



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

FROM CONCEPT TO CONSTRUCTION

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Date: July 8, 2016
To: Interested Person
From: Lois Jennings, Land Use Services
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NOTICE OF A TYPE I_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 16-146302 LDP

GENERAL INFORMATION

Applicant: Garner Moody,
Lloyd Development Llc
Po Box 11560
Portland, OR 97211
503-329-3569 or garner@moodypdx.com

Owner: Chris Botero
Stumptown Property Holdings LLC.
P.O. Box 13121
Portland, OR 97213

Site Address: 2954 NE COUCH ST

Legal Description: BLOCK 23 LOT 6, HAWTHORNES 1ST ADD
Tax Account No.: R367802770
State ID No.: 1N1E36CA 20300
Quarter Section: 3033

Neighborhood: Kerns, contact Steve Russell at 503-784-8785.
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Zoning: R2.5- Single Family Residential Zone (one unit per 2,500 s.f.)
Case Type: Land Division Partition (LDP)
Procedure: Type I_x, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant is proposing a two (2) lot land division on the site. Proposed Parcel 1 will be 3,055 s.f. in area and retain the existing house. Proposed Parcel 2 will be 1,950 s.f. in

area, which allow for development of a new single family residence. There are no existing trees on the site. The existing house and future development will share a driveway approach for providing access to parking on-site. The applicant is proposing to provide sanitary service to the future Parcel 2 from NE Couch Street through a 10 ft. wide private sanitary easement over Parcel 1.

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

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 two lots. 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 located on the southwest corner of the intersection of NE Couch Street and NE 30th Avenue. Both streets are fully improved with curb and sidewalks. The existing two-story single family house is currently being remodeled and will have an accessory dwelling unit within it. This single-family house will be retained on future Parcel 1.

The surrounding vicinity to the north and east of the site is primarily composed of one and two story single family residences. To the south of the site along E. Burnside Street there are commercial buildings and multi-family apartment buildings.

Infrastructure:

- **Streets** –The site has approximately 100 feet of frontage on N.E. 30th Avenue and 50 feet of frontage on N.E.Couch Street. There is one driveway entering the site that serves the existing house on the site. At this location, N.E. 30th Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Northeast Couch Street is a City Bikeway, and a Local Service Street for all other modes in the City’s TSP. Tri-Met provides transit service approximately 100 feet to the south of the site at E. Burnside Street via Bus #20.

N.E. 30th Avenue and N.E. Couch Street have a 28-foot curb to curb fully improved paved surface within a 60-foot right-of-way with parking on both sides. Along the 100-foot wide site frontage along NE 30th Avenue and 50 foot wide frontage along NE Couch Street, the pedestrian corridor includes a 8-ft. furnishing zone (7.5-foot wide planter area with .5 curb) 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (8-6-2 configuration).

- **Water Service** – There is an existing 6-inch CI water main in NE Couch Street and an existing 4-inch CI water main in N.E. 30th Avenue. The existing house is served by a 4-inch metered service from this main.
- **Sanitary Service** - There is an existing 10-inch VSP public combination sewer line on the north side and within NE Couch Street, which is adjacent to this site. The existing house is served by a lateral in NE Couch Street. Approximate 200 feet to the south of this site there is an existing 10-inch VSP public combination sewer line in E. Burnside Street. There is no public sanitary available in N.E. 30th Avenue. The applicant is proposing to provide sanitary

service from the main in NE Couch Street to Parcel 2 via an easement over Parcel 1 (discussed later in this report).

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant is proposing to manage stormwater onsite via drywells (discussed later in this report).

Zoning: The subject site and surrounding area is zoned R2.5 (Single-Dwelling 2,500), which allows attached or detached development at a density of one dwelling per every 2,500 square feet of site area.

Areas south of the site are zoned CS (Commercial Storefront) and then to the southeast of this property closer to E. Burnside the zoning is R1 (Medium Density Multi-dwelling). Approximately 250 feet to the north is zoned R5-single family residential.

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 **May 25, 2016**. 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, or the trees are nuisance species or exempt due to poor condition.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

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

Applicable Approval Criteria are:

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

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. The maximum density is one unit per 2,500 square feet. Minimum density is one unit per 5000 square feet based on 80 percent of the site area.

Minimum density: $5,000 \times .80 = 4000/5,000$ s.f. = .80 units, rounds up to 1 unit.

