



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

FROM CONCEPT TO CONSTRUCTION

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Date: November 18, 2014
To: Interested Person
From: Leah Dawkins, 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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-201747 LDP

GENERAL INFORMATION

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

Owner: Kevin Cooper / K & C Custom Homes Llc
300 W 15th St #300-4 / Vancouver, Wa 98660

Site Address: 5244 NE 32ND AVE

Legal Description: BLOCK 9 LOT 13, FOXCHASE ADD
Tax Account No.: R295301530
State ID No.: 1N1E24BA 12100
Quarter Section: 2533
Neighborhood: Concordia, contact Garlynn Woodsong at 503-936-9873.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.
Zoning: R2.5ah
Case Type: LDP
Procedure: Type IX, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing to partition the subject property into two single-dwelling "narrow lot" parcels. Parcel 1 will be 2,500 square feet and Parcel 2 will be 2,500 square feet. Each parcel will be 25 feet in width and 100 feet in depth. The existing house, garage, all pavement and structures will be removed from the site. Vehicle access for the site will be from the rear alley and garages will be set back 10 feet from the rear property line.

Improvements will be made to the alley from the NE Emerson Street approach to the north of the site.

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

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land. Therefore this land division is considered a partition.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The site and general vicinity are flat. There is currently a single family home on the site which will be demolished. Homes are modest in size and typically 2 stories. The predominant housing style is bungalows, although there are a number of new houses and multi-dwelling developments within close proximity of the site.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on NE 32nd Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, NE 32nd Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 580 feet from the site at NE 30th via Bus 72.

NE 32nd Avenue has a 36-foot curb to curb paved surface within a 60-foot right-of-way with parking on both sides. Along the 50-foot wide site frontage the pedestrian corridor includes a 5-foot wide planter area, curb, 6-foot sidewalk and a 1-foot wide buffer at the back of the sidewalk (5-6-1 configuration).

- **Water Service** – There is an existing 8-inch CI water main in NE 32nd Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 10-inch VSP public combination sewer line in NE 32nd Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

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 buildings and vegetation on the site per the “h” overlay is 310 feet above the lowest base point at Portland International Airport. The airport low base point is at an elevation of 18.3 feet. Therefore, the topographical elevation of the site PLUS the proposed building cannot exceed 328.3 feet. The highest ground elevation on the site is approximately 198 feet. Therefore, buildings and vegetation on the site cannot exceed 130.3 feet in height. On this site, however, the base zone (R2.5) height limit of 35 feet is more restrictive than the 'h' overlay allows and cannot be exceeded without a future adjustment review.

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 **October 7, 2014**. Five written responses have been received from the Neighborhood Association and notified property owners in response to the proposal. (See Exhibit F.) The identified issues/concerns have been forwarded to the applicant and are listed with the City response in *italics*:

- A request that the front building setback is at least 20 feet from the front property line.

The required minimum front setback in the R2.5 zone is 10 feet. The applicant can choose to place structures further back than 10 feet, but the Zoning Code does not require it, nor does the land division have criteria that would allow for a condition to be imposed for a different setback standard.

- A request that the rear building setback is at least 25 feet from the rear property line.

The required rear setback in the R2.5 zone is 5 feet. The applicant can choose to place structures further from the rear property line than 5 feet, but the Zoning Code does not require it. In this case, detached garages for each residence are currently proposed to be set back 10 feet from the rear property line to allow appropriate vehicle access off the alley into the garage entrances.

- A request that appropriate private open space be provided.

The R2.5 zone requires at least 200 square feet of open space be provided for attached houses. The applicant is proposing at least a 10 x 10 foot area of open space to the rear of each attached unit.

- A request to limit the height of the structures or taper the structures within the allowed 35 foot height limit.

