



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**Date:** September 17, 2008  
**To:** Interested Person  
**From:** Mark Bello, Land Use Services  
503-823-7810 / [mark.bello@ci.portland.or.us](mailto:mark.bello@ci.portland.or.us)

## **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 07-162223 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Max Ritchie  
RC Nordoff, LLC  
PO Box 19267  
Portland, OR 97280

**Site Address:** 4724 N COMMERCIAL AVE

**Legal Description:** LOT 12 BLOCK 7, CENTRAL ALBINA ADD  
**Tax Account No.:** R147000870  
**State ID No.:** 1N1E22AC 19300  
**Quarter Section:** 2530

**Neighborhood:** Humboldt, contact Paul Anthony at 503-367-9679.  
**Business District:** North-Northeast Business Assoc, contact Joyce Taylor at 503-445-1321. North Portland Business Assoc, Jim Schaller at 503-517-9915.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135.

**Zoning:** R2.5a Residential 2,500 with "a" overlay  
**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 proposes to divide the existing 5,000 square foot vacant site into two 2,500 square foot parcels. The new lots will be 25 feet wide by 100 feet long. Auto access to these lots will be via a rear alley.

Water and sanitary sewer laterals will connect to existing service in N. Commercial Ave. Stormwater will be managed onsite using drywells.

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).

**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.**

## ANALYSIS

**Site and Vicinity:** The site is level and unimproved. The applicant has demolished a house and small shed on the property.

The site has 50 feet of frontage on N. Commercial Street and abuts a mid-block alley. There are no trees on site. There are no known hazards other than those associated with demolition of the house and shed.

Houses bracket this interior lot. The block is developed with residential uses, some vacant land and Humboldt Elementary school. The block is bounded by N. Commercial Street to the west and N. Haight Avenue to the east. An alley serves this site and connects N. Blandena to N. Haight Avenue.

**Zoning:** The R2.5 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. The "a" overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. The proposal does not use the provisions of the "a" overlay zone.

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **October 9, 2007.**

**1. Agency Review:** Several Bureaus and agencies have responded to this proposal. Please see Exhibits E 1-6 for details. The comments are addressed under the appropriate criteria for review of the proposal.

**2. Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## 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.

<b>Criterion</b>	<b>Code Chapter</b>	<b>Topic</b>	<b>Applicability Findings</b>
A	33.611	Lots	Applicable - See findings below
B	33.630	Trees	Not applicable - No significant trees or trees in excess of 6 inches in diameter located fully on the site/outside of the environmental zone 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 and Grading	Applicable - See findings below.
G	33.635 .200	Land Suitability	Applicable - See findings below.
H	33.636	Tracts and Easements	Not applicable - No tracts or easements have been proposed or will be required.
I	33.639	Solar Access	Not Applicable - All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and 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 standards applicable in the R2.5 zone. These density and lot dimension standards 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.

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 \* .80) ÷ 5,000 square feet = 0.8 (which rounds up to a minimum of one parcel, per 33.930.020.A)

Maximum = 5,000 square feet ÷ 2,500 square feet = two parcels

The applicant is proposing two parcels. The density standards are therefore met.

#### Lot Dimensions

The lot dimension standards ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not too large relative to the planned density; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

The dimensions of the proposed lots as compared to the required lot dimension standards are shown in the following table (this information is found in 33.611 of the Zoning Code):

	<b>R2.5 Zone Requirement</b>	<b>Proposed Parcel 1</b>	<b>Proposed Parcel 2</b>
Minimum Lot Area	1,600 sq. ft.	2,500	2,500
Maximum Lot Area	NA		
Minimum Lot Width*	36 ft.	25	25
Minimum Lot Depth	40 ft.	100	100
Minimum Front Lot Line	30 ft.	25	25

\* Width is measured at the minimum front building setback line

#### Narrow Lots

Parcels 1 and 2 are 25 feet wide — narrower than the standard minimum width for the R2.5 zone, as shown in the table above. However Section 33.611.200.C of the Zoning Code allows narrower lots if the future development can meet certain standards:

- **If the lot abuts an alley, then vehicle access is allowed only from the alley;**
- **If the lot does not have vehicle access from an alley, then there must be at least 15 contiguous feet of uninterrupted curb space on the abutting street for each lot being created under these provisions (lots that abut a pedestrian connection or common green are exempt from this standard).**
- **Lots must be configured so that at the time of development the length of the garage wall will be no more than 50% of the length of the street-facing building façade.**
- **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;**
- **When a driveway is proposed to provide vehicle access to more than two lots, it must be an alley;**

The applicant has demonstrated that Parcels 1 and 2 can meet the narrow lot standards for the following reasons:

***Alley access:***

- The site abuts an alley that will provide access to both parcels. (The alley will be widened and improved to Transportation standards.)

