



**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  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

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## BDS – Early Assistance Summary Memo

**Date:** February 24, 2016

**To:** GEORGE ZIFCAK,  
6838 SE BELMONT ST  
PORTLAND, OR 97215-2142

ISABELLE ZIFCAK,  
6838 SE BELMONT ST  
PORTLAND, OR 97215-2142

**From:** Anne Pfaff, Development Services Technician

**Case File:** **EA 16-102458**  
Early Assistance Application for Project Site Located at 6838 SE BELMONT ST, R283095

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Please find attached project specific comments related to your Early Assistance application for the property identified above.

This Early Assistance Summary is neither a land use review nor a final decision regarding the proposed project. The information has not been supplemented or independently verified. Additionally, no site visit was conducted, notice was not provided to neighbors, and a full plan check of applicable development standards was not completed.

If you have questions about issues identified in the attach memo(s), please contact the representative identified in the memo. Please note that these comments are based on the information submitted at the time of application. If you have questions regarding the proposal beyond those covered in this summary report, or if your proposal changes in scope or configuration and you have additional questions, an additional early assistance application and review must be requested in order to get responses.

Please note that the included comments do not address building code issues per the Oregon Structural Specialty Code. This code may have an impact on your proposed design, especially regarding windows or projections that are close to property lines that are not along a public right of way. For early assistance with building code related items, you may request a separate **Life Safety Preliminary Meeting**. Additional information is included in the request packet located online at <https://www.portlandoregon.gov/bds/article/94545>.



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## BDS – Early Assistance Land Use Planner Response

**Date:** February 18, 2016  
**To:** GEORGE ZIFCAK  
6838 SE BELMONT ST  
PORTLAND, OR 97215-2142  
**From:** Stephanie Beckman, City Planner  
503-823-6979, [Stephanie.Beckman@portlandoregon.gov](mailto:Stephanie.Beckman@portlandoregon.gov)  
**Case File:** EA 16-102458  
**Location:** 6838 SE BELMONT ST  
**Property ID:** R283095  
**Proposal:** Proposal for a 9 lot land division with a private street tract

### Limitation

This letter serves as a summary of the information we discussed at the Early Assistance appointment on February 3, 2016, and is intended to highlight preliminary requirements and next steps. This summary is advisory and preliminary in nature, and is neither a complete land use review nor a final decision regarding the project. This summary is based on the preliminary information you provided BDS staff. I have not supplemented or independently verified this information. Additionally, no site visit was conducted, notice was not provided to neighbors, and a full plan check of applicable development standards was not completed. Any future land use review application for your proposed project must include the necessary plans, elevations, detail drawings, a narrative addressing the approval criteria, and fees.

The information provided at your appointment was based on the current Zoning Code. It is possible that the code could change before you apply and those changes could affect your proposal. Your land use review application will be reviewed based on the Zoning Code in effect when you submit your application.

**Summary of Proposal:** 9 lot land division with private shared court street. 5 lots are proposed for mixed use development. 4 of the lots are proposed for single-dwelling development (attached houses). Questions were also asked about a 4 lot land division with garages/dwelling units in the rear and multi-dwelling development.

**Zoning:** The site is zoned CN1 – Neighborhood Commercial 1

**Relevant Land Use History:** No relevant land use history has been identified.

### A. Key Issues Applicable to this Project/Site:

- **Approvability and Options to Consider:** At the meeting, we discussed concerns about the approvability of your proposal due to the use restriction on shared courts and the potential number of adjustments that

would be needed for the development proposal. After further review and discussion, I can offer this additional feedback:

- Staff could potentially support an Adjustment to the standard limiting lots with frontage on a shared court to single-dwelling or duplex development (33.654.120.G.2.c) if the project was redesigned so that the residential units are oriented to and fully embrace the shared court as their main entrance and common space. This would involve reorienting the southern units to have a real main entrance on the shared court, bringing the entrances to the northern units closer to the shared court, and making modifications to size and location of garages to reduce their dominance along the shared court. You would also need to make changes to the design to meet other shared court standards and standards of the base zone, as discussed above. In addition, you would need to demonstrate that the shared court would only serve the residential portion of the development, not the retail. These modifications would be necessary in order to meet the approval criteria for the Adjustment (33.805.040)
  - You may want to consider a combination of an alley in the general location of the shared court and a common green along the southern property line. This would allow you to develop the site more closely to how you had anticipated. A common green is a pedestrian-only street that would be located in a separate tract and improved with landscaping and a pedestrian walkway. The minimum width for a common green is 15 feet, however there is also a requirement for a 400 sf area of grassy area, play area or dedicated gardening space, with a minimum dimension of at least 15 feet at narrowest point. The “grassy area” cannot include the required path serving the units. A good landscape buffer along the southern property line adjacent to the R5 zoned house would also be expected. For this option to work, it appears as though it may be necessary to reduce the number or size of the lots proposed in the southern portion of the site. The private alley would also need to be within a separate tract ranging between 16 and 20 feet wide. There must be 20 feet of backing distance between the garage entrance and the opposite side of the alley. See the Administrative Rule referenced below for requirements for common greens and alleys and Zoning Code Sections 33.654.120.D. and F. for additional requirements. The common green is a street, therefore all development standards related to streets would apply along that frontage. Alleys are not streets, no setbacks are required.
  - You are strongly encouraged to discuss your proposal with a Plans Examiner at a Life Safety Preliminary Meeting before you get further along with your development plans. Based on preliminary discussions there could be building code issues related to the commercial development. You should make sure they understand that you intend to divide the land and sell each lot/unit separately. More information about those meetings is available here: <http://www.portlandoregon.gov/bds/article/94545>
- **Lot Area and Dimensional Requirements:** In the commercial zones, there are no dimensional standards except for a minimum 10-foot long front lot line. However, you must submit enough information about the proposed uses on each lot to be able to demonstrate that the proposed size, shape, and configuration of each lot is appropriate for the existing or anticipated uses. In this situation, if the proposed development does not meet a number of development standards (see below), the appropriateness of the proposed lots may be brought into question.
  - **Private Street requirements:** Technical standards for private streets, alleys, shared courts, and common greens are administered through the Site Development Section of BDS. See the Administrative Rule for Private Rights of Way available online: <https://www.portlandoregon.gov/bds/42386>. There are also Zoning Code standards and criteria that relate to the private streets in 33.654.
    - Issues that have been identified are described below. In general, shared courts are intended to serve single-dwelling development and act as an amenity to the site. They must include special paving, traffic calming and amenities.
    - See Zoning Code section 33.654.120.G for approval criteria and standards for shared courts that will need to be addressed. In particular, please note:
      - The proposal does not comply with requirement that lots with a front lot line on a shared court be developed with single-dwelling or duplex development (33.654.120.G.2.c). The mixed use lots fronting Belmont would be through lots with frontage on SE Belmont and the shared court. Through lots have two front lots. In addition, the front lot line for the mixed use lot fronting SE

- 69<sup>th</sup> would also have its front lot line on the shared court. Because these are proposed for mixed use development, a shared court is not allowed (see above for discussion of the approvability of an Adjustment to this standard).
- As drawn, the proposal does not comply with the requirement to have 250 sf of grassy area, play area or gardening space. There is a note on the plans, however adding this area at the end of the shared court would likely conflict with vehicle maneuvering space for the western-most lots.
  - You should also note that the Fire Bureau must approve the land division for emergency access. This means you will need to show adequate width and turning radius for any areas intended to serve as a fire accessway.
  - See Administrative Rule Section III.K for special standards for shared courts. In particular you should note the requirements for a clear zone and amenity zone, options for shared court amenities (in addition to the 250 sf grassy area described above) and traffic calming measures. Also see Figures 12 and 16-18 and Templates 7-9. A handout: “General Site Development Information about Shared Courts” is also attached.
  - Some parking could be required within the shared court. Your application will need to provide a parking analysis (public and private streets) to determine the on-street parking needs for the development.
- **Tree Preservation:** It appears as though the tree preservation requirements of Chapter 33.630 will apply to your site. The requirements are described below:
    - You will need to work with an arborist to identify the size, species and condition of the trees on your site, and to have a preservation plan prepared. The arborist should use the survey (with tree locations) to ensure the trees are shown in the correct location on the site. It is important for the arborist to not only identify the trees on the site, but also the root protection zone for the trees to be saved. They should also review your development plans (utility, grading, house footprints) to identify any potential conflicts.
    - Some trees on your site may be exempt from the preservation standards based on the size, species, condition or location of the tree (see 33.630.030).
    - There are six different options to meet the minimum tree preservation standards. In general, if you preserve large trees, 20 or more inches in diameter, you can preserve less tree diameter overall (see 33.630.100). The calculations must include all trees completely or partially on the site that are not exempt under 33.630.030.
    - The tree preservation plan must also comply with the approval criteria listed in 33.630.200. Additional trees beyond the minimum standards may be required to be preserved in order to meet the criteria. The criteria prioritize preservation of healthy, native or non-nuisance trees that are 20 or more inches in diameter and tree groves. Trees must be suitable for preservation based on their health, condition and potential construction impacts.
    - Mitigation is allowed in lieu of preservation if the criteria, which consider zoning and intensity of development proposed, however you are encouraged to explore options to save existing trees particularly on the perimeter of the site. If mitigation is allowed, it would most likely take the form of a payment into the tree fund, due to limited space for planting on the site (and the number of trees that would already be required by other standards).
    - Your application is also required to address trees in adjacent rights-of-way and indicate trees that will be protected or removed, as well as potential impacts and protection methods for trees on adjacent sites.
    - Please refer to the tree preservation handout available on-line at: <http://www.portlandonline.com/shared/cfm/image.cfm?id=72545>.
- **Grading:** Grading will be required to develop this site for installation of the private street, extension of utilities and provision of stormwater management facilities. A preliminary grading plan will be required with the land division application that identifies proposed contour changes, stockpile areas, and the overall square footage of area to be graded. The grading plan must show the root protection zones of trees to be preserved. Please show proposed retaining walls.