The R2.5 zone allows for a maximum height of 35 feet, measured to the mid-point for peaked roofs. However, the maximum height for structures on new narrow lots in the R2.5 zone is 1.5 times the width of the new structure, up to the maximum height limit of 35 feet. In this case, the applicant is currently proposing attached houses that are 20 feet wide, which will allow for a maximum height of 30 feet.

- A request that alley improvements be made to both the NE Emerson and NE Sumner alley access points.

Portland Bureau of Transportation policy is to require alley improvements from one alley access point closest to the subject site. In this case, that point is off of NE Emerson and the applicant will be required to provide improved access to the southern end of the subject site.

- A request that there be limited disturbance of tree root zones for trees on the property to the north of the subject site.

Currently the City of Portland tree preservation regulations do not apply to trees adjacent to properties under consideration for land use actions. Tree disturbance of neighboring trees is a civil matter. However, this concern will be noted and forwarded to the applicant.

- Concern was expressed about hours of construction and noise impacts from construction.

Construction noise is controlled by the City Noise Ordinance, Title 18. The Noise Control Office is assigned to the Office of Neighborhood Involvement and noise complaints can be filed through this office. Currently, the Noise Ordinance allows construction activities between 7:00 a.m. and 6:00 p.m. Monday through Saturday, except on City recognized holidays.

- Prevention of environmental health and safety risks during the demolition of the existing home and structures, particularly as related to asbestos removal.

Air quality during demolition is overseen by the Oregon Department of Environmental Quality. Developers are required to comply with all Federal, State and Local air quality and environmental standards for waste management during demolition.

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.
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. The maximum density is one unit per 2,500 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. The site has a minimum required density of 1 unit and a maximum density of 2 units. The applicant is proposing 2 single dwelling parcels. The density standards are therefore met.

The lot dimensions required and proposed 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)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,500		25	100	25
Parcel 2	2,500		25	100	25

* 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 and 2 are 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 Section 33.611.200.C for R2.5.

Consistent with the Purpose of Lot Dimension Regulations

The purpose of Lot dimension regulations are as follows:

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 without adjustments 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 proposed lots will take vehicle access off of the rear alley which will allow for front facades that are more compatible with surrounding development.
- 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 there are a variety of residential building types within the immediate vicinity of the site. Housing styles include multi-dwelling structures, townhouse and rowhouse developments, attached houses and single family homes typical to the area. There are at least 10 25-foot wide narrow lots within 500 feet of the site, so this proposal is consistent with existing lot dimensions throughout the site vicinity.
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street

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 detached houses; however, the proposed parcels are at least 25 feet wide.

If the 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 could provide 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 to allow for safe vehicle access. Lot width regulations can be met, subject to the condition that the abutting alley is improved as required by the City Engineer.

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.

With the conditions described above, this criterion can be 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 is currently 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.

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility.

The applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval.

With a condition requiring final inspection for a decommissioning permit, and a condition requiring a demolition permit, the new lots can be considered suitable for development, and 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.

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. The Portland Bureau of Transportation has provided the following findings. (see Exhibit E.2):

Street Capacity and Level-of-Service

The proposed land division will create two (2) new parcels from the current lot in order to accommodate two new single-family homes. The existing single-family home on the site will be demolished. Referring to the ITE Trip Generation Manual, 9th Edition, *the net new trips* for the proposed land division will be one (1) new AM peak hour trip and one (1) additional PM peak hour trip (10 additional total new daily trips).

PBOT finds that the minimal number of vehicle trips associated with this project will have negligible impacts on the capacity of nearby intersections and none of the surrounding transportation facilities are expected to be negatively impacted as the result of the construction of one additional dwelling unit.

Vehicle access and loading

Vehicles will access this site via NE 32nd, a Local Service street, and the public alley that bisects the block. The site is located within a neighborhood where the grid system is reasonably intact allowing multiple access routes to and from the subject property. Additionally there were no turn restrictions or one-way facilities in the immediate vicinity. Vehicles can easily access the greater transportation network via NE Killingsworth, a District Collector and Major Transit Priority street located approximately 585-ft to the north.