Maximum density: $5,000/2,500$ s.f. = 2 units

The applicant is proposing two single dwelling parcels. The density standards are therefore met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	3,055 s.f.		50 ft.	61 ft.	50 ft.
Parcel 2	1,950 s.f.		39 ft.	50 ft.	39 ft.

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

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

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned or when the house was connected to public sewer. The applicant has provided the Site Development Section with a signed Disclaimer for Existing On-Site Sewage Disposal System form. This criterion is met.

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

Findings: 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(s) 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(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement with a recording block, substantially similar to the following example:

“A Declaration of Maintenance agreement for Private Sanitary Easement

has been recorded as document no. _____, Multnomah County Deed Records.”

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

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluating factors include: street capacity, 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 neighbors; and safety for all modes. PBOT has provided the following findings (See Exhibit E.2):

The applicant proposes a partition to create two lots. A single-family dwelling is located on Parcel 1, and will remain. Parcel 2 will support the development of one new single-family dwelling. According to the ITE Trip Generation Manual, 9th Edition, a single family detached

dwelling is expected to generate approximately ten trips per day, including one additional trip during the morning peak hour and one additional trip during the evening peak hour. This increase will not significantly impact street capacity or level-of-service, and the development will not significantly impact traffic function on the subject streets or in adjacent areas. The proposed curb cut will remove one on-street parking space, and therefore will not significantly impact the availability of on-street parking. Additionally, one additional off-street parking space will be added on Parcel 2. The proposed development will not negatively impact transit service or safety for any mode. The existing sidewalk corridors on NE Couch and NE 30th exceed the City standard, and provide a sufficient pedestrian environment. The transportation system is capable of safely supporting the proposed development addition to existing uses in the area.

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

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

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

<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, as noted on page 2 of this report. The water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p> <ul style="list-style-type: none"> Parcel 1: The existing house to be retained on Parcel 1 is currently connected to sewer through a lateral approximately 84 feet from the manhole that is located at the intersection of NE 30th and Couch Street. This places the lateral on the western edge of Parcel 1. The existing house may continue to be served by a lateral connected to the 10-inch VSP public combination sewer line in NE Couch Street. Parcel 2: Parcel 2 will be served by a new connection to the sewer in NE Couch Street. Legal access must be provided over Parcel 1 to access the public sewer in NE Couch Street for Parcel 2. <p>The applicant is proposing a private sewer to extend through an easement over the eastern 10 feet of Parcel 1 to serve Parcel 2. Access is typically obtained through a private sewer easement; however the applicant may seek private legal counsel to explore other options. BES will review the easement to ensure that a route of sewer service has been provided for the benefit of Parcel 2. Per BDS Private Sewer Easements Code Guide private sewer easement should be a minimum of 10 feet in width. BES will require proof of legal access prior to issuance of sewer connection permits. Connection to public sewers must meet the standards of the City of Portland's Sewer and Drainage Facilities Design Manual. New laterals required to serve the project must be constructed to the public main at the developer's expense during site development.</p> <p>Bureau of Environmental Services is requiring as a condition of approval the applicant will need to demonstrate legal access to the sanitary sewer in NE Couch at the time of final plat approval.</p> <p>Therefore, an easement for the private sewer line, as proposed by the applicant, must</p>

be provided on the Final Plat and a Maintenance Agreement for the easement must be submitted for approval by BDS and the City Attorney and must be recorded with the Final Plat. With the conditions of approval described above, this criterion is met.

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

No stormwater tract is proposed or required. Therefore, criterion A is not applicable. BES has verified that the stormwater management system can be designed that will provide adequate capacity for expected amount of stormwater.

- **Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain onto the ground. BES notes there appear to be two downspouts on the south side of the existing house that discharge toward Parcel 2. The applicant is proposing to modify the system to discharge to the east, to meet SWMM requirements. The applicant must modify the stormwater system for the existing house as necessary to comply with Stormwater Management Manual (SWMM) prior to final plat approval. Any required plumbing permits must have final inspection approval.
- **Parcel 2:** Stormwater from this lot will be directed to an individual infiltration facility (drywell) that will treat the water and slowly infiltrate it into the ground. This lot has sufficient area for stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. The Bureau of Environmental Services has indicated conceptual approval of an infiltration facility for the purposes of this land use review.

With the recommended conditions of approval, BES finds the applicant's proposed stormwater management plan acceptable for the purposed of reviewing this preliminary land division proposal against the stormwater management approval criteria.

