



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

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Date: September 21, 2018
To: Interested Person
From: Shawn Burgett, Land Use Services
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 17-179331 LDS

GENERAL INFORMATION

Applicant: Lou Montgomery | Simpl Home Design
4931 SW 76th Ave Pmb 211 | Portland, OR 97225
503-516-4823 | loum@ezpermits.biz

Owner: John Reilly & Jennifer Doherty-Reilly | Reilly Signature Homes
2264 NW Kearney St | Portland, OR 97210

Site Address: 5615 NE Glisan St

Legal Description: BLOCK 1 LOT 7 EXC PT IN ST, AVALON
Tax Account No.: R045800070
State ID No.: 1N2E31AC 08900
Quarter Section: 2936

Neighborhood: North Tabor, contact Robert Jordan at landuse@northtabor.org
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
Zoning: R1 (Multi-Dwelling Residential 1,000 sq. ft.)
Case Type: LDS (Land Division Subdivision)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing a 4-lot land division for attached dwelling units. The existing house on the site will be demolished. No onsite parking is currently proposed or required due to the sites proximity to frequent transit service (Bus #19 along NE Glisan). However, parking may be proposed at the time of building permit submittal if future access to onsite parking can meet the requirements of the Portland Bureau of Transportation (PBOT).

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

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 4 units of land (4 lots). Therefore, this land division is considered a subdivision.

RELEVANT APPROVAL CRITERIA: IN ORDER TO BE APPROVED, THIS PROPOSAL MUST COMPLY WITH THE APPROVAL CRITERIA OF *TITLE 33*. THE RELEVANT CRITERIA ARE FOUND IN **SECTION 33.660.120, APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES.**

FACTS

Site and Vicinity: The site is flat and has a single-family home built in 1922 located on it with an 8” diameter Hinoki cypress located near the southwestern corner of the site. A dental office is located directly west of the site and a commercial building is located south of the site across NE Glisan St. The property abutting the sites eastern and northern property boundaries currently accommodate single family dwelling units.

Infrastructure:

Streets –The site has approximately 50 feet of frontage on NE Glisan St. and approximately 92 feet of frontage on NE 56th Avenue. There is one driveway entering the site that serves the existing house. At this location, NE Glisan St. is classified as Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway, Community Corridor and Local service street (freight). NE 56th Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service adjacent to the site at NE Glisan Street via Bus 19.

NE Glisan St. has a 50-foot curb to curb paved surface and 15 ft. sidewalk corridor within an 80-foot right-of-way with parking on both sides.

NE 56 Avenue has a 28-foot curb to curb paved surface within a 50-foot right-of-way with parking on both sides. Along the 93-foot wide site frontage the pedestrian corridor includes a 4-foot wide planter area, curb, 6-foot sidewalk and a 1-foot wide buffer at the back of the sidewalk (4-6-1 configuration).

Water Service – There is an existing 12-inch CI water main in NE Glisan St. Water is not available in NE 56th Ave adjacent to the site.

Sanitary Service - There is an existing 8-inch combination sewer line in NE Glisan St. and an 8-inch combined sewer in NE 56th Ave Avenue.

Stormwater Disposal – There is no public storm-only sewer currently available to this property.

Zoning: 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.

Please Note: The current zoning has changed on the site from R1 (Multi-family Residential) zoning to CM2 (Commercial Mixed use 2) zoning. Since the land use application was submitted prior to the zone change it is vested under the R1 zoning designation, therefore this staff report will address the relevant approval criteria applicable in the R1 zone. However, since this proposal is a subdivision (more than 3 lots), the owner of the site can choose which applicable Zoning Code standards (R1 or CM2 zoning) they want to develop the entire site under at the time of building permit submittal. The CM2 zoning is described below:

The CM2 zone promotes development that combines commercial and housing uses in a single building. This development type will support transit use, provide a buffer between busy streets

and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners.

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 **November 28, 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:
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.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands 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	No shared courts are proposed or required

	Courts	
	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.
	33.655 - School District Enrollment Capacity	The proposal is not in the David Douglas School District.

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 4 lots for attached housing.

Single-dwelling development is proposed for some or all of the site, therefore the applicant must demonstrate how the proposed lots meet the minimum density and not exceed the maximum density stated in Table 120-3 at the time of the preliminary plan review. This site is vested in the R1 zone and 4 lots for attached houses are proposed.

Minimum density in the R1 zone is one unit per 2,000 square feet and the maximum density is one unit per 1,000 square feet. The total site area shown on the applicant's survey is 4,606 square feet. The site has a minimum required density of 2 units and a maximum density of 4 units.

