



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: August 15, 2016
To: Interested Person
From: Sean Williams, Land Use Services
503-823-7612 / Sean.Williams@portlandoregon.gov

NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 15-263198 LDS

GENERAL INFORMATION

Applicant: Nathan Arnold
Faster Permits
14334 NW Eagleridge Lane
Portland, OR 97229

Owners: Dean & Vada Grimsrud
8107 N Wabash Avenue
Portland, OR 97217-6041

Site Address: 8020 N Seward Avenue

Legal Description: BLOCK 1 LOT 8, HERLEN CT
Tax Account No.: R377800170
State ID No.: 1N1E08DA 18400
Quarter Section: 2226
Neighborhood: Kenton, contact Webly Bowles @ weblybowles@gmail.com
Business District: Kenton Business Association, contact Mo Bachman @ info@kentonbusiness.com

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: None
Zoning: Residential 5,000 (R5) w/ Alternative Design Density Overlay (a)
Case Type: Land Division Subdivision (LDS)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to subdivide the subject property into four lots ranging in size from 3,094 to 6,513 square feet. Lots 2-4 are considered narrow lots as the proposed widths are less than the minimum standard for the zone of 36-feet and therefore must meet the regulations of 33.610.200.D.2.

A sanitary sewer extension is proposed within N Seward Avenue to serve the lots. Stormwater management is proposed via individual infiltration facilities. Sidewalk improvements will be required along the site's frontage. A 20-inch English walnut will be retained for compliance with tree preservation requirements.

This subdivision proposal is reviewed through a Type IIx 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).

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones**.

FACTS

Site and Vicinity: The site is located on N Seward Avenue approximately 360 feet north of N Winchell Street. Existing development consists of a detached single family home that will be removed as a part of this review. An existing driveway located in a 14 foot wide access easement (Book 1469, Page 973) that serves 8107 N Wabash Avenue is located along the western property boundary. Development in the vicinity is primarily composed of single family homes with an R5 zoning designation.

Infrastructure:

- **Streets** – The site has approximately 118 feet of frontage on N Seward Avenue. There is one driveway on the southern end of the lot that serves the existing house and one driveway on the northern end of the lot that serves the adjacent lot to the north (8107 N Wabash Avenue). At this location, N Seward Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 630 feet north of the site on N Willis Boulevard via Bus #35. At this location, N Seward Avenue is improved with an approximate 25 foot wide paved roadway surface and curb only within a 50 foot wide right-of-way.
- **Water Service** – There is an existing 6-inch CI water main in N Seward Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch concrete combined sewer main in N Seward Avenue to the west of the subject site (as-built #01863) and a 10-inch concrete combined sewer main in N Seward Avenue to the south of the site (as-built # 1517). There is no public sewer available along the site's N Seward Avenue frontage.

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.

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 **January 8, 2016**. Three written responses (Exhibits F.1-3) have been received from notified property

owners in response to the proposal. Concerns relevant to this proposal identified in the written responses include density and transportation impacts.

Staff Response: Some of the letters expressed concern over the amount of density proposed. As addressed in findings associated with criteria for lots, the minimum density, as determined by the R5 zone, is 3 lots and the maximum density is 4 lots. All other lot dimension requirements are satisfied. The unusual shape of the land division site dictated that Lots 2-4 be created as narrow lots as they are slightly narrower than the minimum lot width standard. However, it was determined that these lots may be reduced below the minimum requirement based on compliance with applicable regulations.

The other primary concern related to transportation impacts. The Portland Bureau of Transportation (PBOT) has evaluated transportation impacts as a part of this proposal. Under findings associated with this criterion, PBOT didn't find there to be any neighborhood impacts or safety issues as a result of the proposal due, in part, to the requirement to improve the site's frontage with pedestrian facilities (sidewalks), which will reduce conflicts with other modes of transportation. PBOT also determined that on-street parking impacts would be minimal as a result of this proposal. Further, upon visiting the site, albeit not during a time of peak parking demand it was apparent that a large supply of on-street parking was available to this neighborhood.

