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

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

Date: November 4, 2013
To: Interested Person
From: Kate Green, Land Use Services
503-823-5868 / Kate.Green@portlandoregon.gov

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

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. 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 13-177621 LDP

GENERAL INFORMATION

Applicant: Rob Humphrey/Faster Permits
14334 NW Eagleridge Lane / Portland OR 97229

Property Owner: Vic Remmers/Everett Custom Homes Inc
735 SW 158th Avenue/Suite 180 / Beaverton OR 97008

Site Address: 441 NE GRAHAM STREET

Legal Description: BLOCK 8 LOT 7, ALBINA **Tax Account No.:** R009602540
State ID No.: 1N1E26BC 06700 **Quarter Section:** 2731
Neighborhood: Eliot/Mike Warwick/ 503-284-7010
Business District: North-Northeast Business Association/Joice Taylor/ 503-445-1321
District Coalition: Northeast Coalition of Neighborhoods/Shoshana Cohen/ 503-388-5004
Zoning: Multi-Dwelling Residential 2,000 (R2)
Alternative Design Density (a) Overlay
Plan District: Albina Community
Case Type: Land Division/Partition (LDP)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA)

Proposal: The applicant proposes a **Land Division-Partition** to divide a 6,250 square foot lot into two 3,125 square foot parcels. All existing development is proposed to be removed from the site. Each parcel is proposed to be developed with a detached house and an accessory dwelling unit (ADU).

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

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines "parcel" as a single unit of land created by a partition of land.

The applicant's proposal is to create 2 units of land (2 parcels). 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 criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones**.

FACTS

Site and Vicinity: The project site is an approximately 6,250 square foot lot. The site is relatively flat, though it is elevated approximately 4 to 5 feet above the adjacent sidewalk grade. Until recently, the site had been developed with a 2-story residence with a basement. According to city records, the house was demolished via permit 13-169649 RS, which was finaled on August 13, 2013. The applicant has noted the one tree that had been located on the site was a pear tree that was removed due to disease.

The site is located between a developed commercial, employment, and higher density residential corridor along NE Martin Luther King Jr Boulevard to the west, and a lower density residential area to the east. The surrounding properties to the north and south are also located in the R2 multi-dwelling zone, though most of the adjacent development consists of established single dwelling homes, and does not reflect the density or scale of development allowed under the current zoning regulations.

Infrastructure:
Streets – At this location, the City's Transportation System Plan classifies NE Graham as a Local Service street for all modes; and the site is also located within the Eliot Pedestrian District. Based on City GIS resources, this section of NE Graham is improved with 36.7-feet of paving and a 4-6-2 sidewalk corridor within 60.7-foot wide rights-of-way. Parking is allowed on both sides of the street.

The City's Pedestrian Design Guide recommends a 12-foot wide sidewalk corridor (0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, 1.5-ft wide frontage zone) for Local Service streets abutting R2 zoned sites and within a Pedestrian District. The existing sidewalk corridor along the site's frontage satisfies this standard.

Tri-Met provides transit service approximately 200 feet from the site at NE Martin Luther King Jr Boulevard via Bus Line 6.

- **Water Service –** There is an existing 5/8" metered service (Serial #89028783, Account #2955000900) which provides water to this location from the existing 6" CI water main in NE Graham Street. The estimated static water pressure range for this location is 61 psi to 76 psi at the existing service elevation of 186 feet.

- **Sanitary Service -** There is a 12-inch VSP public combination sewer located in NE Graham that can serve the sanitary disposal needs of this project (BES project # 20316).

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

Zoning: The site is located within a **Multi-Dwelling Residential 2,000 (R2)** zone and an **Alternative Design Density (a)** overlay zone, as well as being within the boundaries of the **Albina Community Plan District**.

Multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The purpose of the a-overlay zone is to encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The proposal does not include the application of any of the a-overlay provisions. The Albina Community Plan District provisions allow for the elimination of off-street parking requirements for small multi-dwelling housing projects, if specific provisions are

applied. The proposal does not eliminate parking from the site, so none of the plan district provisions are applied.

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

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits "E" contain the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 6, 2013**. Two written responses have been received. Both responses note concerns about impacts to on-street parking and increased traffic. Concerns about density and ownership of the new houses and accessory dwelling units were also raised.

In response to the neighbor's letters, the applicant provided a parking study, which has been evaluated by Portland Transportation and is addressed in Criteria K and L, below.

With regard to density, the applicant provided a memo, dated October 10, 2013, which notes that the proposal is required to meet the minimum density requirements for the R2 zone. In that memo, the applicant also notes the new houses are anticipated to be owner-occupied, but the applicant cannot ensure who will occupy the houses or the accessory dwelling units. Density is further addressed in Criterion A, below. The Zoning Code does not regulate ownership of single-dwelling houses.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630/Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
C	33.631/Flood Hazard Area	The site is not within the flood hazard area.
D	33.632/Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633/Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634/Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636/Tracts and Easements	No tracts or easements are proposed or required.
I	33.639/Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.640/Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2/Dead end streets	No dead end streets are proposed.
	33.654.110.B.3/Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4/Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c/Turnarounds	No turnarounds are proposed or required.
	33.654.120.D/Common Greens	No common greens are proposed or required.

	33.654.120.E/Pedestrian Connections	No pedestrian connections proposed or required.
	33.654.120.F/Alleys	No alleys are proposed or required.
	33.654.120.G/Shared Courts	No shared courts are proposed or required.
	33.654.130.B/Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C/Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D/Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 2 parcels for attached houses.

The minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 6,250 square feet. So, the site has a minimum and maximum density of 3 units.

As shown in the following table, the proposed lots are of sufficient width and area to allow attached or detached houses:

R2	Minimum lot area (square feet)	Minimum lot width (square feet)	Minimum lot depth (square feet)	Minimum front lot line (square feet)	Density	
					Minimum	Maximum
Attached Houses	1,600	15	none	15	--	--
Detached Houses	1,600	25	none	25	--	--
Parcel 1	**3,129**	**25**	**125**	**25**	**1**	**1**
Parcel 2	**3,129**	**25**	**125**	**25**	**2**	**2**

* Width is measured from the midpoints of opposite lot lines.

The applicant is proposing 2 parcels for an attached house development. To satisfy the density provisions, the applicant has indicated 1 unit of density will be provided via a house on Parcel 1, and 2 units of density will be provided on Parcel 2 via a house and an Accessory Dwelling Unit (ADU). This will provide an overall density of 3 units.

However, after the land division, the proposed area of Parcels 1 and 2, individually, would only trigger a minimum density requirement of one unit per parcel. Therefore a condition must be made to ensure the site's overall minimum density requirement of 3 units is met at time of development, and at least one of the parcels is developed with 2 units. Since neither parcel is large enough to meet the lot standards that would allow duplex or multi-dwelling development; the condition must also designate that those 2 units must consist of a house (attached or detached) and an ADU (attached or detached). It should be noted that accessory dwelling units are included in the minimum density calculations in the R2 zone, but they are not included in the maximum density calculations (Section 33.205.040). So, as proposed, an additional ADU could be built on Parcel 1.

With a condition that allocates the required density for each parcel, as noted above, the applicable density and lot dimension standards will be met.

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

Findings: 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.

Clearing and Grading: The site is not located within the Potential Landslide Hazard Area, and the majority of the site is relatively flat, and no trees are located on the site. Therefore, no extensive clearing or grading will be required to make the new lots developable.

Nevertheless, to accommodate the grade difference (approximately 4 to 5 feet) between the abutting sidewalk and the balance of the site, some grading will be needed for the proposed basements, driveways, and utilities, and the applicant will be required to provide grading and erosion control plans for the development at the time of permit review.

