



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** February 14, 2012  
**To:** Interested Person  
**From:** Marisol Caron, 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 11-175212 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Steve Buckles,  
Repetto & Associates, Inc.  
12730 SE Stark Street  
Portland, OR 97233  
Phone: 503-408-1507

**Owners:** Beth A Bonness  
1404 SE 26th Avenue  
Portland, OR 97214  
Phone: 503-804-5617

Jeffrey T McCaffrey  
1404 SE 26th Avenue  
Portland, OR 97214  
Phone: 503-449-9540

**Site Address:** SE Madison Street at SE 25<sup>th</sup> Avenue

**Legal Description:** TL 10100 0.02 ACRES, SECTION 01 1S 1E; TL 10200 0.14 ACRES, SECTION 01 1S 1E

**Tax Account No.:** R991010180, R991012190

**State ID No.:** 1S1E01BC 10100, 1S1E01BC 10200

**Quarter Section:** 3133

**Neighborhood:** Buckman, contact Susan Lindsay at 503-725-8257.  
**Business District:** Hawthorne Blvd. Bus Assoc., contact Peter Rossing at 503-231-8704  
**District Coalition:** Southeast Uplift, contact Leah Hyman at 503-232-0010.

**Zoning:** R2.5: Single-dwelling Residential 2,500  
**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 a land division to partition the existing 7,571 square-foot site into 3 parcels, for the future construction of attached, single-family houses. Parcel 1 is proposed at 27.67 feet wide, Parcel 2 is proposed at 22.68 feet wide and Parcel 3 is proposed at 27.97 feet wide. The proposed parcel sizes have changed slightly from the initial notice of proposal in order to provide a more uniform width for each of the attached houses and to provide the option of providing attached garages for each unit. The proposed parcel sizes are as follows: Parcel 1: 2,681 square feet; Parcel 2: 2,198 square feet, and; Parcel 3: 2,692 square feet.

The three proposed parcels will have access to water and sanitary sewer from SE Madison Street. The applicant has proposed on-site stormwater infiltration on each parcel. There is one existing split-trunk birch tree on the site, which is listed as a nuisance tree in the Portland Plant List and therefore not subject to the land division tree preservation requirements.

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 three parcels. Therefore this land division is considered a partition.

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).

**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**.

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. This application was submitted on September 9, 2011 and determined to be complete on **November 7, 2011**.

## FACTS

**Site and Vicinity:** This 7,571 square foot site is currently vacant of any buildings, but contains a remnant portion of parking lot that was previously part of the Rivermark Community Credit Union site, located at 2537 SE Hawthorne Boulevard.

The site is located one block north of SE Hawthorne Boulevard, a busy commercial corridor and Major Transit Priority Street. The neighborhood in the general vicinity is an established mix of one and two-story single-dwelling and multi-dwelling residential buildings, many of which were constructed in the 1920’s through 1940’s. Directly behind the site, a new two-story bank building and associated parking area was constructed in 2010 for the Rivermark Community Credit Union.

### Infrastructure:

**Streets** – The site has approximately 78-feet of frontage on SE Madison Street. At this location, SE Madison Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 150 feet

from the site at SE Hawthorne Boulevard via Bus 14. Parking is currently allowed on both sides of SE Madison Street.

SE Madison Street has a 36-foot curb-to-curb paved surface within a 60-foot right-of-way with parking on both sides. Along the 78-foot wide site frontage the pedestrian corridor includes a curb, 4-foot wide planter area, 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (4-6-2 configuration).

**Water Service** – There is water available to this location from an existing 8-inch CI water main in SE Madison Street.

**Sanitary Service** - There is an existing 10-inch VSP public combination sewer line in SE Madison Street.

**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.

**Land Use History:** City records indicate that prior land use reviews for this site include: LU 09-100310 AD – This case has no bearing on the present proposal, as it was related to the adjacent credit union site.

**Agency Review:** Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Please see Exhibits “E” for details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on November 10, 2011. No written responses have been received from 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.***

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 in detail below the table.

<b>Criterion</b>	<b>Code Chapter/Section and Topic</b>	<b>Findings: Not applicable because:</b>
B	33.630 – Tree Preservation	The only tree located on site is categorized as a nuisance tree in the Portland Plant List and is therefore exempt from the regulations of this chapter.
C	33.631 – Special Flood Hazard Area	The site is not within the special flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards

		express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are 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.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 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. The applicant is proposing 3 parcels, suitable for attached single-family residential development.

