



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

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Date: January 10, 2014
To: Interested Person
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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 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 13-139274 LDP

GENERAL INFORMATION

Applicant: Mike Coyle/Faster Permits
14334 NW Eagleridge Lane / Portland OR 97229

Property Owners: Katie Ann-Angelo Bortolazzo and Benvenuto Bortolazzo
4812 SE 43rd Avenue / Portland, OR 97206

Site Address: 4224-4226 NE 15TH AVENUE

Legal Description: IRVINGTON HTS, BLOCK 5, W 58' OF LOT 7&8
Tax Account No.: R421000750
State ID No.: 1N1E23DB 08000 **Quarter Section:**2632
Neighborhood: Sabin Community Assoc/ David Sweet/ 503-493-9434
Business District: North-Northeast Business Assoc/ Joice Taylor/ 503-445-1321
District Coalition: Northeast Coalition of Neighborhoods/ Claire Adamsick/ 503-388-9030.
Zoning: Single Dwelling Residential 5,000 (R5), Alternative Design Density (a), Aircraft Landing (h)

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

Proposal: The applicant proposes a **Land Division-Partition** to divide an approximately 5,800 square foot lot into 2 parcels, using a provision that allows additional density for attached houses on a corner lot (33.110.240.E). Parcel 1 will be approximately 3,190 square feet in area and Parcel 2 will be approximately 2,610 square feet.

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

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

applicant's proposal is to create 2 units of land (2 parcels). Therefore, this land division is considered a partition.

Additionally, the attached housing will have to be designed to meet specific development standards (33.110.240.E.4). Compliance with these standards will be evaluated at the time of building permits or, in the event those standards are not met, through a separate land use review process.

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 subject site is a rectangular property on the corner of NE 15th Avenue and NE Skidmore Street. The site slopes down from the north to the south at an approximately 10 percent grade. A duplex structure, built in 1927, had been located on the south half of the property, until it was removed from the site earlier this year.

About 300 feet to the north of the site, there is a small commercial (CN2) and multi-dwelling residential (R2) area. Otherwise, all the other surrounding development, within a 2-block (500-foot) radius, consists primarily of one and two-story residences on 5,000 to 10,000 square foot lots, which are also in the R5 zone. Overall, the area has a fairly uniform and established lot and street grid pattern.

Infrastructure:

Streets: The site has approximately 100 feet of frontage on NE 15th Avenue, and approximately 58 feet of frontage on NE Skidmore Street. There is one driveway entering the site on NE 15th Avenue. At this location, based on City GIS resources, NE 15th Avenue is improved with 36-feet of paving and a 5-6-1 sidewalk corridor within a 60-foot right-of-way (r.o.w). NE Skidmore is improved with 36-feet of paving and a 4-6-2 sidewalk corridor within a 60-foot r.o.w. Both of the existing site frontages meet or exceed current City standards. Tri-Met provides transit service directly along NE 15th Avenue via Bus Line 8.

Water Service: There is an existing 8-inch cast iron (CI) water main in 15th Avenue. The former duplex was served by two 5/8-inch metered services from this main.

Sanitary Service: There is an existing 8-inch vitrified clay public combined gravity sewer located in NE 15th Avenue.

Stormwater Disposal: There is no public storm-only sewer currently available to this property.

Zoning: The site is located in a Single-Dwelling Residential 5,000 (R5) zone, and within an Alternative Design Density (a) overlay and an Aircraft Landing (h) overlay.

The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.

The a-overlay is intended to allow increased density that meets design compatibility requirements. This land division proposal is not using any of the provisions of this overlay.

The h-overlay limits the height of structures and vegetation, within the aircraft landing approach patterns for the Portland International Airport. In residential zones, structures are regulated by the height limits of the base zone at the time of development.

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

There was a related Lot Confirmation/Property Line Adjustment (PR 12-201750) completed in 2012 to separate the subject site from the abutting lot to the east at 1516 NE Skidmore.

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 **October 8, 2013**. Two written response has been received. One was from the Sabin Neighborhood Association noting support for the proposal. Another was from a neighbor noting concerns about stormwater management and potential impacts on the neighboring downhill properties.

