserved provide the greatest environmental and aesthetic benefits for the site and the surrounding area. The tree plan must also show that trees are suitable for preservation, considering the health and condition of the tree and development impacts anticipated. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets. If the site is in an overlay zone that has additional environmental resource protection requirements, the tree plan must demonstrate that the benefits from trees are maximized for the site as a whole.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites.

Some trees are exempt from the requirements of this chapter, if they are unhealthy, a nuisance species, within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.3) that shows the location of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.3) that identifies each tree, its size, condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection measures for each tree to be preserved.

Based on this information, two trees (a 12" Chestnut and 13" Magnolia), which provide a total of 25 inches of tree diameter are subject to the preservation requirements of this chapter. None of the trees are 20 or more inches in diameter. The proposed root protection zones for the tree to be retained will allow for the type of development anticipated in the R5 zone and will not conflict with any existing utility easements, proposed services or site grading.

Specifically, 48 percent of the non-exempt tree diameter (tree number 1, a 12" American Chestnut on Parcel 2) will be protected for a total of 12 inches. The tree proposed for preservation is in good condition; include native/non-nuisance species. The proposal complies with:

Option 4: Where all trees are less than 20 inches in diameter, preserve at least 35 percent of the total tree diameter on the site;

Based on these factors, no additional mitigation is warranted to satisfy the approval criteria.

In order to ensure that future owners of the parcels are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on

Parcel 2 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.2) and the Arborist Report (Exhibit A.3).

With the implementation of the noted conditions, the approval criteria will be met.

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.

Findings: The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

In order to evaluate the proposal against this criteria, the applicant has submitted a geotechnical evaluation of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibits A.5 and A.9). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability.

The applicant's geotechnical evaluation indicates that the risk of potential landslide hazard at the site is relatively low, given the soil composition, topography, and other risk factors. The Engineering Geologist (Exhibit A.5) stated "A low landslide hazard is recognized at the site and immediate vicinity as the site is on gently sloped ground and is not bordered by steeper, potentially unstable slopes." The Engineering Geologist went on to state "Based on the results of this investigation, it is my opinion that the landslide hazard is low and the planned residential development can be safely constructed and not increase the hazard to neighboring properties. This opinion assumes that all geotechnical and stormwater design and construction recommendations by others are implemented including critical site inspections by qualified professionals during construction."

The additional engineering design work and review by others noted by the Engineering Geologist will occur during the building permit review process. The proposed land division will result in lots, buildings, services, and utilities that will not significantly increase the risk of landslide potential on the site or other properties in the vicinity of the site. In addition, the geotechnical evaluation (Exhibit A.9) has concurred that the applicant's proposed method of stormwater disposal at the site will not have a significant detrimental impact on the slope stability on or around the site.

The Geotechnical report stated "We understand that a neighbor expressed concern regarding the potential impacts to slope stability, in particular their retaining wall paralleling the property just north of the project site. The neighbors concerns were support by Terra Dolce Consultants, Inc. in their report dated October 16, 2015" adding (in summary) "subsequent to the neighborhood contact, the City issued letter indicating a need for additional geotechnical evaluation of the proposed stormwater system, particularly in respect to the potential impacts to offsite properties. This report has been prepared to address the City's comments as they pertain to geotechnical aspects of the project.

The report went onto add: "We understand that the proposed stormwater management plan includes the use of StormTech Chambers, designed for low infiltration rates consistent with the infiltration test results" adding "we recommend that Storm Tech chambers be founded at elevations at or below the base of the landscaping wall on the northeast property. With the deepening of the Storm Tech chambers, it is our opinion that the planned stormwater facilities will not adversely impact slope stability of the site, or create any unstable conditions."

Site Development has concurred with the findings of the applicant's geotechnical report. 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 area on the site where new development is proposed is primarily flat; however the site has a sloped area at the rear (northern portion of the site). The site located within the Potential Landslide Hazard Area, however based on the findings in the applicants Landslide Hazard report, the landslide risk is low and the property is suitable for residential development as proposed. In addition, no significant clearing or grading will be required on the site to make the new lots developable. There is one tree required to be preserved on parcel 2 near the area where new development on the site is anticipated.