**Density Standards:** 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, no street is being created 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:

Maximum = 3 units, based on the following:

$7,571 \text{ square feet (site area)} \div 1 \text{ unit}/2,500 \text{ square feet} = 3.02$  (which rounds down to a maximum of 3 units, per 33.930.020.B)

Minimum = 1 unit, based on the following:

$7,571 \text{ square feet (site area)} * (.80) \div 1 \text{ unit}/5,000 \text{ square feet} = 1.21$  units (which rounds down to a minimum of 1 unit, per 33.930.020.A)

The applicant is proposing 3 parcels. The density standards are therefore met.

The lot dimensions required and proposed are shown in the following table:

	<b>R2.5 Zone Requirement</b>	<b>Proposed Parcel 1</b>	<b>Proposed Parcel 2</b>	<b>Proposed Parcel 3</b>
Minimum Lot Area (square feet)	1,600	2,568	2,423	2,580
Maximum Lot Area (square feet)	NA			
Minimum Lot Width* (feet)	36	27.67 (narrow lot)	22.68 (narrow lot)	27.97 (narrow lot)
Minimum Lot Depth (feet)	40	96.89	96.91	96.94
Minimum Front Lot Line (feet)	30	27.67 (narrow lot)	22.68 (narrow lot)	27.97 (narrow lot)

\* 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:** Parcels 1 – 3 are narrower than the minimum width for the R2.5 zone, as shown in the table above. Section 33.611.200.C.2 allows the minimum lot width to be reduced below 36 feet, if all of the following are met:

**33.611.200.C.2**

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

**Findings:** The lot dimension requirements 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 applicant has demonstrated that the proposed Parcels 1 - 3 are consistent with the purpose of the lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint for each parcel that meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that the proposed parcels can accommodate a reasonably sized house, while meeting the development standards of the zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services
- The proposed lots are compatible with existing lots because this established neighborhood contains a mix of lot sizes and development types. Each parcel can accommodate a reasonably sized single-family dwelling, as allowed by the base zone.
- The proposed parcels are not landlocked nor do they narrow to an unbuildable width close to the street

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

**Findings:** The lots will be developed with attached houses; therefore, this regulation does not apply.

**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.**

**Findings:** The site does not have access from an alley, so this regulation does not apply.

**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.**

**Findings:** The applicant has demonstrated with Exhibit C.6 that each parcel will be built with a house that is greater than 22 feet in width and will be able to accommodate a garage that will occupy no more than 50% of the length of the street facing façade. The garage limitation standards of Subsection 33.110.253.E can be met.

**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;**

**Findings:** The applicant has demonstrated with Exhibit C.6 that Parcels 1 - 3 can be configured so that at least 60% of the area between the front lot line and the front building line can be landscaped at the time of development. Each lot is at least 22.68 feet wide. The proposed lot widths can each accommodate an individual, 9-foot wide driveway and still allow for 60% or greater of the area between the front lot line and the front building line available for landscaping.

- 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 subject site is located in an area where parking is not required; however, the applicant has demonstrated that the proposed parcels can accommodate vehicle access and parking on-site (Exhibit C. 6). Therefore, this criterion is not applicable.

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

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

**Findings:**

***Clearing and Grading***

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved on the site. This criterion is met.

***Land Suitability***

The site is currently vacant and contains a remnant portion of a parking lot that was previously used by the adjacent commercial property at the rear of the site. 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.

