



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

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Date: August 11, 2017
To: Interested Person
From: JP McNeil, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 16-231684 LDP

GENERAL INFORMATION

Representative: Geren C Shankar,
13320 SE Buford Ct
Portland, OR 97236
425-628-1557 | Geren.Shankar@Skanska.Com

Applicant/Owner: Soua and Sialy Chieng
1111 NE 176th Ave
Portland, OR 97230

Site Address: 445 NE 143RD AVE

Legal Description: N 80' OF LOT 162, ASCOT AC
Tax Account No.: R041805010
State ID No.: 1N2E36CB 09400
Quarter Section: 3045

Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Gateway Area Business Association, contact Paul Wild at paul.wild@mhcc.edu

District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: East Corridor
Zoning: R5a – Residential 5,000 Square Feet with an 'a' Alternative Design Density Overlay

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

Proposal:

The applicant is proposing to divide this 11,024 square foot lot into two smaller parcels. Parcel 1 would be approximately 4,819 square feet in size and Parcel 2 would be 6,205 square feet (Exhibit C.3). The existing dwelling on Parcel 2 is proposed to remain and Parcel 1 would be made available for new single-dwelling development. Off-street parking would be provided on both parcels, with access for both parcels taken from NE 143rd Avenue. There are no trees on the site to be preserved.

The applicant would be required to construct sidewalk improvements along NE Glisan Street to meet City sidewalk standards. At this time, there are no proposed improvements along NE 143rd Avenue. Instead, the applicant would be required to pay into the Local Transportation Infrastructure Charge (LTIC) fund that is dedicated to future street improvements in the area. To accommodate street improvements, the Bureau of Transportation is requiring street dedication along NE Glisan Street and NE 143rd Avenue.

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 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 approval criteria are found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

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. This application was submitted on August 26, 2016 and determined to be complete on February 13, 2017.

FACTS

Site and Vicinity: The subject site is relatively flat and is currently developed with a one-story single dwelling unit. There are no trees on the site. The site is located at the corner of NE Glisan, a five-lane thoroughfare and NE 143rd, a local service street. Opposite the site to the north on NE Glisan is the Gledoveer Golf Course. Development to the east, south, and west is primarily single-dwelling units, generally one-story in height. A block to the east is a recent subdivision of two-story attached housing units.

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.

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.

The East Corridor plan district includes three light rail stations and three Pedestrian Districts. The area is targeted to receive a significant share of the city's growth. It is envisioned that future development will transform the areas surrounding the light rail stations into vibrant mixed-use areas of retail, office, and housing with a high level of pedestrian amenities. Lower density residential and commercial development will continue to surround the Pedestrian Districts.

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

Infrastructure:

Streets – The site has approximately 155 feet of frontage on NE Glisan Street and 80 feet of frontage along NE 143rd Avenue. There is one driveway entering the site from NE 143rd that serves the existing house on the site. At this location, NE Glisan is a District Collector, Community Transit Street, City Bikeway, City Walkway, Major Emergency Response Route, and a Community Corridor in the Transportation System Plan (TSP). NE 143rd Avenue is classified as a Local Service Street for all modes in the TSP. Tri-Met provides transit service along NE Glisan Street via Bus 25, with a bus stop located adjacent to the site at the corner of NE Glisan and NE 143rd.

NE Glisan is improved with a 66-ft wide paved roadway and a 7-ft curb-tight sidewalk within an 80-ft wide ROW. NE 143rd is a 40-ft wide ROW improved with approximately 22-ft of center paving lacking curbs or sidewalks and parking on both sides along gravel shoulders. The Portland Bureau of Transportation (PBOT) notes that the ramp at the corner does not meet ADA standards.

Water Service – Water service is provided by the Rockwood Public Utility District. There is an existing 6-inch DI water main in NE 143rd Avenue. The existing house is served by a ¾-inch metered service from this main.

Sanitary Service - There is an existing 8-inch PVC sanitary sewer in NE Glisan Street with an existing lateral located approximately 377 feet west of the manhole in NE Glisan.

Stormwater Disposal – There is no public storm-only sewer currently available to this property. Public underground injection control (UIC) systems (“sumps”) infiltrate stormwater runoff from the public right-of-way in the vicinity of the site.

Agency and Public Comments

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 22, 2017**. 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.
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 RF through R5 zones. Based on the applicant's survey, the site area is 11,024 square feet. The maximum density in the R5 zone is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area.

