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

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Date: July 30. 2010

To: Interested Person

From: Sue Donaldson, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-118194 LDP

GENERAL INFORMATION

Applicant: RNR Holdings LLC
3215 NE 48th Ave
Portland, OR 97213-1836

Representative: Kevin Partain,
Urban Visions
223 NE 56th Ave
Portland, OR 97213

Site Address: 1820 NE JARRETT ST

Legal Description: BLOCK 5 LOT 23, OAKHURST
Tax Account No.: R622301090, R622301090
State ID No.: 1N1E14DC 22600, 1N1E14DC 22600
Quarter Section: 2432

Neighborhood: Sullivan Gulch, contact Will Elder at 503-335-8212.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135.

Plan District: None

Zoning: R2.5 ah - Residential 2,500 with '*a*' and '*h*' overlays for Alternative Design Density and Aircraft Landing

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

Proposal:
The applicant is proposing to partition a 5,000-square foot site into two parcels for attached houses. Both parcels will be 25 feet wide and 2,500 square feet in area. There are no trees on the site. Vehicles will have access from NE Jarrett Street.

This partition is reviewed through a Type I land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines "parcel" as a single unit of land created by a partition of land. The applicant's proposal is to create 2 units of land (2 lots and no tracts). Therefore this land division is considered a partition.

Relevant Approval Criteria:

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

ANALYSIS

Site and Vicinity:
The 5,000-square foot project site is relatively flat and has 50 feet of frontage on NE Jarrett Street. In this area, the blocks are 200 feet wide and 600 feet long, so the site is within 100 feet of both NE 18th and NE 19th Avenues. Alberta Park is half a block away to the east, on the other side of NE 19th Avenue. The site is situated in an established residential area where the majority of lots are 5000 square feet and developed with detached single dwellings in a variety of sizes and styles. A mixed commercial area is located approximately 500 feet to the south along NE Killingsworth Street. Tri-Met provides transit service approximately 1000 feet to the west, along NE 15th Avenue via bus #8 – Jackson Park/NE 15th.

Zoning: The site is in the R2.5 zone. This 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 site is also located in an Alternative Design Density *"a"* overlay zone, which is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. The applicant's proposal does not make use of these provisions.

The site is also within an Aircraft Landing (*h*) overlay zone, which limits the height of structures and vegetation within the vicinity of Portland International Airport. The *h*-overlay height limit at this location is more than the 35 foot building height limit typically allowed in the R2.5 zone, so the *h*-overlay standards do not apply to this development request.

Land Use History: City records indicate that there is one prior land use review on this site. LU 08-159825 AD approved adjustments to development standards related to street-facing garage wall setback and width. The adjustments were requested for a duplex that was not constructed.

Agency Review: Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 12, 2010**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.

The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential Zones**. 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 applicability of each criterion.

Criterion	Code Chapter	Topic	Applicability & Findings
A	33.605-612	Lots	**Applicable - See findings below**
B	33.630	Trees	Not applicable – There are no trees on the site.
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units.
G	33.635.100	Clearing & Grading	**Applicable - See findings below.**
	33.635.200	Land Suitability	**Applicable - See findings below.**
H	33.636	Tracts & Easements	**Applicable – See Findings below**
I	33.639	Solar Access	**Applicable - See findings below**
J	33.640	Streams, Springs, & Seeps	Not applicable – There are no streams, springs, or seeps on the site
K	33.641	Transportation Impacts	**Applicable - See findings below**
L	33.651 - 33.654	Services & Utilities	**Applicable - See findings below**

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R 2.5 zone. These density and lot dimension requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

The method used to calculate density depends on whether a street is created as part of the land division, and whether the site is subject to certain environmental constraints.