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

**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:

<p><b>33.651 Water Service standard</b> - See Exhibit E.3 for detailed bureau comments.</p>
<p>The standards of 33.651 have been verified. Water is available to serve the proposed development from the water main in SE Madison Street</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> - See Exhibit E.1 for detailed comments.</p>
<p>The sanitary sewer standards of 33.652 have been verified. There is an existing 10-inch public sanitary sewer located in SE Madison that can serve the sanitary needs of the proposed parcels.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b>– See Exhibits E.1 &amp; E.5</p>
<p>BES has verified that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed that stormwater from Parcels 1 – 3 will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these parcels has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.</p>
<p><b>33.654.110.B.1 -Through streets and pedestrian connections</b>  <b>33.654.130.B - Extension of existing public dead-end streets &amp; pedestrian connections</b>  <b>33.654.130.C - Future extension of proposed dead-end streets &amp; pedestrian connections</b></p>
<p>Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. Pedestrian connections should generally be provided no more than 330 feet apart. The block on which the subject property is located meets the noted spacing requirements and there are no existing or proposed dead-end streets or pedestrian connections adjacent to the site. Therefore, this criterion is met.</p>
<p><b>33.641 – Transportation Impacts – 33.641.020 and 33.641.030</b> – See Exhibit E.2  <b>33.654.120.B &amp; C Width and elements of the street right-of-way</b>  <b>33.654.130.D Partial Rights of way</b></p>
<p>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.</p> <p>In its current state, the site is vacant and undeveloped. The proposed partition will ultimately result in development of 3 dwelling units. Based on data from the ITE Trip Generation Manual, Eighth Edition, development of the site to accommodate three townhouse/condominium type residential dwelling units is expected to result in one additional trip during the morning peak hour, exiting the site. During the evening peak hour two additional trips are projected, with one entering and one exiting the site. A net increase of 18 weekday trips is projected, with half entering and half exiting.</p> <p><i>Street Capacity and Level of Service</i></p> <p>In urban settings, street capacity is typically limited by constraints at intersections rather than the street segments that connect them. This is because street segments have few conflicts and flow relatively freely. Although there are occasional conflicts at private driveways, interruptions to the flow of through traffic are brief and relatively rare in comparison to those at public street intersections. In contrast, public street intersections often have multiple conflict points where vehicles approaching from various directions must stop or yield in order to safely travel through the intersection. The City of Portland requires</p>

level of service E or better for unsignalized intersections.

Local experience and knowledge of the area streets and intersections indicate that they operate within capacity and at acceptable levels of service. While SE Hawthorne Boulevard is susceptible to high traffic volumes during the morning and evening peak hours, significant delays do not generally occur at area intersections.

#### *Vehicle Access and Loading*

Vehicle access and loading will be via on-street parking in the site vicinity. Continuous sidewalks in the site vicinity provide safe and convenient access to all on-street parking in the site vicinity. The proposed lots are located in a mid-block position along the south side of SE Madison Street; accordingly there will be no conflicts with turning movements at area intersections. Off street parking is proposed as part of development. No mitigation is recommended.

#### *On-Street Parking Impacts*

The proposed development will utilize one on-site parking space per unit and available on-street parking to accommodate any additional demand. In close-in, urban locations such as this, vehicle ownership is typically lower than in more suburban locations. Much like the very small increase in trip generation, the increase in parking demand will also be very minimal. It is expected that there is sufficient capacity to accommodate the proposed development.

#### *Transit Service*

Tri-Met route 14, *Hawthorne* stops at SE 26<sup>th</sup> Avenue and Hawthorne Boulevard. Buses run from about 5:00 AM to 1:30 AM weekdays, with service at least every 30 minutes, and as often as every 6 minutes during morning and afternoon rush hours. On weekends, bus service operates over similar hours, but with 20 to 30 minute headways.

Tri-Met route 15, *Belmont/NW 23rd* runs along SE Belmont Street and stops at SE 26<sup>th</sup> Avenue. Buses run from about 4:45 AM to 1:45 AM weekdays, with service at least every 30 minutes, and as often as every 10 minutes during morning and afternoon rush hours. On weekends, bus service operates from 4:45 AM to 1:45 AM with 20 to 30 minute headways.

Tri-Met route 75, *Lombard/39<sup>th</sup> (Cesar E Chavez)* also runs along SE Cesar E Chavez Boulevard and has stops in the vicinity of SE Hawthorn Boulevard. Buses run from about 5:00 AM to 1:00 AM weekdays, with service at least every 30 minutes, and as often as every 20 minutes during morning and afternoon rush hours. On weekends, bus service operates from 6:00 AM to 1:00 AM with 20 to 30 minute headways.

The available transit service is adequate to serve the needs of the subject property.

#### *Impacts to Immediate and Adjacent Neighborhoods*

As previously discussed, the proposed development is projected to result in only one additional trip during the morning peak hour and two additional trips during the evening peak hour.

Traffic volumes on area roadways and at area intersections are not expected to change significantly upon completion of the proposed development. The addition of 5 or fewer site trips through the area intersections during the peak hours will have no noticeable impacts to immediate and adjacent neighborhoods. No significant operational or safety problems were identified, and no improvements are proposed.

#### *Safety for All Modes*

There are no significant horizontal or vertical obstructions to sight distance at locations along the site frontage or at area intersections. No safety problems are projected as a result of the proposed development.

All of the roadways in the site vicinity have existing sidewalks in place on both sides of the



roadway. The area is also served by designated bike routes, with prevalent bicycle usage in the area already.