- **Development Standards:** A number of issues have been identified with development standards. In general, you should note that the shared court is a street and therefore, all standards related to that frontage apply. The lots to be developed with retail on the groundfloor would not be considered attached houses under the zoning code. They would be considered mixed use development. The standards will apply to each individual lot (not the site as a whole). The following issues have been identified:
  - Maximum building coverage (85% allowed, 33.130.220) - Appears to be exceeded on some of the northern lots. Building coverage is based on the lot area only. You should note that 33.130.220.B.1 has provisions allowing individual attached houses to exceed the base zone standard by 5%. This would not apply to the mixed use lots.
  - Minimum landscaped area (15% required, 33.130.225) – Applies to mixed use lots. Does not appear to be met on most lots.
  - Landscaped setbacks adjacent to R5 (5 feet of L3 required, Table 130-4). Applies to all lots that abut the R5 zone. This does not appear to be met along the southern property line.
  - Ground floor windows (33.130.230) – Applies to ground floor street-facing facades (without residential units). Does not appear to be met on southern lot (MU4-1B) facing SE 69<sup>th</sup>.
  - Residential main entrance (33.130.250.C) – Applies to attached houses (T1-4). Requires main entrance to face the street, in this case the shared court.
  - Street facing facades (15% in windows or main entrance doors, 33.130.250.D) – Applies to all lots, all street-facing facades. Unclear if this is met on facades facing the shared court.
  - Length of street facing garage wall (33.130.250.E.3) – Applies to attached houses (T1-4). Length of garage wall facing the street (shared court) may be up to 50% of the length of the building. There is an exception allowing up to a 12' wide garage if certain standards are met. The proposal shows the full 16' wide first floor being occupied by garages.
  - Garage entrance setback (33.130.250.E.5) – Applies to attached houses (T1-4). Garage entrance must be 5' or closer to the street (shared court) or 18' or farther from the street. The proposal shows the garage entrance at approximately 8' from the shared court.
  - Bike parking (33.266.200-220) – Applies to mixed use lots. No long term bike parking is required on sites where there is less than 2,500 square feet of gross building area. A minimum of two short-term bike parking spaces are required for retail uses. This would apply to each lot. There is an option to pay into a fund if it is not possible to accommodate the spaces on site.

## B. Responses to Additional Questions You Asked:

- Two alternate development options were described in your narrative:
  - 4-lot land division with easement access to rear garages with possible units above. This would address many of the issues identified above related to the shared court and development standards that apply to the southern attached house units. The lots could be served by a private driveway within an easement, therefore setbacks and other street facing standards would not apply. The easement area would also be included in the lot area, thereby addressing possible building coverage issues. You should note that each lot would be considered mixed-use development and development standards would apply accordingly. You should note that the pedestrian standards of 33.130.240 will also apply to each lot.
  - Mixed use development. This significantly alters the requirements under the Zoning Code and a new early assistance appointment would be needed to provide detailed comments. However, in general, development standards would apply to the site as a whole. The site could be served by a driveway and units can be located on the site without concerns about internal property lines. No land use review would be required unless applicable development standards were not met. The base zone standards for mixed use development in 33.130 would apply. It does not appear that the residential units would be required to have an entrance on SE Belmont, provided the standards of 33.130.240 Pedestrian Standards are met. Other relevant standards include landscaping (33.248), parking (33.266) and Title 11 tree preservation and tree density standards (11.50).
- Partial development prior to land division application. You asked about two different scenarios to partially develop the site prior to the land division. We strongly discourage this approach as it greatly complicates

the review process and may not be possible. You would need to develop a proposal that could meet all standards for the site as a whole and as individual lots.

- Height measurements. The maximum height is 30 feet. Height would be based on each building on the individual lots. The base point is the highest ground surface or sidewalk elevation 5 feet from the building. See 33.930.050.
- Based on input from a Plans Examiner, a change of occupancy would be required to use any space permitted for retail as residential. As noted above, a Life Safety Preliminary Meeting is recommended.