In this case, a street is not proposed or required, and the site is not within the environmental zone, potential landslide hazard area, or flood hazard area. Therefore, the maximum and minimum density for this site is as follows:

Minimum = (5,000 square feet x .80) ÷ 2,500square feet = .8 (which rounds up to a minimum of 1 lot, per *33.930.020.A)*

The maximum density for this site is calculated as follows:

Total Site Area (5,000 square feet) ÷ 2,500 sq. ft. = 2

The applicant is proposing a density of two which complies with the maximum density. Therefore the density criterion is met

Lot Dimensions

The dimensions of the proposed lots as compared to the required lot dimension requirements are shown in the following table (this information is found in *Ch 33.611.200)*

	R2.5 Zone Requirement	Proposed Lot 1	Proposed Lot 2
Minimum Lot Area	1,600 sq. ft.	2500 sq. ft.	2500 sq. ft.
Maximum Lot Area	NA		
Minimum Lot Width*	36 ft.	25 ft.	25 ft.
Minimum Lot Depth	40 ft.	100 ft.	100 ft.
Minimum Front Lot Line	30 ft.	25 ft.	25 ft.

** 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

Both Parcels are 25 feet wide,9 feet narrower than the minimum width for the R 2.5 zone, as shown in the table above. *Section 33.611.200.C 2* of the Zoning Code, however, allows narrower lots if the future development can meet certain regulations:

a. *On balance the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations.*
b. *The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet.*
c. *If the lot abuts an alley, then vehicle access is allowed only from the alley. This requirement will be imposed as a condition of approval of the land division.*
d. *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*
e. *Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development;*
f. *In areas where parking is not required by this Title, lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of code section 33.611.200.C, subparagraph 2.c and 2.d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:*
   (1) *State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;*
   (2) *Meet the requirements of Section 33.700.060, Covenants with the City; and*
   (3) *Be attached to and recorded with the deed for the new lot.*

Findings: The narrow lot requirements can be met as discussed below:

a. Consistent with the Purpose of Lot Dimension Regulations

The lot dimension requirements in the R 2.5 zone ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (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 wide enough to allow development to orient toward the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9)lots are compatible with existing lots while also considering the purpose of this chapter. The purpose of this chapter is allow the creation of parcels that are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. The R2.5 zone is one of the single-dwelling zones that is intended to preserve land for housing and proving opportunities for single households.

The first, second and fourth purposes are satisfied because the lot dimensions allow for units that are 20 feet wide that further comply with required development standards, including a small , private outdoor area. The third purpose is met because the lots cannot be further subdivided. The fifth and sixth purposes are met because the project is oriented towards the street and has access to utilities and services. The seventh and eighth purposes are met because the lots are not landlocked and are of uniform rectangular shape. Finally, the ninth purpose is met because the parcels and the project that the applicant is proposing allow for configurations and densities envisioned as typical R2.5 development.

b. Attached houses are proposed, however, this zone also allows detached houses. The lots are 25 feet wide, which meets this standard.

c. The site does not abut an alley so this standard does not apply.

d. The applicant has not submitted building plans or elevations. Development on the new narrow lots must meet the garage limitation standard of *Subsection 33.110.253.E* at the time of development. The applicant has not requested an adjustment to the side setback requirement of 5 feet so an attached house on each parcel cannot be wider than 20 feet. Therefore, garages will not be allowed as part of the street-facing façade the proposed houses.

e. The applicant has not proposed a specific development, only submitted a site plan with a conceptual building footprint. Meanwhile, the applicant is not seeking an adjustment. Because an attached garage is not allowed due to the width of the structure, the applicant will be required to provide off-street parking (see "f," below) outside of the required 10-foot front building setback. The space must be 9 feet by 18 feet (33.266.120 D.1) and no more than 40 percent of the land area between the front lot line and front building line may be paved or used for vehicle areas (33.266.230 C.3.a).

f. The site is not within 500 feet of frequent transit service so one off-street parking space is required for each parcel. This requirement does not apply.

G. Clearing, Grading and Land Suitability. *The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.*

The approval criteria of Chapter 33.635 are found in two groups – clearing and grading, and land suitability.

33.635.100 – Clearing and Grading

A. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;

B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;

C. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;

D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and

E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable.