In this zone, there are no minimum lot area requirements for lots designated for 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, 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. Therefore, each lot will be allowed one primary unit under the R1 zoning designation.

The lot dimensions required and proposed 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
Lot 1-attached house	1,153 SF	23.09 ft.	49.90 ft.	23 ft.
Lot 2-attached house	1,149 SF	23 ft.	49.94 ft.	23 ft.
Lot 3-attached house	1,149 SF	23 ft.	49.96 ft.	23 ft.
Lot 4-attached house	1,555 SF	23.11 ft.	49.98 ft.	23.11 ft.

* 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 unhealthy, a nuisance species, within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided a existing conditions survey (Exhibit C.2) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.7) that identifies each tree, its condition and suitability for preservation or its exempt status and specifies a root protection zone and tree protection measures for each tree to be preserved.

Based on this information, one tree, which provide a total of 8 inches of tree diameter are subject to the preservation requirements of this chapter.

In this case, the one tree is located where future development on Lot 4 is proposed and also has a Root Protection zone that would encroach into Lot 3 (where attached housing is proposed). Therefore, the location of the tree and the configuration of the property; along the scale of the development proposed in the R1 zone limits options to retain trees in accordance with these regulations so it is reasonable to consider mitigation options that will replace the functions of the trees to be removed.

The applicant has not proposed any mitigation for the removal of the tree. Therefore, planning staff will require the following as mitigation to meet this criteria:

The Title 11 tree density standards will require that trees be planted on the lots at the time of building permit. Based on the size of the proposed lots, one tree will be required to be planted on each lot. Given the required tree planting, there is not sufficient room on the lots for additional tree planting to mitigate for tree removal without jeopardizing the overall health of the trees as they mature. Therefore, offsite mitigation in the form of payment into the City Tree Preservation and Planting Fund is more appropriate for this proposal.

The tree preservation standards require the one non-exempt tree on the site be preserved. This amounts to 8 inches on this site. With the condition that a payment equivalent to 8 inches be paid to the City Tree Planting and Preservation Fund prior to final plat approval, tree removal will be adequately mitigated.

This mitigation will be consistent with the purpose of the tree preservation regulations, since it will provide for the installation of other trees that will contribute to the general beauty and natural heritage of the City, if not directly on the site, and

- Help to absorb air pollutants and contamination;
- Provide buffering from noise and wind;
- Provide visual screening from the adjacent properties;

- Reduce energy demand and urban heat island impacts;
- Filter stormwater runoff and the reduce the possibility for erosion;
- Help with slope stabilization;
- The native trees will provide habitat to support wildlife;
- The edible species will provide food for people and wildlife.

In order to ensure the mitigation is provided, the applicant must make a payment to Tree Planting and Preservation Fund for 8 inches of tree diameter.

With the implementation of the noted conditions, the approval criteria will be 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. The applicant has proposed to remove the existing house and 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. With this condition, the new lots can be considered suitable for development, and 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 applicant provided a brief response to the transportation approval criteria. The applicant proposes to divide a parcel on which one single-family home is located into four parcels. Therefore, the proposed development is expected to generate an increase of three new single-family residences. According the *ITE Trip Generation Manual, 9th Edition*, three new single-family detached dwellings are expected to generate approximately thirty trips per day, including three additional trips during the morning peak hour and three additional trips during the evening peak hour. The Review for Completeness Request advised the applicant that a driveway with a 14-ft shared throat will be required for attached dwellings. As a condition of Building Permit approval and in order to preserve on-street parking, if the applicant proposes on-site parking, he/she is required to provide shared driveway(s) with 14-ft throats. If the applicant would like to request parking in another configuration, such as a shared driveway that is 18-ft in width between Parcel 2 and Parcel 3 (which would preserve 4 on-street parking spaces) or another configuration, the applicant is required to apply for and receive approval of a Driveway

Design Exception (DDE) for that configuration prior to Building Permit approval. The DDE form is available here: <https://www.portlandoregon.gov/transportation/index.cfm?&a=516159f> The applicant is advised that a DDE may require the City up to four or more weeks to review. With these requirements, the proposed development preserves on-street parking and loading to serve the proposed and existing development. A #19 bus stop is located approximately 0.3 miles from the proposed development. The Max Green Line is located approximately 0.1 miles from the proposed development. The proposed development will not negatively impact transit service or facilities, or safety for any mode. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

Street Classification & Code/Title 17 Requirements

1. TSP Classifications: At this location, the City's Transportation System Plan (TSP) classifies NE Glisan as a Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway, Community Corridor (design mode) and Local Service Street (freight). The TSP classifies NE 56th at this location as a Local Service Street for all modes.

