



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

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Date: November 7, 2016
To: Interested Person
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 15-212386 LDP

GENERAL INFORMATION

Applicant: Kirsten Van Loo/Vanloo 2 Associates
30495 SW Buckhaven Rd
Hillsboro, OR 97123

Owner: Jadee LLC
16869 SW 65th Ave #317
Lake Oswego, OR 97035

Developer: Mac Even/Even Better Homes
Po Box 2021
Gresham, OR 97030

Site Address: 522 N IVY ST
Legal Description: BLOCK 2 LOT 12, RIVERVIEW SUB
Tax Account No.: R710800540
State ID No.: 1N1E27AB 06600
Quarter Section: 2730
Neighborhood: Boise, contact boiselanduse@gmail.com
Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Plan District: Albina Community
Zoning: Residential 1,000 (R1) with the Alternative Design Density "a" overlay zone

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

Proposal: The applicant proposes to divide the 4,321 square foot site into three parcels for development of single dwellings. Parcel 1 has access and frontage on N Ivy Street and is proposed to be 1,599 square feet. Parcels 2 and 3 have access and frontage on N Cook Street and are proposed to be 1,150 and 1,152 square feet respectively. The existing house is proposed to be removed. The site contains trees subject to the tree preservation standards of Title 33. Sanitary sewer service for all parcels will be provided from existing sanitary sewer line located in N Ivy Street. Water service will be provided by existing utilities located in N Cook Street and N Ivy Street. Stormwater management will be provided with on-site treatment and disposal to the public stormwater utility located in N Ivy Street.

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 3 units of land. 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 developed with a single family residence constructed in 1902. The site gently slopes down to the south west, with an elevation change of four feet. The site is a through lot, with frontages on both N Cook and N Ivy Streets. The surrounding neighborhood is developed with a mix of single dwellings and duplexes. Boise-Eliot/Humboldt Elementary School is located at the end of the block, and Boise-Eliot Community Garden is located in close proximity. The site is also located in close proximity to the Fremont Bridge onramp and Legacy Emanuel Hospital. The street grid in the surrounding neighborhood is well developed.

Infrastructure:

- **Streets** – The site has approximately 40 feet of frontage on both N Cook and N Ivy Streets. There is one driveway entering the site from N Ivy Street that serves the existing house on the site. At this location both N Ivy and N Cook are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). Tri Met Bus Line #4 is available to serve the site at N Fremont and N Kerby Street. N Cook Street is improved with a 12-ft sidewalk corridor with a 5-5-2 configuration. N Ivy Street is a 15-ft wide ROW improved with a 14-ft roadway with curbs and no sidewalk along the site’s frontage.
- **Water Service** – There is an existing 8-inch water main in N Ivy Street and an 8 inch water main in N Cook Street. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an 8-inch public combined sewer in N Ivy Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property, however the sanitary sewer line located in N Ivy Street is a combined sewer utility.
- **Zoning:** Residential 1,000 (R1) with the “a” Alternative Design Density overlay zone.

The R1 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

The "a" overlay is intended to allow increased density that meets design compatibility requirements. It fosters owner-occupancy, focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division is not using any provisions of the "a" overlay.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 2, 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:
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	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The proposed density is less than 40 units.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site.
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 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing one single family parcel and two parcels for attached, single family homes. Because single-dwelling development is proposed for all of the site, the applicant must demonstrate how the proposed lots meet the minimum density and do not exceed the maximum density stated in Table 120-3 at the time of the preliminary plan review.

Minimum density in the R1 zone is one unit per 1,450 square feet. However, section 33.120.205.C.2 states that in the R1 zone, if the site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet. The site area is 4,320 square feet; therefore minimum density is calculated at 1 per 2,000. Maximum density is calculated at one unit per 1,000 square feet.

The total site area shown on the applicant's survey is 4,320 square feet. Site area devoted to streets is subtracted from the total site area before calculating the minimum and maximum density. A public street dedication for SE Ivy Street is required that totals 419 square feet. Therefore, the resulting lot size for calculating density is 3,901 square feet.

Based on the above information, the site has a minimum required density of two units and a maximum density of four units. The applicant proposes three units. In this zone, there are no minimum lot area requirements for lots designated for development of attached houses, detached houses, or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division. This is required in order to avoid development on the site or further division of lots that would result in non-compliance with the overall density requirements of the site. The required and proposed lot dimensions are shown in the following table:

R1	Minimum lot area (square feet)	Minimum lot width * (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Attached Houses	none	15	none	15
Detached Houses	none	25	none	25
Parcel 1 (Detached House)	none	39.9	none	39.9
Parcel 2 (Attached House)	none	20	none	20
Parcel 3 (Attached House)	none	20	none	20

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

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.

