



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** February 3, 2015  
**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 14-221250 LDP**

#### **GENERAL INFORMATION**

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

**Owner:** Shirley Leffall and Ed Leffall  
2318 NE Rodney Ave / Portland, OR 97212-3748

**Site Address:** 2318 NE RODNEY AVE

**Legal Description:** BLOCK 18 LOT 2 EXC PT IN ST, ALBINA  
**Tax Account No.:** R009606050  
**State ID No.:** 1N1E27DA 03600  
**Quarter Section:** 2830  
**Neighborhood:** Eliot, contact Mike Warwick at 503-284-7010.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact [info@necoalition.org](mailto:info@necoalition.org)  
**Plan District:** Albina Community  
**Zoning:** R2a- Multi-Dwelling Residential with "a" Alternative Design Density Overlay  
**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 to partition the subject property into two single-dwelling parcels. Parcel 1 will be 2,950 square feet and Parcel 2 will be 2,950 square feet. Each parcel will be 25 feet in width and 120 feet in depth. The applicant has elected to comply with Community Design Standards in order to meet the criteria for new development within the Albina Community Plan District. All existing structures will be demolished. One 46" gingko tree is proposed to be removed from 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 is relatively flat, with an existing house and two trees. Housing in the vicinity is composed primarily of single family dwellings with some multi-dwelling interspersed throughout the area. The street grid is a typical block grid with good connectivity.

### Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on NE Rodney Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, NE Rodney Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 480 feet from the site at NE Martin Luther King Jr. Blvd via Bus #6.

NE Rodney Avenue has a 30-foot curb to curb paved surface within a 50-foot right-of-way with parking on both sides. Along the 50-foot wide site frontage the pedestrian corridor includes a 3.4-foot wide planter area, curb, 6-foot sidewalk and a 0.5-foot wide buffer at the back of the sidewalk (3.4-6-.6 configuration). This configuration does not meet the City’s Pedestrian Design Guide.

- **Water Service** – There is an existing 4-inch CI water main in NE Rodney Avenue. The existing house is served by a 3/4-inch metered service from this main.

- **Sanitary Service** - There is an existing 10-inch VSP public combination sewer line in NE Rodney Avenue.

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

**Zoning:** The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

The Albina Community Plan District is intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas.

The Eliot Conservation District denotes an area with common historic values significant to the neighborhood and seeks to contribute to the preservation of significant features of Portland’s development history. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to historic design 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 **December 4, 2014**. 2 written responses have been received from the Neighborhood Association or notified property owners in response to the proposal. The identified issues/concerns are listed with the City response in *italics*:

- Concerns that the Ginkgo tree proposed for removal is on the neighboring property and that removal of the tree in question will have a negative effect on the existing tree canopy.

*Based on an existing conditions survey submitted to the City by a licensed survey, the Ginkgo tree appears to be fully located on the subject property. The applicant is proposing this tree be removed and the loss in tree diameter be mitigated for through planting of new trees and payment into the City Tree Fund. Tree mitigation is further addressed on pages 5 and 6 of this decision. The applicant has been encouraged to communicate with neighboring property owners about appropriate selections for replacement trees. Any dispute about the location of the tree between neighboring properties is a civil matter and is not subject to this review.*

## 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:
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	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required 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 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 2 single family parcels.

Single-dwelling development is proposed for the entire site, therefore the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 6,000 square feet. The site has a minimum required density of 2 units and a maximum density of 3 units.

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

<b>R2</b>	<b>Minimum lot area (square feet)</b>	<b>Minimum lot width (feet)</b>	<b>Minimum lot depth (feet)</b>	<b>Minimum front lot line (feet)</b>
<b>Detached Houses</b>	1,600	25	none	25
Parcel/Lot 1 – detached	2,950	25	118	25
Parcel/Lot 2- detached	2,950	25	118	25

\* Width is measured from the midpoints of opposite lot lines.

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

**B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.**

**Findings:** The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.2). One tree, a European Holly, has been exempted because it is a nuisance species. One tree, a Gingko, is subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 46 inches. The applicant is proposing to remove the non-exempt Gingko tree from the site.

The proposal does not meet any of the tree preservation options in 66.630.100. The applicant proposes, instead, to use the mitigation options of 33.630.300.

The site is less than 15,000 square feet in area. The applicant wishes to divide the site for detached housing, which is an allowed housing type in the R2 zone. The location of the existing trees on the site would prevent a land division that would result in a practicable arrangement of lots that could each contain a reasonable building area and still be able to meet the development standards of the R2 zone. Criterion C.4 is met.