Findings: 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 generally flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

33.635.200 – Land Suitability
Where geologic conditions or historic uses of the site indicate a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

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

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

33.636.100 Requirements for Tracts and Easements

A. Ownership of tracts. *Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:*

1. *The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;*
2. *The Homeowners' Association for the area served by the tract;*
3. *A public or private non-profit organization; or*
4. *The City or other jurisdiction.*

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

B. Maintenance agreement*. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.*

Findings: A Private Storm Sewer Easement is required across the relevant portions of Parcels 1 and 2 for a shared drywell that will provide stormwater disposal for both parcels. The applicant has obtained a plumbing code appeal to allow a shared drywell to be located at the rear of the houses straddling the common property boundary (*see Exhibit A.3*).

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

I. Solar access. *If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.*

The solar access criteria are applied to proposed lots based on the orientation of the streets, as described below.

33.639.100, Solar Access Approval Criteria

On streets that are within 30 degrees of a true east-west axis, the narrowest lots should be interior lots on the south side of the street and corner lots on the north side of the street.

On streets that are within 30 degrees of a true north-south axis, the widest lots should be interior lots on the east or west side of the street.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties. The site fronts on NE Jarrett Street which runs east-west. The two proposed lots are on the south side of the street and are considered interior lots (not on a corner). In this context, there is no preference that any one lot be wider or narrower than the other lots. This criterion is therefore met.

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

The relevant approval criteria of Chapter 33.641 are listed below:

33.641.020 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.*

33.641.030 The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal*. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming* devices.

Findings: The regulations above require the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. A formal transportation impact study may be required, but this may not be required for small land divisions involving only a few dwelling units. Title 17 includes technical standards describing when a more formal study is required. 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..

The site has approximately 50 feet of frontage on NE Jarrett Street, which is classified as Local Service for all classifications within the *Transportation System Plan*. Based on available information, it is anticipated that overall the impacts on the system will not be significant (*Institute of Transportation Engineers – Trip Generation Manual, 8th edition).* The estimated increase in daily trips is less than 10 total trips per day with the majority of trips occurring during non-peak hours, taking into account two possible routes to and from this location and availability of TriMet transit service on NE 15th Avenue via Bus 8 approximately 1000 feet west of the site (at the corner of NE Jarrett and NE 15th Avenue).

NE Jarrett Street is currently improved with a 28-foot curb to curb paved surface with a 60-foot wide public right-of-way. Parking is allowed on both sides of the street. The pedestrian corridor includes a 9-foot side planter area with curb, a 6-foot sidewalk and a 1-foot buffer a back of sidewalk (9-6-1 configuration). This 16-foot wide corridor meets the City's recommended standard for local service streets in the R 2.5 zone. Street improvements are not anticipated with the following exception:

Curb closure of existing driveway may be required as a condition of development. Reconstruction will be required to meet City of Portland standards for design and

continuous curb requirements. Curbs and/or sidewalk that are in poor condition, as determined by the City Engineer, will need to be replaced to meet City requirements.

Portland Transportation/Development Review has commented that the applicant has not submitted plans showing the proposed garage setbacks from NE Jarrett Street as well as the approach and driveway widths and locations. These will be required for review by Transportation at the time of development. The applicant will also need to demonstrate the City standards for continuous curb and corner setbacks will be met prior to permit approval. See *Exhibit E.2* for more details. This criterion is met with conditions.

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 water standards of 33.651 have been verified. There is 5/8-inch metered service to the site from an existing 2-inch galvanized main in NE Jarrett Street, which can be used for future development on Parcel 2 (pending review for service/meter sizing requirements). A water main extension will be required to serve Parcel 1 and a water service/meter installed within the public right-of-way within the parcel street frontage. Water Bureau crews will construct the water main extension in NE Jarrett Street at the applicant's expense. Therefore, a condition of final plat approval will require the applicant to apply for and pay fees for a water main extension for Parcel 1.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch concrete public combine sewer main in NE Jarrett Street that can serve both parcels. Prior to final plat approval, a utility plan must submitted showing that both lots have a means of access and individual connection to the sanitary sewer, as approved by BES. This will be required as a condition of final plat approval.

The technical standards of *Chapter 33.653* related to stormwater management have been verified. The findings below for *33.653.020 Stormwater Management Approval Criteria* of incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.