Loading activities associated with residential land uses are typically light and infrequent and are expected to take place utilizing on-street parking spaces in the vicinity. Vehicle access and loading space at this location is sufficient to accommodate the existing uses in addition to the proposed development.

On-street parking impacts

The applicant has indicated that at least 1 off-street parking space will be provided for each lot. Vehicular access to on-site parking will be required to be via the public alley and the existing driveway/curb-cut on NE 32nd will be required to be closed. This will result in sufficient space to accommodate 1 on-street parking space in front of each lot.

The existing development pattern in the area includes single-family homes with on-site parking for at least 1 vehicle. It is anticipated that further redevelopment along this block will include on-site parking via alley access which will further limit the need for additional curb-cuts along this block. Accordingly, there is sufficient on-street parking in the vicinity to accommodate existing uses as well as the additional demand generated by the proposed development.

Availability of transit service and facilities and connections to transit

Transit service is available in the vicinity. TriMet Route # 72 (northbound) has a stop at NE 30th & Emerson and Route #70 (southbound) has a stop at NE 33rd & Sumner. Both stops are located approximately 580-ft from the subject property and are accessible via fully improved sidewalk corridors.

Impacts on the immediate/adjacent neighborhoods

The added trips as a result of the proposed development will not have a significant impact on the efficiency or safety of the nearby street system and there is a sufficient supply of on-street parking to accommodate the additional development. Accordingly, the proposed development is not anticipated to have negative transportation-related impacts upon the immediate or adjacent neighborhoods.

Safety for all modes

Vehicle speeds are relatively low on area roadways and there are existing sidewalks that provide pedestrian connection to transit facilities. There are also identified bike facilities in the area (Portland Bike/Walk Map) including Shared Roadways to the north (NE Emerson) and the west (NE 30th). Additionally, NE Going, to the south of the site, is identified as a Neighborhood Greenway. No existing traffic safety issues were identified in the vicinity and area roadways will continue to operate safely with the additional traffic generated by the proposed development.

PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

Findings: Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.

The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.

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.

33.653.020 & .030 Stormwater Management criteria and standards – 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

- **Parcels 1 and 2:** 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 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.

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

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

Vehicular access will be required to be via the 10-ft wide alley along the eastern project boundary. Due to the width of the alley, *any proposed garages that will be accessed via the alley will be required to be setback a minimum of 10-ft from the eastern property line to accommodate vehicle turning movements.* Any variation to this setback will require approval of a Design Exception.

Consistent with current PBOT policy, the applicant will be responsible for upgrades to the alley approach at one end of the block, typically the closest and/or more logical access point. Accordingly, the northern access to the alley at NE Emerson St. will be required to be reconstructed to include a new alley approach, 500 square feet of concrete, and grade and gravel the full alley width from NE Emerson to the southern property boundary to the satisfaction of the City Engineer. *The alley improvements will be required as a condition of building permit approval.*

At this location, the City's Transportation System Plan (TSP) classifies NE 32ND Ave as a Local Service street for all transportation modes. According to City GIS, NE 32ND Ave is improved with 36-ft of pavement width and a 5-6-1 sidewalk corridor within a 60-ft right-of-way (ROW).

The proposed development on the site includes adjacent driveways with a single curb cut centered on the common property line between the two parcels accessed via the alley to the rear of the property. This will replace the current curb cut and driveway off of NE 32nd Ave. serving the existing house to be demolished. PBOT will require the applicant to close the existing curb-cut/driveway on NE 32nd Ave. and make repairs to the pedestrian corridor as needed. This will be required as a condition of development on both parcels.

This criterion is met, with the condition that the existing curb-cut is closed, sidewalk repairs are made, and access improvements are made to the northern access to the alley at NE Emerson Street.

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.

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
 - 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. Detached dwelling units are not permitted on lots that are less than 25 feet in width.