***Preserves on-street parking***

- Exhibit C-1 shows that 15-feet of uninterrupted curb space will be preserved for the two narrow parcels as access will be provided via the alley. A condition of approval is required to assure that this curb space will continue to be preserved when the lots are developed or re-developed.

***50 percent garage wall limitation***

- Because access will be from the alley, no garage will share street frontage with the street facing façade of the house.

***60 percent landscaping requirement for attached houses***

- Detached houses are proposed.

***Driveway vehicle access***

- Only two parcels are being created

As noted above, with conditions, these approval criteria are met.

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

- 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 primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. Also, no trees are required to be preserved. 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 is relatively flat and contains no known geological hazards.

The site is currently vacant but there was formerly a house here. A demolition permit was issued but never finalized (07-112795 RS). Site Development was unable to find any plumbing records indicating that the demolished house was ever connected to public sewer. If the house was served by an on-site sewage disposal system, then approval of a decommissioning inspection is required. Otherwise, a sewer cap inspection is required.

This criterion is met with the condition that this issue is resolved.

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

*The relevant approval criteria of Chapter 33.641 are found in the two paragraphs 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 of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required).

The site has approximately 50 feet of frontage on N. Commercial Avenue. The street is classified as a local service street for all modes in the Transportation Element of the Comprehensive Plan.

Access to the site will be from the alley that connects to N. Blandena Avenue. Parking is allowed on both sides of both streets. Both streets are fully improved with a paved roadway, curbs, planting strips, and sidewalks. 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 two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

Tri-Met provides transit service on N. Vancouver Avenue, approximately 620 feet away. At this distance, off-street parking is required. The site is vacant, and there are no existing off-street parking spaces on the site.

Alley right-of-way fronting the east property line is currently a 16-foot wide unimproved surface with no curb. The City Standards for alley right-of-way here is 20 feet. So,

Transportation recommends that the applicant dedicate two feet to the alley and make appropriate improvements (See Exhibit E-2.)

With conditions of approval referenced above, this criterion is met.

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

**Findings:** Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way.

- The water standards of 33.651 have been verified. Water is available to serve Parcels 1 and 2 from N. Commercial Avenue. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 12 inch CSP combination sewer in N. Commercial Avenue. City records show the lateral in a different location than indicated on the applicant's plans. This approval will require a supplemental plan that shows the correct location of the lateral. See Exhibit E-1 for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 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:** No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In order to meet this approval criterion, land division proposals must demonstrate an approved method of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

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.

The applicant has proposed the following stormwater management methods (Exhibit C-1), and the Bureaus have responded as follows (Exhibits E-1 and E-5).

**Parcels 1 and 2:** The applicant proposes that stormwater from these lots be directed to individual drywells that will treat the water and slowly infiltrate it into the ground.

BDS has approved on-site infiltration so the proposed drywells are acceptable in concept. Because the parcels are small, BES recommends a front or rear building setback of 15 feet to provide sufficient space for the drywells to function properly. Specific information should also be supplied on a Supplemental Plan to be submitted with the Final Plat application (See Exhibits E-1 and E-5).

**Alley:** The alley will be paved and stormwater must be controlled and treated. The applicant may not be able to provide a landscaped surface facility, so there may be other options such as underground disposal. After additional information has been provided by the applicant, BES recommends approval. Stormwater management for the runoff from the alley improvements will be required and will be determined through the public works permit.

With the conditions of approval described above, the stormwater management criteria are 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.

<b>Code Section</b>	<b>Topic</b>	<b>Applicability Findings</b>
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	Applicable - See findings below.
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.

**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 located between east-west streets (N. Alberta and N. Blandena), which have a distance between them of approximately 760 feet. N. Humboldt has been vacated for Humboldt Elementary. The applicant's site is located 100 feet north of N. Blandena. The site has alley access to the east. This alley starts at N. Blandena, goes north for 300 feet then connects to N. Haight Avenue 100 feet to the east.