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 dead, dangerous or dying, 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.2) and arborist report (Exhibit A.3) showing the location and size of trees on and adjacent to the site. The applicant's arborist report identifies each tree, evaluates tree condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection and preservation measures. Based on this information, three trees are subject to the preservation requirements of this chapter; Tree #2, a 9-inch sweetgum; Tree #4, an 8-inch red oak; and Tree #6, a 10.5-inch English walnut tree, which provide a total of 27.5-inches of tree diameter. Note that none of the trees measure 20 or more inches in diameter.

The applicant had originally proposed to mitigate for tree preservation, providing no arborist report (Exhibit A.1, Exhibit G.4). The proposal was revised to propose preservation of 10.5 inches of tree diameter (Tree #6, 10.5 inch English Walnut tree), which is equivalent to 38 percent of the total tree diameter, so the proposal would be in compliance with Option 4 of the tree preservation standards, which requires preservation of at least 35 percent of the total tree diameter on the site when all of the trees are less than 20 inches in diameter.

However, as the utility plans for the lots were developed, Parcel 1 became encumbered with a 10-foot utility easement and the proposed development was shifted towards Tree #6 to accommodate the utility easements. The preliminary clearing and grading plan (Exhibit C.4) and the approved plumbing code appeal utility plan (Exhibit G.2) illustrate proposed development within the required Root Protection Zone (RPZ) of Tree 6 that was initially proposed to be preserved. The original proposed development plan (Exhibit A.2) illustrates proposed development outside of the required RPZ, however this plan predates Exhibits C.4 and G.2 and is no longer accurate. The location of the proposed development has been shifted to the east to provide for a 10-foot, shared utility easement for sanitary sewer and stormwater utilities for Parcels 2 and 3. Additionally, the proposed storm drain utility service, a stormwater planter and the proposed residence for Parcel 1 encroaches into the proposed root protection zone of Tree 6. The arborist report does not address this particular encroachment into the RPZ, since the report pre-dates the plumbing code appeal.

After the required street dedication for N Ivy Street of 10.5 feet, Parcel 1 will be 1,599 square feet in area. Within the R1 zone, a building coverage of 60 percent of the site area is allowed (up to 957 square feet for this site). The sanitary sewer and storm water easements along the west property line encumber 400 square feet of the site which will not be developable with buildings. Additionally, the storm drain utility line for Parcel 1 along the east property line encroaches into the proposed RPZ of Tree 6. Combined with required building setbacks, the proposed driveway and the required outdoor area of 48 square feet, the site is significantly encumbered. Based upon the impact of the specific development proposed, the

characteristics of the site, the development expected in the R1 zone and requirements to provide services to the site, on site tree preservation is not suitable for the site.

As described above, the minimum tree preservation standards of 33.630.100 cannot be fully met as determined by the criteria of 33.630.200. The applicant has proposed to make a payment to Portland's Tree Planting and Preservation Fund to replace the functions of the English Walnut tree (Exhibit A.9).

The applicant's arborist report has also identified one tree located on an adjacent site located within 15 feet of potential disturbance area of Parcel 1. The tree has been identified as *Paulownia tomentosa* (Empress Tree), which is categorized as a nuisance species by the Portland Plant List. Therefore, this tree is exempt from tree preservation requirements, per Section 33.630.030.A.

With a condition of approval requiring the applicant to pay into the City's Tree fund for 10.5 inches of trees prior to approval of the final plat, the approval criteria will be met. Based on these factors, no additional mitigation is warranted to satisfy the approval criteria.

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. The applicant has provided a grading plan (Exhibit C.4) illustrating that no significant clearing or grading will be required on the site to make the new lots developable and to construct the required curb, sidewalk and tie-in paving. 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. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility.

The applicant has proposed to remove the existing house to redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval.

The Site Development section of BDS has commented (Exhibit E.5) that fill was placed on the site at some point in the past. Site Development requested a geotechnical investigation with recommendations for foundation design and identification of impacts to on-site stormwater disposal as required by Section 33.635.200. In response, the applicant submitted a report prepared by Hardman Geotechnical Services dated December 11, 2015 and revised on May 11, 2016 and revised on June 21, 2016 and June 28, 2016 (Exhibit A.5). Based upon the information provided by the applicant, Site Development has determined that the proposed land division will result in lots that are suitable for development.