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 R 2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

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

OTHER TECHNICAL REQUIREMENTS

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

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements: ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 2 parcel partition, as shown on the attached preliminary plan (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: narrow lot standards and vehicle access.

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

ADMINISTRATIVE DECISION

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

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

Streets and Alleys

1. The applicant must close the existing curb cut providing vehicle access to the site upon demolition of the existing house.

Utilities

2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the septic system on the site.
3. 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

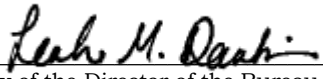
4. A finalized permit must be obtained for demolition of the existing residence and garage on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.

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

1. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
2. Vehicular access to Parcels 1 and 2 must be from the abutting public alley. Curb cuts are not permitted from NE Emerson Street. Any proposed garages that will be accessed via the alley are required to be setback a minimum of 10-ft from the eastern property line to accommodate vehicle turning movements.
3. The applicant shall meet requirements of the City Engineer for right of way improvements within the abutting public alley. The applicant shall submit an application for a permit and provide plans and financial assurances to the satisfaction of

the Portland Bureau of Transportation for required alley improvements with the submittal of the first building permit.

Staff Planner: Leah Dawkins

Decision rendered by:  **on November 14, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) November 18, 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 August 21, 2014, and was determined to be complete on **September 30, 2014**.

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 August 21, 2014.

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. Unless further extended by the applicant, **the 120 days will expire on: January 28, 2015**.

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.

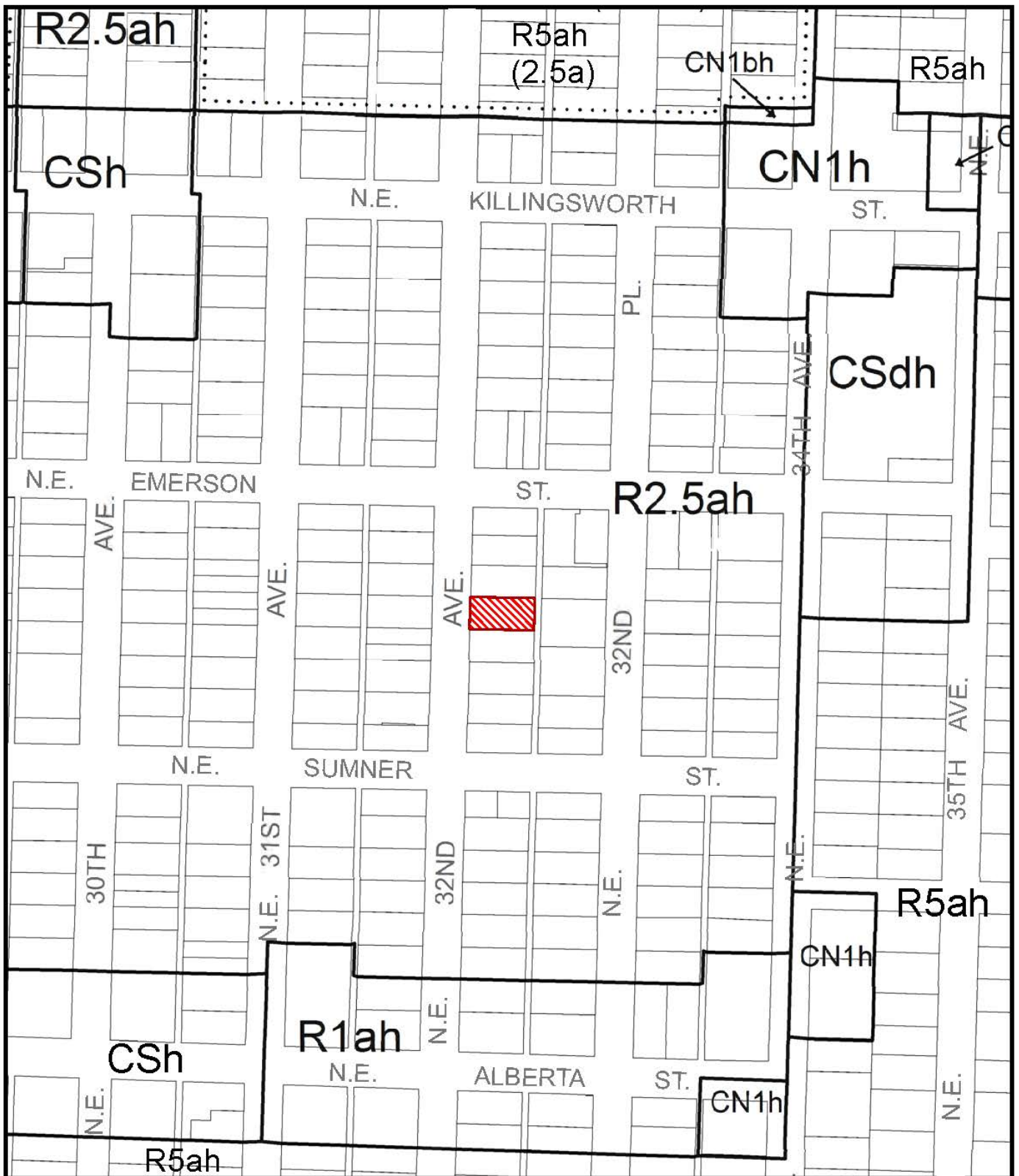
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessor's Office after it is signed by the Planning Director 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. 9/21/2104, Original Application Submittal
 - 2. 9/29/2014, Additional Information Submitted
 - 3. Arborist Report
 - 4. Simplified Approach Form
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Cover Sheet
 - 3. Existing Conditions
 - 4. Preliminary Plat
 - 5. Preliminary Grading and Erosion Control Plan
- 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. Life Safety Review Section of BDS
 - 7. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Luke Griffin, 11/7/2014, Letter with suggestions for the proposal
 - 2. Elizabeth Vetter, 11/7/2014, Letter with requests for the proposal
 - 3. Tracy Taylor Nehrling, 11/7/2014, Letter with requests for the proposal
 - 4. Jeffery Lyster, 44/7/2014, Letter with comments on the proposal
 - 5. Concordia Neighborhood Association, Garlynn Woodsong, 11/7/2014, Letter with suggestions for the proposal
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter Sent 9/10/2014