The site has a maximum density of 2 units and a minimum required density of 2 units. If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore, in this case the minimum density is reduced to 1. The applicant is proposing 2 single dwelling parcels. The density standards are met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R5 Zone	3,000	8,500	36	50	30
Parcel/ Lot 1	4,819		64	83	64
Parcel/ Lot 2	6,205		75	64	75

* 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.

As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Proposed Parcels 1 and 2 each exceed the minimum lot dimension standards.

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. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

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

The following easements are proposed and/or required for this land division:

- A Private Access Easement is required over the south 9 feet (at a minimum) of Parcel 2 to provide access to Parcel 1.

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

“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

With the condition 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):

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 or have a noticeable effect on street capacity or level-of-service. On-street parking demand appears to be minimal along NE Glisan Street and NE 143rd Avenue given the make-up of the existing right-of-way, which accommodates parking along the both sides of the street, and because the lots along the street are served by driveways sufficient to accommodate multiple vehicles. The proposed development on each lot will also be served by driveways/garages. TriMet responded to this proposal with comments that the bus stop adjacent to the site will continue to operate. The proposed partition will not have any effect to transit service or impact the bus stop adjacent to the site. The proposal will also not effect any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

PBOT has reviewed and concurs with the information supplied and available evidence 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 Rockwood Water PUD has indicated that service is available to the site, as noted on page 3 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 3 of this report. The sanitary sewer service standards of 33.652 have been verified.</p> <p>As a result of the proposed land division, the existing sewer connection that serves the house on Parcel 2 will cross over Parcel 1 to reach the sewer main in NE Glisan Street. The applicant must cap the existing sewer connection and establish a new service for the house located entirely on Parcel 2. All required plumbing permits must receive final inspection approval prior to Final Plat approval. With this condition, the sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1</p>

No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The applicant has proposed the following stormwater management methods

Public Street Improvements: As a condition of this land use approval, the Bureau of Transportation requires the applicant to improve the NE Glisan frontage of the site to City standards (discussed later in this report). A new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.

Parcel 1: Stormwater from this lot will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. This lot has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywell but notes that as shown on the Utility Plan, the proposed drywell location does not meet setback standards.

Parcel 2 (the lot with the existing house): The existing house has downspouts that drain into underground pipes. BES has noted that it is not clear where the downspouts discharges and therefore the applicant must demonstrate, prior to final plat approval, that the stormwater system for existing structures to remain meet applicable stormwater management requirements and will not be impacted by the proposed lot lines. In order to do so, the applicant will be required to provide additional information on the existing stormwater system and, if necessary, retrofit the stormwater facilities for the existing house to meet BES standards. Any necessary permits must be final prior to final plat approval.

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

NE Glisan Street is improved with a paved roadway and a curb-tight, seven-foot sidewalk. Parking is accommodated on both sides. There are no planter strips and PBOT has indicated that the ramp at the corner is not ADA accessible. 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 ramp and sidewalk improvements must be made in order to meet City standards ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, as well as an associated stormwater facility discussed above, additional right-of-way must be dedicated along the frontage of the site. With those improvements, one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

NE 143rd Avenue is improved with a paved roadway, and a gravel parking lane on both sides. There are no curbs, planter strips, or sidewalks. The subject site's frontage on NE 143rd meets the specified criterion to qualify for the Local Transportation Infrastructure Charge (LTIC), which allows property owners to pay into a fund for transportation improvements in the vicinity of the site rather than constructing improvements along a site's frontage. The applicant has indicated that they will pay the LTIC and will not be required to construct standard improvements in NE 143rd. The applicant will be required pay the LTIC, dedicate 8-ft of property for ROW purposes, and execute street and stormwater waivers of remonstrance (for participation in future street and storm sewer improvements) as a condition of Final Plat approval.

With the conditions of approval 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. 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

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 2. The original proposal was to demolish the existing house and the Life Safety section of BDS responded with comments addressing the demolition of this structure; however, the applicant has indicated that the house will remain after the land division. The division of the property may not cause the structure to move out of conformance or further out of conformance to any development standard applicable in the R5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

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 5 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 plan showing the surveyed location of the existing building relative to the adjacent new lot lines.
- **Accessory Structures** – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, all accessory structures on Parcel 1 must be removed prior to final plat. Because the structure is less than 200 square feet in size, a demolition permit is not required. The applicant must submit before and after photos to document removal of the structure. Alternatively, the applicant may choose to execute a covenant with the City to retain the accessory structure for up to two years without a primary structure. The covenant must meet the requirements of 33.700.600 and be executed prior to or with the Final Plat.