As shown above the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the applicant's Landslide Hazard Study as well as any additional geotechnical information required at the time of permit submittal to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan and arborist report. This criterion is met.

Land Suitability

The site had been in residential use, and there is no record of any other use in the past. The single family home and detached garage on the site have been demolished under permits 15-171360 RS and 15-171365 RS. As indicated above, the site 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.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

The minimal expected added vehicle trips (1 AM peak hour trip/1 PM peak hour trip/10 total new daily trips) will not adversely impact the operations of area intersections. On-street parking will not be adversely impacted given the on-site parking opportunities that will be provided on the new lots; current on-street parking demand appears to be minimal. 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.

The following information is derived from City GIS. This evaluation is not implied to be more accurate than the sources that the information was obtained from. Based on the lack of survey information to support GIS data, this information may not be accurate. At this location, SW Idaho is improved with 20-ft of paving width (slightly off-set to the north) and no curb or sidewalk within a 60-ft wide r.o.w.

For Local Service classified streets abutting R5-zoned sites, the City's public r.o.w. standards document requires a 56-ft r.o.w. width to accommodate a 26-ft roadway width (which would allow parking along both sides) & two 15-ft wide sidewalk corridors (0.5-ft curb, 8-ft stormwater

management facility, 6-ft sidewalk & 0.5-ft frontage zone). The new curb should be located 13-ft from the centerline of the r.o.w. There is sufficient r.o.w. along the street to accommodate the above referenced street section, such that property dedication will not be required.

However, the applicant submitted a Public Works Alternative Review request (15-213204 PW) seeking relief from the above referenced standard r.o.w. improvements. In August of 2015, the Public Works Alternative Review Committee approved said request, recognizing that SW Idaho is a low volume, low speed, dead-end street with no additional improvements along the roadway. The Committee was supportive of removing the standard improvement requirements with the condition that the applicant submit completed and executed Street and Storm Waivers of Remonstrance.

RECOMMENDATION

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

Prior to Final Plat approval, the applicant shall submit completed and executed Street and Storm Waivers of Remonstrance.

Therefore, this criterion is 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:

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p> <p>The Water Bureau has indicated that service is available to the site from the 6-inch CI water main in SW Idaho St., as noted on page 2 of this report.</p> <p>There is an existing 5/8” metered service which provides water to this location from the existing water main in SW Idaho St. This service may potentially be used as is to provide water to the proposed new house on the proposed Parcel 1. Prior to Water Bureau approval of its reuse, the existing sanitary later for proposed parcel 2 must be removed to meet State of Oregon 333 rules, otherwise the applicant will need to pay all costs for relocation of this water service.</p> <p>Condition of Approval:</p> <ol style="list-style-type: none"> 1. If the existing water lateral is utilized to provide service to the proposed new house on Parcel 1, prior to Water Bureau approval of its reuse, the existing sanitary lateral for proposed parcel 2 must be removed to meet all applicable regulations. Alternatively, the applicant will need to pay all costs for relocation of this water service. This must be met prior to Final Plat approval.
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report.</p> <p>According to City as-builts there are laterals located 101 and 150 feet from the manhole to the east. These laterals will be available for development on Parcel 2 and 1, respectively.</p> <p>The sanitary sewer service standards of 33.652 have been verified.</p>

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.

The applicant has provided Presumptive Approach Infiltration Testing results from Hardman Geotechnical dated 8/1/15. The infiltration rate was found to be 1.2 and 1.0 inches per hour at 3.5 and 9 feet deep (Exhibit A.4). The applicant has also provided a Presumptive Approach stormwater management Report from Emerio Design.

The applicant has proposed Stormtech trench systems in the back (north) side of each of the houses.