Stormwater management and land suitability are addressed in Criterion G and L, below.

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	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.
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 are 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 33.610 contains the density and lot dimension requirements applicable in the R5 zone.

The applicant is proposing 2 parcels, which exceeds the maximum density normally allowed for the 5,800 square foot site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, with a condition limiting the development on Parcel 1 and 2 to attached houses, the density standards will be met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
Original lot before division in R5 zone	4,500	NA	NA	NA	NA
Original lot before division	5,800				
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Parcel 1	3,190		55	58	55
Parcel 2	2,610		45	58	45

* 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.

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: 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.

The subject site is not located within the Potential Landslide Hazard Area and no trees are located on the site. The site has historically been in residential use, and there is no record of any other use in the past. Prior to submittal of the land division application, the applicant removed a duplex (with a basement) from the site, under permit 12-203149-RS.

Based on the project plans, the site slopes down from the north to the south at approximately a 10 percent grade. The applicant provided a grading plan (Exhibit A.1) for the conceptual development on Parcels 1 and 2, which showed the grading would primarily be limited to the proposed driveway location to provide vehicle access to each residence.

Additionally, according to Site Development/BDS: *the basement excavation for the former residence was kept open (12-203149-REV-01) and a Residential Property Owner’s Agreement to Complete Basement Fill and Compaction was completed.* This will allow for potential reuse of the basement area from the prior residence, which could also help to limit grading on the site.

However, to address inconsistencies in the narrative, the grading plan, and the quantity of grading, and to address the BES requirement to show a stormwater escape route for Parcel 1, the applicant submitted a revised grading plan (Exhibit C.1). The revised plan shows grading will continue to be limited to the driveway locations on each parcel, generally, and will include areas in the northeast corner of Parcel 1 and the west side of Parcel 2. The revised plan also refers to a 24-inch retaining wall along the southwest corner of Parcels 1. Based on the proposed grading, it appears that a retaining wall may also be warranted along a portion of the south lot of Parcel 2 to tie into the existing contours.

In any event, the grading does not appear that it will significantly alter the existing contours or the general slope of the site. Further, at the time of development, plans will be evaluated for compliance with the city’s regulations for grading, retaining walls, structures, and stormwater management facilities, which should ensure measures are in place to limit impacts from erosion and to protect water quality.

Based on the information provided, the parcels are suitable for development and this criterion is met.

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

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

However, as noted in the response from BES, an existing private easement was required through a covenant previously recorded on the property, as follows:

- *The BES Non-Conforming Sewer Program required a BES covenant to record a future easement document to be recorded on the north side of Parcel 1 for the benefit of 1516 NE Skidmore Street (refer to permit # 13-102815-RS, #13-135119-UC and TRACS folder # 12-201750-PR for additional information). The covenant meets BES requirements for providing temporary sewer access for 1516 NE Skidmore prior to construction of a public sewer extension in NE Skidmore in the future. Note that the BES Non-Conforming Sewer Program will work with the property owner of 1516 NE Skidmore Street on connecting to the public sewer system when the sewer has been extended. Once connected, 1516 NE Skidmore should no longer need the 10-foot wide private sanitary sewer easement. The temporary private sewer easement required by BES along the north side of Parcel 1 must be shown on the final plat.*

The existing easement and the document recording number are noted on the preliminary plat.

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>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p> <p>The water service standards of 33.651 have been verified. The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. However, Water has noted that there is an existing water line that crosses the subject site to serve a neighboring property (1516 NE Skidmore). Title 21 requires that the water service connection be located along the frontage of the lot to be served. Water service connections are not allowed by means of an easement. Therefore, prior to final plat, a new water service must be provided for the neighboring house and the existing water service must be removed or designated for use for the proposed development on the Parcel 1 as follows:</p> <ul style="list-style-type: none"> ▪ A new water service must be paid for in full and installed within the frontage of and connected to the existing house at 1516 NE Skidmore Street to the satisfaction of the Water Bureau. ▪ A signed plumbers report stating that the existing service has been disconnected from the property for 1516 NE Skidmore Street must be presented to the Water Bureau. ▪ The existing water service fronting proposed Parcel 1 must either be retained by the applicant or killed at the applicant’s expense to the satisfaction of the Water Bureau. <p>With the implementation of these conditions, this criterion will be met.</p>

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

The Bureau of Environmental Services 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.