2. Existing Improvements: At this location, NE Glisan is improved with a 50-ft paved roadway and 15-ft sidewalk corridor, in an 80-ft ROW. NE 56th is improved with a 28-ft paved roadway and a sidewalk corridor that appears to be 11-ft in width (4-6-1), in a 50-ft ROW. *Note: The information in this document is derived from City of Portland GIS data, which may be inaccurate. A survey will be necessary for accurate ROW information.*

3. Standard Improvements: At this location on NE Glisan, the *Portland Pedestrian Design Guide* recommends a 12-ft sidewalk corridor, to consist of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and 1.5-ft frontage zone. On NE 56th, the recommendation is an 11-ft sidewalk corridor, to consist of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and 0.5-ft furnishing zone.

4. Required Improvements: On NE Glisan: The existing sidewalk corridor at this location exceeds current City standards. Therefore, the reconstruction of the sidewalk and dedication is not required on NE Glisan in relation to the proposed development. On NE Glisan, prior to Building Permit approval, the applicant is required to reconstruct any segments of sidewalk that are in disrepair.

On NE 56th, the applicant is required to reconstruct the sidewalk corridor to comply with current City standards if necessary as a condition of Building Permit approval.

PBOT has no objection to the subject request.

Note: PBOT has not approved of the driveway configurations proposed by the applicant (as shown on the Public notice dated 11/28/17). As noted above, if the applicant proposes driveway access, he is required to provide a 14-ft wide shared driveway with a tapered throat on NE 56th that is compliant with current City standards, prior to approval of a Building Permit. Additionally, as a condition of Building Permit approval the applicant is required to construct improvements to current City standards. On NE 56th, the applicant is required to reconstruct the sidewalk corridor to comply with current City standards, as a condition of Building Permit approval. On NE Glisan, prior to Building Permit approval the applicant is required to reconstruct any segments of sidewalk that are in disrepair.

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 Lot 4, as noted on page 2 of this report.

There is no existing water service in NE 56th Ave to serves Lots 1-3. The nearest water service is located in NE Glisan St. The applicant must make arrangements to extend a new water main in NE 56th Ave to ensure service is available to Lots 1-3 In order to meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the Water Bureau prior to final plat approval. With this condition, the water service standards of 33.651 have been verified. Therefore, this criterion is met.

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 Lot 4, as noted on page 2 of this report.

There is no public sanitary sewer available in NE 56th Ave to serve Lots 1-3. The nearest available sewer is located in NE Glisan St. The applicant must obtain a public works permit to extend the public sewer to this site prior to final plat approval. With this condition, the sanitary sewer service standards of 33.652 have been verified. Therefore, 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.

The applicant has proposed the following stormwater management methods

Lots 1-4: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots 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 drywells.

Prior to final plat approval the applicant must submit a revised supplemental plan that depicts how the stormwater management requirements discussed in this memo will be addressed. Specifically, the supplemental plan must show conceptual development footprints and confirm that setback requirements listed in the Stormwater Management Manual will be met for all proposed stormwater management facilities. With the noted condition of approval, this criterion is met.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and 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 block on which the subject property is located meets the noted spacing requirements.

The site is within the Portland Master Street Plan for the Northeast District. No connection is called for in the master street plan.

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. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that three-additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided. Reconstruction of the sidewalk corridor along NE 56th Ave may be required in correlation with building permit submittal to meet current City standards.

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. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

Future Development

The current zoning has changed on the site from R1 (Multi-Family Residential) zoning to CM2 (Commercial Mixed Use 2) zoning. Since the land use application was submitted prior to the zone change it is vested under the R1 zoning designation, therefore this staff report will address the relevant approval criteria applicable in the R1 zone. However, since this proposal is a subdivision (more than 3 lots), the owner of the site can choose which applicable Zoning Code standards (R1 or CM2 zoning) they want to develop the site under at the time of building permit submittal.

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 adjacent to the site on NE Glisan St. via bus number 19. Bus number 19 provides peak-hour service meeting this requirement (Exhibit G.3). If future parking is proposed on Lots 1-4, the applicant must meet all applicable Transportation (PBOT) driveway access requirements at the time of building permit submittal that are in addition to the applicable Zoning standards.

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 regard to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

It should be noted that Fire Flow information was provided (attached) which estimates a estimated fire flow of 5,000 gallons per minute (GPM) which meet the Fire Bureau requirements of 1,000 GPM for homes which do not exceed 3,600 sq. ft.