The existing roadways, sidewalks, and bicycle routes are sufficient to provide safe, continuous travel paths for all travel modes.

*Street Configuration and Public Improvement/Dedication Requirements*

PBOT has indicated that no street improvements are required other than repairing any damaged or broken sidewalks that may occur during construction of the residences.

Based on the available evidence and the Traffic Impact Study prepared by Lancaster Engineering, PBOT has concluded that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

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

## DEVELOPMENT STANDARDS

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

### Future Development

- Narrow Lots-- development on Parcels 1 - 3 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, up to the maximum height limit listed in Table 110-3 (per 33.110.215.B.2); and
  - Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.E.3.a
  - Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b.

**Existing development that will remain after the land division.** 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.

## 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	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>

<b>Bureau</b>	<b>Code Authority and Topic</b>	<b>Contact Information</b>
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</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.portlandonline.com/bds">www.portlandonline.com/bds</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 addressing of structures, ensuring adequate hydrant flow from the nearest fire hydrant, fire hydrant spacing, and aerial fire department access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

## **CONCLUSIONS**

The applicant has proposed a 3-parcel partition for attached houses, as shown on the attached preliminary plan (Exhibit C.6). 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: development is limited to attached houses, and the parcels are each subject to the development standards for new narrow lots.

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

## **ADMINISTRATIVE DECISION**

**Approval** of a Preliminary Plan for a 3-parcel partition, that will result in three narrow lots, suitable for attached houses, as illustrated with Exhibit C.6, subject to the following conditions:

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

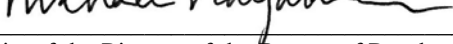
#### **Utilities**

1. The applicant shall meet the requirements of the Fire Bureau for fire hydrant spacing. If a new hydrant is required, the applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that either Appendix B of 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. Parcels 1 - 3 must be developed with attached dwelling units.
2. The applicant must meet the addressing requirements of the Fire Bureau for Parcels 1-3. The location of the sign must be shown on the building permit.
3. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

**Staff Planner: Marisol Caron**

**Decision rendered by:**  **on February 10, 2012.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: February 14, 2012**

**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 9, 2011, and was determined to be complete on **November 7, 2011.**

*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 9, 2011.

*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 for a total of 59 days. Unless further extended by the applicant, **the 120 days will expire on: May 4, 2012.**