The stormwater reports and utility plan were provided by Emerio Design which designed the private stormwater management facilities to infiltrate the 100-year precipitation event. Each Stormtech system is currently proposed to incorporate 8 chambers in the northeast corners of each parcel. There was concern about the stormwater facility elevations relative to the rockery wall to the north. According to bottom wall elevations on the Site/Utility Plan relative to the facilities invert elevations in the stormwater reports, the facilities are designed to be 3 and 7 feet below the bottom of the wall on Parcels 1 and 2, respectively.

BES has no objection to the proposed partition. 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 at least 200 feet apart. The Portland Bureau of Transportation has provided the following evaluation of connectivity for this proposal (Exhibit E.2):

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The location of the subject site within its block is not a desirable location to provide a new public street or pedestrian connection through the block. It is not feasible without eliminating existing development on abutting lot(s), to provide any additional connectivity. These impacts do not make further connectivity through the subject site or block feasible.

For the reasons described above, this criterion is met.

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

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

DEVELOPMENT STANDARDS

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

Existing development that will remain after the land division. The site is currently vacant, 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 R5 zone. Therefore, 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 addressing requirements and fire flow requirements. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1. It should be noted that the applicant provided Fire Flow documentation from the Water Bureau (exhibit A.6) that indicated the site has an estimated fire flow of 1,300 Gallons per Minute (GPM).

The applicant was granted a fire code appeal (#16-005, Exhibit E.4) that will require automatic sprinklers in the new homes on Parcels 1 and 2 as an alternative to meeting the Fire Bureau's dead-end access road requirements at this site. As a condition of approval, the applicant will be required to record an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcels 1 and 2.

- The applicant must meet the requirements of Urban Forestry at the time of development. Two street trees exist in the right of way (ROW), which is undeveloped with no curb or sidewalk at this time. The large Crimson King Norway Maple and Dogwood appear to be in good condition at the time of inspection. The applicant proposes to retain the two trees, and will need to show the required tree protection fencing at the time of development (building permit) if these trees are retained. This is based on the standards of Title 20.

CONCLUSIONS

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

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

ADMINISTRATIVE DECISION

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

- A. The final plat must show the following:**

1. 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 Conditions B.4 and B.5 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."

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

Streets

1. The applicant shall complete street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms and instructions will be provided to the applicant during the final plat review process.

Utilities

2. The applicant shall meet the requirements of the Water Bureau concerning relocation of the existing sanitary sewer or relocation of the existing water service connection that formerly served the existing house on the site which was demolished. Plumbing permits are required to be finalized for relocation of sanitary sewer or payment for relocation of water service provided to Water Bureau prior to final plat approval.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Required Legal Documents

4. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcels 1 and 2 to contain internal fire suppression sprinklers, per Fire Bureau Appeal no 16-005. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.
5. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 2. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

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

1. Development on Parcel 2 shall be in conformance with the Tree Preservation Plan (Exhibit C-2) and the applicant's arborist report (Exhibit A-3). Specifically, tree number 1 is required to be preserved, with the root protection zones indicated on Exhibit C-2. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.
2. The applicant must meet the addressing requirements of the Fire Bureau.
3. The applicant will be required to meet the requirements identified through a Fire Code Appeal and install residential sprinklers in the new dwelling units on Parcel 1 and 2.

Staff Planner: Shawn Burgett

Decision rendered by: S. Burgett **on May 20, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed May 24, 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 May 29, 2015, and was determined to be complete on September 16, 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 May 29, 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 waived the 120-day review period, as stated with Exhibit (Exhibit A.14). Unless further extended by the applicant, **the 365 days will expire on: September 16, 2016.**

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 June 7, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 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. Narrative
2. Early Neighborhood Notification Documentation
3. Arborist Report (attached)
4. Infiltration testing results dated 8/1/15
5. Landslide Hazard Study dated 8/24/15
6. Deed History
7. Stormwater Management report for Parcel 1
8. Stormwater Management report for Parcel 2
9. Geotechnical Report and Slope Stability Evaluation dated 2/9/16
10. Stormwater Management report for Parcel 1 dated 2/17/16
11. Stormwater Management report for Parcel 2 dated 2/17/16
12. Stormwater Management report for Parcel 1 received 4/12/16
13. Stormwater Management report for Parcel 2 received 4/12/16
14. 245 day extension to 120 day clock
15. Fire Flow results