With a condition of approval requiring decommissioning of the old septic system, the new lots can be considered suitable for development, and this criterion is met.

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

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

- A Private Sanitary Sewer Easement is required across the relevant portions of Parcel 1, for a sanitary sewer lateral connection that will serve Parcels 2 and 3.
- A Private Storm Sewer Easement is required across the relevant portions of Parcel 1 for a stormwater lateral that will serve Parcels 2 and 3.
- A Private Storm Sewer Easement is required across the relevant portions of Parcel 2 for a stormwater lateral that will serve Parcel 3.
- A Private Sanitary Sewer Easement is required across the relevant portions of Parcel 2 for a sanitary sewer lateral connection that will serve Parcel 3.

As stated in Section 33.636.100 of the Zoning Code, maintenance agreements will be required describing maintenance responsibilities for the easements 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(s) with a recording block, substantially similar to the following example:

“Declaration of Maintenance agreements for sanitary sewer and stormwater easements 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.

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. Mitigation may be necessary to reduce impacts.

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

Street Capacity and Levels of Service: The proposal will result in a net increase of 2 single-family residences. These residences can be expected to generate 20 daily vehicle trips with 2 trips occurring in each of the AM and PM Peak Hours. This small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed.

Connectivity: The site is less than 80-ft from the north/south aligned N Commercial Ave. Connectivity requirements do not apply. Vehicle Access/Loading: Parcel 1 will have a driveway to provide access to parking and loading. Parcels 2 and 3 are not proposed to have off street parking. Parking and loading will occur in the street.

On-Street Parking Impacts: One of the new lots will have at least one on-site parking. On-site parking is not required do to the site’s proximity to frequent transit service. Tri-Met line #4 is less than 500-ft walking distance away. Impacts to the on-street parking supply should be minimal.

Availability of Transit: Tri Met Bus Line #4 is available to serve the site at N Fremont and N Kerby Avenue.

Neighborhood Impacts: The site is being developed with three new single-family residences in compliance with the existing R1 zoning. In addition, standard frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles. Safety for All Modes: Sidewalks along both sides of the area streets provide adequate pedestrian facilities. Given the low vehicle speeds and volumes on N Ivy and N Cook, cyclists can safely share the roadway.

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

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

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

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. There is no public sanitary sewer available in N Cook Street. The applicant proposes to serve Parcels 2 and 3 via an easement over Parcel 1 to sewer services located in N Ivy Street. BES has indicated this route of service is acceptable. Plumbing Code Appeals 13845 and 13846 have been approved to support reduced skin to skin separation for the sewer and storm water laterals. The easements must be shown on the final plat. With this condition, the sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods: Stormwater from Parcels 1, 2 and 3 will be directed into flow-through planters that remove pollutants and suspended solids. The water will drain from the planters to the existing, combined sanitary sewer main located in N Ivy Street Street. Each lot has sufficient size for individual planter boxes, and the Bureau of Environmental Services has indicated that the treated water can be directed to the existing combination sewer located in N Ivy Street. There is no combined sewer main available in N Cook Street. The applicant proposes to serve Parcels 2 and 3 via a easements over Parcel 1 and Parcel 2 to connect to the combined sewer services located in N Ivy Street. BES has indicated this route of service is acceptable. Plumbing Code Appeals 13845 and 13846 have been approved to support reduced skin to skin separation for the sewer and storm water laterals. The easements must be shown on the final plat and maintenance agreements are required. With this condition, the stormwater management criteria and standards of 33.653 have been verified.
33.654.110.B.1 Through streets and pedestrian connections
Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart. The dimensions of the block on which the subject property is located are approximately 280 feet by 108 feet. Therefore, the block meets the noted spacing requirements. In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply. For the reasons described above, this 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 Transportation 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. In this case Portland Transportation has determined that curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, as well as an associated stormwater facility discussed later in this report, additional right-of-way must be dedicated along the frontage of the site.