### C. Process/Submittal Requirements:

- **Process:** All land divisions require two steps – (1) review and approval of the preliminary plan and (2) review and approval of the final plat. The preliminary plan review is a discretionary review with a public notice. The final plat review is administrative. More information on the process, review thresholds, and timelines is available in the Land Division Information Guide on [Overview of the Land Division Process](#).
  - **The Land Division will be processed through the [Type IIx procedure](#)** (for 4-10 lots, 11 or more lots would be a Type III review). Which is a decision by BDS staff, mailed to you 47 days after your application has been determined complete. Early [neighborhood contact](#) is required prior to application for all Type IIx Land Divisions and Planned Developments, as described in Zoning Code section 33.730.040. Appeals are heard by a City of Portland Hearings Officer.
  - **[Final Plat Approval](#):** Where a land division can be approved, the process is a two-step process. The first step of the process results in Preliminary approval of the land division and approval of any concurrent reviews (adjustments, design review, rezoning). After preliminary plan approval, the second step of the process is the review and approval of the **Final Plat**. This is a separate land use review with separate fees and application requirements. The **Final Plat** review determines whether your land division plat is consistent with the preliminary plan. In addition, you must meet the applicable conditions of approval imposed in the preliminary plan decision during the plat review. The plat review process will add a minimum of 3-4 months to your overall approval time for new lots, depending on how long it takes you to meet your conditions of approval. **Sales of land and the issuance of building permits must generally wait until the Final Plat is recorded.**
- **Application Forms/Approval Criteria:** Land Division information, application forms, approval criteria by zone, and the fee schedule are available on-line at: <http://www.portlandonline.com/bds/index.cfm?c=37424&a=74093>. Adjustment approval criteria are in Chapter 33.805: <http://www.portlandoregon.gov/bps/article/54249>
- **Required Site Plans:** You will need to prepare an Existing Conditions Plan, a Preliminary Land Division Plan, a Proposed Improvements Plan, a Preliminary Clearing and Grading Plan, a Tree Preservation Plan, and a Utility Plan for your Land Division application. Please use the [Land Division Application Requirements Checklist](#) as a guide in preparing site plans for your application. Please note that 5 full size and one 8.5 x 11 inch copy are required at the time of submittal.

When you are ready to submit an application you may do so in the Development Service Center. Please see the BDS Website at <http://www.portlandoregon.gov/bds/37988> for hours of operation.

Please contact me with questions regarding this letter, or if I can be of further assistance as you move forward with your proposal.

Sincerely,



Stephanie Beckman, City Planner

Stephanie.Beckman@portlandoregon.gov  
503-823-6979

Handouts and Additional Information:

- Zone Map
- Zoning Code (found at [www.portlandonline.com/zoningcode](http://www.portlandonline.com/zoningcode))
- General Site Development Information about Shared Courts
- Additional information and application forms are also available on-line at <http://www.portlandoregon.gov/bds/35881>.
- Land Use Services Fee Schedule (found at <http://www.portlandoregon.gov/bds/article/67127>)
- Electric Service Requirements. Information on electric service requirements for properties served by PGE can be found at the following link: [http://www.portlandgeneral.com/business/builders\\_developers/electrical\\_service\\_requirements.aspx](http://www.portlandgeneral.com/business/builders_developers/electrical_service_requirements.aspx); and information on electric service requirements for properties served by Pacific Power can be found at the following link: <http://www.pacificpower.net/con/esr.html>.

Please note that the service requirements included in these links may not cover all requirements associated with your project. Applicants should contact the PGE Service Coordinator at 503-736-5450 or the Pacific Power Business Center at 888-221-7070 to identify issues that are specific to your project and to coordinate electric service requirements.

PGE requires minimum clearances from electric wires, conductors and cables. Please be aware of these clearances by calling PGE at 503-736-5450. For more information, go to the following link: [PGE Minimum Clearance Requirements](#).





# CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Nick Fish, Commissioner ■ Michael Jordan, Director

## Early Assistance Comments

**Date:** February 12, 2016

**To:** George Zifcak, Applicant

**From:** Benjamin Kersens, BES Systems Development  
503-823-5523, Ben.Kersens@portlandoregon.gov

**Case File:** EA 16-102458

**Location:** 6838 SE BELMONT ST

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The following comments are provided in response to the Early Assistance materials, and are intended to identify potential issues and requirements related to the proposal. Contact identified Bureau of Environmental Services (BES) staff with questions.