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	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	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian	There are no pedestrian connections proposed or

	Connections	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. The applicant is proposing to create one standard lot (Lot 1) and three narrow lots (Lots 2-4). The minimum and maximum density for the site is as follows:

Minimum = $(19,646 \text{ square feet} \times .80) \div 5,000 \text{ square feet} = 3.14$ (which rounds down to a minimum of 3 parcels, per 33.930.020.A.2)

Maximum = $19,646 \div 5,000 \text{ square feet} = 3.92$ (which rounds up to a maximum of 4 lots, per 33.930.020.B.2)

The required and proposed lot dimensions 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
Lot 1	6,513		38.53	99	30
Lot 2	5,753		34.09	120	31.60
Lot 3	3,830		34.08	88	31.60
Lot 4	3,094		34.23	74	31.60

* 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.

Narrow Lots

Lots 2-4 are approximately 34 feet wide, which is narrower than the minimum width for the Residential 5,000 (R5) zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of Section 33.610.200.D:

a. On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations.

The lot dimension regulations ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private

outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

The applicant has demonstrated that proposed Lots 2-4 are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided site plans that show required setbacks, proposed vehicle access, utilities, and tree preservation. These plans are sufficient to demonstrate that Lots 2-4 can accommodate a reasonably sized house and garage that is oriented to the street while meeting the development standards of the zoning code;
- Lots 2-4 are not large enough to be further divided to exceed maximum density in the future;
- The applicant has provided a Preliminary Utility Plan (Exhibit C.4) that demonstrates that each lot has access for utilities and services;
- The proposed lots are compatible with existing lots as demonstrated by the presence of as many as 17 narrow lots in the two adjacent lots northwest of the site;
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street.

a. The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet

Each lot is at least 25 feet wide and the applicant is proposing to develop detached houses.

b. If the lot abuts an alley, then vehicle access is allowed only from the alley

The site does not have access from an alley, so this standard does not apply.

c. Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development

Lots 2-4 each measure approximately 34 feet in width at the minimum 10 foot front building setback, which would allow for at least a 24 foot wide house considering the minimum side building setback of 5 feet. Therefore, Lots 2-4 can be built with a house that is greater than 22 feet in width and will be able to accommodate a garage that will occupy no more than 50% of the length of the street facing façade. The garage limitation standards of Subsection 33.110.253.E can be met.

d. 60 percent landscaping requirement for attached houses

The applicant has indicated that the lots will be developed with detached houses; therefore, this requirement does not apply.

e. If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.

Parking is required. Therefore, alley access and the garage limitation requirements described above must be met.

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

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

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

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

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

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

In order to identify which trees are subject to these requirements, the applicant provided an Existing Conditions Plan (Exhibit C.2) that shows the location and size of trees on the site. The applicant also provided an arborist report (Exhibit A.2) 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, 5 non-exempt trees, which provide a total of 81 inches of tree diameter, are subject to the preservation requirements of this chapter.

The applicant has proposed to retain Tree #9 (20-inch English walnut) on Lot 2. Tree #9 represents the only tree that is 20 or more inches in diameter and 24% of the total tree diameter on the site. Preservation of this tree complies with Option 1 of the Minimum Tree Preservation Standards (33.630.100), which requires preservation of all of the trees that are 20 or more inches in diameter and at least 20 percent of the total tree diameter on the site.

The tree proposed for preservation is in good condition, is a non-nuisance species, and is the only tree that is 20 or more inches in diameter. The proposed root protection zone for the tree to be retained will allow for the type of development anticipated in the R5 zone and will not conflict with any existing utility easements, proposed services or site grading.

In order to ensure that future owners of the lots are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Lot 2 must be carried out in conformance with the Preliminary Grading and Erosion Control Plan (Exhibit C.5) and the Arborist Report (Exhibit A.2).