33.653.020 Stormwater Management Approval Criteria

A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and

B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

Findings:

A. Criterion A is not applicable because no stormwater tract is proposed or required.

B. The *Stormwater Management Manual* contains a hierarchy of acceptable methods of stormwater treatment and disposal. The hierarchy requires that applicants first explore the use of methods that have a lower potential impact on groundwater, such as on-site surface infiltration swales and infiltration planters. If these methods are not feasible on a site, applicants may move lower on the hierarchy, to methods that inject water deeper into the ground through mechanical devices such as drywells or sumps, or carry it off of the site into storm sewers, drainageways, or other approved disposal points.

In addition to determining appropriate treatment and disposal methods by working through the hierarchy in the *Stormwater Management Manual*, stormwater facilities must be sized, through engineering calculations, to accommodate the expected amounts of stormwater. In some cases, sizing a stormwater facility necessitates testing the infiltration rate of the soil at the site.

There is no public storm-only sewer available to serve this site. The applicant has proposed a shared drywell within a private easement which has been approved through the building permit review process (permits #10-128871-RS and #10-128872-RS). The Plumbing Code appeal allows a 4-foot by 5-foot shared drywell serving both Parcel 1 and

2 to be located on the common lot line within a 5-foot by 5-foot private reciprocal easement. There is a discrepancy between the site plan approved through the plumbing code appeal (*Exhibit A.3*) and Exhibit C.1 which shows the drywell and easement in a different location. Also, there are no dimensions on the plan so it is not possible to determine the exact location of the drywell and easement. This information must be submitted and approved to meet BES requirements prior to final plat approval. The easement must be shown on the final plat and the dimensioned location of the drywell and easement area must be shown on the supplemental plan required as a condition of final plat approval. With these conditions, this criterion can be met.

Right of Way Approval Criteria

Chapter 33.654 contains standards and approval criteria for rights of way. Due to the location of this site, and the type of street that is proposed, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

Code Section	Topic	Applicability Findings
33.654.110.B.1	Through streets and pedestrian connections	Applicable - See findings below
33.654.110.B.2	Dead end streets	Not applicable - No dead end streets are proposed.
33.654.110.B.3	Pedestrian connections in the I zones	Not applicable - The site is not located within an I zone.
33.654.110.B.4	Alleys in all zones	Not applicable – No alleys are proposed or required.
33.654.120.C.1	Width of the street right-of-way	Not applicable – PBOT has not required any street dedication and no streets are proposed
33.654.120.C.3.c	Turnarounds	Not applicable – No turnarounds are proposed or required.
33.654.120.D	Common Greens	Not applicable – No common greens are proposed or required.
33.654.120.E	Pedestrian Connections	Not applicable – There are no pedestrian connections proposed or required.
33.654.120.F	Alleys	Not applicable – No alleys are proposed or required.
33.654.120.G	Shared Courts	Not applicable – No shared courts are proposed or required.
33.654.130.A	Utilities	Applicable - See findings below.
33.654.130.B	Extension of existing public dead-end streets and pedestrian connections	Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site.
33.654.130.C	Future extension of proposed dead-end streets and pedestrian connections	Not applicable – No street extensions are required to serve abutting sites that are further dividable.
33.654.130.D	Partial rights-of-way	Not applicable – No partial public streets are proposed or required.
33.654.130.E	Ownership of Alleys	Not applicable- No alleys are proposed or required.

Applicable Approval Criteria are:

33.654.110.B.1 Approval criterion for through streets and pedestrian connections in OS, R, C, and E Zones. *In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:*

a. *Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;*
b. *Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;*
c. *Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;*
d. *Master street plans for the area identified in Goal 11B of the Comprehensive Plan;*
e. *Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.*

Findings: The site is less than 200 feet from the intersections of NE Jarrett Street with both NE 18th and 19th Avenues. Therefore, no additional connectivity is required. The existing pedestrian corridor and improvements on NE Jarrett Street meet City standards for Local Service Dtreets. Existing sidewalks provide direct and convenient routes for pedestrians. There is no Master street plan for this area. See *Exhibit E.2* for more details.