### A. SANITARY SERVICE

1. *Existing Sanitary Infrastructure:* According to best available GIS data, the following public sewer infrastructure is located in the vicinity of the project site:
  - a. There is an 8-inch VSP combined sewer in SE 69<sup>th</sup> that transitions to a 14-inch VSP in SE Belmont (BES as-built #20956).
  - b. Due to upstream storm flows from Mt. Tabor, the sewers can become heavily surcharged during large storm events. There have been recent basement sewer back-ups upstream of the site in SW 69<sup>th</sup> that indicate a high level of surcharge.
2. The applicant has proposed a sewer extension to the 8-inch line in SE 69<sup>th</sup>. An extension or additional storm flow to this sewer would not be allowed due to the capacity constraints.
3. A sewer extension or additional connections to the 14-inch in Belmont would be considered. The applicant should reference the Development Engineering section below regarding procedures for an extension and a Public Works permit.
  - a. The proposed sewer is within a driveway or tract. The applicant should first consider whether individual laterals can be used to serve the proposed number of lots. BES requires 3-foot separation (skin-to-skin) between laterals in the right of way. The applicant would also need to take into account the water line separation requirements from sanitary laterals.
  - b. A public sewer within private property, like a private tract or driveway, would need to be within a City of Portland easement. Sewer easements are typically the entirety of the private tract and a 15-foot minimum as noted in the Sewer Design Manual.

### B. ONSITE STORMWATER MANAGEMENT

1. *Existing Stormwater Infrastructure:* According to best available GIS data, the following public stormwater infrastructure is located in the vicinity of the project site:
  - a. There are no public storm-only sewers available to this property.
2. *General Stormwater Management Requirements:* Development and redevelopment sites that include any of the triggers listed in [PCC 17.38.040](#) are subject to the policies and standards of [PCC 17.38.035](#) and Portland's [Stormwater Management Manual](#) (SWMM). Projects must comply with the current adopted version of the SWMM as of the permit application date. A fundamental evaluation factor in the SWMM is the Stormwater Infiltration and Discharge Hierarchy (Section 1.3.1) which sets the framework that will be used to determine when a project's stormwater runoff must be infiltrated onsite and when offsite



discharge will be permitted, and the parameters that must be met for either scenario. Pollution reduction and flow control requirements must be met using vegetated facilities to the maximum extent feasible, though roof runoff is exempt when it drains directly to a UIC.

3. *Onsite Stormwater Management.* Stormwater runoff from this project must comply with all applicable standards of the SWMM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee. With the land use and building permit applications, the applicant must submit a Presumptive or Performance Approach stormwater report and a preliminary utility plan showing stormwater management facilities sized according to SWMM standards. The report must follow the outline included in [Appendix D.4](#) of the SWMM and be stamped by an Oregon registered engineer. Required elements of the report include:
  - a. Results of infiltration test(s) on the subject site performed by a professional engineer (PE), certified engineering geologist (CEG), or registered geologist (RG) in accordance with [Appendix F.2](#). Infiltration tests must be conducted as close as possible to proposed infiltration facilities, and tests must be performed at the depth of the proposed facilities. Indicate on a plan the approximate location of the test(s).
    - 1) If good infiltration rates are not found near the surface then the applicant will need to evaluate deeper soil layers for stormwater infiltration feasibility.
  - b. The applicant will need to provide stormwater management facilities for the individual lots and also for the private tract/street/driveway. Separate lots and tracts are required to have separate stormwater management facilities.
    - 1) Pollution reduction through vegetated facilities is currently required for all paved areas prior to onsite or offsite discharge.
    - 2) If shared facilities are proposed between lots or if facilities are located in the tract that provide management for more than just the tract then an approved plumbing code appeal would be required prior to preliminary approval of the land division.
  - c. Calculations prepared by an engineer using the Presumptive Approach Calculator (PAC), which is found in [Appendix C](#) of the SWMM. If using other software under the Performance Approach, the principles of [Section 2.2.3](#) must be followed.
  - d. Note that infiltration facilities must be set back 5 feet from property lines and 10 feet from structures, as measured to the low point of vegetated facilities or the middle of UICs. Other required minimum setback distances that should be taken into account are summarized in Exhibit 2-1 of the SWMM. BES will enforce these setbacks unless an alternative is approved through the [BDS plumbing code appeal process](#).
4. Additional storm flow to the sewers will be restricted. If BES approves offsite discharge to the combined sewer, [PCC 17.38](#) and the SWMM require stormwater discharge to be controlled so that the post-development 25-year peak flow rate is limited to the pre-development 10-year peak flow rate. The applicant must show through the Presumptive or Performance Approach stormwater report how flow and volume control standards that apply to the proposed discharge point will be met.

### **C. DEVELOPMENT ENGINEERING (PUBLIC IMPROVEMENTS)**

Contact Melanie Gualotunia (503-823-7189, [Melanie.gualotunia@portlandoregon.gov](mailto:Melanie.gualotunia@portlandoregon.gov)) with questions.