B. Zoning Map (attached)

C. Plans/Drawings:

1. Site Plan (attached)
2. Utility Plan/Tree Preservation Plan (attached)
3. Existing conditions survey

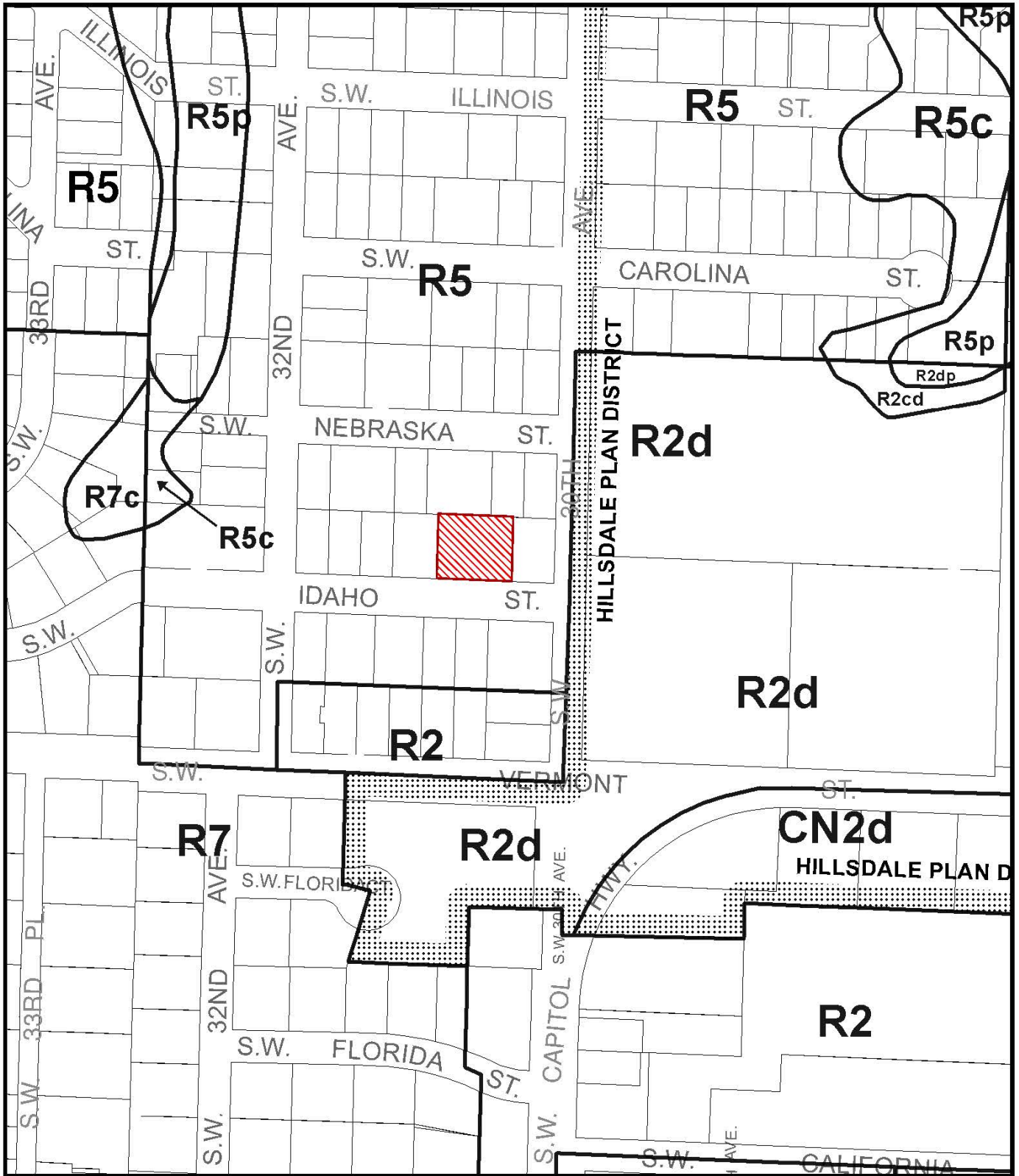
D. Notification information:

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
- F. Correspondence:
1. Ellin D. McShea, 3020 SW Nebraska St. Portland, OR 97239. Two e-mails received on 9/29/15 and 10/9/15, one letter dated 10/16/15. Geotechnical engineering review, dated 10/16/15 by Terra Dolce Consultants, prepared for Ellin McShea
 2. Emily Horowitz, 3110 SW Idaho St. Portland, OR 97239. E-mail received 10/9/15
 3. Deborah Eldredge, 3026 SW Nebraska St. Portland, OR 97239. Letter received 10/19/15
- G. Other:
1. Original LU Application
 2. Incomplete Letter dated 6/25/15
 3. Land Use History
 4. PLA 0333

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



ZONING



Site



File No.	LU 15-177535 LDP
1/4 Section	3626
Scale	1 inch = 200 feet
State_Id	1S1E17DC 5000
Exhibit	B (Jun 02, 2015)

3015 SW IDAHO STREET
TAX MAP T: S R1E 17DC
TAX LOT 5000
PORTLAND, OREGON

PRELIMINARY PLAT

NO.	DATE
01	05/29/2015

EMERIG
EMERIG & ASSOCIATES
PLANNING & DESIGN
6107 SW HANCOCK BLVD. SUITE 147
PORTLAND, OREGON 97208
PH: (503)-745-8813

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LEGEND
PROPERTY LINE
ADJACENT/OWNERS LIST LINE
CENTER LINE DIM
SET BACK LINE

ZONE
R1
SETBACKS
FRONT: 10 FT.
GARAGE: 18 FT.
REAR: 5 FT.
SIDE: 5 FT.