Title 11, Trees, requires trees to be planted on new lots as part of the approval of future building permits. Tree Density Standards under Section 11.20.050 requires a certain density of trees be planted based on the size of a specific site. For this site, meeting Tree Density Standards will result in one to four trees being planted on each proposed parcel, depending on the size and species of the new tree. Because of the small size of the parcels it is not practical for additional trees to be planted beyond the Tree Density standard without jeopardizing the overall health of all of the trees on the site. Therefore, offsite mitigation for Parcel 1 in the form of payment into the City Tree Fund along with planting trees to meet Tree Density Standards is more appropriate for this proposal.

Criterion B is met with a condition of approval requiring trees to be planted on Parcel 1 and Parcel 2 in order to meet Tree Density Standards and payment into the City Tree Fund the amount equivalent to 16 inches of trees prior to final plat approval. A Zoning Permit must be obtained, and receive final inspection approval verifying that these trees have been planted. Trees are to be planted on Parcels 1 and 2 prior to final building permit approval for new houses on these lots.

Therefore, with the conditions noted above for mitigation, the criteria 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. 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 this condition, 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. PBOT has provided the following findings (see Exhibit E.2):

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.

The minimal expected added vehicle trips (1 AM peak hour trip/1 PM peak hour trip/10 total new daily trips) will not adversely impact the operations of area intersections. On-street parking will not be impacted as evidenced by the submitted parking survey which indicates that there are an abundance of on-street parking spaces currently available. The proposed lot split will not have any effect to transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area. This criterion is met.

**Connectivity and Locations of Rights**

This section requires street and pedestrian connections where appropriate and practical, taking a number of factors into consideration. The following discussion is based on Portland Transportation's assessment of the connectivity potential in the area. The City's spacing requirements for public through streets and public pedestrian connections is a maximum of 530-ft and 330-ft, respectively.

**Findings:** No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The location of the subject site within its block is not a desirable location to provide a new public street or pedestrian connection through the block. It is not feasible without eliminating existing development on abutting lot(s), to provide any additional connectivity. Finally, considering the existing size of the subject site, providing a new public street or 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.

**Design of Rights-of-Way**

This section requires approval by PBOT for the elements within the right-of-way.

**Findings:** Frontage improvements will be required along the site's frontage (see below).

**Additional Approval Criteria for Partial Rights-of-Way or Extensions**

This section requires approval by the PBOT for the extension of existing public streets and pedestrian connections, provision of future extensions and/or of partial rights-of-way and improvements.

**Findings:** There are no partial rights-of-way nor are there any configurations that allow for future extensions of streets or pedestrians connections in the area. This approval criterion is not applicable.

PBOT has reviewed and concurs with the information supplied and available evidence provided by the applicant. 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:

<p><b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.</p> <p>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.</p> <p>The existing house will need to be removed prior to the Water Bureau signing off on the Final Plat in order to meet City Title requirements for 21.12.010 and 21.12.070, which require that the water service be located within the frontage for which it will serve and prohibits the crossing of property boundaries with a water service.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.</p> <p>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.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed the following stormwater management methods</p> <ul style="list-style-type: none"> <li>• <b>Parcels:</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 parcels has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.</li> </ul>
<p><b>33.654.110.B.1 Connectivity and locations of rights-of-way</b>  <b>33.654.120.B &amp; C Width &amp; elements of the right-of-way</b> – See Exhibit E.2 for bureau comment</p> <p><b>Connectivity and Locations of Rights-of-Way</b></p> <p>This section requires street and pedestrian connections where appropriate and practical, taking a number of factors into consideration. The following discussion is based on Portland Transportation’s assessment of the connectivity potential in the area. The City’s spacing requirements for public through streets and public pedestrian connections is a maximum of 530-ft and 330-ft, respectively.</p> <p>No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The location of the subject site within its block is not a desirable location to provide a new public street or pedestrian connection through the block. It is not feasible without eliminating existing development on abutting lot(s), to provide any additional connectivity. Finally, considering the existing size of the subject site, providing a new public street or 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.</p> <p><b>Design of Rights-of-Way</b></p> <p>This section requires approval by PBOT for the elements within the right-of-way.</p> <p>Frontage improvements will be required along the site’s frontage (see below).</p>

**Additional Approval Criteria for Partial Rights-of-Way or Extensions**

This section requires approval by the PBOT for the extension of existing public streets and pedestrian connections, provision of future extensions and/or of partial rights-of-way and improvements.