Land Suitability: The site has been in residential use, and there is no record of any other use in the past. Historic plumbing records show that the former residence was constructed in 1898. The public sewer system was installed in NE Graham Street in 1895. The sewer connection for the residence was repaired in 1925. The date of the original sewer connection is unknown and historic records do not contain any record of an abandoned on-site sanitary facility. Cesspool decommissioning was not required as part of the recent demolition of the residence (permit 13-169649-RS). Therefore, Site Development has noted that the applicant must complete a *Disclaimer for Existing On-site Sewage Disposal System*, at the time of building permit application, to ensure the removal of that system, in the event the on-site sewage system is located during the construction of a new residence.

With a condition to this effect, the new lots can be considered suitable for new development, and this criterion will be met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes. Portland Transportation has reviewed the application for its potential impacts and provided the following comments:

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. *For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.*
2. *For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.*

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

The proposed land division will create 2 parcels from the current lot in order to accommodate 2 new detached single-dwelling residential homes and 2 new accessory dwelling units (the existing house on the site will be demolished). Referring to the ITE Trip Generation Manual, 9th Edition, there will be 1 new AM peak hour trip and 1 additional PM peak hour trip (10 additional total new daily trips) that may result from the development proposal on the site. The new peak hour trips will have minimal impacts to the area's nearby intersections and do not warrant any mitigation to said intersections. The intersections will continue to operate at current levels without further degradation from the vehicle trips generated by the proposed project factored into the analysis.

No significant negative impacts are expected to occur in relation to any of the other evaluation factors. The site is served by nearby transit service west of the subject site along NE Martin Luther King Jr Blvd (via Tri-Met route #6 [Martin Luther King Jr Blvd]. There are existing sidewalk corridors throughout the vicinity that facilitate pedestrian travel. There is an identified Shared Roadway bike facility (Portland Bike/Walk Map) in the area along NE 9th Ave, east of the subject site. Additionally, there is a Neighborhood Greenway/signed and marked route along NE Morris, north of the site.

With regard to impacts to on-street parking, the new residences that will be developed on the site will include on-site parking opportunities for at least one vehicle on each parcel. The applicant had a parking analysis prepared by a professional traffic consultant to determine existing and future on-street parking supply and demand in the area. The applicant's traffic consultant conducted several observations along NE Graham between NE MLK Jr Blvd and NE 7th Ave during several time periods of expected high demand for residential and non-residential parking. The results identified in the submitted documentation are that during all of the observations, there will be numerous on-street parking spaces available to support the existing and proposed uses in the area. With on-site parking opportunities for at least one vehicle on each of the proposed lots, on-street parking impacts will be minimized.

Given the area in which the site is located, the minimal increase in vehicle trips that will be generated by the proposed partition, and the classification of the street within the transportation system, PBOT expects that the transportation system will be able to support the existing development in the area as well as the proposed development.

Based on the foregoing, these criteria are met.

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified. However, the Water Bureau noted discrepancies between the location of the existing water meter, as shown on the applicant's plans, and as it is shown in city records. Therefore, the applicant should to take note of the requirements that will apply at the time of development, as outlined in the Water Bureau response, and summarized here: *The applicant's site plan shows this service to be providing water to the proposed Parcel 2, but Water Bureau records show this service to be located within the frontage of the proposed Parcel 1. If the applicant does not think this is correct, they will need to submit to the Water Bureau a signed survey report by a licensed surveyor showing that the existing service is located within the frontage of Parcel 2, and this will need to be completed prior to the Water Bureau being able to sign off on the Building Permits and sell any additional services to this development. Also for the proposed Parcel 1, City title 21.12.010 will apply and will require any new building construction, or any construction that will need water, to have a water service and meter of appropriate size installed within the public right-of-way and within the specific property boundary/frontage for which it will serve. A Water Bureau review for fixture count will need to be submitted by the applicant at the time of submittal of the building permit to appropriately size the water service and meter for this location. If a water service and or meter upsize is required, all applicable costs will be the responsibility of the applicant.* *For the proposed Parcel 2, City title 21.12.010 will apply and will require any new building construction, or any construction that will need water, to have a water service and meter of*

appropriate size installed within the public right-of-way and within the specific property boundary/frontage for which it will serve. There is water available to this Parcel from the existing 6" CI water main in NE Graham St. A Water Bureau review for fixture count will need to be submitted by the applicant at the time of submittal of the building permit to appropriately size the water service and meter for this location. All applicable costs will be the responsibility of the applicant.