With the conditions noted above, this standard is 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. Pedestrian connections should be provided at least 330 feet apart. This is a corner lot location which already meets the above criteria for adequate street and pedestrian connectivity. No connections for this site are identified within the Portland Master Street Plan for this area. Additional street and pedestrian connectivity is not required at this location.

Therefore this approval criterion is met.

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

In reviewing this land division, Portland Bureau of Transportation(PBOT) relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development.

The City's Transportation System Plan (TSP) classifies NE Couch and NE 30th Avenue as a Local Service Street for other modes. For a Local Service Street in an R2.5 zone the standards referenced by the City's Pedestrian Design Guide requires a 11-ft wide sidewalk corridor to consist of a 0.5 ft. curb, 4-ft. furnishing zone, 6-ft. sidewalk and 0.5 ft frontage zone. According to City GIS, at this location NE Couch and NE 30th Avenue each have 60-foot right-of-way's improved with 28-ft paved roadway(s) and 16 ft sidewalk corridors (in an 8-6-2 configuration). The existing sidewalk corridors on N.E. Couch street and N.E. 30th Avenue exceed City standards. The existing 60-ft. right-of-way(s) on N.E. Couch and N.E. 30th Avenue is sufficient to accommodate standard improvements behind the existing curb. No dedication and no improvements are required at this time.

The proposed development on the site includes adjacent driveways with a single curb cut centered on the common property line between the two parcels. This will replace the current curb cut and driveway serving the existing house.

A minor improvement permit associated with the building permit will be required for the sidewalk and curb cut and driveway construction or reconstruction of sidewalk for removal of the existing driveway approach/curb cut at the time of development.

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review or building or zoning permits.

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 streets without having any significant impact on the level of service provided.

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, but will have to be met at the time that each of the proposed lots is developed.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2.5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

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

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 9 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.
- Title 11- Tree Density – On December 22, 2105 a tree violation (2015-280719 UF) was cited for this property for removal of trees on this property without a Urban Forestry Permit and this violation was resolved under a Urban Forestry permit, 16-112530 UF which was issued on February 3, 2016 to mitigate the removal of the private property trees with planting two maple (Acer Palmatum) trees on this property. These new trees on this property would count towards required tree density for the existing house on Parcel 1. The applicant did not reflect on the supplemental survey that the trees required to be planted per this 2016 Urban Forestry Permit have been planted.

Parcel 1 with the existing house is 3055 square feet in area and 1,222 square feet of tree canopy area is required. Prior to final plat approval the applicant must meet this requirement by either planting trees on Parcel 1 to meet this tree canopy area or alternative to meeting the tree planting requirements, you may elect to make payment to the Tree Planting and Preservation Fund. The rate is \$450 per 500 square feet of tree canopy. Let me know if you elect to use this option and the fee will be required to be paid prior to final plat approval.

A Zoning Permit will be required to plant the required tree canopy area to meet the tree Density standards of Title 11.50.050 for Parcel 1.

Large trees count as 1,000 square feet of area, medium trees as 500 square feet, and small trees as 300 square feet. Please refer to the Plant Materials chapter of the Tree and Landscaping Manual for tree sizes: <http://www.portlandoregon.gov/bds/index.cfm?a=71964> Note per Table 50-2 in Title 11 that minimum planting areas are also required based on the size of the tree.

At the time of development, the vacant parcel, Parcel 2, must also meet the Title 11-Tree Code provisions, which require a specific amount of site area for tree planting based on the size of the property and the scale of the development. Prior to recording the final plat, Parcel 1 with the existing house must meet Title 11 requirements for Tree Density as discussed above.

- **Required Off-Street Parking** – The Portland Zoning Code does not require off-street parking on sites that are less than 500 feet from a transit street with 20-minute peak-hour bus, streetcar, or light rail service. Tri-Met provides transit service approximately 100 feet from the site on E. Burnside via bus number 20. Bus number 20 provides peak-hour service meeting this requirement. As a result, no replacement parking is required for Parcel 1.