N Cook Street is improved with a 12-ft sidewalk corridor with a 5-5-2 configuration. Reconstruction with a 4.5-6-1.5 will not be required because the site complies with TRN 1.22. N Ivy Street is a 15-ft wide ROW improved with a 14-ft roadway with curbs and no sidewalk along the site's frontage. A 10.5-foot dedication is required for N Ivy Street. The N Ivy Street frontage will be required to be improved with a 6-ft sidewalk separated from the curb with a 4-ft furnishing zone. With those improvements, two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the condition that curb and sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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

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

DEVELOPMENT STANDARDS

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

Future Development

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

- **Attached Houses.** Development standards for attached houses in the R1 zone are found at 33.120.270.C and include regulations regarding setbacks, building coverage, maximum building length, and appearance.
- **Demolition Delay.** Chapter 24.55 requires notification and demolition delay when an application for a permit to demolish a residential primary structure in an area with a residential Comprehensive Plan Map designation is submitted to BDS.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site. Therefore, this land division proposal can meet the requirements of 33.700.015.

Based upon the information 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; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a three parcel partition for development of single dwellings as shown on the attached preliminary plan (Exhibit C.1) and the proposed development plan (Exhibit C.3). 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: stormwater and sewer lateral easements, grading and soil stability at the time of construction, tree preservation and required street dedication and public improvements to N. Ivy Street. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a three-parcel partition that will result in construction of single dwellings as follows; one parcel for a detached house and two parcels for construction of attached houses as illustrated with Exhibits C.1 and C.3, subject to the following conditions:

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for N Ivy Street. The required right-of-way dedication must be shown on the final plat.
2. A private sanitary sewer easement, for the benefit of Parcels 2 and 3, shall be shown and labeled over the relevant portions of Parcel 1. A private sanitary sewer easement, for the

benefit of Parcel 3 shall be shown and labeled over the relevant portions of Parcel 2. The easement area must correspond to granted plumbing code appeal number 13845 and 13846.

3. A private storm sewer easement, for the benefit of Parcels 2 and 3, shall be shown and labeled over the relevant portions of Parcel 1. A private storm sewer easement, for the benefit of Parcel 3 shall be shown and labeled over the relevant portions of Parcel 2. The easement area must correspond to granted plumbing code appeal number 13845 and 13846.
4. 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.5 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for private sanitary sewer and stormwater easements has been recorded as document no. _____, Multnomah County Deed Records."

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

Utilities

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
2. The applicant shall meet the requirements of the Fire Bureau for fire apparatus access and roadway width as required by Chapter 5 and Appendix D. Alternatively, for access the applicant will be required to install residential sprinklers in the new house on Parcel 1 if applying the exception.

Existing Development

3. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.
4. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the cesspool on the site.

Required Legal Documents

5. A Maintenance Agreement shall be executed for the private sewer and stormwater utility easements described in Conditions A.2 and A.3 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
6. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling units. Please refer to the final plat approval report for details on whether or not this requirement applies. An Acknowledgement of Special Land Use Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

Other

7. The applicant must pay into the City Tree Fund the amount equivalent to 10.5 inches of trees (planting and establishment, fee in lieu per inch). Payment must be made to the Bureau of Development Services, who administer the fund for the Parks Bureau.

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

1. The minimum and maximum density for the lots in this land division are as follows:

Lot	Minimum Density	Maximum Density
1	1	1
2	1	1
3	1	1

2. The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
3. Foundation and ground preparation shall be in accordance with the recommendations of the Geotechnical Engineering Report dated May 11, 2016 (as revised) prepared by Hardman Geotechnical Services Inc. or as specified by Site Development.

Staff Planner: Brandon Rogers

Decision rendered by:  **on November 3, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed November 7, 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 August 5, 2015, and was determined to be complete on January 28, 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 August 5, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 245 days (Exhibit A.7 and A.8). Therefore, **the 120 days will expire on: January 27, 2017.**