Subject to the conditions noted above, 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. The one tree proposed for preservation, a 20-inch English walnut, is located on Lot 2 in an area that should not conflict with future development based on the Arborists recommended root protection zone and Title 11 tree protection. 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. 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. 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, sewer capping, and decommissioning of the septic system prior to final plat approval. With this condition, 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 applicant has not proposed any easements. However, it appears from submitted plans that the proposed curb cut location adjacent to Lots 3 and 4 would necessitate an access easement on these lots. If at the time of Final Plat it is determined that an easement is required for Lots 3 and 4, based on conceptual driveway locations to be shown on a supplemental plan, the following shall be provided for this land division:

- A Reciprocal Access Easement to allow shared use of a driveway that will straddle proposed lot lines.

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 if an easement is required. 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 conditions of approval discussed above, this criterion is met.

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

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

Vehicle Access/Loading

The new lots will have a driveway to provide access to parking and loading.

On-Street Parking Impacts

The new lots will have at least one on-site parking space with an additional space between the garage and the front property line. Impacts to the on-street parking supply should be minimal.

Availability of Transit

Tri Met Bus Line #35 is available to serve the site 1/4 mile away at N Willis and N Wabash.

Neighborhood Impacts

The site is being developed with three new single-family residences in compliance with the existing R5 zoning. In addition, standard frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles.

Safety for All Modes

The applicant is required to provide pedestrian facilities along the site's frontage. Given the low vehicle speeds and volumes on N Chase and N Seward, cyclists and pedestrians can safely share the roadway. The configuration of the loop road and narrow roadway works to reduce vehicle speeds. With the exception of deliveries, service vehicles and guests, this loop road serves only local residents who are familiar with the use of the road by pedestrians and other modes of travel.

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. Requirements for frontage improvements on N Seward Avenue are described in findings associated with chapter 33.654, below. 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
The Water Bureau has indicated that service is available to the site from the 6-inch CI water main in N Seward Avenue, as noted on page 2 of this report. There is a 5/8-inch metered water service from this main that may potentially be used for Parcel 2. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1
There is no public sanitary sewer available in N Seward Avenue along the site's frontage. The nearest available sewer in N Seward Avenue is an 8-inch concrete combined main approximately 40 feet west of the site. The applicant has achieved concept approval of a public works permit (#EP240) for a sewer extension to serve Lots 1-4. Therefore, prior to final plat approval BES will require approved plans, a financial guarantee, receipt of all outstanding fees, and a signed permit document. Subject to the conditions noted above, this criterion is met.
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 submitted Infiltration Testing (Exhibit A.3) and a Simplified Approach stormwater report (Exhibit A.4) to address this criterion and has proposed the following stormwater management methods: <ul style="list-style-type: none"> • Public Street Improvements: As a condition of this land use approval, the Bureau of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier 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.

- **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 applicants proposed method of stormwater management but requires that a supplemental plan be submitted, prior to Final Plat approval that includes conceptual building footprints and driveway locations to ensure that required setbacks from stormwater facilities can be met.

Subject to the condition noted above, this criterion is met.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The Portland Bureau of Transportation has provided the following evaluation of connectivity for this proposal (Exhibit E.2):

While a street or pedestrian connection to N Halleck or N Wabash would be desirable, the surrounding lot pattern and lack of additional development potential prohibits providing through street connections.

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

At this location, N Seward Avenue is improved with an approximate 25 foot wide paved roadway surface and curb only within a 50 foot wide right-of-way. There is no planter strip or sidewalk. 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 sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. No right-of-way dedication is necessary to accommodate the improvements. However, the applicant is voluntarily providing a 3 foot dedication to create lots with a wider street frontage to provide adequate room of standard driveway approaches. With those improvements, the proposed lots 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 sidewalk improvements are made, and the 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 this lot, the applicant should take note of:

- Narrow Lots-- development on Lots 2-4 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.2 times the width of the structure, per 33.110.215.B.2; and
 - Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.E.3.a
 - Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b. Detached dwelling units are not permitted on lots that are less than 25 feet in width.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 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 fire flow/water supply, addressing, and aerial fire department access roads. These requirements are based on the technical standards of Title 31 and 2014 Oregon Fire Code (Exhibit E.4).
- The applicant must meet the requirements of Urban Forestry for street tree planting in the new planter strip to be constructed with frontage improvements. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 4 lot subdivision, as shown on the attached preliminary plans (Exhibits C.1-5). 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 the creation of narrow lots, tree preservation, Services/utilities, and right-of-way improvements. 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 one standard lot (Lot 1) and three narrow lots (Lots 2-4) as illustrated with Exhibits C.1-5, 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:

- 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;
- Conceptual building footprints, driveway locations, and stormwater management facilities;
- 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 N Seward Avenue. The required right-of-way dedication must be shown on the final plat.
2. If the Supplemental Plan shows a shared driveway for Lots 3 and 4, a Reciprocal Access Easement shall be shown and labeled on the Final Plat, located on the common property line of these lots. 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.5 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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

1. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main in N Seward Avenue. 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 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.
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. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on Exhibit


C.5 and as required by condition D.1. All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A.2).

4. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the septic system on the site.
5. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Lot 2. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

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

1. Development on Lot 2 shall be in conformance with the Preliminary Grading and Erosion Control Plan (Exhibit C.5) and the applicant's arborist report (Exhibit A.2). Specifically, tree number 9 (20-inch English walnut) is required to be preserved, with the root protection zone indicated on Exhibit C.5 and as required by Title 11. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his/her supervision.
6. The applicant shall meet the requirements of the City Engineer for right of way improvements and street tree planting along the site's N Seward Avenue frontage. The required sidewalk and street tree planting must be installed with development on each lot as per the City Engineer's discretion.
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: Sean Williams

Decision rendered by:  **on August 11, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 15, 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 November 10, 2015, and was determined to be complete on December 30, 2015.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 10, 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, as stated with Exhibit A.5. Unless further extended by the applicant, **the 120 days will expire on: September 5, 2016.**

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 29, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