1. Information on the City's public works permit (PWP) process is available at [www.portlandoregon.gov/publicworks](http://www.portlandoregon.gov/publicworks). Information about submittal requirements and review timelines is available through the website.
2. Based on the provided plan the applicant will be required to build a public sewer extension extending through the shared courtyard area to provide sewer access to all of the proposed units. Private connections as shown on the submitted site plan will not be allowed, the

public sewer will need to extend far enough to provide public access to each unit. A public sewer easement will be required. This extension will need to connect to the 8" VSP combined public sanitary sewer (As-Built # 20956) in SE 69<sup>th</sup> Avenue. The sewer extension will be reviewed through a Public Works Permit or BES Simplified Permit; see below for information about the two options.

- a. *Public Works Permit.* BES must approve the applicant's Concept Development plans (i.e. 30% design) through a Public Works Permit (PWP) prior to approval of the preliminary land division plan/land use application. In order for related permits such as building permits or final plats to be released, it will be necessary to get PWP Concept Development plan approval, complete all necessary paperwork, and pay all PWP fees (e.g. public works permit application, financial guarantee, review fees).
- b. *Simplified Sewer Permit.* This public sanitary extension may be eligible to be permitted as a BES Simplified Permit (SP) if design and construction of the sewer, as determined by City staff, is straightforward and can meet established criteria. Application materials, general SP criteria, and other information are located here: [www.portlandoregon.gov/61824](http://www.portlandoregon.gov/61824). Eligibility is determined by BES during review of the applicant's SP Permit Application; information about applying is available in the *BES Simplified Permit Applicant Information Sheet* at the above link. The applicant should note that Simplified Permits do not have a performance guarantee requirement; therefore, a sewer permitted under an SP must be in the ground and accepted by the City before BES Development Engineering can sign-off on a land division final plat. For BES to release a building permit, at a minimum, the SP must be issued.

Whether the project is permitted under the BES SP or PWP permitting process, submitted plans must meet the City of Portland's [Sewer and Drainage Facilities Design Manual](#) and PWP submittal requirements and drafting standards; see the [Public Works Permitting](#) website for technical resources and for plan preparation information. Contact Public Works Permitting at (503) 823-1987 or [pwpp@portlandoregon.gov](mailto:pwpp@portlandoregon.gov) with questions.

3. As mentioned above, there are existing combined sewers that serve this area, and a public storm sewer extension is not required.
4. Public vegetated stormwater management facilities are not required. Currently, stormwater from the SE Belmont Street Frontage and the SE 69<sup>th</sup> Avenue frontage disposes to an existing inlet at the southwest corner of the intersection.
5. The plans must meet relevant manuals and submittal requirements including the City's Sewer and Drainage Facilities Design Manual (SDFDM), SWMM, and public works permitting plan submittal requirements and drafting standards. See the [PWP website](#) for technical resources and for plan preparation information.
6. The City's Hazardous Substances Code ([PCC 17.24.067](#)) requires the excavation and removal of disturbed contaminated soils from right-of-way access areas and utility corridors. The soils must be replaced with clean fill at a minimum depth of 5 feet. A demarcation/contaminant barrier is also required when it has been determined the soils are contaminated at depth. Erosion control measures for contaminated soils ([Section 4.11](#)) must also be met. Soil stockpiles must be covered and contained with a barrier on all four sides, with an impervious layer underneath the stockpile to inhibit contaminants from leaching back into the soil.

#### **D. ADDITIONAL COMMENT**

1. The proposed development with 9 lots would be very tight on the site and multiple revisions would likely be necessary in order to meet all of the City requirements. Due to the potential and obvious complexities BES recommends that the applicant NOT construct or permit a development first with the intention of later splitting the lots, as discussed in the meeting. The applicant's design staff will need to work closely with City staff to determine the necessary infrastructure to support an approvable design.

# PBOT – Development Review

## Early Assistance Appointment Response

**Date:** February 4, 2016  
**To:** Stephanie Beckman, BDS Land Use Services  
503-823-6979, Stephanie.Beckman@portlandoregon.gov  
**From:** Robert Haley, PBOT Development Review  
503-823-5171, Robert.Haley@portlandoregon.gov  
**Case File:** EA 16-102458  
**Location:** 6838 SE BELMONT ST  
**R#:** R283095  
**Proposal:** Proposal for a 9 or 10 lot land division with new rowhouses and one tract.

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Portland Transportation/Development Review staff has reviewed the pre-application conference materials to identify potential issues and requirements.