For Parcels 1 and 2 and any ADUs to be constructed as part of the new houses, if it is decided that the new ADU will need a separate water service, City code 21.12.010 will require any new building construction, or any construction that will need water, to have a water service and meter of appropriate size installed within the public right-of-way and within the specific property boundary/frontage for which it will serve. A Water Bureau review for fixture count will need to be submitted by the applicant at the time of submittal of the building permit to appropriately size the water service and meter for this location. All applicable costs will be the responsibility of the applicant.

Additional information with regards to ADUs and water service sizing, SDC and service/meter costs for houses with added ADUs and water usage impacts, or any other water system related question, can be acquired by calling the Portland Water Bureau Development Services Group at (503) 823-7368.

33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.

The Bureau of Environmental Services (BES) has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.

Specifically, BES notes: *According to 1925 City of Portland connection records there is an existing lateral located 215 feet from the NE MLK right-of-way line which appears to be approximately 24 feet from the west property line of the subject site. The lateral is available for future development on Parcel 1. A new lateral to serve Parcel 2 will need to be constructed to the public main at the applicant's or owner's expense at the time of development.*

Connection to public sewers must meet the standards of the City of Portland's Sewer and Drainage Facilities Design Manual.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1

No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods for Parcels 1 and 2, and BES has verified these are acceptable, as noted:

- *BES has reviewed the Simplified Approach storm report that includes infiltration test results of 7 inches per hour. The applicant proposes on-site infiltration by means of drywells for the proposed structures. BES has no objections to the proposed stormwater management approach for the purposes of land use review.*
- *The Oregon Department of Environmental Quality (DEQ) regulates underground injection control (UIC) facilities to protect groundwater. Drywells and soakage trenches are examples of UICs. It is the applicant's responsibility to register all on-site UICs with DEQ, as appropriate.*

33.654.110.B.1 Through streets and pedestrian connections

This section requires street and pedestrian connections where appropriate and practical, taking a number of factors into consideration. The City's spacing requirements for public through streets and public pedestrian connections is a maximum of 530-feet and 330-feet, respectively.

Portland Transportation has provided the following comments:
No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The subject block and others in the vicinity satisfy the above referenced pedestrian connectivity goal, but only in the east-west direction. With blocks that are approximately 265-ft (north-south length) and 720-ft (east-west length), the public street and pedestrian connectivity goals are not satisfied in the north-south direction. The subject site is

not located midway along the subject block, making it an undesirable location to provide a public street or pedestrian connection through the block, if this was feasible. However, the subject block shape and orientation is the prevailing shape and orientation for a considerable distance between NE San Rafael (to the south) and NE Ivy to the north). Providing a public street or pedestrian connection through the subject site (or block) would not result in a meaningful connection in any direction from the subject site. Properties that abut the subject site to the east and west are sized to be further partitioned (as is the subject site), therefore future development/density would be compromised in relation to any other similar land divisions. In order to provide a public street or pedestrian connection through the subject site and block, the proposed development would be compromised and the existing apparently multi-dwelling residential units on the abutting lot to the north would need to be raised. These impacts do not make further connectivity through the subject site or block feasible. PBOT therefore has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition.

Based on these factors, this criterion is met.