The Zoning code calls for streets and/or pedestrian connections given this separation. However, this site is sufficiently close so that an additional connection is not warranted. The site is 100 feet north of N. Blandena. A pedestrian connection requirement is meaningless as the ped connection would not reduce pedestrian travel distances.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

For the reasons described above, this criterion is met.

**33.654.110.B.4 Approval criterion for alleys in all zones. Alleys may be provided where appropriate.**

**Findings:** The alley abutting this site will provide vehicle access to the required parking space/rear loaded garage on each lot. However, it is too narrow to meet Transportation standards. Therefore, a condition to widen the alley is part of this approval. With this condition, this criterion is met.

**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:** There are no opportunities for further division of property adjacent to this site that will have any impact on right-of-way provision. There are no easements proposed, no dead-end streets or pedestrian connections associated with this proposal. These criteria are not applicable.

As shown by these findings, the Services and Utilities criteria are met.

## 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 is 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.

- Narrow Lots-- Development on Parcels 1 and 2 will be subject to the following standards (Section 33.110.213)at the time of development:
  - Height
  - Building coverage
  - Main entrance
  - Garage door
  - Parking
  - Exterior finish materials
  - Trim
  - Eaves

The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

## OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 <a href="http://www.water.ci.portland.or.us/">http://www.water.ci.portland.or.us/</a>

Bureau	Code Authority	Topic	Contact Information
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 <a href="http://www.bes.ci.portland.or.us/">http://www.bes.ci.portland.or.us/</a>
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 <a href="http://www.fire.ci.portland.or.us/">http://www.fire.ci.portland.or.us/</a>
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 <a href="http://www.trans.ci.portland.or.us/">http://www.trans.ci.portland.or.us/</a>
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 <a href="http://www.bds.ci.portland.or.us.">http://www.bds.ci.portland.or.us.</a>

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

The applicant must meet the requirements of the Fire Bureau in regards to access to buildings. These requirements apply to buildings that are 30 feet or higher at the eave level.

Note that drywells that handle stormwater other than from roofs may be considered "UIC" and subject to DEQ regulation. The DEQ UIC program is on the internet at [www.deq.state.or.us/wq/uic/uic.htm](http://www.deq.state.or.us/wq/uic/uic.htm). (See Exhibit E.)

## CONCLUSIONS

The applicant has proposed a two parcel 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:

- location of the existing sewer lateral
- alley access, dedication, and improvement
- completion of work associated with house demolition

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

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a two parcel partition that will result in two narrow lots for attached or detached houses with alley access.

- **A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show:
  1. Footprints of existing/proposed structures
  2. Existing/proposed sanitary sewer service
  3. Existing/proposed stormwater management facilities
  4. Required 15-foot front or rear building setback to allow for on-site infiltration facilities.
  5. Any existing/proposed easements
  6. The surveyed location of the existing sewer service lateral.

### **B. The final plat must show the following:**

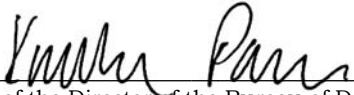
1. The applicant shall meet the street dedication requirements of the City Engineer for the alley. The required right-of-way dedication must be shown on the final plat.

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

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site and/or capping the sanitary sewer lateral to the site. Relevant permits must be obtained and finalized prior to final plat approval.
2. The applicant shall meet the requirements of the City Engineer for right of way improvements within the alley abutting the site. The applicant shall provide plans and financial assurances to the satisfaction of the Bureau of Transportation Engineering and Development Review and the Bureau of Environmental Services for required street frontage improvements.
3. Completion of the house and shed demolition by "finaling" the permit – (07-112795 RS). If the house was served by an on-site sewage disposal system, then approval of a decommissioning inspection is required. Otherwise, a sewer cap inspection must be approved.
4. The applicant shall submit financial guarantees (that is, a bond) and fees for any public works permit.

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

1. Access to Parcel 1 and 2 shall be from the alley to the east of these parcels. No additional curb cuts on N. Commercial Avenue are allowed.
2. The applicant shall meet Fire Bureau requirements for access if the eave of the structure is greater than 30 feet.

**Decision rendered by:**  **on September 12, 2008**  
By authority of the Director of the Bureau of Development Services

**Decision mailed September 17, 2008**

**Staff Planner: Mark Bello**

**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 September 13, 2007, and was determined to be complete on October 3, 2007.

*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 September 13, 2007.

*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 did not waive or extend the 120-day review period.