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

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final

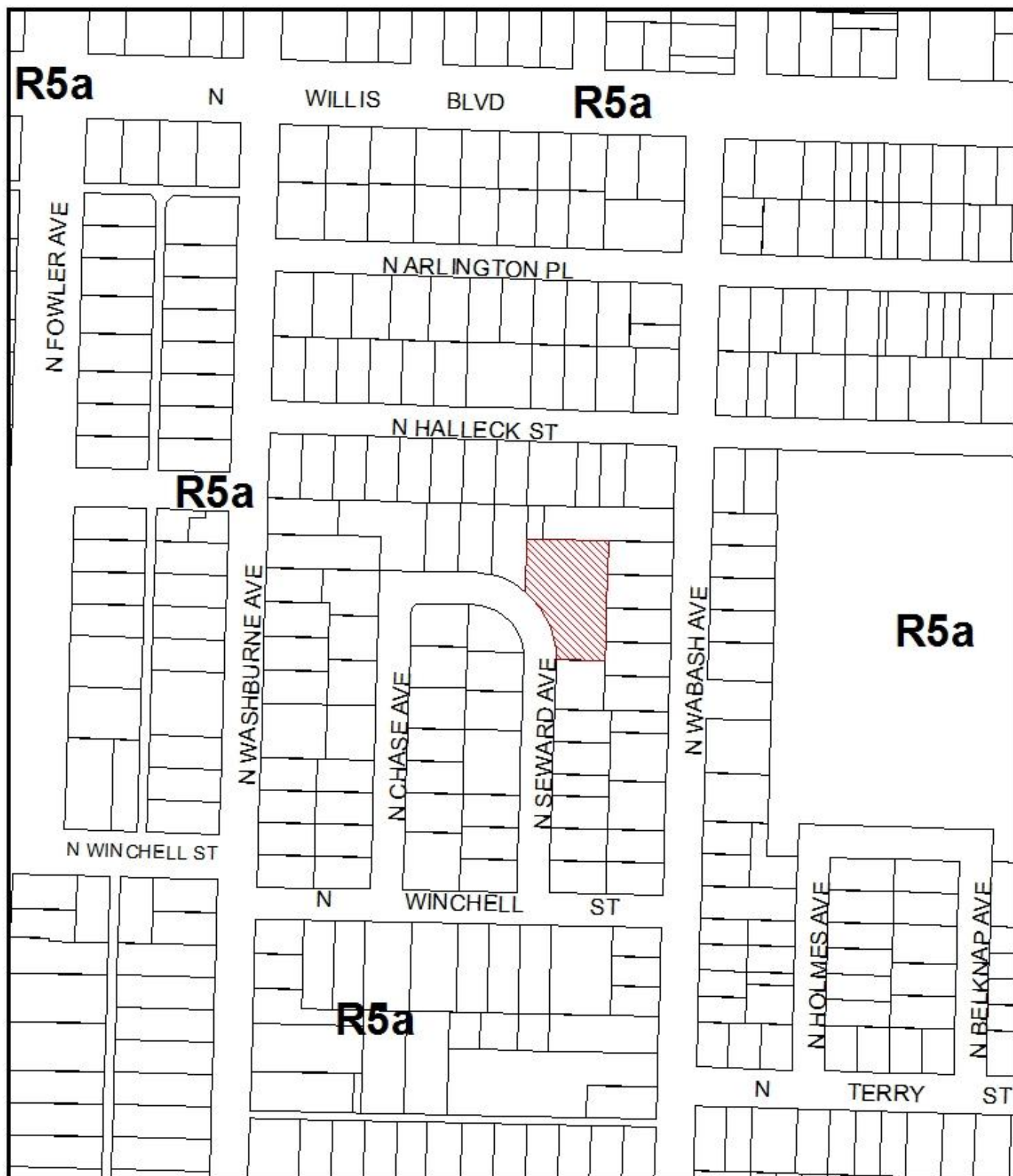
plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Arborist Report
 - 3. Infiltration Testing Results
 - 4. Simplified Approach Stormwater Report
 - 5. Request for Extension of 120-Day Review Period (3/22/16 & 6/10/16)
 - 6. Neighborhood Contact
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Coversheet
 - 2. Existing Conditions
 - 3. Preliminary Plat (attached)
 - 4. Preliminary Site/Utility Plan (attached)
 - 5. Preliminary Grading and Erosion Control Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services w/ Addendum
 - 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 Plans Examiner
- F. Correspondence:
 - 1. Susan and Daniel Karr (2/5/16)
 - 2. Marcos Davila (2/8/16)
 - 3. Tracy McFarland and Daniel Luce (2/8/16)
- G. Other:
 - 1. Original LU Application
 - 2. 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).