**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](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.**

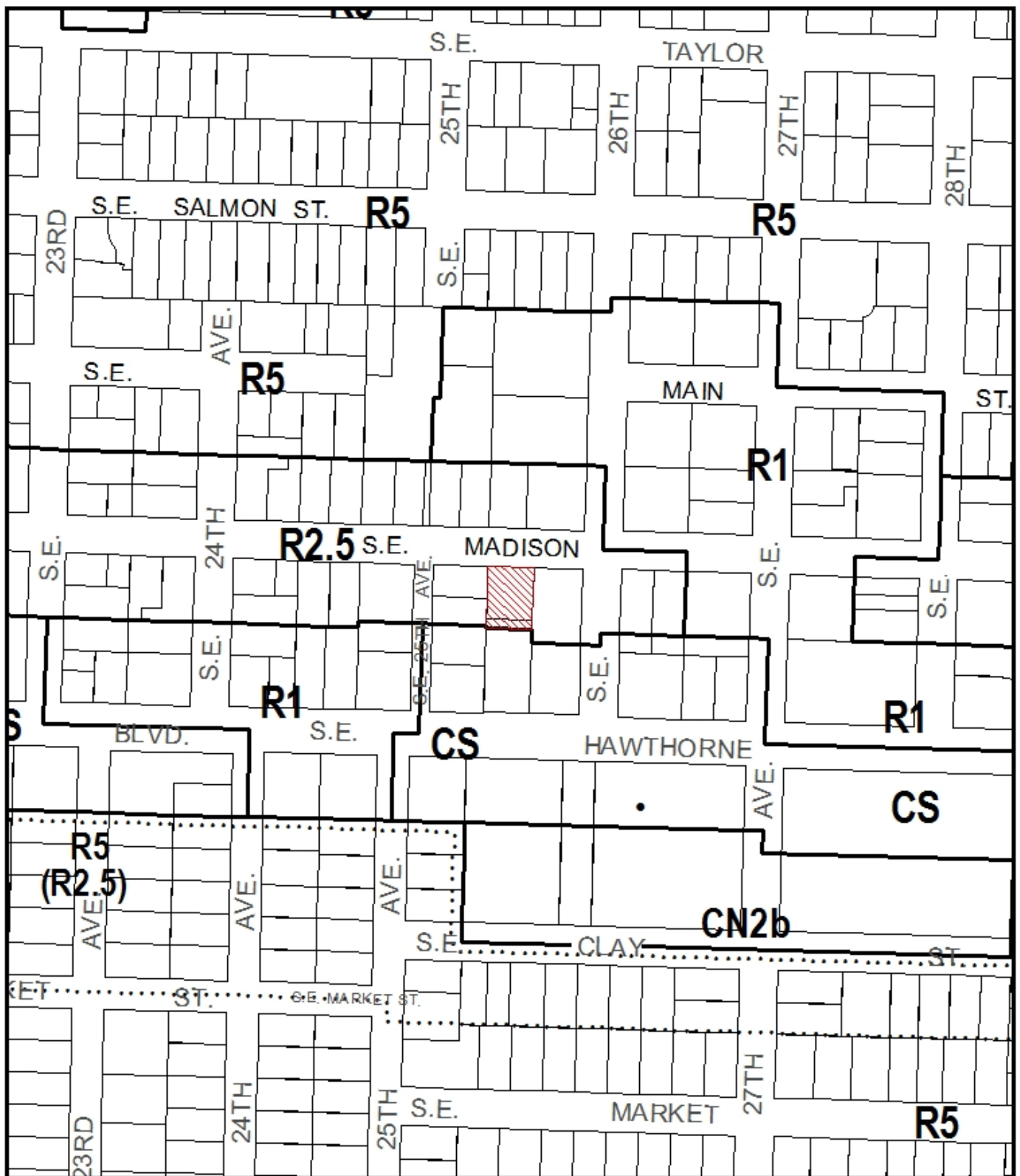
#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
  - 1. Land Division Approval Criteria
  - 2. Stormwater Report
  - 3. Nuisance Tree Documentation
  - 4. Land Division Approval Criteria Addendum
  - 5. Transportation Impacts Report
  - 6. Request for Extension of 120-Day Review Period – 7 days
  - 7. Applicant Correspondence
  - 8. Request for Extension of 120-Day Review Period – 16 days
  - 9. Request for Extension of 120-Day Review Period – 21 days
  - 10. Applicant Correspondence
  - 11. Request for Extension of 120-Day Review Period – 15 days
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Site Plan
  - 2. Preliminary Utility Plan
  - 3. Existing Conditions Plan
  - 4. Revised Preliminary Site Plan (12/28/11)
  - 5. Revised Utility Plan (12/28/11)
  - 6. Revised Preliminary Site Plan (1/26/12) (Attached)
  - 7. Revised Utility Plan (1/26/12)
- 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
  7. Life Safety Plans Examiner
  8. Bureau of Transportation Engineering and Development Review – Modified 2/3/12
- F. Correspondence: NONE
- G. Other:
1. Original LU Application
  2. Site History Research
  3. Incomplete Letter
  4. Historic Deed Information
  5. Additional Owner Signature