**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. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City’s homepage on the Internet at [www.portlandonline.com](http://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.**

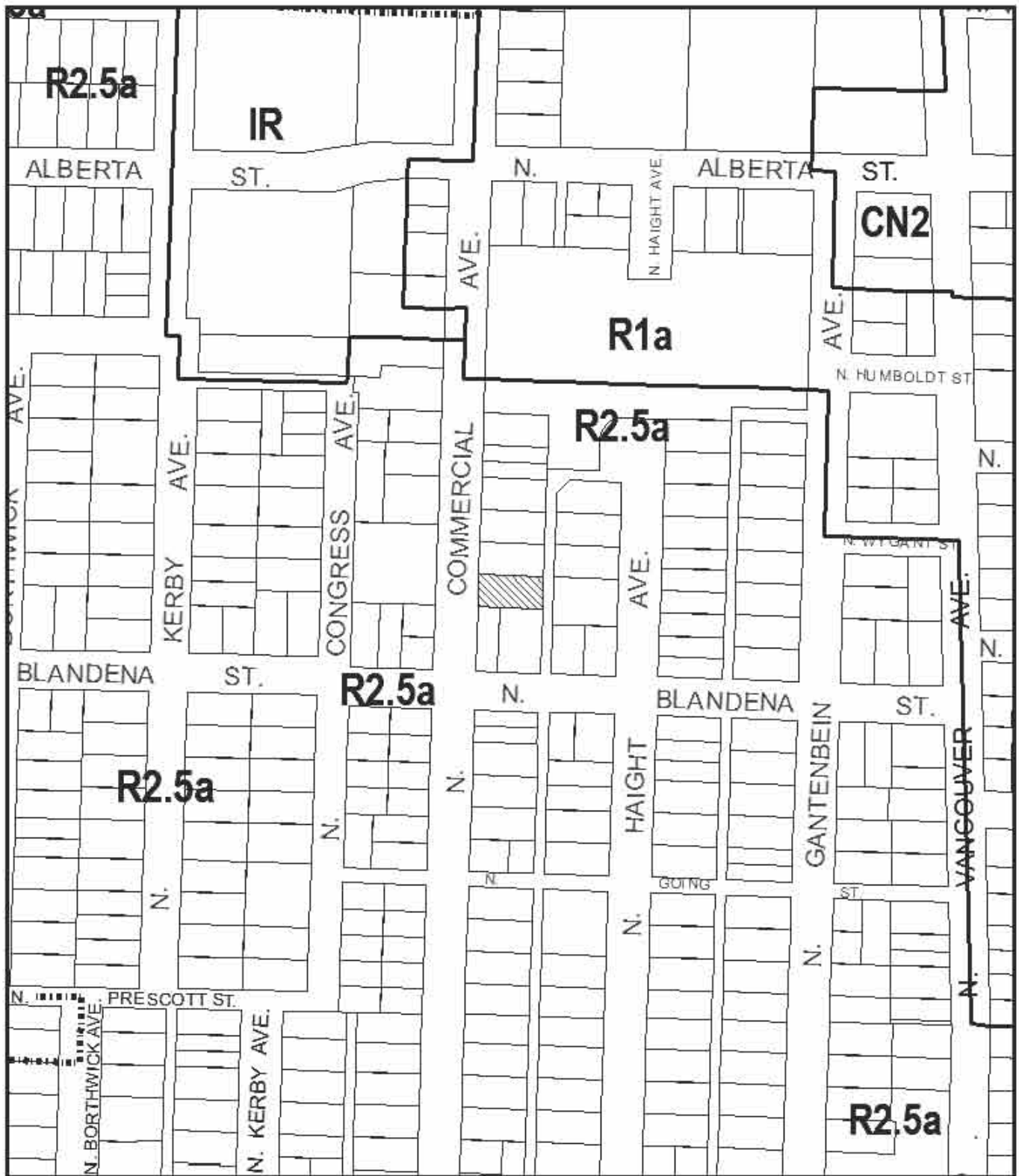
#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
- F. Correspondence (none)
- G. Other:

1. Original LU Application
2. Site History Research
3. Applicant request for time extension

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



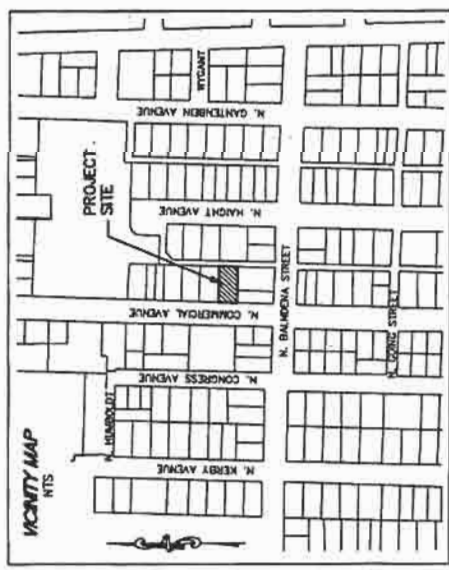
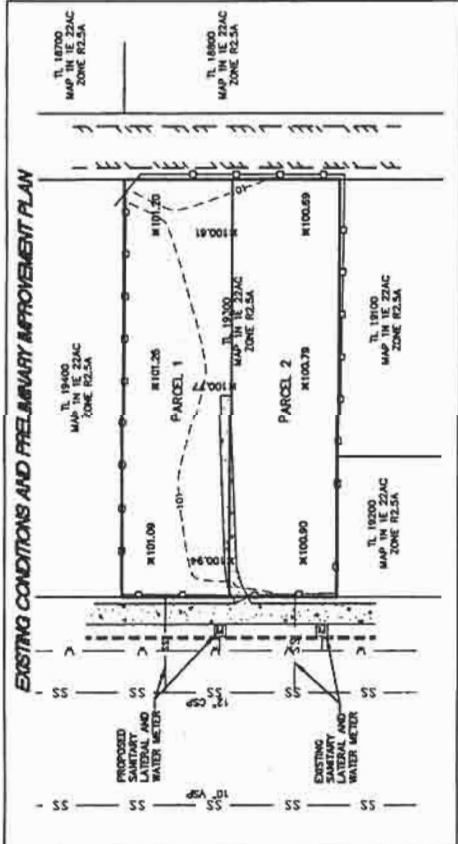
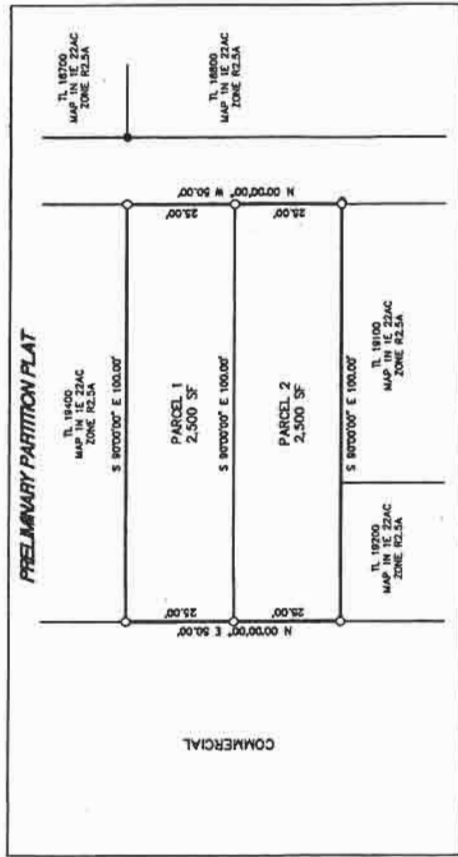
# ZONING

 Site



File No. LU 07-162223 LDP  
 1/4 Section 2530  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E22AC 19300  
 Exhibit B (Sep 19,2007)

**PRELIMINARY PARTITION PLAT  
LOCATED AT 4724 NORTH COMMERCIAL AVENUE**



**PROJECT INFORMATION**

TAX LOT 19300  
LOCATED IN SECTION 224C, T1N, R1E, W1M,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

**DEVELOPER**

MAX RITCHIE  
RITCHIE DEVELOPMENT CORP  
PO BOX 19287  
PORTLAND, OR 97280

**PLANNER - ENGINEER - SURVEYOR**

CKI, INC.  
PO BOX 309  
SEASIDE, OR 97138  
503 738 4320 OFFICE  
503 738 7854 FAX  
www.ckinc.net



DRAWING NAME: 7-065LWP DATE OF PLOT: 6/21/07

LU 07-162223 LDP

CASE NO. 07-162223  
EXHIBIT 11

NOTE: THIS IS NOT A BOUNDARY SURVEY. PROPERTY LINES ARE SHOWN PER FOUND SURVEY MONUMENTS AND RECORD DATA FOR A PRELIMINARY PARTITION PLAT.