There are no partial rights-of-way nor are there any configurations that allow for future extensions of streets or pedestrians connections in the area. This approval criterion is not applicable.

PBOT has reviewed and concurs with the information supplied and available evidence provided by the applicant. 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.

At this location, according to City GIS, NE Rodney is improved with 30-ft of paving and 3.4-6-0.6 sidewalk corridor within a 50-ft wide right-of-way.

The City's Pedestrian Design Guide recommends a 12-ft wide sidewalk corridor (0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, 1.5-ft wide frontage zone) for Local Service streets within a Pedestrian District. The existing sidewalk corridor along the site's frontage does not satisfy this standard (nor does it satisfy the conditions of Administrative Rule TRN-1.22). Accordingly, in relation to the proposed Building Permits for the new homes, the applicant will be required to reconstruct the existing sidewalk corridor along each parcel frontage to satisfy the aforementioned standard 12-ft sidewalk corridor.

To accommodate the required 12-ft wide sidewalk corridor, the applicant will also be required to dedicate 2-ft of property for public right-of-way purposes. The dedication will occur as part of the Final Plat phase of the land division process.

This criterion is met, with the condition that curb and sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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

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

**DEVELOPMENT STANDARDS**

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

**Future Development**

Among the various development standards that will be applicable to this lot, the applicant should take note of:

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**
- Community Design Standards- New development must meet the Community Design Standards (Chapter 33.218) or is subject to design review.

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

## OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
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 hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; 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 (Exhibit C.4). 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 is tree mitigation.

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 single dwelling lots, as illustrated with Exhibit C.4, subject to the following conditions:

**A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- The reduced side setbacks allowed under 33.120.270.D

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

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

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

**Utilities**

1. The applicant shall meet the requirements of the Water Bureau concerning the demolition of the existing house and location of water service.
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. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Demotion must include backfilling of the basement area and special inspections on the backfill. Note that Title 24 requires a 35-day demolition delay period for most residential structures.

**Other requirements**

4. The applicant must pay into the City Tree Fund the amount equivalent to 16 inches of trees. Payment must be made to the Bureau of Development Services, who administer the fund for the Parks Bureau.

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

1. Prior to final approval of building permits for Parcels 1 and 2, trees shall be planted on each parcel per requirements of 11.20.050. Payment in lieu of planting cannot be used to meet this condition.
2. 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.
3. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor. The improvements along the frontage of the undeveloped lots may be constructed with development on each lot as per the City Engineer's discretion.

**Staff Planner: Leah Dawkins**

**Decision rendered by:** Leah M. Dawkins **on (January 29, 2015)**

By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) February 3, 2015**

**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, 2014, and was determined to be complete on December 1, 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 October 3, 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: March 31, 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](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,

