



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** January 28, 2014  
**To:** Interested Person  
**From:** Shawn Burgett, Land Use Services  
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## **NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 13-212146 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Kevin Partain / Urban Visions  
223 NE 56th Avenue / Portland, OR 97213

**Owner:** Vladamir Ozeruga / Portland Redevelopment  
Po Box 11778 / Portland, OR 97211

**Site Address:** 5027 NE 31ST AVE

**Legal Description:** BLOCK 14 LOT 6, FOXCHASE ADD      **Tax Account No.:**R295302310  
**State ID No.:** 1N1E24BA 19400      **Quarter Section:**2533  
**Neighborhood:** Concordia, contact George Bruender at 503-287-4787.  
**Business District:** Alberta Main St, contact Sara Wittenberg at 503-683-3252  
**District Coalition:** NE Coalition of Neighborhoods, Claire Adamsick at 503-388-9030.  
**Zoning:** R2.5ah (Single Family Residential 2,500 square feet with "a" alternative design density overlay and "h" aircraft landing zone overlay zones)

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

#### **Proposal:**

The applicant is proposing a 2-lot land division resulting in two 2,500 square foot lots for attached housing. The existing house on the site will be demolished. Vehicle access to on-site parking for both parcels is proposed from the alley.

#### **Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other

concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

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

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 site is located on an interior lot with frontage along NE 31<sup>st</sup> Avenue. The house on the site was recently demolished was built in 1908. This home had a detached garage which abutted the alley in the rear of the site. The development surrounding the site to the north and west is primarily made up of single family residential type development. There is an existing multi family apartment complex across the street (to the east) from the site along NE 31<sup>st</sup> Avenue. The property located directly to the south has a CS (Commercial Storefront) zoning designation.

### Infrastructure:

- **Streets** –The site has approximately 50 feet of frontage on NE 31st Avenue and approximately 50 feet of frontage along the alley abutting the site western property boundary. Vehicle access to the site has been from the alley. At this location, NE 31st Avenue is classified as a Local Service Street for all other modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 160 feet from the site along NE 30<sup>th</sup> Avenue via bus line number 72.

NE 31<sup>st</sup> Avenue includes a 5-foot wide planter area and curb, 6-foot sidewalk and 1-foot buffer at the back of the sidewalk (5-6-1 configuration).

- **Water Service** – There is an existing 8-inch water main in NE 31st Avenue. There is an existing 5/8-inch metered service from this main that may be potentially used by Parcel 2.
- **Sanitary Service** - There is an existing 10-inch public combination sewer line located in NE 31st Avenue. According to City records, there is an existing lateral in NE 31<sup>st</sup> Avenue that will be available for development on Parcel 1.
- **Stormwater Disposal** – There is no public storm-only sewer available to the site. The applicant has proposed onsite infiltration within drywells for each of the proposed structures.

**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. This land division proposal is not using any of the provisions of the “a” overlay.

The Aircraft Landing (“h”) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. The allowed height limit for residential development within the “h” overlay is that of the base zone. In this case, the base zone (R2.5) will allow a maximum height of 1.5 times the width

of the structure, up to a maximum height of 30 feet. Therefore, this land division is not impacted by the “h” overlay.

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

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **December 6, 2013**. No written responses have been received from a notified property owner or the Neighborhood Association 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 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.
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.
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.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. 611 contains the density and lot dimension requirements applicable in the R2.5 zone. Maximum density in the R2.5 zone is one unit per 2,500 square feet. The site is approximately 5,000 square feet in area and has a maximum density of 2 lots. The applicant is proposing two single family lots. The density standards are therefore met.

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

	<b>Min. Lot Area (square feet)</b>	<b>Max. Lot Area (square feet)</b>	<b>Min. Lot Width* (feet)</b>	<b>Min. Depth (feet)</b>	<b>Min. Front Lot Line (feet)</b>
<b>R2.5 Zone</b>	1,600	NA	36	40	30
Parcel 1	2,500 square feet		25 feet**	100 feet	25 feet**
Parcel 2	2,500 square feet		25 feet**	100 feet	25 feet**

\* 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.

\*\* Parcel 1 and 2 are considered “narrow lots” please see discussion below

Narrow lot standards

Parcels 1 and 2 are each 25 feet wide — narrower than the minimum width for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of 33.611.200.C for the R2.5 zone.