### A. KEY ISSUES AND REQUIREMENTS

- At this location SE Belmont is classified as a City Bikeway and a Local Service Street for all other modes. Based on City records the frontage is improved with a 12-ft sidewalk with a 4-6-2 configuration. Since the site is zoned commercial, it is not exempt from reconstructing the sidewalk to current City standards. As conditions of building permit approval, this frontage must be reconstructed with 4.5-6-1.5 configuration. Corner ramps must be upgraded to meet current ADA standards.
- SE 69<sup>th</sup> is classified as a Local Service Street for all modes. It is improved with a 14.5-ft wide sidewalk with a 0-13-1.5 configuration. It must be reconstructed with a 4.5-8-2 configuration.
- A trip generation and distribution memo from an Oregon licensed traffic engineer is required. The memo should compare the amount of vehicle trips that would be associated with reasonable full build out of the site under the current zoning with the trips associated with the proposed development. If the proposed development creates fewer trips than what would occur with the full build out, no further traffic analyses will be required. The traffic engineer should also provide an analyses of the potential impacts to on-street parking within the area.
- The applicant must provide a written narrative that individually and adequately addresses each of the evaluation factors in the transportation related approval criteria.
- If the project comes in as just a building permit with no land division, the frontage improvements identified about will still be conditions of building permit approval.

**The applicant is advised that the City cannot guarantee the accuracy of location of utilities in the street, and that the information used by the City and furnished to the applicant or their representatives may be incorrect. Verification of private and public utility locations, as well as the responsibility for any and all damage caused by work in the right-of-way, will be the responsibility of the permittee at the time of performing work and right-of-way improvements associated with their project.**

### B. APPROVAL CRITERIA

The applicant shall submit a written narrative adequately addressing the applicable zoning code approval criteria listed below for the required reviews:

Topic	Code and Comments	Code Citation & Link
<b>Land Division</b>	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.	<a href="#">33.641.020</a>

### C. BUILDING PERMIT INFORMATION

At the time of permit review (following the land use review) you should be aware of the following:

1. System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at (503) 823-6108.
2. Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.
3. If there are required right-of-way improvements, the required improvements must be designed by an Oregon licensed civil engineer and constructed under a permit issued by Portland Transportation separate from the building permit process. Applicant's engineer should contact Chris Wier at (503) 823-7227 to discuss the public works permit process.
4. Plans, fees, a contract (called the application for permit) and a performance guarantee for the estimated value of the improvement must be submitted prior to (Final Plat approval). The performance guarantee may be in the form of a surety bond, irrevocable letter of credit, set-aside account, or cash deposit. Applicant should contact Mark Fischer at (503) 823-7072 for appropriate forms and additional information.
5. Encroachments in the right-of-way must be approved through the encroachment permit process prior to PBOT approval of the building permit. For more information, go to: <http://www.portlandoregon.gov/transportation/encroachments>

### D. SUBMITTAL REQUIREMENTS FOR LAND USE

This list identifies Portland Transportation submittal requirements. Please see the Conference Summary Memo for all of the materials you must submit for your application to be considered complete.

1. Written narrative adequately addressing all transportation related approval criteria.
2. Preliminary plans showing necessary dedication(s) and right-of-way improvements.

**3. Transportation Impact Study**

All submittal requirements should be provided with the application.

# Urban Forestry

## Early Assistance Response

Date: January 27, 2016  
To: Stephanie Beckman  
503-823-6979, [Stephanie.Beckman@portlandoregon.gov](mailto:Stephanie.Beckman@portlandoregon.gov)  
From: Charles Carroll  
503-823-4491, [Charles.Carroll@portlandoregon.gov](mailto:Charles.Carroll@portlandoregon.gov)  
Case File: EA 16-102458  
Location: 6838 SE BELMONT ST  
Proposal: Proposal for a 9 or 10 lot land division with new rowhouses and one tract.

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Portland Parks, Urban Forestry staff has reviewed the Early Assistance materials to identify potential issues and requirements in accordance with Title 11, Trees. This response identifies potential issues and/or impacts on existing street and heritage trees, and trees on city-owned or managed sites, if applicable. Trees on private property are subject to development standards from the Bureau of Development Services. See planner requirements for private property trees.

### A. KEY ISSUES AND REQUIREMENTS

#### 1. Tree Plan (11.50.060)

A tree plan must be submitted with each phase of review including land use reviews, building permit applications and public works permits. A tree plan was not submitted with the EA application and additional tree information is required. The plan must include the following information for street trees and trees on city owned property:

- Tree planting plan (tree species and location(s)).

#### 2. Street Tree Planting (11.50.060C)

One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060 C1). There are approximately **222 feet** of street frontage at this location, requiring **8 trees** to be planted or preserved. Street tree planting may be exempt under 11.50.060 B when existing above or below grade utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide.

For projects affecting 200 linear feet of frontage or more, Urban Forestry will review the early project design to identify opportunities to maximize new Street Tree planting, considering the planter width, the location of existing and proposed utilities, and visibility requirements in accordance with



11. 50.060C.2.