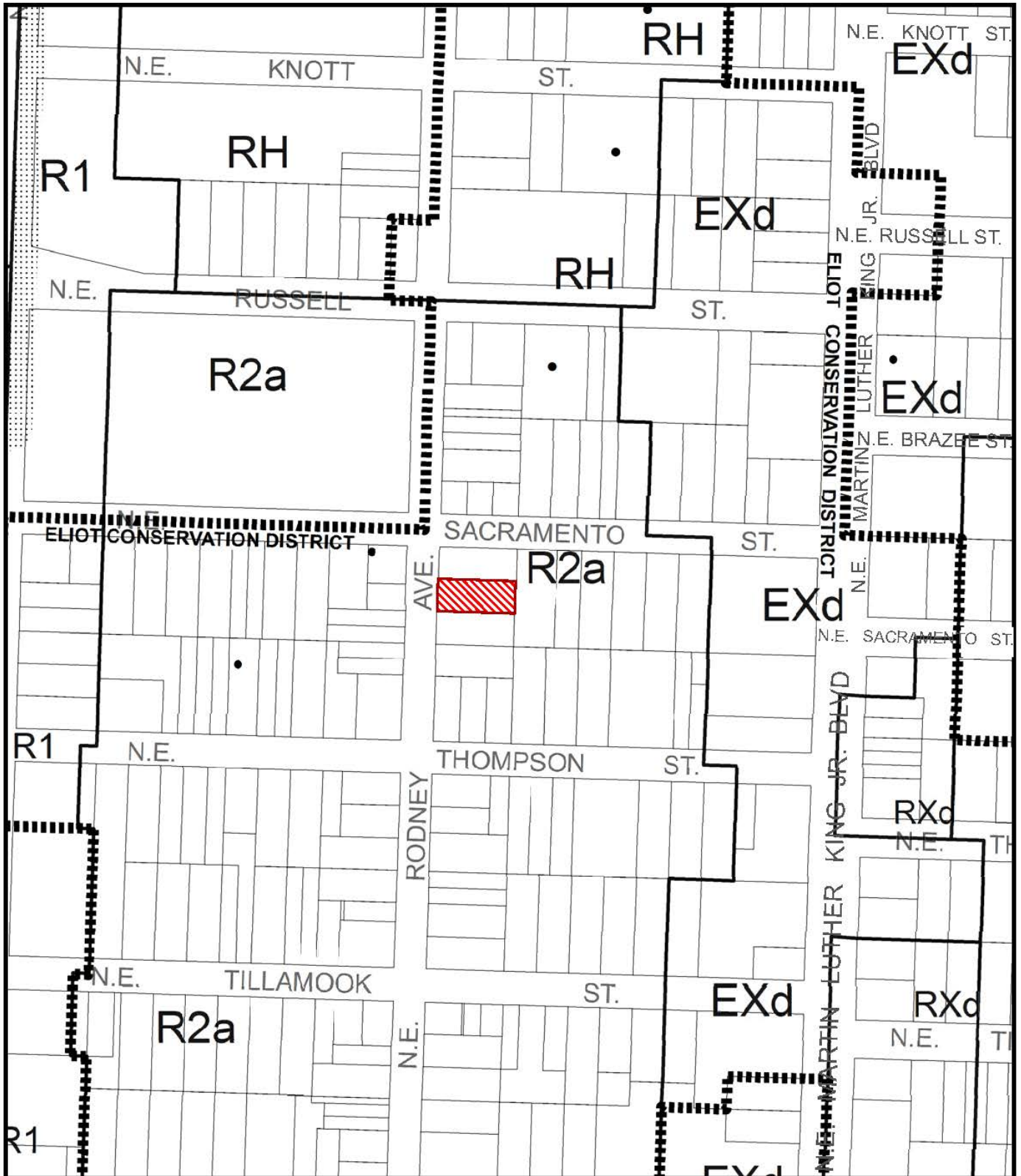
and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. 10/03/2014, Original Application
  - 2. Stormwater Report
  - 3. Arborist Report
  - 4. Parking Exhibit
  - 5. Building Elevations
  - 6. 12/01/2014, Revised information submitted
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Cover Sheet
  - 2. Existing Conditions
  - 3. Preliminary Plat
  - 4. Preliminary Site/Utility Plan (attached)
  - 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. Bureau of Development Services Site Development Section
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety Review Section of BDS
- G. Correspondence:
  - 1. Judy Guth, 1/5/2015, email with concerns about tree preservation
  - 2. Mike Warwick, 1/5/2015, letter with concerns about tree preservation
- H. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING



Site



Historic Landmark



NORTH

This site lies within the:  
**ALBINA COMMUNITY PLAN DISTRICT**  
**ELIOT CONSERVATION DISTRICT**

File No. LU 14-221250 LDP  
 1/4 Section 2830  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E27DA 3600  
 Exhibit B (Oct 07, 2014)