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

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

This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

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

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

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

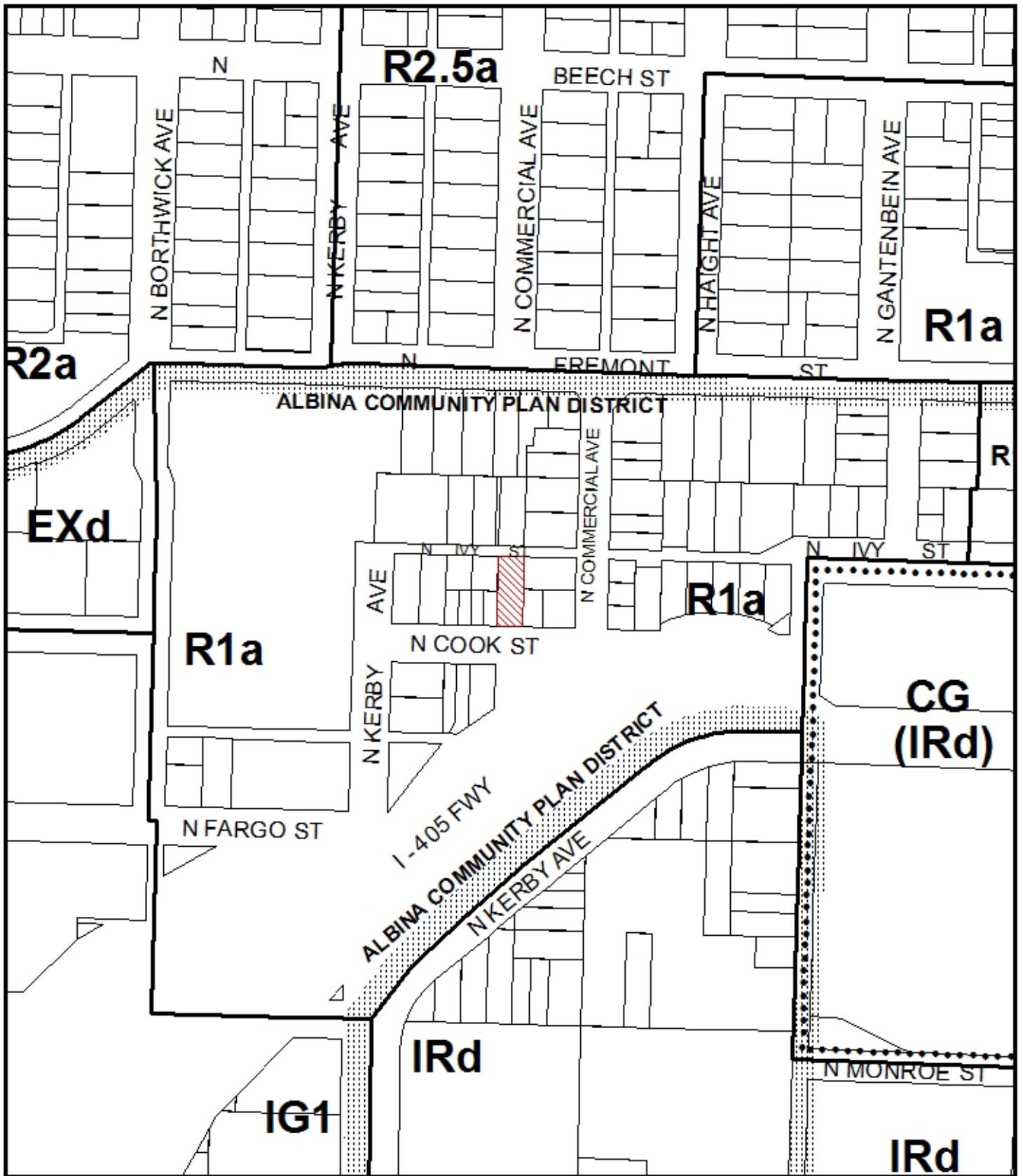
EXHIBITS

NOT ATTACHED UNLESS INDICATED


- A. Applicant’s Statement
 - 1. Original Submittal and Applicant’s Narrative
 - 2. Applicant’s Response to Incomplete Letter and Revised Narrative (01/28/2016)
 - 3. Arborist Report (01/28/2016)
 - 4. On Street Parking Study (01/28/2016)
 - 5. Geotechnical Report (06/28/2016)
 - 6. Stormwater Management narrative (Revised 08/16/16)
 - 7. 120-Day Extension (05/23/16)
 - 8. 120-Day Extension (08/15/16)
 - 9. Applicant’s Request for Tree Mitigation
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Land Division Plan (attached)
 - 2. Existing Conditions Plan and Tree Survey (01/28/2016)
 - 3. Proposed Development and Clearing and Grading Plan (10/10/2016)
- 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. Life Safety Section of BDS
 7. Bureau of Parks, Forestry Division
- G. Other:
1. Original LU Application
 2. Plumbing Code Appeal
 3. Public Improvement Plans
 4. Incomplete Lette

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 15-212386 LDP

1/4 Section 2730

Scale 1 inch = 200 feet

State_Id 1N1E27AB 6600

Exhibit B (Aug 07, 2015)