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

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that the additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided. As such, this criterion is met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. As such, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

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

- Attached Houses-If attached houses are proposed, the development standards in Section 33.120.270.C must be met at the time of development.
- Detached Houses- The applicant indicates attached houses with accessory dwelling units are proposed; however, the lots could also be developed with detached houses. If the applicant intends to develop the parcels with detached houses, Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. **In order to take advantage of this allowance for detached houses, the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- **Fire Bureau**: The applicant must meet the requirements of the Fire Bureau in regards to fire flow, addressing, and aerial fire department access, as outlined in the Fire Bureau response (Exhibit E.4).
- **Urban Forestry**: At this time there are no existing street trees. Street trees requirements will be reviewed by the City Forester during building permit application. Underground utilities will have to be located to accommodate the planting of street trees.
- **Portland Transportation**: If Parcels 1 and 2 are developed with attached homes, the driveways will need to be combined/shared to the satisfaction of Portland Transportation, or provide verification of an approved appeal for an alternative driveway configuration.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). The primary issues identified with this proposal and in the neighborhood comments are:

- Density
- Disclaimer for on-site sewage disposal system
- Parking Supply
- Fire flow, addressing, and aerial fire department access
- Combined/shared driveways for attached houses

As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition that will result in 2 single-dwelling parcels for attached or detached housing, as illustrated with Exhibit C.1, subject to the following conditions:

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

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

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

1. The minimum and maximum density for the lots in this land division are as follows:

- Parcel 1 has a minimum and maximum density of one.
- Parcel 2 has a minimum and maximum density of two; this density must be achieved with a house and an accessory dwelling unit on Parcel 2. The parcel is not of sufficient size to allow duplex or multi-dwelling development.

2. The applicant must meet the addressing and aerial fire department access requirements to the satisfaction of the Fire Bureau.

3. The applicant must complete a *Disclaimer for Existing On-site Sewage Disposal System* to the satisfaction of Site Development.

4. If Parcels 1 and 2 are developed with attached homes, the driveways will need to be combined/shared to the satisfaction of Portland Transportation, or the applicant must provide verification of an approved appeal to this requirement from Portland Transportation.

Staff Planner: Kate Green

Decision rendered by: Kimberly Tallant **on October 31, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed November 4, 2013

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 July 10, 2013, and was determined to be complete on September 3, 2013.

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 July 10, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 30 day, as stated with Exhibit G.3. Unless further extended by the applicant, **the 120 days will expire on: December 27, 2013.**

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.