CONCLUSIONS

The applicant has proposed a 4-lot subdivision, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: demolition of existing house, no parking currently proposed on the site due to sites which is allowed due to sites proximity to frequent transit, any future driveways proposed must meet Transportation (PBOT) requirements at the time of building permit submittal.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 4-lot subdivision, that will result in 4 lots for attached housing 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 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:

- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.

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

Utilities

1. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main in NE 56th Ave. The public sewer extension requires a Public Works Permit, which must be initiated and at a stage acceptable to BES prior to final plat approval. As part of the Public Works Permit, the applicant must

provide engineered designs, and performance guarantees for the sewer extension to BES prior to final plat approval.

2. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water main extension in NE 56th Avenue.
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.

Existing Development

4. A finalized permit must be obtained for demolition of the existing residence and detached structure 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.

Other requirements

5. The applicant must pay into the City Tree Preservation and Planting Fund [Private Property Trees – Planting and Establishment, fee in Lieu (per inch)] the amount equivalent to 8 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau. Payment must be completed prior to any tree removal, or prior to Final Plat approval, whichever would occur first.

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

1. Lots 1-4 must be developed with attached dwelling units per the R1 zoning.
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.

Staff Planner: Shawn Burgett

Decision rendered by:  **on September 19, 2018**

By authority of the Director of the Bureau of Development Services

Decision mailed September 21, 2018

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 June 2, 2017 and was determined to be complete on November 21, 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 June 2, 2017.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-

day review period, as stated with Exhibit (Exhibit A.4). Unless further extended by the applicant, **the 365 days will expire on: 11/21/18**

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on 10/5/18** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us .

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

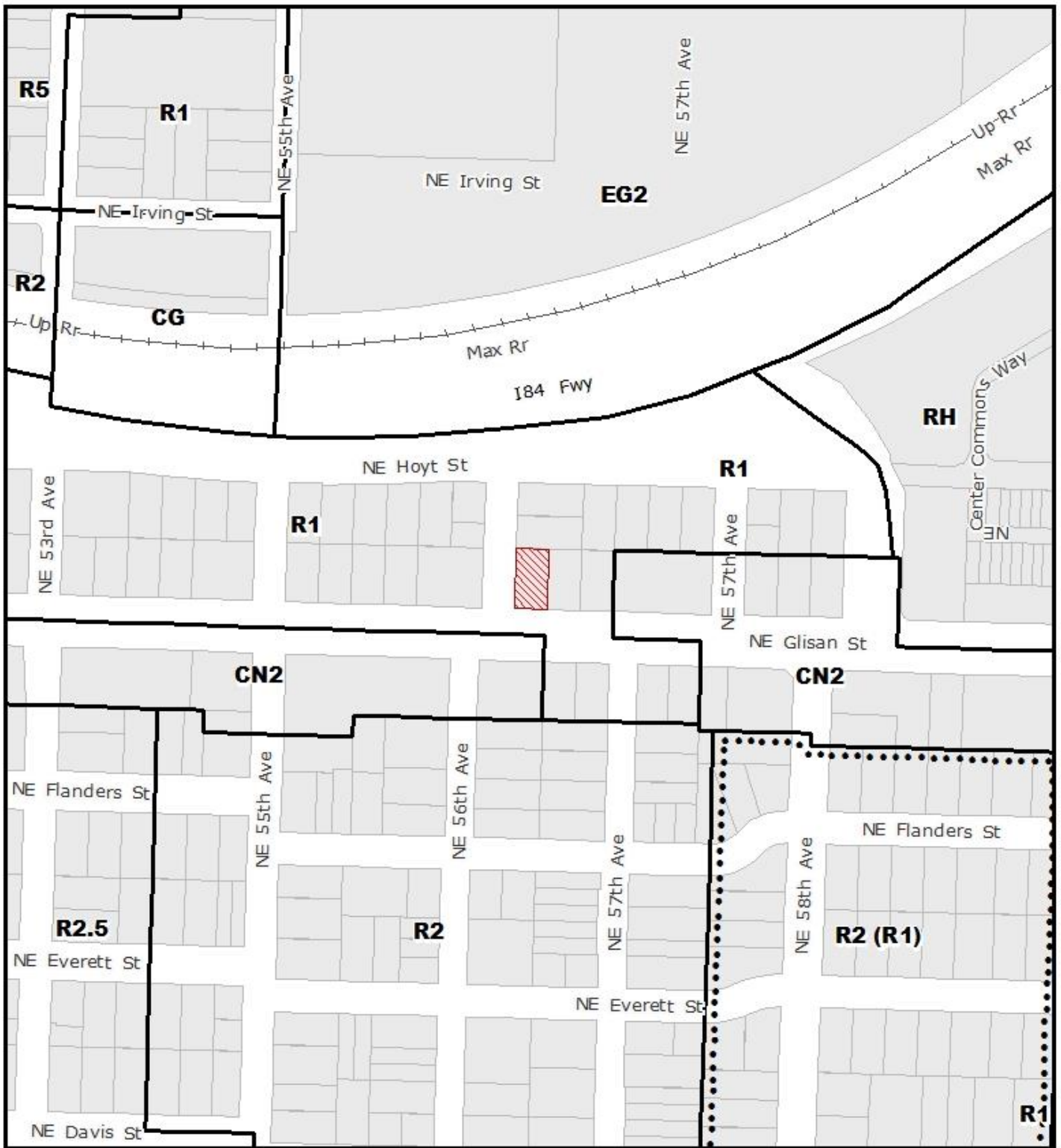
Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity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