***Consistent with the Purpose of Lot Dimension Regulations***

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 and 2 are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that the proposed lot(s) can accommodate a reasonably sized house and garage 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 not landlocked nor do they narrow to an unbuildable width close to the street
- The proposed lots are compatible with existing lots in the area within the R2.5 zone, exceeding the minimum lot area in the zone of 1,600 square feet. In addition, two 25 foot wide lots accommodating attached single family residential development are located along NE 30<sup>th</sup> Avenue approximately 70 feet from the subject site.

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

- The lots will be developed with attached houses; however, the proposed parcels are both at least 25 feet wide.

***If the narrow lot abuts an alley, then vehicle access is allowed only from the alley***

- Parcels 1 and 2 can meet the narrow lot regulations because the site abuts an alley that provides vehicle access. Because vehicle access could be from the alley, development could be configured to meet front yard landscaping requirements and front façade design standards. However, because the abutting alley is not improved to city standards, improvements must be made at the time of development to allow for safe vehicle access. PBOT is requiring a 10 foot wide asphalt connection from NE Alberta Street to the north for a length of 10 feet. The remainder of the alley to the point of connection with the new development will need to be improved with a new gravel overlay. Lot width regulations can be met, subject to the condition that the abutting alley is improved at the time of development as required by the City Engineer.

***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***

- The applicant has demonstrated, with Exhibit C-1 that each lot will be built with a house that is has vehicle access from the alley and can accommodate a garage in the rear of each lot which can meet the garage limitation standard above.

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

- The applicant has indicated that the lots will be developed with attached houses; with vehicle access form the alley in the rear of the site, which leaves plenty of room to meet the 60 percent landscaping requirement at the time of development on this site.

***If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.***

- Parking is required. Therefore, alley access and the garage limitation requirements described above must be met.

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 in the areas where new development on the site is anticipated. This criterion is met.

#### ***Land Suitability***

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

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

**Findings:** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services.

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.

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

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

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

The 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 single-homes (the existing single-family detached house on the site has been demolished). Referring to the ITE Trip Generation Manual, 9<sup>th</sup> Edition, there will be 1 new AM peak hour trip and 1 additional PM peak hour trip (10 additional total new daily trips) that may result from the development proposal on the site. The new peak hour trips will have minimal impacts to the area's nearby intersections and do not warrant any mitigation to said intersections. The intersections will continue to operate at current levels without further degradation from the vehicle trips generated by the proposed project factored into the analysis.

No significant negative impacts are expected to occur in relation to any of the other evaluation factors. The site is served by nearby transit service along NE Alberta/NE 30<sup>th</sup> Ave (via Tri-Met route #72 [Killingsworth/82<sup>nd</sup> Ave]). There are existing sidewalk corridors throughout the vicinity that facilitate pedestrian travel. There are identified bike facilities (Portland Bike/Walk Map) in the area including Shared Roadways along NE 30<sup>th</sup> Ave and NE Sumner, west and north of the site, respectively.

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, with access via the abutting alley. With no curb cuts along NE 31<sup>st</sup> Ave, there will be no physical diminishment of current on-street parking opportunities. However, in association with the proposed development on the site, there will be an increase in on-street parking demand that needs to be factored. PBOT staff had initial concerns of adverse impacts to on-street parking given an apparent existing high demand for said parking. Accordingly, PBOT directed the applicant to provide a professionally prepared parking analysis (exhibit A-3) to determine existing and future on-street parking supply and demand in the area.

The parking observations were conducted along both sides of NE 30<sup>th</sup> Ave between NE Alberta and NE Sumner during several time periods/days of expected high demand for residential (and nearby commercial use) parking. The results of those observations are as expected, that at the typical high demand periods for residential and commercial parking, most of the current on-street parking supply was occupied.

The parking demand that will be generated as a result of the proposed project is estimated using rates from the Institute of Transportation Engineers (ITE), *Parking Generation Manual, 4th Edition, 2010*. The data utilized to determine the parking demand for the one additional dwelling unit on the site was for land use #210, *Single-Family Detached Housing*. Based upon this data, the 85<sup>th</sup> percentile peak parking demand for the one additional dwelling unit is 2 parking spaces.

Considering all of the observations that were conducted, there will be at least 9 parking spaces available to support the existing uses as well as the proposed development in the area. With on-site parking opportunities for at least one vehicle on each of the proposed lots, on-street parking impacts will be minimized.