A paved parking space provides off-street parking for the existing house on Parcel 1. As a result of this land division, the required parking space for the existing house will be located on a different lot. As part of this land division proposal the applicant proposed to provide a new off-street parking space for the existing house on Parcel 1 by sharing a driveway/curb cur approach within the public right-of-way and removing the existing driveway curb-cut approach on and replacing with a sidewalk on Parcel 2. The applicant may still provide the parking space for the existing house, it will just not be required as part of this land division approval. If at the time of development of Parcel 2 the owner/applicant does not utilize the existing driveway on Parcel 2 for the future development then the driveway and curb-cut approach will be removed and sidewalk reconstructed to meet Title 17 requirements.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development

	Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements, fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- Urban Forestry reviews a land division proposal for street trees. The Urban Forestry notes the preliminary supplemental survey site plan shows a 27-inch street tree on the eastern side of N.E. Couch street frontage abutting Parcel 1, which is not reflecting existing conditions of the site. This 27-inch street tree has already been removed as permitted by the City Forester under permit 2016-123779 REV 01 and a new street tree required to be planted in its place as required by the revision. Please revise the supplemental survey to accurately reflect this tree being removed. This requirement is based on standards of Title 11.

An Urban Forestry permit, 16-112530 UF was issued on February 3, 2016 to mitigate the removal of the private property trees on this property. These new trees on this property would count towards required tree density for the existing house on Parcel 1. Title 11 Tree Density requirements are discussed above under Development Standards.

CONCLUSIONS

The applicant has proposed a two 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. The primary issues identified with this proposal are utilities, services and transportation impacts.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two partition, that will result in two standards 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 Land Use Review and Bureau of Environmental Services and City Forester to review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- Document the existing house's stormwater management system has been modified to meet current SWMM setbacks.
- Document street trees which exist within the public right-of-way strip and location of trees planted on the site to comply with 16-112530 UF.

- 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."

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

Utilities

1. Bureau of Environmental Services requires the applicant to demonstrate legal access to sanitary sewer in NE Couch at time of final plat approval.

Existing Development

2. The applicant must meet the requirements of BES for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must direct water to an approved disposal point that meets setback requirements from the new lot lines and demonstrate the stormwater management system meets current BES SWMM requirements. The location of any existing or required stormwater systems serving the existing home must be shown on the Supplemental Plan. If modifications to the existing system to meet BES requirements, require a Plumbing Permit, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.
3. The applicant must meet the tree density requirement on Parcel 1 with the existing house by either planting trees on the lot or making the equivalent payment into the Tree Planting and Preservation Fund. A finalized Zoning Permit must be obtained to document tree planting prior to final plat approval.

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, Bureau of Environmental Services 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. 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.
2. At the time of development of Parcel 2 if the existing driveway is not utilized for the future development, then the driveway and curb-cut approach will be removed and sidewalk reconstructed to meet Title 17 requirements.

Staff Planner: Lois Jennings

Decision rendered by:  **on July 6, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed July 8, 2016

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 April 6, 2016, and was determined to be complete on May 19, 2016.

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 April 6, 2016.