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicants Narrative
 - 2. Early Neighborhood Notification info
 - 3. Expediated Land Division Acknowledgement
 - 4. 245-day extension to 120-day clock
 - 5. SIM form
 - 6. Site Plan submitted 11/21/17
 - 7. Arborist Report
 - 8. Fire Flow
 - 9. Applicant response to incomplete letter
 - 10. Site plan submitted 8/7/18
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing conditions survey
 - 3. Preliminary Plat
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety
- F. Correspondence: (None received)
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter dated 6/28/17
 - 3. Bus #19 Tri-Met schedule
 - 4. E-mail correspondence to applicant regarding tree on the site.

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

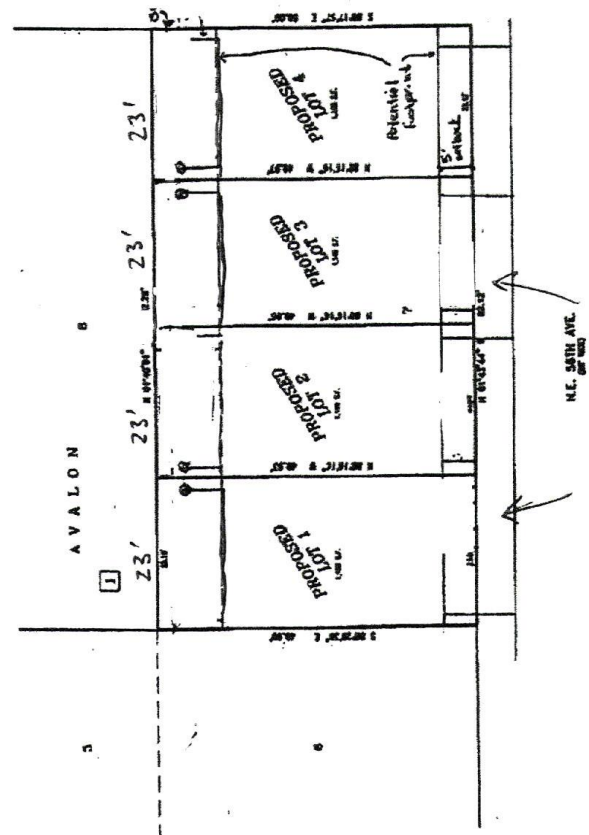
 Site

File No.	LU 17-179331 LDS
1/4 Section	2936
Scale	1 inch = 200 feet
State ID	1N2E31AC 8900
Exhibit	B Jun 07, 2017

BOOK PAGE
PROVIDENCE TOWNHOMES

A PLAT OF LOT 2, BLOCK 1, "AVALON"
 SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 31,
 TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE WILMAMETTE MERIDIAN
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 SURVEYED FEBRUARY 17, 2017
 AND NO. 17-033 AUTHORITY: ORS 216.010

PRELIMINARY PLAT

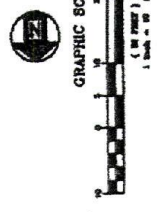


LEGEND

- - SUDS NUMBER, "AVALON"
- 7 - LOT NUMBER, "AVALON"
- 23' - SQUARE FOOT

23' - drywall - Must meet all
 BES requirements

N.E. OLESON ST.



Planner Note: No On-Site parking approved!
 Parking not required. If
 On-Site parking is proposed in
 Correlation with building permit,
 applicant must meet PBOT requirements.

LU 17-179331 LDS

CASE NO. 17-179331
 EXHIBIT C-1