Due to the existing condition of the right-of-way, street trees may not be required unless PBOT requires frontage improvements.



**Nick Fish, Commissioner**  
David G. Shaff, Administrator  
1120 SW 5th Avenue, Room 600  
Portland, Oregon 97204-1926  
Information: 503-823-7404  
www.portlandoregon.gov/water



*An Equal Opportunity Employer*

# Water Bureau

## Early Assistance Appointment Response

**Date:** February 2, 2016

**From:** Mari Moore, 503-823-7364, Mari.Moore@portlandoregon.gov

**Case File:** EA 16-102458

**Location:** 6838 SE BELMONT ST

**Property ID:** R283095

**Proposal:** Proposal for a 9 or 10 lot land division with new rowhouses and one tract.

The Water Bureau has reviewed the pre-application conference materials to identify potential issues and requirements.

### A. WATER AVAILABILITY

1. Adequate water is available to this site from the 6" main in SE Belmont Street and the 8" main in SE 69<sup>th</sup> Avenue. The static water pressure is estimated as 55 – 69 psi.
2. The nearest fire hydrant is located at the southeast corner of SE 69<sup>th</sup> Avenue and SE Morrison Street.

### B. OTHER CATEGORY

1. The site has an existing 5/8" meter. If adequate, the meter may be used within the new development.
2. Lots which have frontage along a public street, either Belmont or SE 69<sup>th</sup> Avenue, must have its service installed within its own lot lines. Only lots with without dedicated street frontage may have a service installed in the common tract.
3. To obtain fire flow information fill out a "Fire Flow Request Form" found at our website, <http://www.portlandonline.com/water/index.cfm?c=55128&> or by calling 503-823-1408.

### C. WATER CODE REQUIREMENTS

Topic	Code and Comments	Code Citation & Link
Title 21	City Water Code	<a href="#">Title 21 Water</a>

**D. PERMIT INFORMATION**

At the time of permit review (following the land use review) you should be aware of the following:

1. All new domestic service taps will be assessed a [System Development Charge](#) (SDC). Fee is based on meter size. Meters will be sized during the building permit process. Sizing is based on total fixture unit count for the structure, there will be no reduction in meter size based on grey water usage or the installation of low-flow fixtures. Fire lines are excluded from the SDC fee. SDC credit will be given for services that are permanently removed. SDC credit is applied towards services within the same lot and is not transferrable.



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Site Development**

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor  
 Paul L. Scarlett, Director  
 Phone: (503) 823-6892  
 Fax: (503) 823-5433  
 TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**General Site Development Information about Shared Courts**

Private rights of ways, including private streets, shared courts, and common greens must conform to the [Administrative Rules for Private Rights of Ways](#). Generally, private streets are short dead-end streets serving no more than eight lots. Shared courts are streets designed to accommodate, within the same circulation space, access for vehicles, pedestrians, and bicycles to abutting property.

A [Site Development Permit](#) is required for the construction of the private rights-of-way improvements. A performance guarantee (bond) is required and must be executed prior to final plat approval. Additionally, a separate plumbing permit is required for the plumbing component of the street construction. The paving for the shared court must be installed before permits for residential construction on any of the individual parcels will be issued. If pervious pavements are permitted, they must be installed and a pervious pavement protection plan approved before permits for residential construction on any of the individual parcels will be issued.

Shared courts must allow the AASHTO P design vehicle to maneuver through the “clear zone” in an unobstructed manner. Parking spaces, garages and other vehicle maneuvering areas must accommodate the P design vehicle; however, entering and exiting these spaces may be allowed with multi-point turns. Entering and exiting of parking spaces, garages, and other vehicle maneuvering areas shall be possible with single-point turns when considering the proposed Shared Court Design Vehicle. The dimensions of the Shared Court Design Vehicle are tabulated below.

<b>Proposed Shared Court Design Vehicle</b>	
Length: 16 feet	Front Overhang: 3.5 feet
Width: 6.5 feet	Track: 5.3 feet
Wheel Base: 9.4 feet	Curb-to-Curb Turning Radius: 20 feet
The dimensions of the proposed shared court vehicle represent top selling mid-sized vehicles in 2012.	

A sweep analysis stamped by a professional engineer must be submitted demonstrating the AASHTO P design vehicle and the proposed Shared Court Design Vehicle can maneuver as described above.

Proposed stormwater treatment and discharge for the shared court must be addressed in the stormwater report and shown on the preliminary utility plan at the time of land-use review.

Summary of private street information that must be submitted to Site Development at the time of land use review: *Preliminary shared court plans showing compliance with the [Administrative Rules for Private Rights of Ways](#) and a sweep analysis prepared by the engineer.*