CASE NO. 15-17753S
EXHIBIT C-1

3015 SW IDAHO STREET
 TAX MAP T'S R'E 17DC
 PORTLAND, OREGON

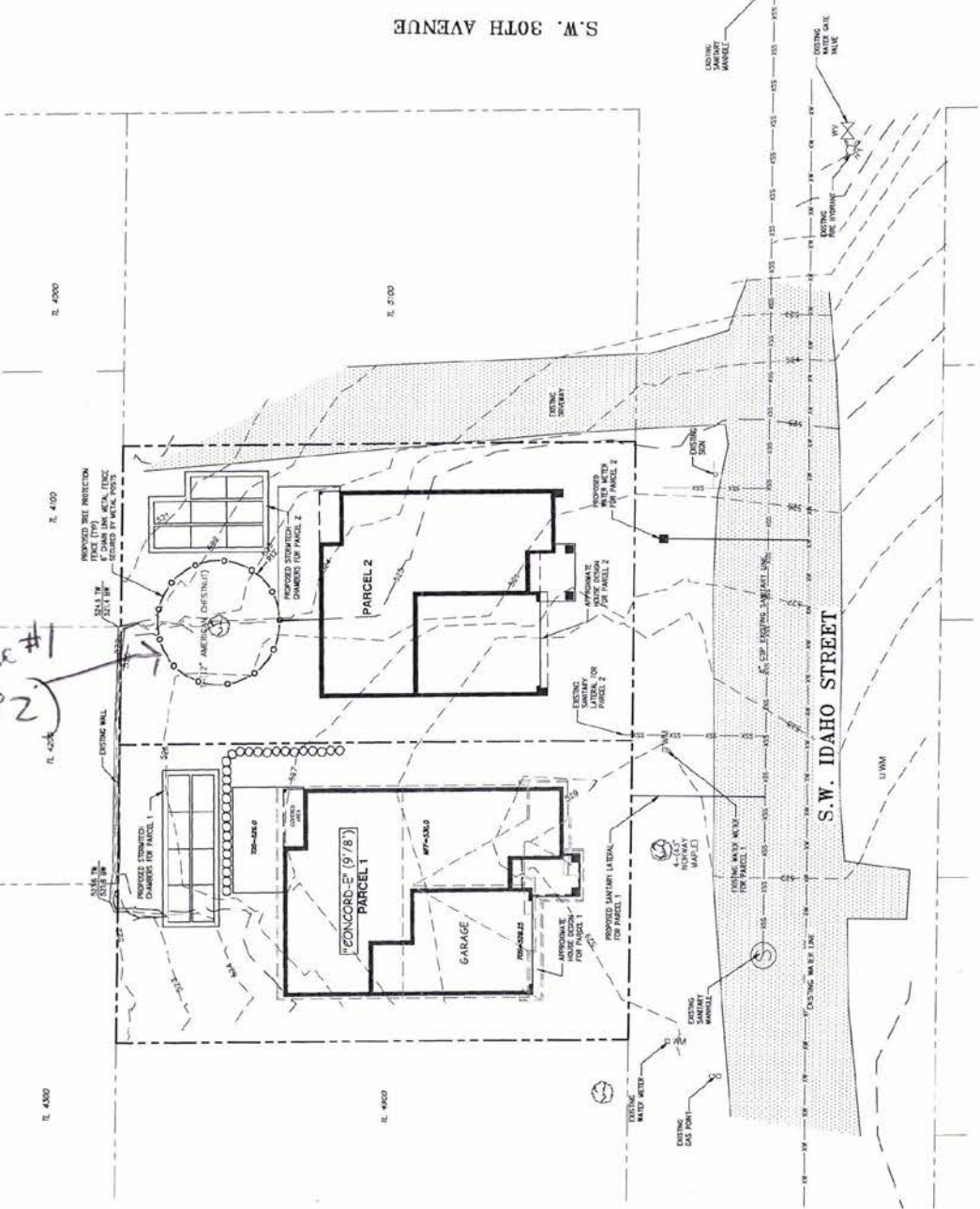
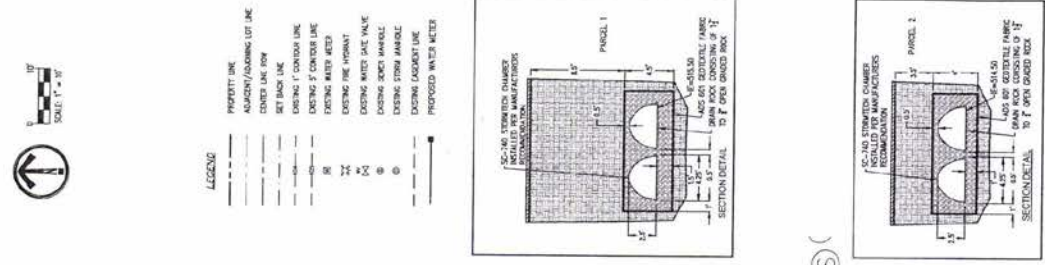
PRELIMINARY
 SITE/UTILITY PLAN



6107 SW MARKET ST. SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503) 741-6413

NO.	DATE	DESCRIPTION

SHEET
 4



- LEGEND
- PROPERTY LINE
 - ADJACENT/LOADING LOT LINE
 - CENTER LINE FOR
 - SET BACK LINE
 - EXISTING 1" CONDUIT LINE
 - EXISTING 2" CONDUIT LINE
 - EXISTING WATER METER
 - EXISTING FIRE HYDRANT
 - EXISTING WATER RATE VALVE
 - EXISTING SINK MANHOLE
 - EXISTING STORM MANHOLE
 - EXISTING LAQUET LINE
 - PROPOSED WATER METER

CASE NO. 15-177535
 EXHIBIT C-2