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: September 16, 2016.**

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

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

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

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

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

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

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

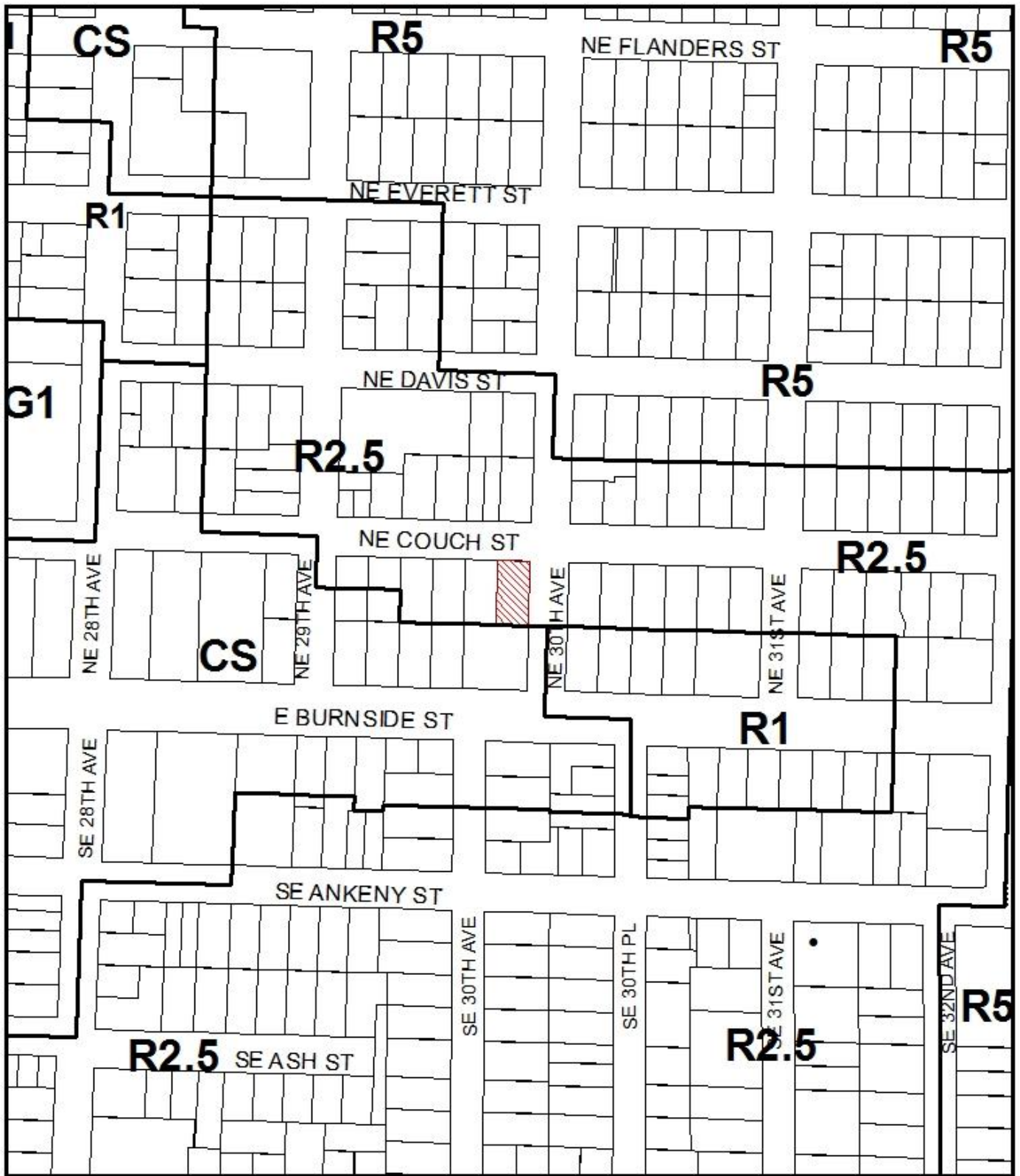
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative Addressing Approval Criteria
 2. Original Preliminary Site Plan submitted on April 6, 2016
 3. WB Fire Flow Information
 4. Stormwater –Simplified Approach Form
 5. Revised Preliminary Site Plan submitted on May 19, 2016
 6. Parking Map submitted on May 19, 2016
 7. Signed Disclaimer for Existing On-site Sewage Disposal System submitted May 19, 2016
 8. Revised Preliminary Site Plan submitted on June 20, 2016
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
 7. Life Safety Section of BDS
- F. Correspondence: None
- G. Other:
 1. Original LU Application
 2. April 26, 2016 Incomplete Letter to Applicant
 3. E-mail Communication between PBOT and Applicant dated June 16, 2016
 4. E-mail Communication between LUS and Applicant (various dates from April 27-June 20, 2016)
 5. Urban Forester Tree Removal & Replanting Permit UF 2016-112530

6. Trimet Schedule for Bus Line #20

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).

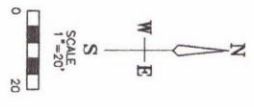


ZONING

-  NORTH
-  Site
-  Historic Landmark

File No. LU 16-146302 LDP
 1/4 Section 3033
 Scale 1 inch = 200 feet
 State_Id 1N1E36CA 20300
 Exhibit B (Apr 07, 2016)