Also, as noted in Criterion H, above, a temporary private sewer easement was previously established along the north side of Parcel 1 for the benefit of the abutting property.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5

No stormwater tract is proposed or required. BES reviewed the proposal and provided the following comments:

Onsite Stormwater Management: *BES reviews stormwater management facilities on private property for the feasibility of infiltration, pollution reduction, flow control, and off-site discharges. The Site Development Section of BDS determines if stormwater infiltration on private property is feasible when slopes on or near the site present landside or erosion related concerns, or where proximity to buildings might cause structural problems. Site Development has noted no objections.*

BES has reviewed the stormwater report from Faster Permits. The report includes Simplified Approach infiltration test results of 7 inches per hour. The applicant proposes on-site infiltration by means of drywells for each of the proposed structures.

In response to issues about stormwater management, grading, and plan inconsistencies, the applicant provided a revised conceptual development plan (Exhibit C.1), which shows new drywells along the west side of the lots. BES reviewed the neighbor's letter and the applicant's revised plan and noted that the revised drywell locations will allow a stormwater escape route for each parcel to be directed toward the public right-of-way, in order to avoid impacts to adjacent properties. Based on this, BES indicates the proposal meets the requirements of the *Stormwater Management Manual*.

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. To learn more visit [DEQ's website](#) or contact the DEQ UIC Program at 503-229-5945. The [SWMM](#) also includes general UIC information.

Public Right-of-way Stormwater Management: *PBOT has indicated that both of the existing site frontages meet/exceed current City standards and there will be no frontage improvement or property dedication requirements. Therefore, BES has no public stormwater drainage improvement requirements that apply to this project.*

With the implementation of the condition noted above, this criterion will be met.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. Portland Transportation provided the following comments regarding the street pattern:

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 public street and pedestrian connectivity goal; the pedestrian connectivity goal is only met in the east-west direction. With blocks that are approximately 200-ft wide and 400-ft long, the pedestrian connectivity goals are not satisfied in the north-south direction. However, the subject block shape and orientation is the prevailing shape and orientation throughout the area. 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. 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.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030

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

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 reviewed the proposal 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.

Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. The following discussion is based on PBOT's assessment of the transportation impacts for this proposal.

The proposed land division will create 2 parcels from the current lot in order to accommodate 2 new attached homes (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 directly served by transit service along NE 15th Avenue (via Tri-Met route #8 [Jackson Park/NE 15th]). 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 Skidmore.

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. Currently, there appears to be a modest demand for on-street parking, though it also appears that most, if not all of the homes in the area are served by driveways/garages that accommodate one or multiple opportunities for on-site parking. With on-site parking opportunities for at least one vehicle on each of the proposed lots, on-street parking impacts will be minimized.

The applicant is advised that if the current curb cut/driveway serving the site along the NE 15th Avenue frontage will not be utilized in relation to the future development on the site, that this curb cut/driveway will need to be closed.

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, no additional right-of-way or street improvements are warranted to support the proposal. Therefore, 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 on Corner Lots-- Special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Parcel 1 must be oriented toward the NE Skidmore Street and development on Parcel 2 must be oriented toward NE 15th Avenue.
 3. The height of the two units must be within 4 feet of each other
 4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.
 7. Trim must be the same in type, size and location.
 8. Windows must match in proportion and orientation.

Existing development: 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 R5 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 and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 - Building Code, Flood plain Title 10 - Erosion Control, Site Development

Environmental Services/503-823-7740 www.portlandonline.com/bes	Administrative Rules for Private Rights-of-Way 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/water supply; hydrant spacing; addressing; and aerial fire department access roads.