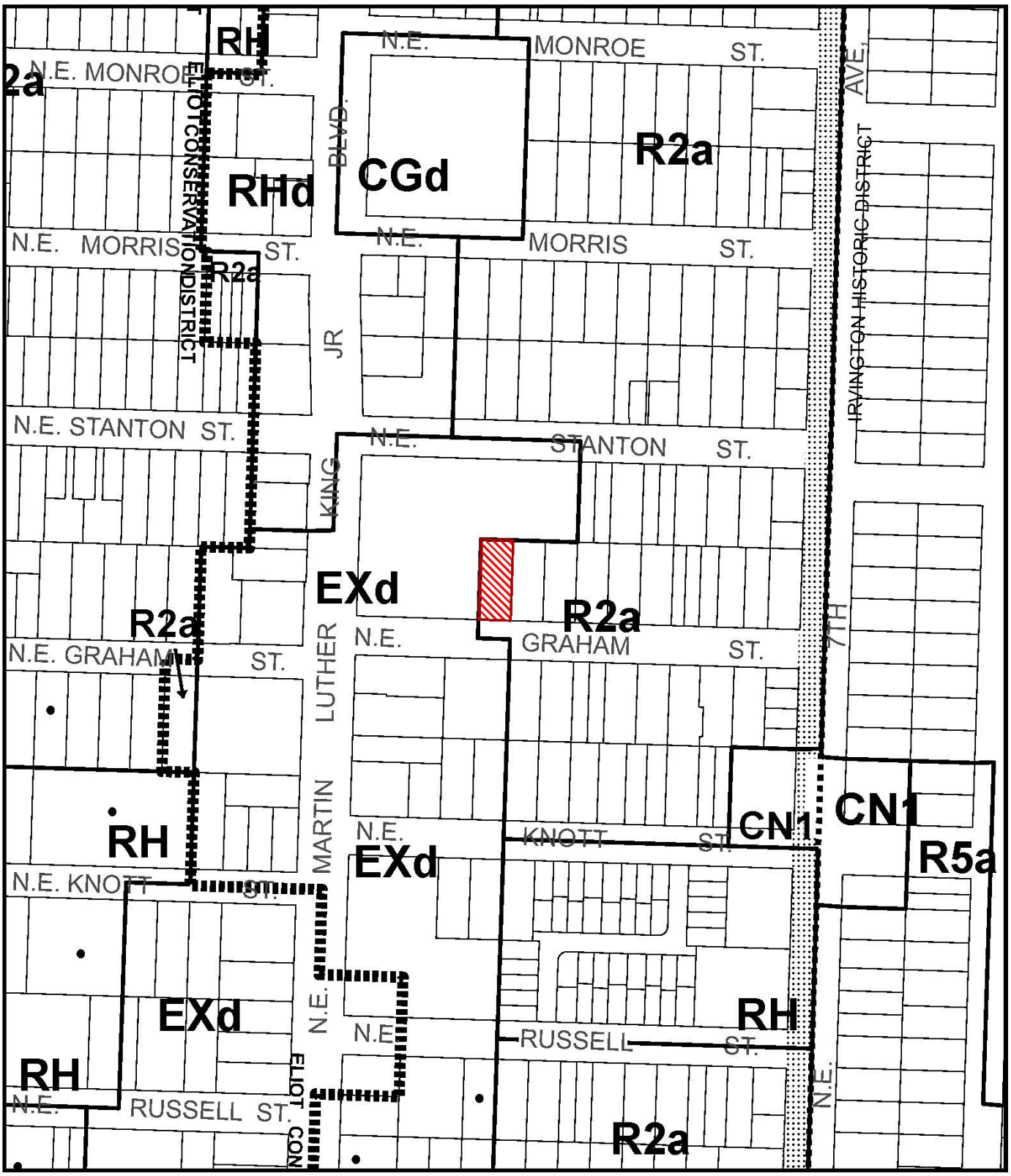
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Supplemental narrative
   2. Traffic Study
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Existing Conditions Plan
   3. Preliminary Site/Utility Plan
   4. Preliminary Grading Plan
   5. Existing Conditions Survey
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Portland Transportation
   3. Water Bureau
   4. Fire Bureau
   5. Site Development/BDS
   6. Bureau of Parks, Forestry Division
   7. Life Safety/BDS
F. Correspondence:
   1. Kelly and Ron Sporsee, September 17, 2013, re: concerns about traffic and parking
   2. Laura Moya and Mark Hopkins, September 18, 2013, re: concerns about rental units, and parking
G. Other:
   1. Original LU Application
   2. Letter to applicant re: incomplete application
   3. 120-day timeline extension
   4. Correspondence to/from applicant