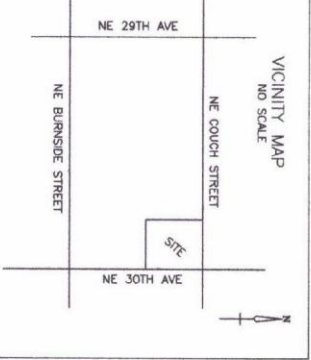
RECEIVED
 JUN 06 2016
 By



*** Approved ***
 City of Portland
 Bureau of Development Services
 Planner *Sammy*
 Date *July 6, 2016*

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NOTE: ELEVATION DATUM IS PER CITY OF PORTLAND BENCH MARK # 73



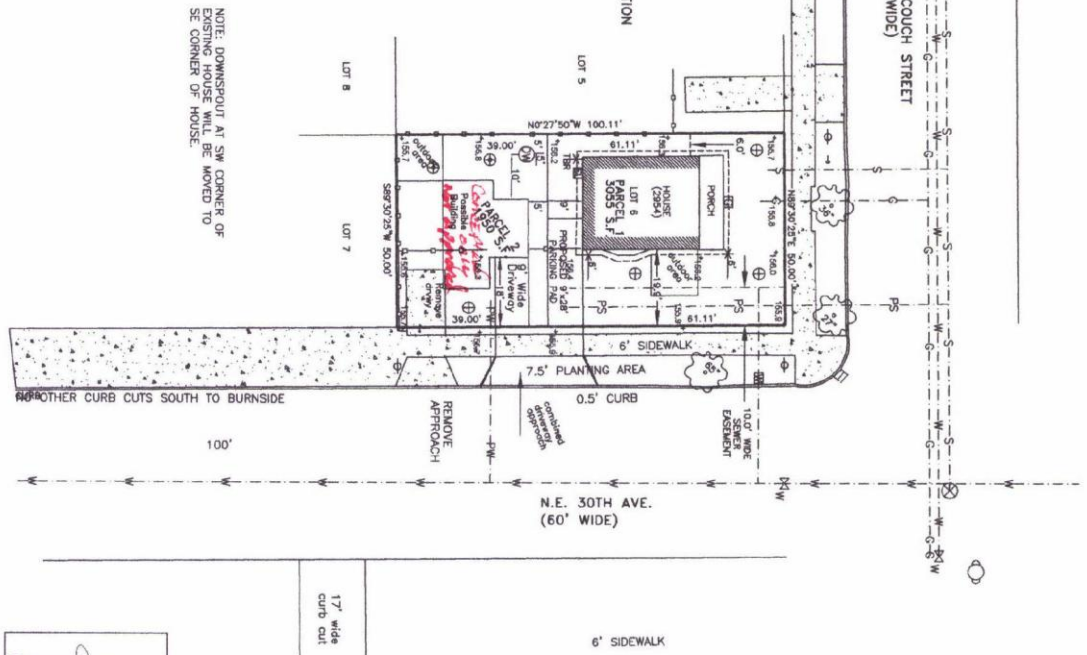
Ferguson Land Surveying, Inc.
 646 SE 106TH AVE, PORTLAND, OR 97216
 Phone (503) 408-0601 Fax (503) 408-0602
 www.fergusonlandsurveying.com

- SYMBOLS**
- ⊕ POWER POLE
 - ⊖ GUY ANCHOR
 - ⊗ WATER METER
 - ⊘ GAS METER
 - ⊙ ELECTRIC METER
 - ⊕ WATER VALVE
 - ⊖ GAS VALVE
 - ⊗ MANHOLE
 - ⊙ CLEAN OUT
 - ⊕ DRY WELL
 - ⊖ CATCH BASIN
 - ⊗ FIRE HYDRANT
 - ⊘ DOWN SPOUTS
 - ⊙ TRAILER LINE TO CONFORM
 - ⊖ WATER LINE
 - ⊗ GAS LINE
 - ⊙ ELECTRIC LINE
 - ⊖ SAN. SEWER
 - ⊗ PROPOSED SAN. SEWER
 - ⊖ PROPOSED WATER LINE
 - ⊗ TO BE REMOVED AND REPLACED
 - ⊙ DECIDUOUS
 - ⊖ CONIFER TREE
 - ⊕ PROPOSED JAPANESE MAPLES 1.5 CALIPER - PLANTING AREA 5X5' WITH CHAIN LINK PROTECTION FENCE

SITE PLAN
 LOT 6, BLOCK 23, HAWTHORNES FIRST ADDITION
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

STURTEWANT EQUITY
 CHIRE ROTERO
 PO BOX 13121
 PORTLAND, OR 97212

DATE: MARCH 1, 2016
 JOB NO. 16-014
 DRAFTED 3.1.16
 SHEET 1 OF 1



REQUIRED PROFESSIONAL LAND SURVEYOR
 Ferguson Land Surveying, Inc.
 REVISION DATE 12/21/17

CASE NO. *16-146302*
 EXHIBIT *B-1*