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

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 connectivity goal, but the pedestrian connection goal is only satisfied in the north-south direction. The subject block (and those in all directions for a considerable distance from the subject site) is approximately 420-ft (north-south length) and 230-ft (east-west length) in overall area. Though the subject site is located close to midway along the subject block, making it a desirable location to provide a pedestrian connection through the block, it is not feasible without eliminating existing development on abutting lot(s). Further, considering the existing size of the subject site, providing a pedestrian connection through the subject site (or block) would likely compromise the ability to create one of the proposed parcels. These impacts do not make further connectivity through the subject site or block feasible. PBOT therefore has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition.

At this location, based on City GIS resources, NE 31<sup>st</sup> Ave is improved with 36-ft of paving width and a 5-6-1 sidewalk corridor within a 60-ft wide r.o.w. The site also abuts what appears to be a 9-ft wide (approx) unimproved alley.

For Local Service streets abutting R2.5-zoned lots, the City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and a 0.5-ft wide frontage zone. The site's existing r.o.w. conditions exceed current City standards. Accordingly, in relation to development on the subject site, no frontage improvements or property dedication *along NE 31<sup>st</sup> Ave* will be required.

The applicant was previously advised that because of the impacts to the abutting alley from the proposed access, that partial improvements would need to be made to said alley. The applicant was also previously advised of the opportunity to appeal said alley improvements through the City's Public Works Appeal process. In November of last year, the City's Public Works Administrative Appeal Committee considered the applicant's appeal request (13-223594 PW) and approved it subject to the following condition: that the applicant will be required to provide a 10-ft wide asphalt connection from NE Alberta north for a length of 10-ft. The remainder of the alley to the point of connection with the new development (including Parcel 1) will need to be improved with a new gravel overlay (permitted through a grade and gravel permit from PBOT).

PBOT has no objections to the proposed partition, subject to the following condition of approval:

- In association with the Building Permits for the two new homes on the newly created parcels, the applicant shall provide improvements to the abutting alley as follows:
- A 10-ft wide asphalt connection from NE Alberta north for a length of 10-ft.

The remainder of the alley to the point of connection with the new development (including Parcel 1) will need to be improved with a new gravel overlay (permitted through a grade and gravel permit from PBOT).

Based on these requirements, this criteria are met.

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

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

<b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
<b>33.652 Sanitary Sewer Disposal Service standards</b> – 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.
<b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant has proposed the following stormwater management methods
<ul style="list-style-type: none"> <li>• <b>Parcels 1 and 2:</b> Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots</li> </ul>



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.

### **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. The block on which the subject property is located meets the noted spacing requirements.

The site is within the Portland Master Street Plan for the Northeast District. No through street or pedestrian connections are proposed at this location. Therefore, the proposal is consistent with the master street plan.

For the reasons described above, 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:

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

**Existing development that will remain after the land division.** The applicant is proposing to remove all of the existing structures on the site, 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. It should be noted that a demolition permit (13-214879 RS) for the existing house on the site has been finalized, however, the active demolition permit (13-164312 RS) for the detached garage was still “under inspection” on that date of this land use decision.

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.

<b>Bureau</b>	<b>Code Authority and Topic</b>
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual

Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	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.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate fire hydrant spacing or installing a new hydrant; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; if required, recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcel 2; meeting fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

Information for the applicant includes:

- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Parcels 1 and 2 prior to building permit approval. This requirement is based on the standards of Title 20.

## 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.

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

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2 parcel partition, that will result in two narrow lots as illustrated with Exhibit C-1, subject to the following conditions:

### A. The final plat must show the following:

1. If required, a recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.4 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: “An Acknowledgement of Special Land Use conditions” as been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”

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

1. The applicant shall provide information to the satisfaction of the Fire Bureau that Fire Hydrant spacing is adequate. If necessary, the applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant. 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 Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

**Existing Development**

3. The applicant must obtain a finalized demolition permit for removing the detached garage.

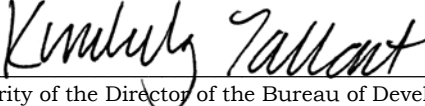
**Required Legal Documents**

4. If required, per Conditions B.1 or B.2 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcel 2 to contain internal fire suppression sprinklers, per Fire Bureau Appeal no \*. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

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

1. The applicant must meet the addressing requirements of the Fire Bureau for Parcels 1 and 2. The location of the sign must be shown on the building permit.
2. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling units on Parcels 1 and 2. Please refer to the final plat approval report for details on whether or not this requirement applies.
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.
4. Vehicular access to parcels 1 and 2 must be from the abutting public alley. Curb cuts are not permitted from NE 31<sup>st</sup> Avenue.
5. The applicant shall meet requirements of the City Engineer for right of way improvements within the abutting public alley.