CONCLUSIONS

The applicant has proposed a 2 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:

- Attached house design standards
- Water services for the abutting property (1516 NE Skidmore)
- Fire Bureau requirements

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

The neighbor’s concerns about stormwater management and erosion should be addressed through implementation of the city’s stormwater management and erosion control regulations, which will be fully assessed at the time of future development on the parcels.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition for attached houses, as illustrated with Exhibit C.1, subject to the following conditions:

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

Utilities


1. The applicant shall meet the following requirements of the Water Bureau regarding the water service connections to the site:
 - A new water service must be paid for in full and installed within the frontage of and connected to the existing house at 1516 NE Skidmore Street to the satisfaction of the Water Bureau.
 - A signed plumbers report stating that the existing service has been disconnected from the property for 1516 NE Skidmore Street must be presented to the Water Bureau.
 - The existing water service fronting proposed Parcel 1 must either be retained by the applicant or killed at the applicant’s expense to the satisfaction of the Water Bureau.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate fire flow/water supply from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal.

- 3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate fire hydrant spacing. The applicant must provide verification to the Fire Bureau that Appendix C of the Fire Code is met.

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

- 1. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
- 2. The applicant must meet the addressing requirements of the Fire Bureau. 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: Kate Green



Decision rendered by: _____ **on January 7, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed January 10, 2014

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 April 12, 2013, and was determined to be complete on October 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 April 12, 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 30-days (Exhibit G.3). Unless further extended by the applicant, **the 120 days will expire on: March 1, 2014.**

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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

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.

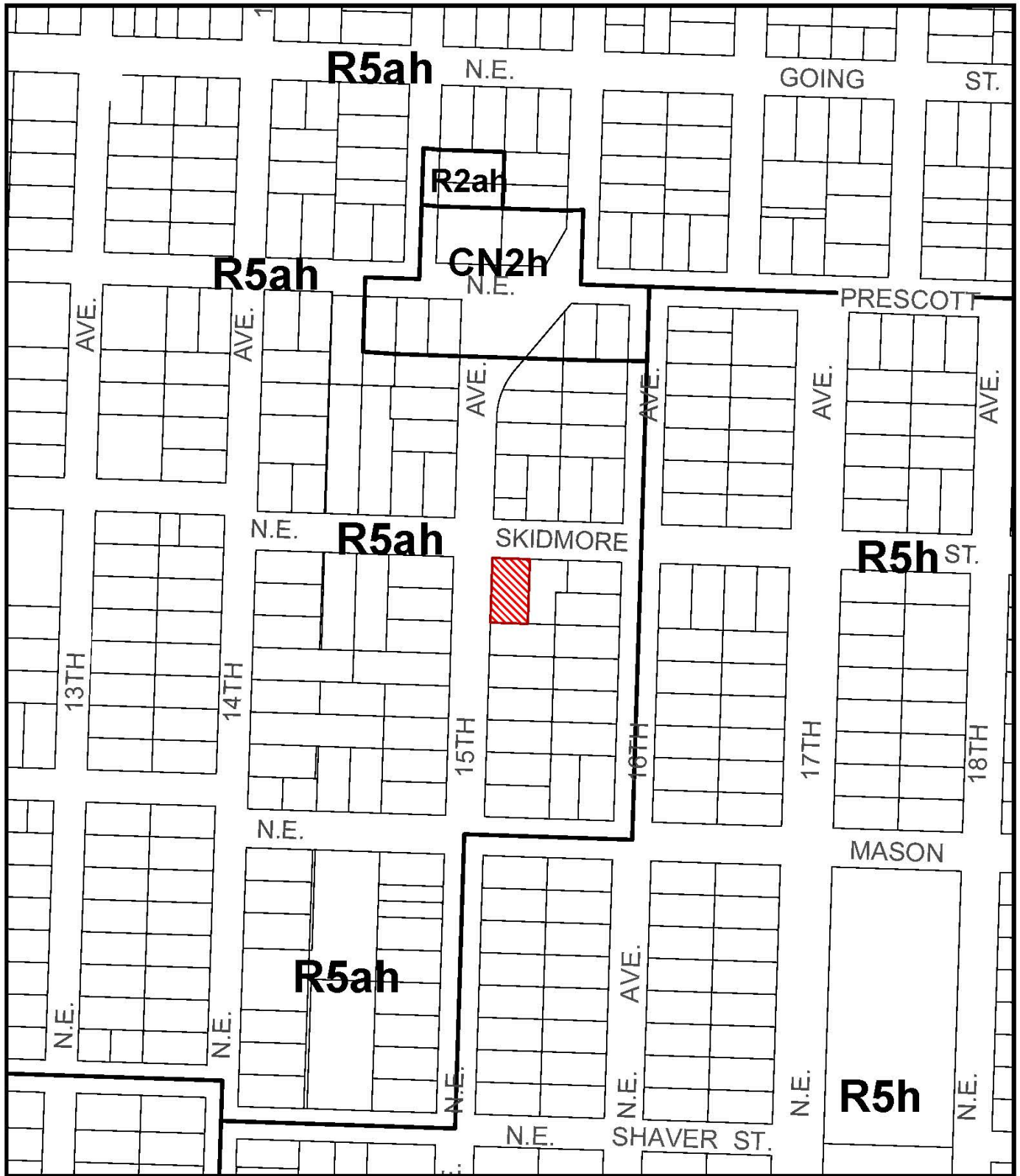
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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/Revised Concept Plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Revised Preliminary Plan and Grading Plan (reduced copy attached)
- 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. Urban Forestry Division
 - 7. Life Safety/BDS
- F. Correspondence:
 - 1. Rachel Lee, Land Use and Transportation Committee/Sabin Community Association, November 7, 2013, re: supportive of the proposal
 - 2. Andey Nunes, November 7, 2013, re: concerns about stormwater management and erosion
- G. Other:
 - 1. Original LU Application
 - 2. Letter to applicant re: incomplete application
 - 3. 120-day timeline extension
 - 4. Emails 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).