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 14-201747 LDP
 1/4 Section 2533
 Scale 1 inch = 200 feet
 State_Id 1N1E24BA 12100
 Exhibit B (Aug 25, 2014)

5244 NE 32ND AVENUE TAX MAP T1N R1E 24BA TAX LOT 12100 PORTLAND, OREGON	PRELIMINARY SITE/UTILITY PLAN	REVISIONS <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">NO.</th> <th style="width: 90%;">DATE</th> </tr> <tr> <td> </td> <td> </td> </tr> </table>	NO.	DATE			 <p>6107 SW MURRAY BLVD, SUITE 147 BEAVERTON, OREGON 97008 PH: (503)-746-8812</p>
NO.	DATE						
		SHEET 4 of 5					



SCALE: 1" = 10'



LEGEND

---	BOUNDARY LINE
---	ADJACENT/ADJOINING LOT LINE
---	CENTER LINE ROW
---	EXISTING SANITARY SEWER MANHOLE
---	EXISTING WATER METER
---	EXISTING WATER VALVE
---	EXISTING GAS VALVE
---	EXISTING UTILITY AND LIGHT POLE
---	EXISTING UTILITY POLE
---	EXISTING SANITARY SEWER LINE
---	EXISTING WATER LINE
---	EXISTING GAS LINE
---	EXISTING FENCELINE
---	PROPOSED SANITARY LATERAL
---	PROPOSED WATER METER
---	PROPOSED DRYWELL