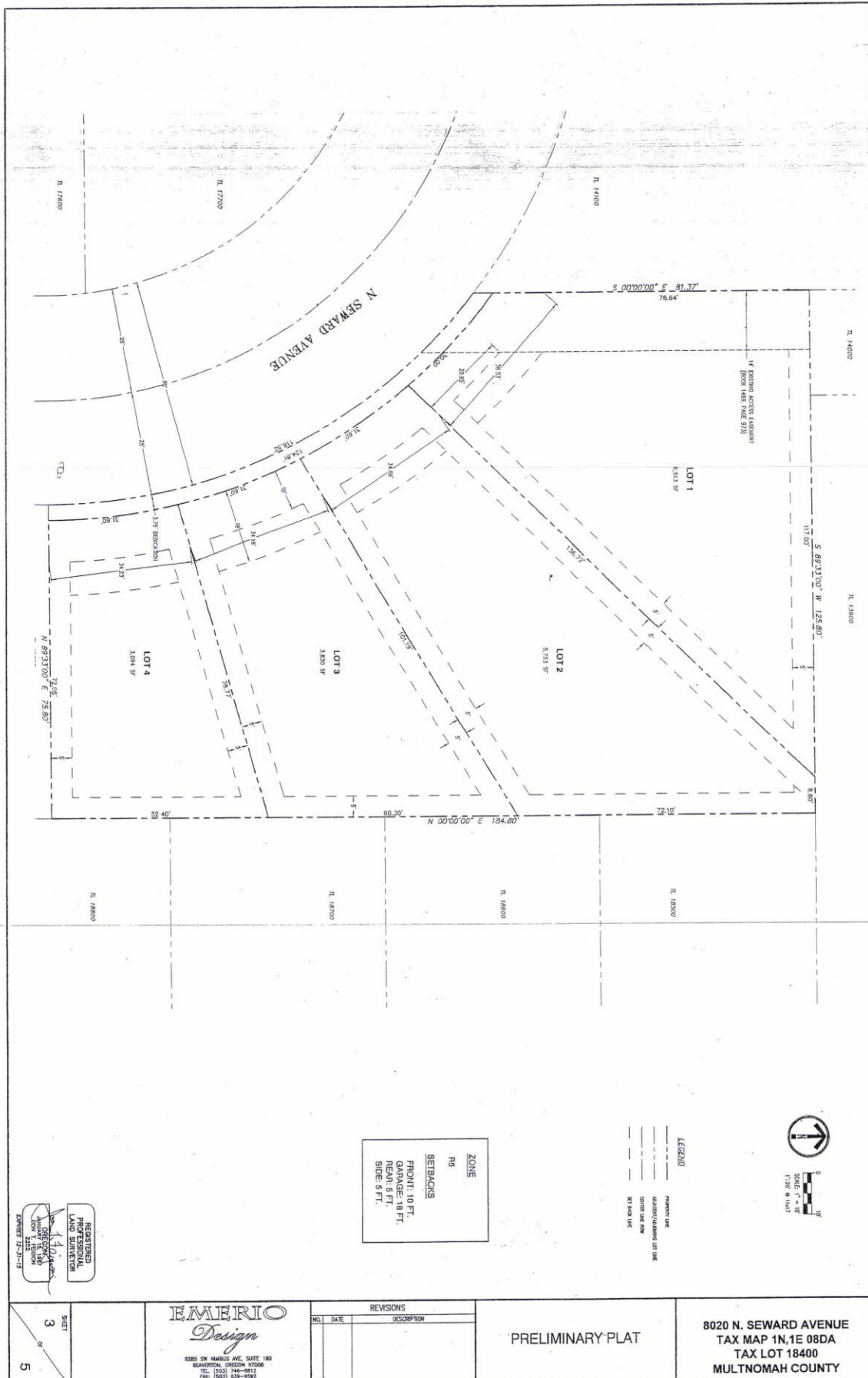


ZONING



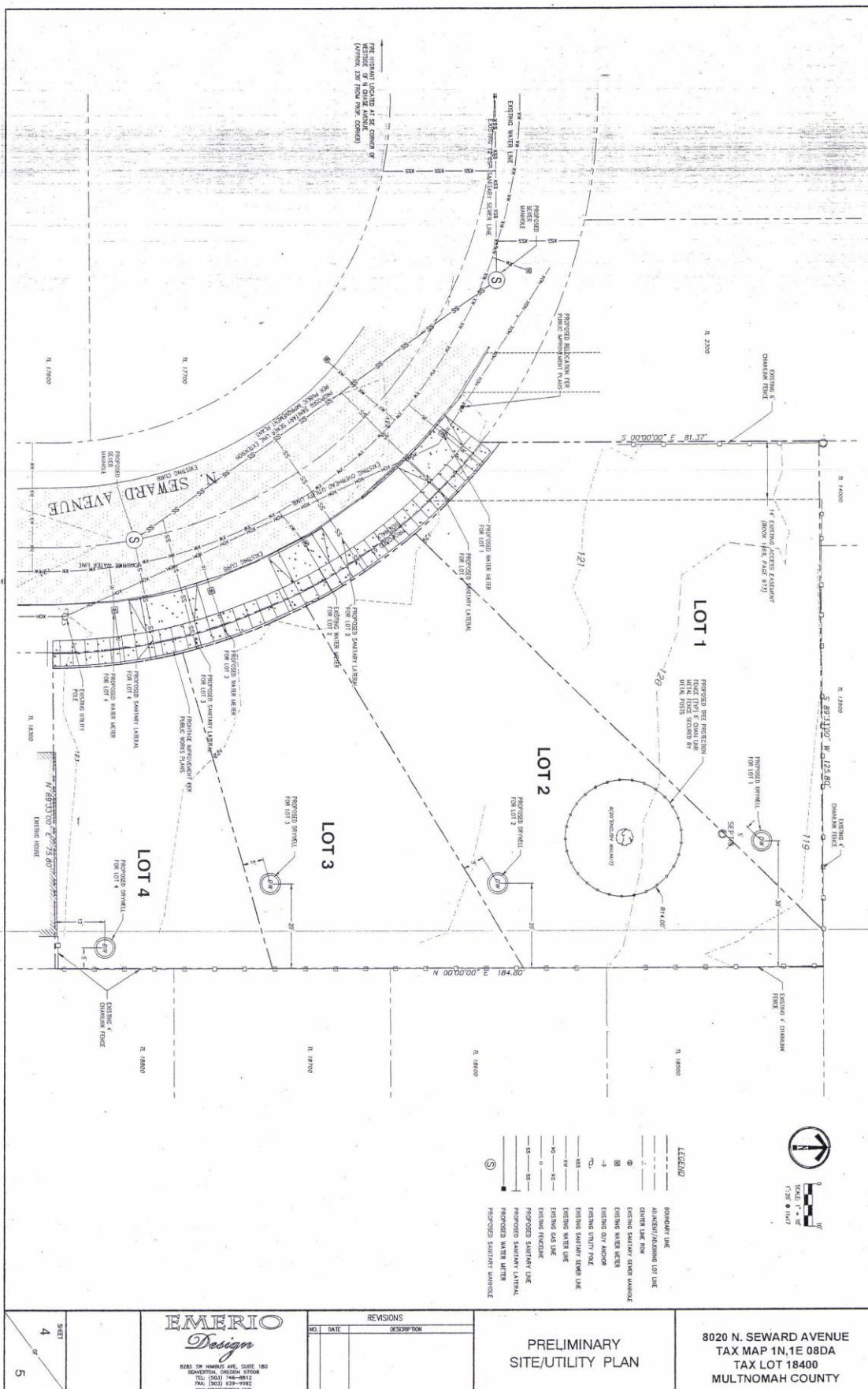
 Site

File No. LU 15-263198 LDS
 1/4 Section 2226
 Scale 1 inch = 200 feet
 State_Id 1N1E08DA 18400
 Exhibit B (Nov 13, 2015)