**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

 Historic Landmark



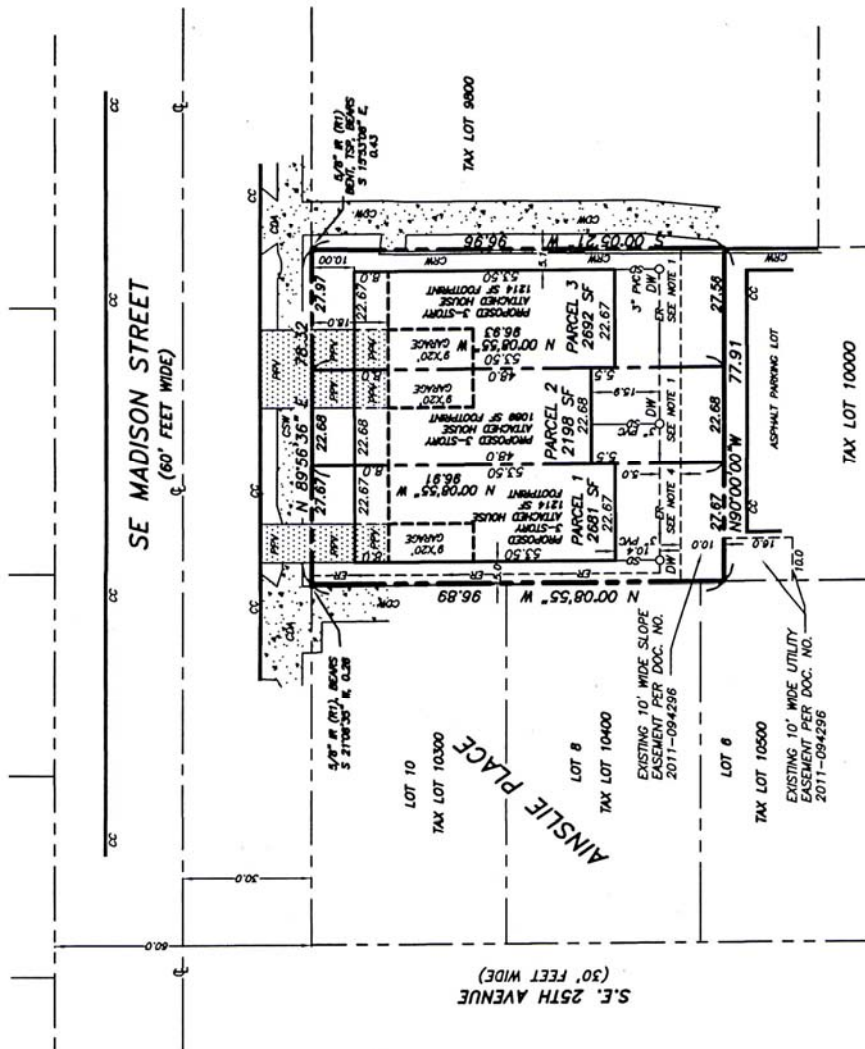
File No.	<u>LU 11-175212 LDP</u>
1/4 Section	<u>3133</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E01BC 10200</u>
Exhibit	<u>B (Sep 15,2011)</u>



# PRELIMINARY SITE PLAN

SITUATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

FOR: JEFF McCAFFREY



## LEGEND

- - MONUMENT FOUND AS NOTED.
- CC - CONCRETE CURB
- CDM - CONCRETE DRIVEWAY APRON
- CDW - CONCRETE DRIVEWAY
- CRW - CONCRETE RETAINING WALL
- DRW - CONCRETE SIDEWALK
- ER - ESCAPE ROUTE FOR STORM OVERFLOW
- IR - IRON ROD
- PPV - PROPOSED PERVIOUS PAVEMENT DRIVEWAY
- SD - STORM DRAIN LINE
- SF - SQUARE FEET
- TSP - TIED SPIN POINT
- ( ) - RECORD
- RT - UNRECORDED SURVEY BY LEN SCHELSKY

SCALE: 1" = 20'

REVISED: JAN. 26, 2012, LOTS AND HOUSE DIMENSIONS

REPPETO & ASSOCIATES, INC.  
LAND SURVEYORS

Photo 125, Building G  
12730 SE Stark Street  
Portland, Oregon 97233  
Phone: (503) 408-1507  
Fax: (503) 408-2370

DATE: OCT. 31, 2011 FILE: M11044.DWG

DRAWN BY: CJH JOB NO. M11044

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*John P. Reppeto*  
OREGON  
JULY 17, 1988  
STEVEN P. BUCKLES  
2231  
RENEWABLE 12/31/13

## NOTES

1. EACH PARCEL WILL HAVE AN INDIVIDUAL 28 INCH DIA. DRYWELL INSTALLED 1 FT. DEEP PER PER. RES. STEEL WATER SPREADER TOES. SAID DRYWELL WILL MANAGE THE RUNOFF FROM THE HOUSE ROOF DRAINS.
2. EXISTING ASPHALT SURFACE TO BE REMOVED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS.
3. THE HEIGHT OF THE BUILDING WALLS WILL BE NO GREATER THAN 1.5 TIMES THE WIDTH OF THE NEW STRUCTURE, UP TO THE MAXIMUM HEIGHT LIMIT LISTED IN TABLE 110-3 (35 FEET).
4. THE STORM DRAINAGE ESCAPE ROUTE IS IN THE EVENT THAT PRECIPITATION EXCEEDS THE CAPACITY OF THE DRYWELLS, THE ESCAPE ROUTE WILL DRAIN TO THE WEST AND NORTH, FOLLOWING THE EXISTING 10' WIDE UTILITY EASEMENT.
5. THE SECOND AND THIRD STORY FLOOR WILL OVERHANG THE FIRST FLOOR AT THE GARAGE AND ENTRY AREA.

LU 11-175212 LDP  
Exhibit C.6