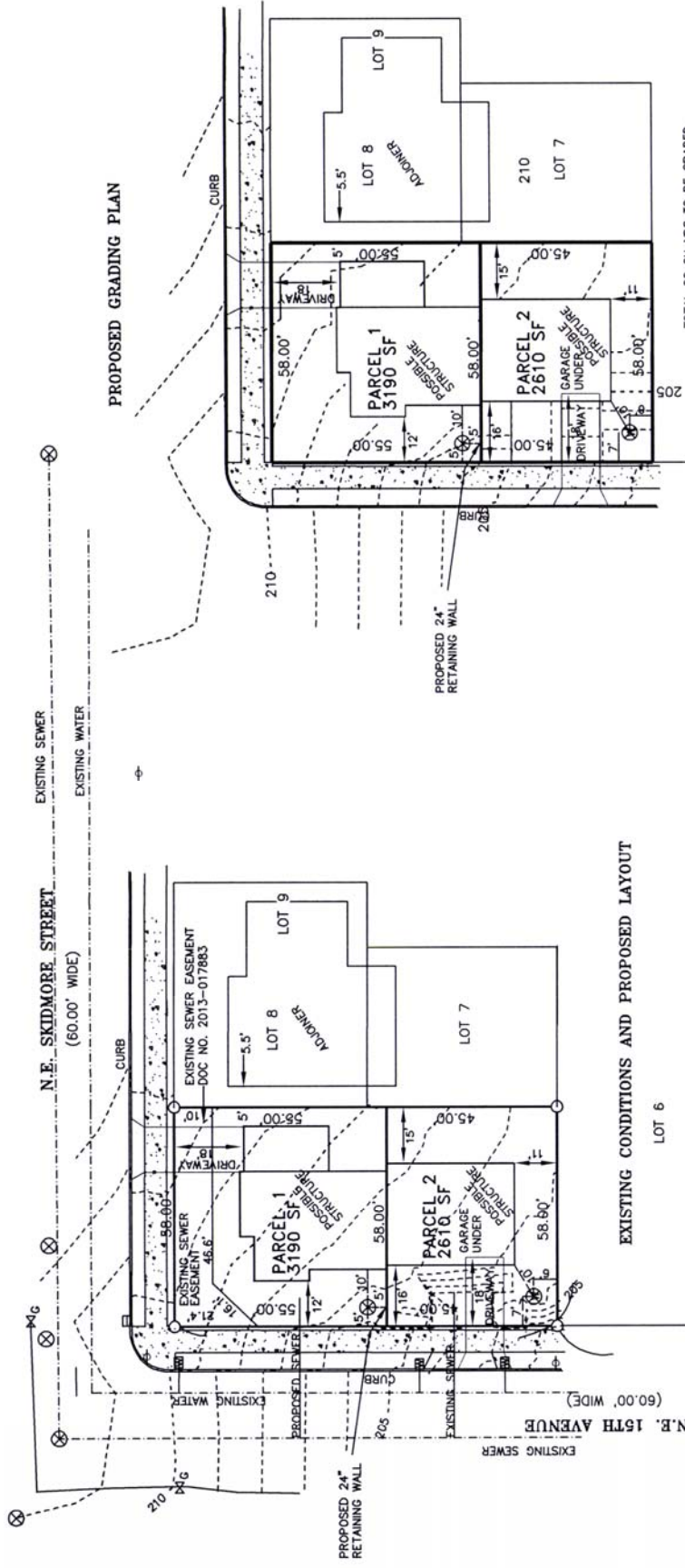
ZONING



Site



File No. LU 13-139274 LDP
 1/4 Section 2632
 Scale 1 inch = 200 feet
 State_Id 1N1E23DB 8000
 Exhibit B (Apr 17, 2013)

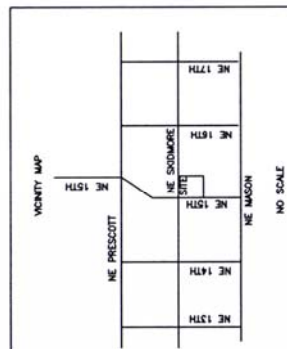
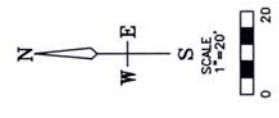


- SYMBOLS**
- ⊕ POWER POLE
 - ⊙ GUY ANCHOR
 - ⊗ WATER METER
 - ⊘ GAS METER
 - ⊙ ELECTRIC METER
 - ⊗ WATER VALVE
 - ⊙ GAS VALVE
 - ⊗ MANHOLE
 - ⊙ CLEAN OUT
 - ⊗ CATCH BASIN
 - ⊙ FIRE HYDRANT
 - ⊗ DOWN SPOUTS
 - ⊙ WATER LINE
 - ⊗ GAS LINE
 - ⊙ ELECTRIC LINE
 - ⊗ SAN. SEWER
 - ⊙ PROPOSED DRYWELL

TOTAL 20 CU YDS TO BE GRADED

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JULY 25, 1990
 JOE H. FERGUSON
 RENEWAL DATE 12/31/15

NOTE:
 ELEVATIONS AND CONTOURS (1' INTERVAL) SHOWN ON THE INDEXED MAP PER GCS-IRM CITY OF PORTLAND AND GCS-IRM #30877 LOCATED 1' SOUTH OF CURB-RETURN, SE CORNER, NE 15TH & PRESSCOTT, 1 BLOCK NORTH OF PROJECT.



EXISTING CONDITIONS AND PROPOSED LAYOUT

PROPOSED GRADING PLAN

EXISTING CONDITIONS, GRADING AND SITE PLAN

Ferguson Land Surveying, Inc.
 646 SE 106TH AVE. PORTLAND, OR 97216
 Phone (503) 408-0601 Fax (503) 408-0602

CLIENT
 BEN BORTOLAZZO
 4812 SE 43RD
 PORTLAND, OR 97206

LOTS 7 & 8, BLOCK 5, "IRVINGTON HEIGHTS"
 IN THE NW 1/4, SECTION 23, T.1N., R.1E., W.M.
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

DATE: 3/4/2013
 JOB NO. 13-027
 DRAFTED 2/28/12
 REVISED: 21.2.2013
 SHEET 1 OF 1

13.139274 Exhibit C.1 reduced copy