For the reasons described above, PBOT has concluded that the connectivity policies are adequately met for this proposal.

Utility Location, Extension of Streets, Partial Rights of Way

33.654.130 Additional Approval Criteria for Rights-of-Way

A. *Utilities. Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way.*

Findings: Utilities are defined in the Zoning Code as telephone, cable, natural gas, electric, and telecommunication facilities. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

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	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 http://www.water.ci.portland.or.us/
Environmental Services	Title 17; 2008 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 http://www.bes.ci.portland.or.us/
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 http://www.fire.ci.portland.or.us/
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 http://www.trans.ci.portland.or.us/

Bureau	Code Authority	Topic	Contact Information
Development Services	Titles 24 –27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 http://www.bds.ci.portland.or.us.

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 access requirements of the Fire Bureau for aerial fire apparatus access roads. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

DEVELOPMENT STANDARDS

General Information about Development Standards and Approval Criteria. The Zoning Code contains two types of regulations: Development standards and Approval criteria.

Approval criteria, such as those listed earlier in this report, are administered through a land use review process. Approval criteria are regulations where the decision-maker must exercise discretion to determine if the regulation is met. Public notice is provided and public comments received that address the approval criteria are addressed in the decision.

Development Standards: Development standards are clear and objective regulations (for example: building setbacks; number of required parking spaces; and maximum floor area). Compliance with development standards is reviewed as part of the administrative permitting process and are not considered to be discretionary reviews. 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.

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

- Narrow Lots-- development on Parcels 1 and 2 will be subject to the following standards at the time of development permitting:
  - Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2; and
  - 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.

CONCLUSIONS

The applicant has proposed a two-lot partition, as shown on the attached preliminary plan (*Exhibit C.1*). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are narrow lot requirements and shared stormwater facilities.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two-lot partition that will result in two narrow lots, as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review, and BES review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- Show that both lots have a means of access and individual connection to the public sanitary sewer system, as approved by BES.
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. A private storm sewer easement, for the benefit of Parcels 1 and 2, shall be shown and labeled over the relevant portions of Parcels 1 and 2.
2. A recording block for the maintenance agreement for shared stormwater facilities as required by Condition B.1, above. The recording block 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:

Utilities

1. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water main extension in NE Jarrett Street to serve Parcel 1.

Required Legal Documents

2. A Maintenance Agreement shall be executed for the Stormwater Management Easement area described in Condition B.1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

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

1. The applicant must provide a fire accessway to the satisfaction of the Fire Bureau or the height of the new structures shall be limited to 30 feet, measured to the gutter line.
2. A supplemental drawing of the proposed garage setbacks (relative to the NE Jarrett property line) showing the approach and driveway/approach widths and locations shall be reviewed as required by Portland Transportation. The applicant must demonstrate that City standards for continuous curb and corner setbacks will be met.
3. Reconstruction of the existing driveway approach may be required by Portland Transportation.

Staff Planner: Sue Donaldson

Decision rendered by: _____ on July 30, 2010.
By authority of the Director of the Bureau of Development Services

Decision mailed August 5, 2010

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 March 12, 2010, and was determined to be complete on April 7, 2010.

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 March 12, 2010.

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, applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the120 days will expire on: August 6, 2010**

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

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

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

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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

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

a final plat is submitted within three years of the date of the City's approval of the preliminary plan.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Narrative for a minor land division
   2. Utility information, received April 12, 2010
   3. Plumbing Code Appeal, dated July 2, 2010

B. Zoning Map *(attached)*

C. Plans/Drawings:
   1. Proposed preliminary plat *(attached)*
   2. Shared Drywell approved through Plumbing Code Appeal