**Staff Planner: Shawn Burgett**

**Decision rendered by:**  **on January 24, 2014**  
By authority of the Director of the Bureau of Development Services

**Decision mailed January 28, 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 October 3, 2013, and was determined to be complete on December 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 October 3, 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 did not waive or extend the 120-day review period. **The 120 day deadline is April 2, 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](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.**

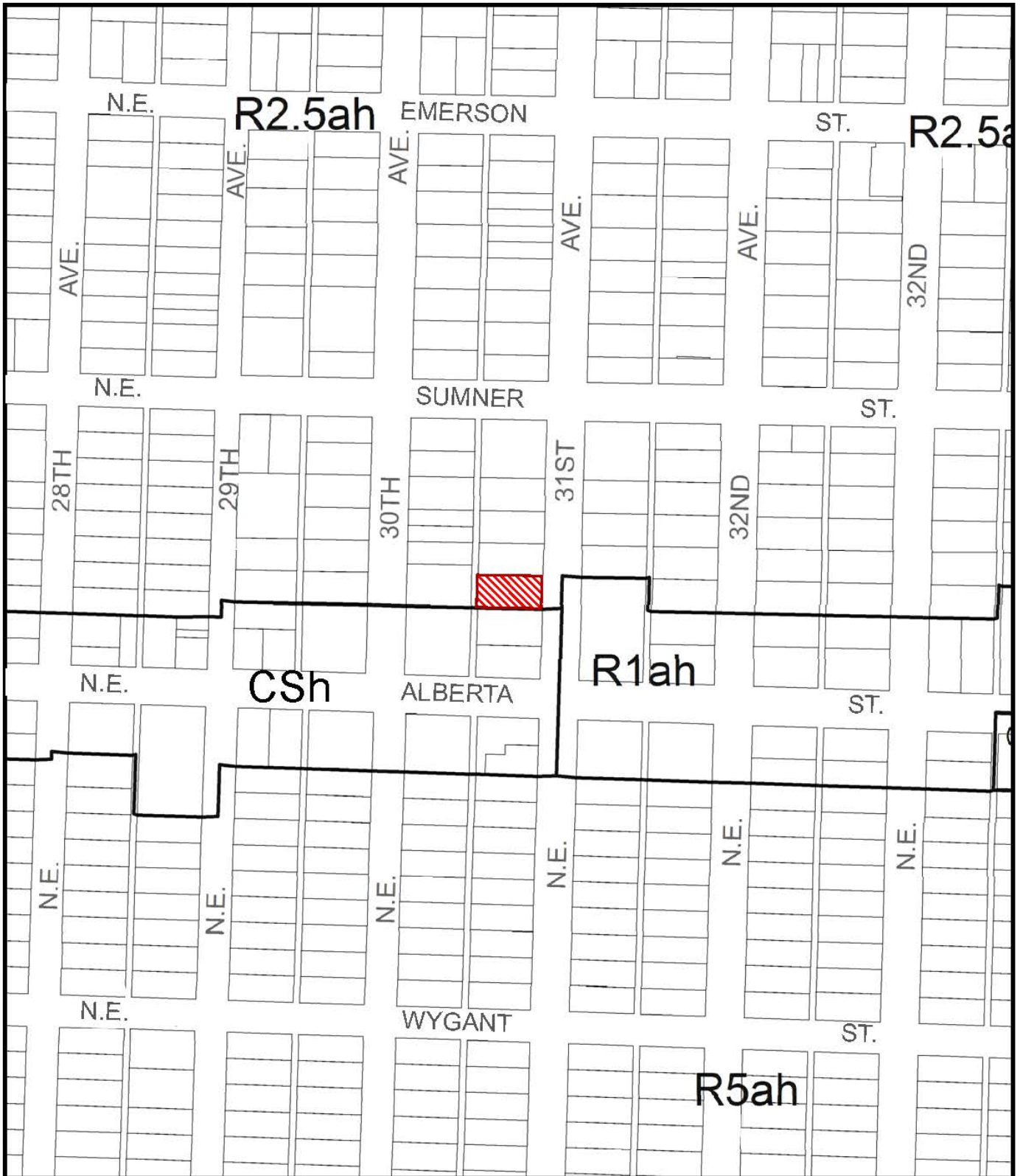
#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
  - 1. Narrative
  - 2. Stormwater report
  - 3. Parking Study

- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site 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
  - 7. Life Safety
- F. Correspondence: (None Received)
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter dated 10/24/13
  - 3. Land use History

**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

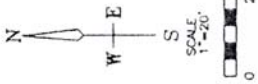


Site

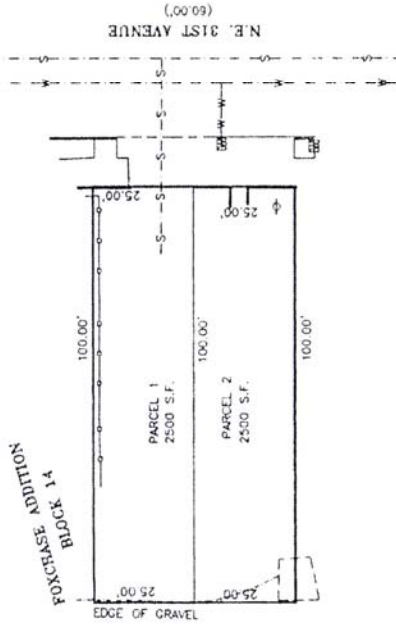


File No. LU 13-212146 LDP  
 1/4 Section 2533  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E24BA 19400  
 Exhibit B (Oct 09, 2013)

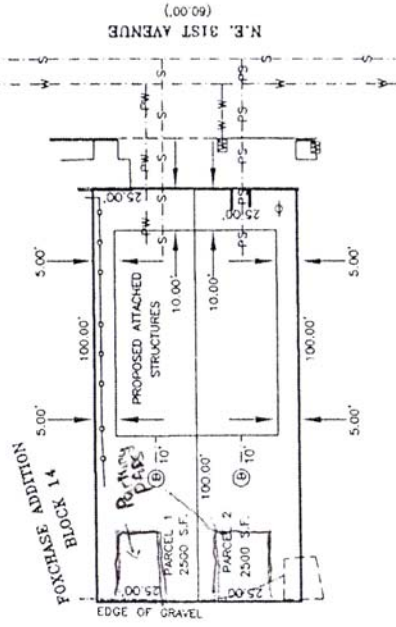
ZONE IS R2.5



EXISTING CONDITIONS



PROPOSED CONDITIONS



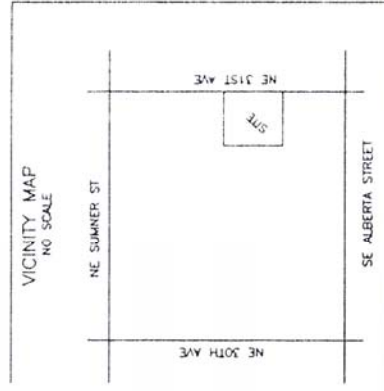
- SYMBOLS**
- ⊕ = POWER POLE
  - ⊙ = GUY ANCHOR
  - ⊖ = WATER METER
  - ⊗ = GAS METER
  - ⊕ = ELECTRIC METER
  - ⊙ = WATER VALVE
  - ⊖ = GAS VALVE
  - ⊗ = MANHOLE
  - ⊕ = CLEAN OUT
  - ⊙ = CATCH BASIN
  - ⊖ = FIRE HYDRANT
  - ⊗ = DOWN SPOUTS

REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
 JUNE 23, 1990  
 J. H. FERGUSON  
 PERMITS DATE 12/31/13

**PROPOSED CONDITIONS AND EXISTING CONDITIONS MAP**  
 LOT 6, BLOCK 14, "FOXCHASE ADDITION"  
 IN THE NW 1/4, SECTION 24, T.1N., R.1E., W.W.  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

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

DATE: SEPTEMBER 28TH, 2013  
 JOB NO. 13-144  
 DRAFTED 9/28/13  
 REVISIONS:  
 REVISIONS:  
 SHEET 1 OF 1



13-212146  
 C-1