NORTH

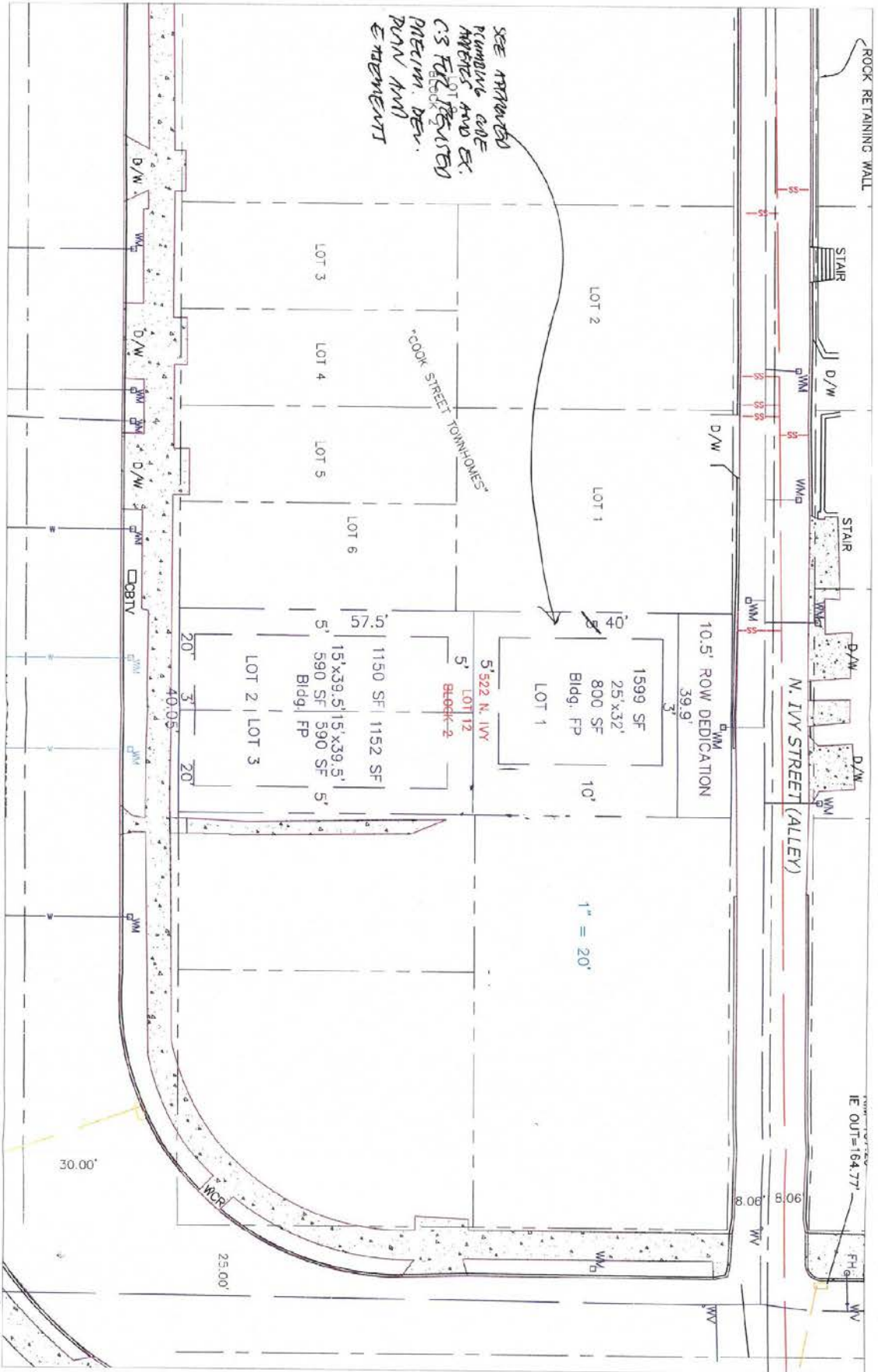
This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

COOK-IVY 3-LOT PARTITION

Applicant:
Even Better Homes
Mac Ewan
PO Box 2021
Gresham, OR 97030
503-348-5602

Owner:
LLC
16859 SW 65th Ave, #317
Lake Oswego, OR 97035

Property:
522 N Ivy
IN1527AB - 6500 & 6600
Zoning: R-1(c)
Albino Community Plan District



REVISED 1.28.16

CASE NO. LVI-2016-006
EXHIBIT C-1