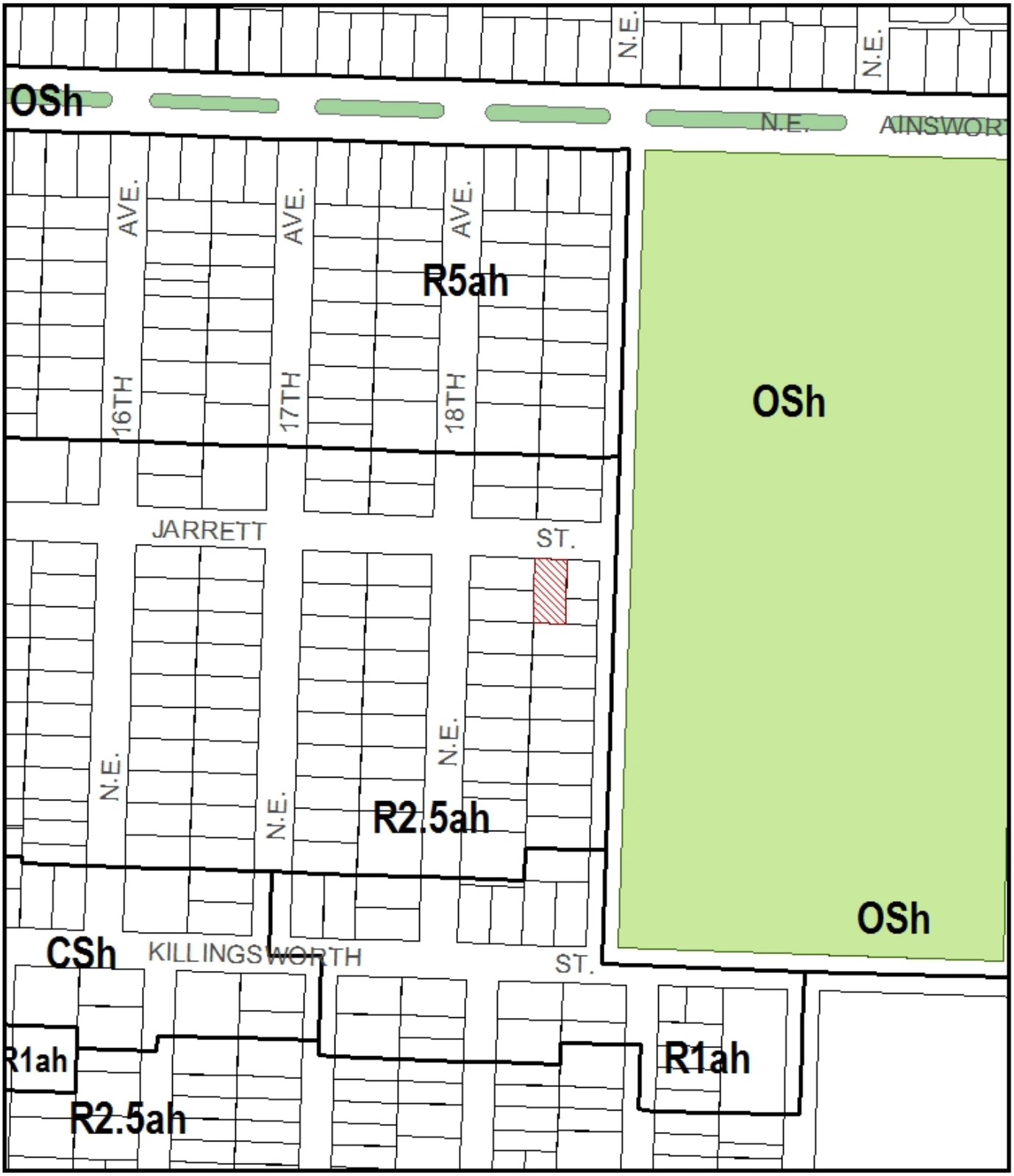
D. Notification information:
   1. Mailing list
   2. Mailed notice

E. Agency Responses:
   1. Bureau of Environmental Services
      a. Response dated May 13, 2010
      b. Addendum dated July 14, 2010
   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 (response in TRACS)

F. Correspondence: (none)

G. Other:
   1. Original LU Application
   2. Incomplete Letter
   3. Site History Research

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).