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

Environmental Services/503-823-7740 www.portlandonline.com/bes	Administrative Rules for Private Rights-of-Way 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; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the proposed planter strip adjacent to Parcel 2 prior to final plat approval. The street tree requirements will also need to be met along Parcel 1 at the time of development. This requirement is based on the standards of Title 11.

CONCLUSIONS

The applicant has proposed a two-parcel partition, as shown on the attached preliminary 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:

- Access to Parcel 1
- Improvements along NE Glisan Street and LTIC payment for NE 143rd Avenue
- Right-of-way dedication
- Stormwater management
- Utility connections

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two-parcel partition, that will result in two standard lots as illustrated with Exhibit C.3, 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 BES 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;
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for NE Glisan Street and NE 143rd Avenue. The required right-of-way dedication must be shown on the final plat.
2. A Private Access Easement over the portion of the driveway serving Parcel 1 that crosses Parcel 2 shall be shown and labeled on the final plat. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for.
3. 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.8 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for Private Access Easement has been recorded as document no. _____, Multnomah County Deed Records."

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's NE Glisan Street frontage of Parcel 2. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.
2. The applicant shall also meet the requirements of the City Engineer to pay the LTIC for the NE 143rd Avenue frontage and execute waivers of remonstrance for future street and stormwater improvements along that street frontage.

Utilities

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.
4. The applicant shall obtain and have finalized plumbing permits for capping the existing sanitary lateral connection to the house on Parcel 2 and providing a new lateral connection from the sanitary sewer main in NE Glisan Street.
5. Prior to final plat approval the applicant must submit a complete Simplified Approach Form that includes facility sizing information and a preliminary utility plan showing storm water management facilities sized according to Stormwater Management Manual standards that meet all setback requirements.

Existing Development

6. The applicant must remove the shed on Parcel 1. The applicant must submit before and after photos of the removal (with the same perspective). Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot(s) with the accessory structure(s) within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.
7. Documentation of the location of the stormwater disposal system for the existing house shall be submitted to the Bureau of Environmental Services. The location of any existing or required stormwater systems serving the existing home must be shown on the Supplemental Plan. If, as a result of final plat approval, the stormwater system for the

existing home will extend beyond the boundaries of Parcel 1 (the lot with the existing home), then the applicant must meet one of the following:

- Provide private stormwater easements on the final plat as necessary to ensure operation and maintenance of those systems, and record a maintenance agreement for the easement area; or
- Provide finalized plumbing permits for modifications to the stormwater system that result in a system that meets City requirements.

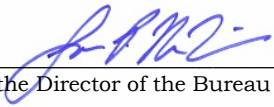
Required Legal Documents

8. A Maintenance Agreement shall be executed for the Private Access Easement described in Condition B.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.

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

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of Parcel 1.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
3. Vehicle access to Parcel 1 must be from NE 143rd Avenue. A driveway is not allowed along the frontage of NE Glisan Street.

Staff Planner: Jason P. McNeil

Decision rendered by:  **on August 7, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed August 11, 2017

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 26, 2016, and was determined to be complete on February 13, 2017.

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 26, 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 requested that the 120-day review period be extended a total of 74 days Unless further extended by the applicant, **the 120 days will expire on: August 27, 2014.**

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.