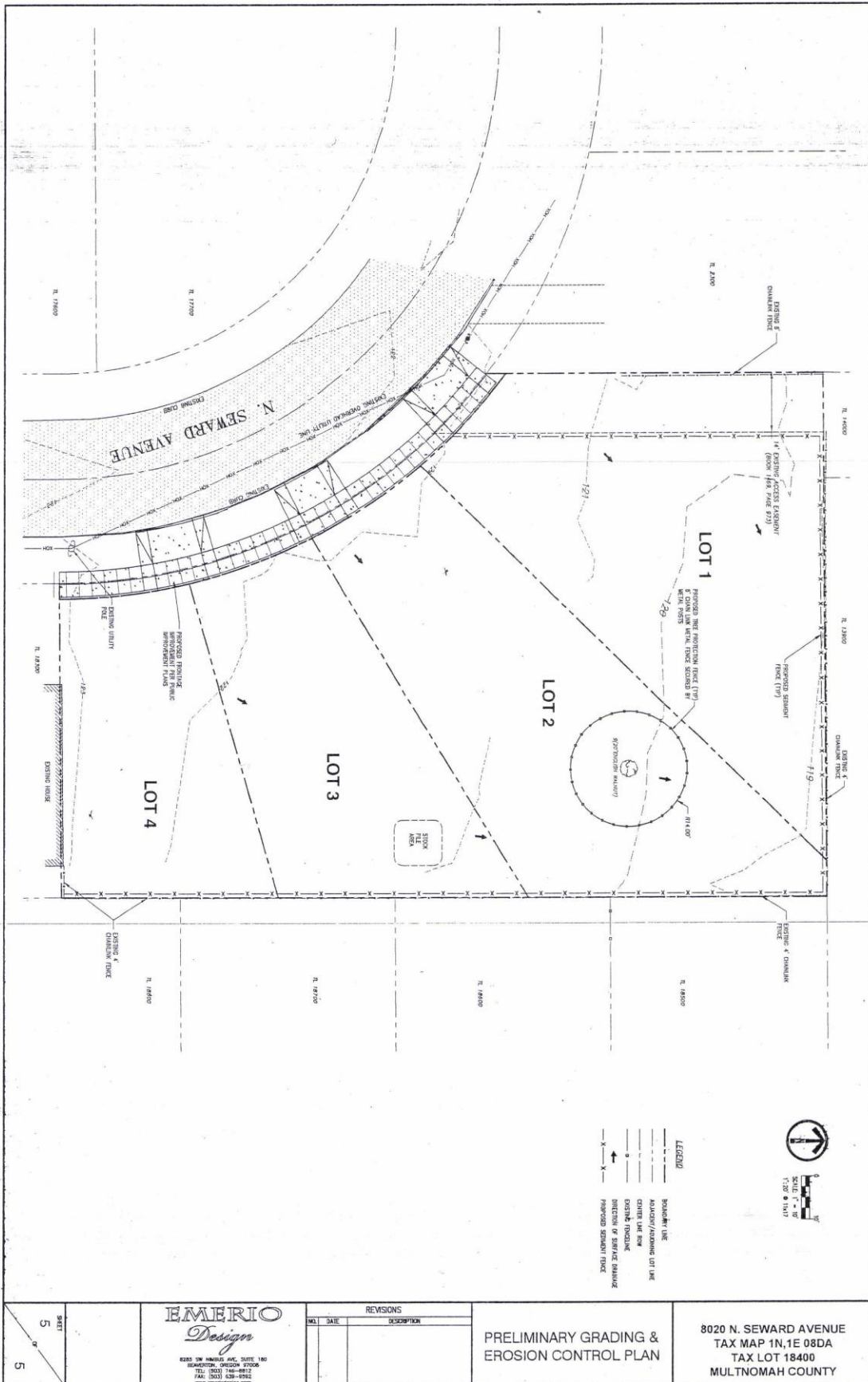
CASE NO. 15-263198
EXHIBIT C-3

CASE NO. 15-26395
EXHIBIT 4



SHEET 4 OF 5	EMERIO Design 8285 SW HANCOCK AVE., SUITE 180 BEAVERTON, OREGON 97008 TEL: (503) 746-8812 FAX: (503) 746-8812 WWW.EMERIODSIGN.COM	REVISIONS NO. DATE DESCRIPTION	PRELIMINARY SITE/UTILITY PLAN	8020 N. SEWARD AVENUE TAX MAP 1N, 1E 08DA TAX LOT 18400 MULTNOMAH COUNTY
		NO. DATE DESCRIPTION		

CASE NO. 15-26398
EXHIBIT C-5



FILED: P:\227-022 8020 N. Seward Ave\15\Plan\227-022_02.dwg, Layer: 000, Plot Date: 12/21/2015 4:34 PM, by: Kyoung Han