2318 NE RODNEY AVENUE  
 TAX MAP T1N R1E 27DA  
 TAX LOT 3600  
 PORTLAND, OREGON

PRELIMINARY  
 SITE/UTILITY PLAN

NO.	DATE	DESCRIPTION

**EMERIO**  
*Engineering*  
 6107 SW MURRAY BLVD. SUITE 147  
 BEAVERTON, OREGON 97008  
 PH: (503) 746-8812

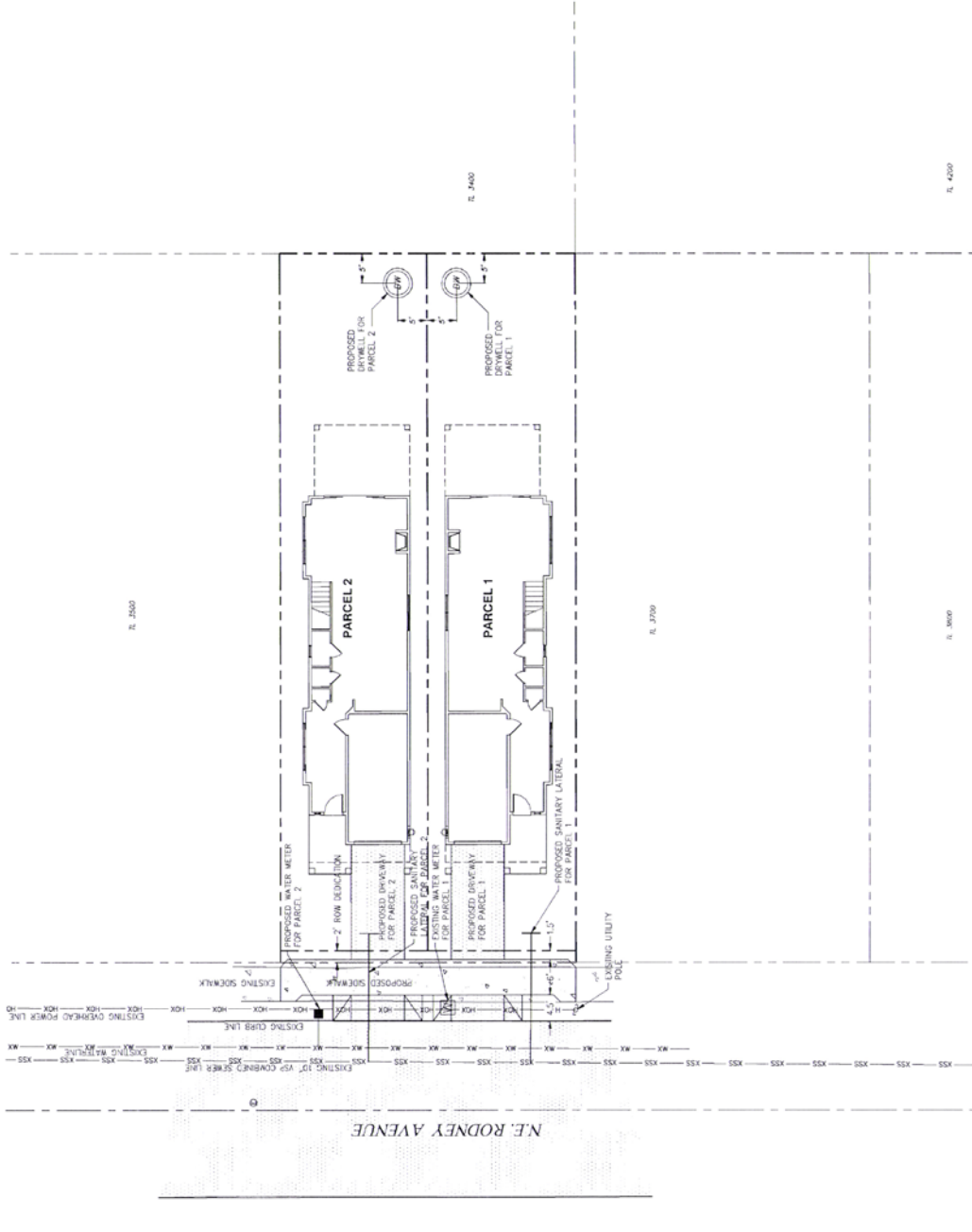
DESIGN START: PROJECT NO. 25, 2014 - 12.4.2014  
 P:\2014-005-2318 NE Rodney Ave\2318-005-2318-005-005.dwg  
 SHEET 4 OF 5



FIRE HYDRANT LOCATED AT NE  
 SACRAMENTO STREET (APPROX. 342'  
 FROM PROP. CORNER)

LEGEND

- BOUNDARY LINE
- ADJACENT/ADJOINING LOT LINE
- CENTER LINE ROW
- EXISTING 1" CONTOUR LINE
- EXISTING 5' CONTOUR LINE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM MANHOLE
- EXISTING ELECTRICAL MANHOLE
- EXISTING WATER METER
- EXISTING CATCH BASIN
- EXISTING WATER VALVE
- EXISTING UTILITY POLE
- EXISTING OVERHEAD LINE
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- PROPOSED SANITARY LATERAL
- PROPOSED WATER METER
- PROPOSED DRYWELL



FIRE HYDRANT LOCATED AT NE  
 SACRAMENTO STREET (APPROX. 342'  
 FROM PROP. CORNER)