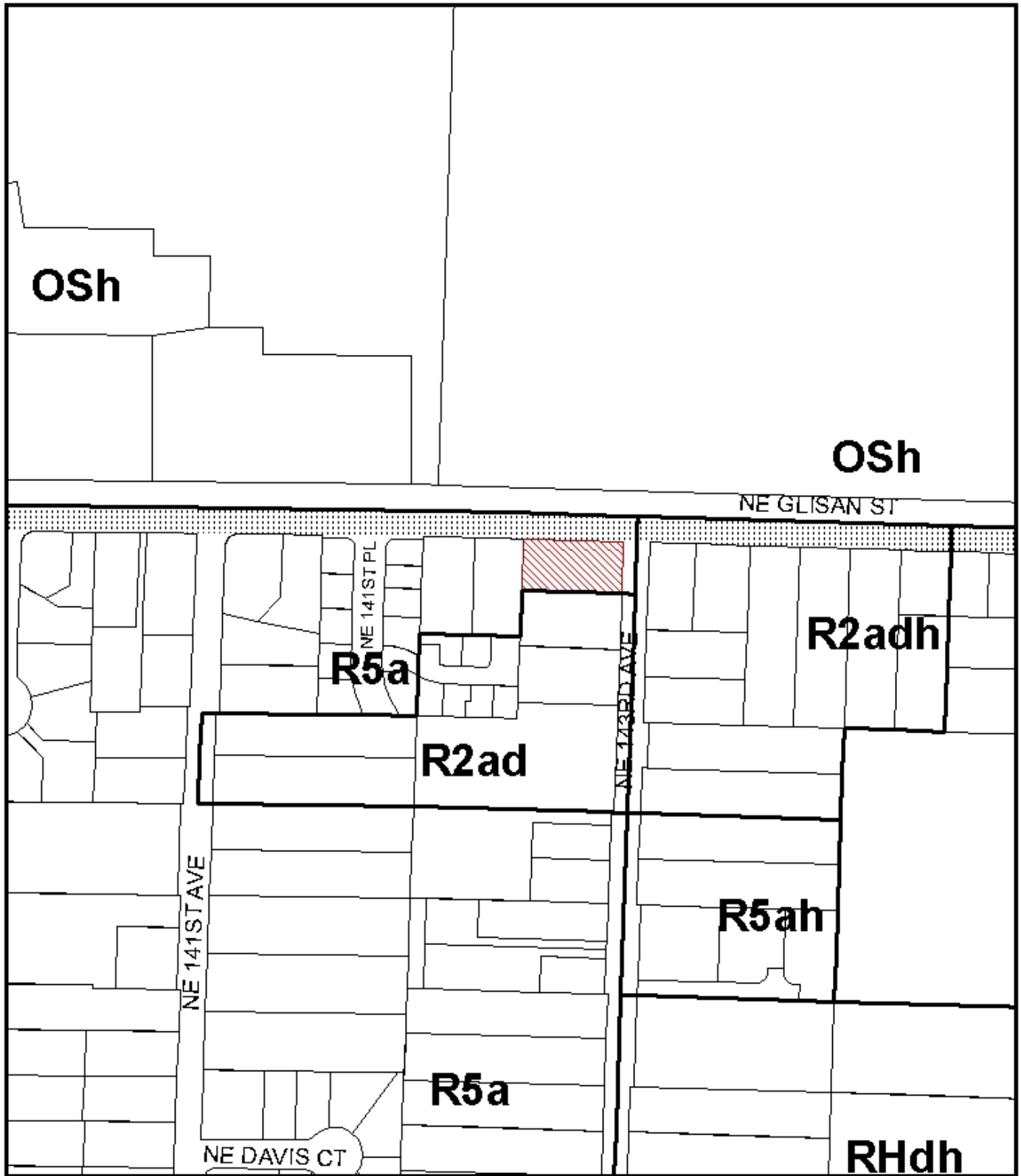
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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 Submittal
 - 1. Applicant narrative 8/26/16
 - 2. Revised narrative 2/21/17
 - 3. Request for Extension of 120-Day Review Period 5/25/17
 - 4. Request for Extension of 120-Day Review Period 7/31/17
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan 8/26/16
 - 2. Revised Site Plan 2/21/17
 - 3. Revised Site Plan 6/22/17 (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. Rockwood Water People's Utility District
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of BDS
 - 8. TriMet
- F. Correspondence: None Received
- G. Other:
 - 1. Original LU Application
 - 2. Expedited Land Division Acknowledgement
 - 3. Incomplete Letter