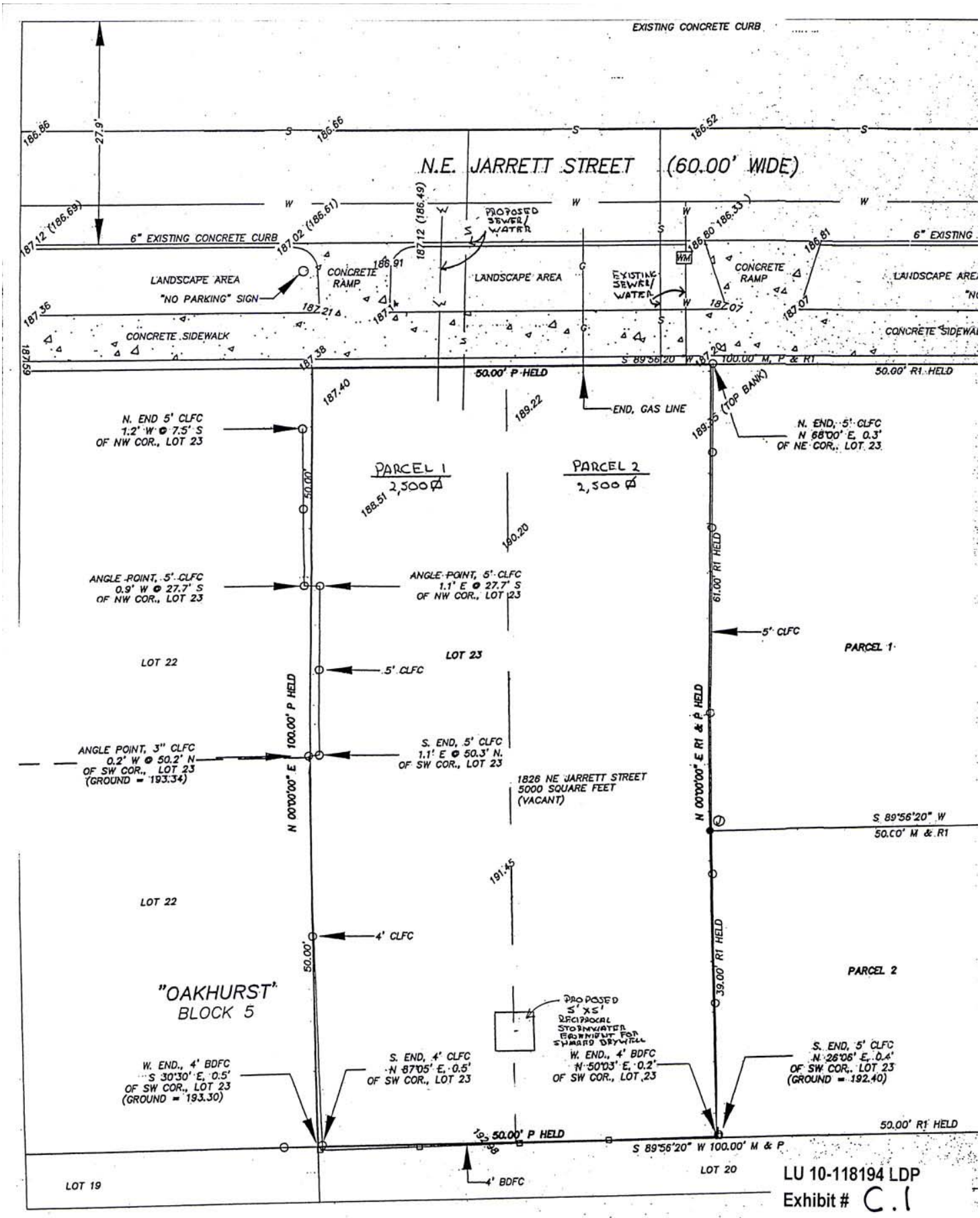


ZONING

Site

NORTH

File No.	LU 10-118194 LDP
1/4 Section	2432
Scale	1 inch = 200 feet
State_Id	1N1E14DC 22600
Exhibit	B (Mar 12,2010)



LU 10-118194 LDP
Exhibit # C.1