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



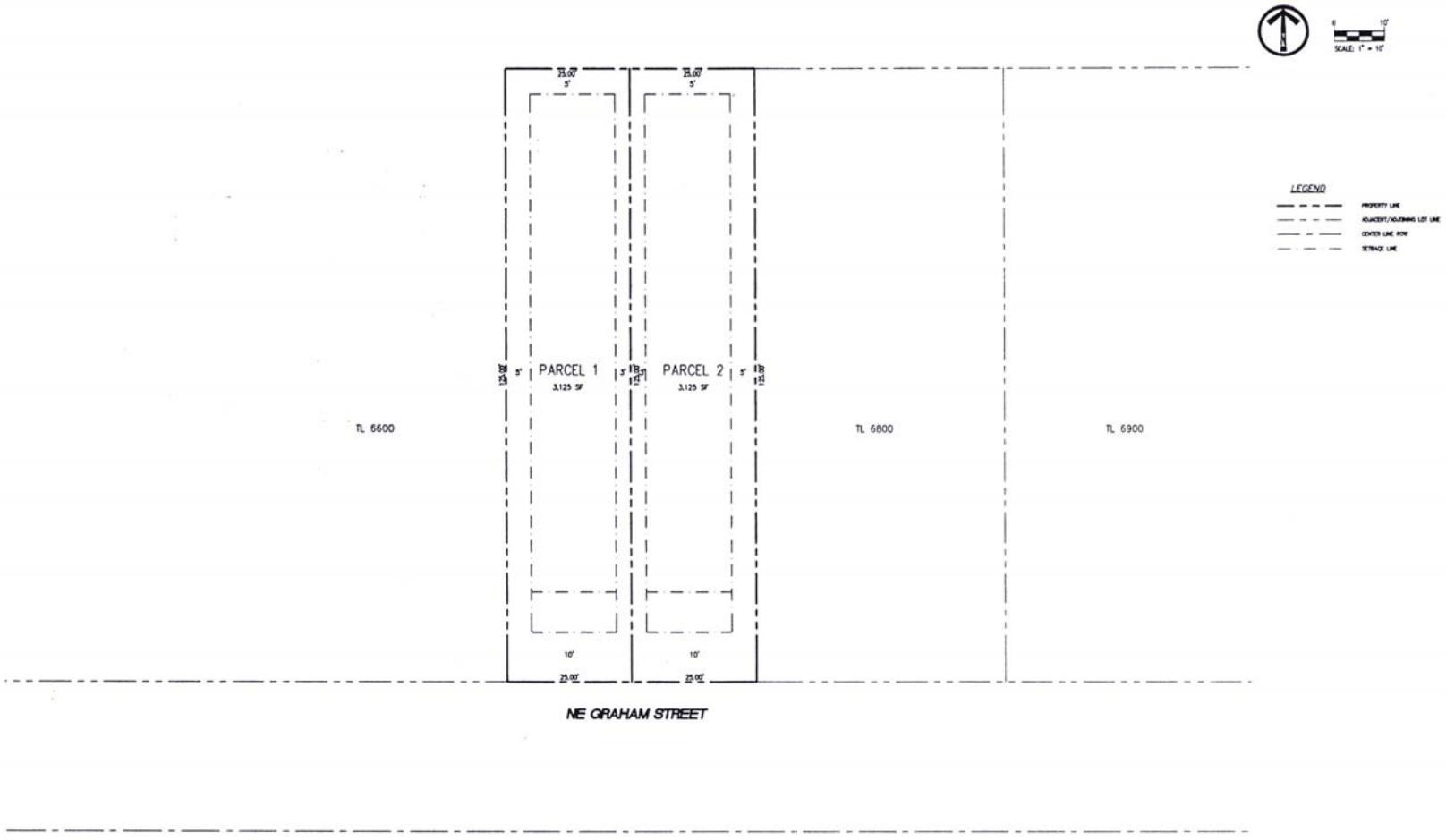
ZONING

Site

File No. LU 13-177621 LDP
1/4 Section 2731
Scale 1 inch = 200 feet
State_Id 1N1E26BC 6700
Exhibit B (Jul 11,2013)

NORTH

This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT



441 NE GRAHAM STREET
TAX MAP T1N R1E 26BC
TAX LOT 6700
MULTNOMAH COUNTY, OREGON

PRELIMINARY PLAT

REVISIONS

NO.	DATE	DESCRIPTION

EMERIO Design
6107 SW MURRAY BLVD. SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 515-5528

SHEET 3 OF 5

SGR STAFF, Plotted: Aug 22, 2013 - 11:18am, P:\124-122 441 NE Graham St\dwg\Plan\124-122.03pp1.dwg