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



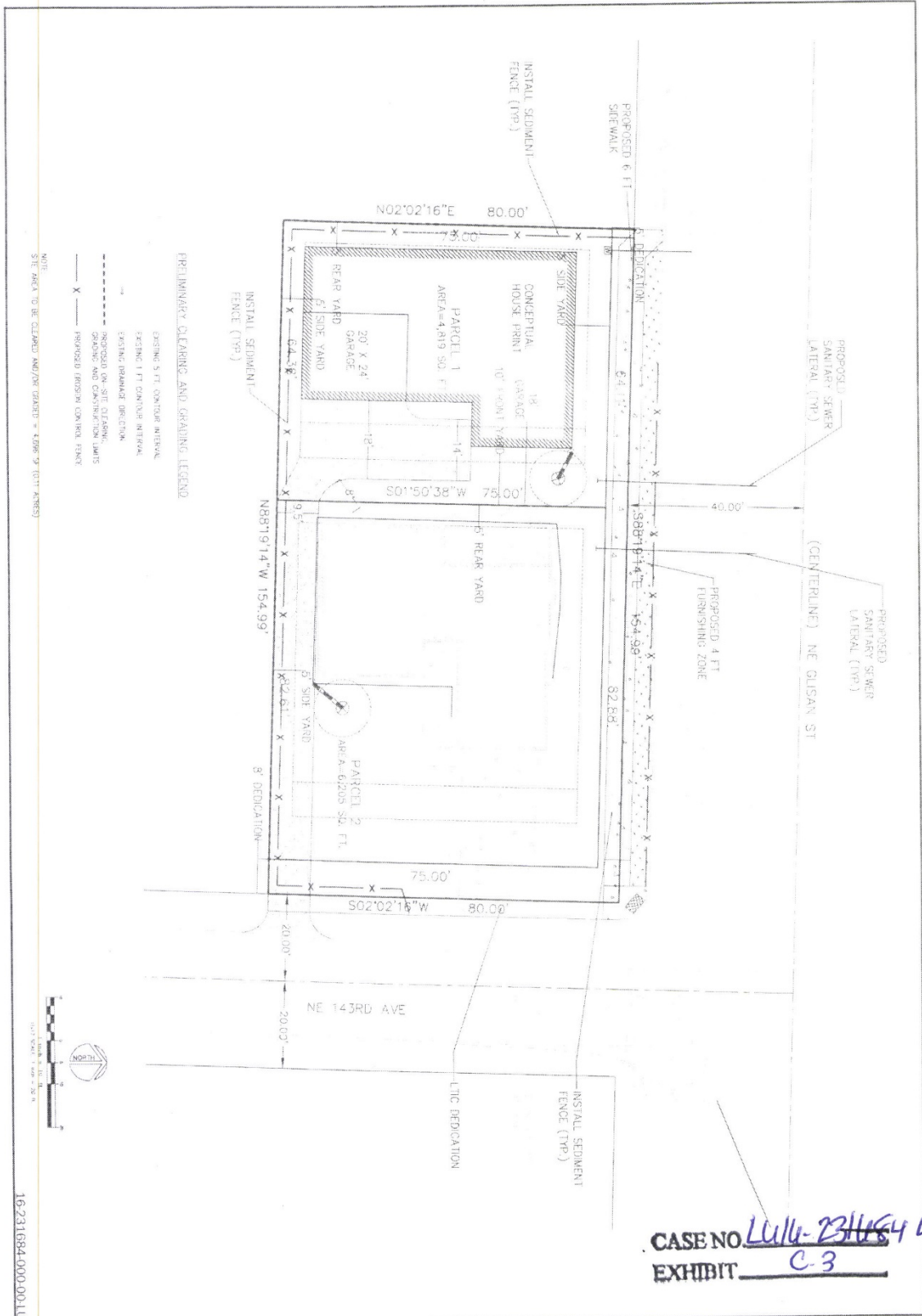
ZONING

 Site



This site lies within the:
EAST CORRIDOR PLAN DISTRICT

File No. LU 16-231684 LDP
 1/4 Section 3045
 Scale 1 inch = 200 feet
 State_Id 1N2E36CB 9400
 Exhibit B (Aug 29, 2016)



CASE NO. LULU-231654 LOP
 EXHIBIT C-3

PGR1
 5
 of 5

DESIGNED	REVISION	BY	DATE
DRAWN	1		
REVIEWED	2		
SUBMITTAL	3		

2-PARCEL PARTITION
 445 NE 143 AVENUE
 N0460
 PRELIMINARY CLEARING, GRADING AND
 EROSION CONTROL PLAN

FOR: GAREN S. SHANKAR
 13322 SE BURGESS CT
 PORTLAND, OR 97236
 4281628 1557
 SITE: TAX MAP 19223908
 TAX LOT 04501
 CITY OF PORTLAND, OREGON

