



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** May 15, 2015  
**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. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 14-254858 LDP**

#### **GENERAL INFORMATION**

**Applicant:** Douglas Macleod / Blue Sky Property NW  
2251 SE Caruthers St. #5 / Portland, OR 97214

**Owner:** Colleen O. Moore  
78369 Point Adams Rd / Clatskanie, OR 97016-3110

**Site Address:** 6108 SE STEELE ST

**Legal Description:** BLOCK 20 W 1/2 OF LOT 22 LOT 23, TREMONT PK  
**Tax Account No.:** R842205110  
**State ID No.:** 1S2E18AD 05100  
**Quarter Section:** 3536  
**Neighborhood:** Mt. Scott-Arleta, contact Nicole Green at 503-816-1310.  
**Business District:** Woodstock Community BA, Sean Daugherty at 503-754-2636.  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Zoning:** R2.5a (Single Family Residential 2,500 square feet 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 divide the 6,300 square foot site into 2 lots for detached dwelling units. The existing house on the site will be demolished. Proposed Parcels 1 and 2 will each measure approximately 3,155 square feet in area. Both lots are 30 feet in width and are considered "narrow" lots (less than 36 feet in width). Access to both lots will be required via the existing alley abutting the site.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent review (Adjustment Review) is proposed (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 approval criteria are found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

## ANALYSIS

**Site and Vicinity:** The site is located on an interior lot with frontage along SE Steele Street. A public alley way abuts the site along its rear lot line. The house on the site was built in 1916. The development surrounding the site is primarily made up of single family residential type development built in various eras. The residential home abutting the site to the west was built in 2009; while the residential home abutting the sites east property boundary was built in 1917. The home located directly north of the subject site (across SE Steele St.) was built in 1955. The area does not appear to have a dominant style of home, rather many of the homes in the area have unique architectural styles including craftsman, ranch style homes and post-war ranch homes to name a few.

**Infrastructure:**

- **Streets** –The site has approximately 60 feet of frontage on SE Steele St. At this location, SE Steele St. is classified as a Local Service Street for all other modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 410 feet from the site along SE Harold St. via bus line number 10.

SE Steele St. is improved with a 6-foot wide planter area and curb, 5-foot sidewalk and 1-foot buffer at the back of the sidewalk (6-5-1 configuration). The rear of the site abuts a 15 ft. wide dirt/gravel public alley.

- **Water Service** – There is an existing 8-inch water main in SE Steel St. 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 8-inch public sanitary sewer line located in SE Steele St. available for development on this site.
- **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.

**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 **March 13, 2015**. Six written responses have been received in response to the proposal. One letter (exhibit F-4) included a petition signed by 24 household representatives.

**Neighborhood Response:** One letter (exhibit F-1) expressed concern about the neighborhood character being negatively impacted due to the demolition of the existing home and construction of two new “skinny” homes on narrow lots. This letter was concerned about the loss of privacy and the removal of trees which will lower property values. The letter was also concerned about the use of the alley for access and the planned height of the new structures. Another letter (Exhibit F-2) expressed concern about livability. Several Letters (Exhibits F-3 and F-4) pointed to the Zoning Code criteria for narrow lots and indicated that they did not think the proposal meet the Zoning Code regulations in place since the proposed lots are not “compatible” with the surrounding neighborhood. One letter (Exhibit F-3) also expressed concern regarding the precedence an approval in this case would set in the neighborhood. This letter also expressed concern regarding an increase in on street parking and increased traffic in the area. One of the letters (Exhibit F-4) pointed to the Mt. Scott-Arleta Neighborhood Plan Ordinance and the City of Portland Comprehensive Plan goals as further evidence this proposal should not be approved.

The Neighborhood Association (Exhibit F-5) also indicated that they did not think this proposal meet the approval criteria for narrow lots in the R2.5 zone since the lots were not compatible with surrounding development. The letter included information regarding the type of development and lot sizes of the surrounding lots. This letter also references the language in Portland Comprehensive Plan and Mt. Scott-Arleta Neighborhood Plan as a basis for why this proposal should not be approvable.

**BDS Response:** All the concerns were forwarded onto the applicant. The only criteria that can be considered under this review is located in the Zoning Code and addressed in the staff report below under the applicable approval criteria. The Zoning Code was adopted based on the Portland Comprehensive Plan, however, only the regulations adopted within the Zoning Code can apply. There are no land division criteria that require evaluation of neighborhood Plans or elements of the Comprehensive Plan. In regard to the approval criteria for narrow lots in the R2.5 zone that was referenced, and the “compatibility” of the proposed lots, please see the findings in the staff report, this criteria has been addressed in the findings below. The applicant has not proposed to remove any trees under this review. One of the trees shown on the site plan (Exhibit C-1) straddles the property line, while the second tree is located on the adjacent property to the east.

It should be noted that the approval criteria does not allow staff to consider impacts on property values, or privacy. The Zoning Code does have development regulations in place for new development that regulate maximum height, setbacks and building coverage that are required to be followed for any new development. These development regulations are intended to lessen the impacts on adjacent properties. It should be noted that each narrow lot proposal is reviewed on a case by case basis taking into to consideration such factors as the width of the narrow lot proposed, whether alley access is available, etc.

In regard to the alley, it was created to allow vehicle access to the rear of the lots it abuts. Any property owner with a home located along the alley has legal access and a right to utilize the alley for vehicle access since it’s a public right of way. In regard to traffic impact, this issue was addressed; please see the findings below under “transportation impact”.

## **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.

<b>Criterion</b>	<b>Code Chapter/Section and Topic</b>	<b>Findings: Not applicable because:</b>
B	33.630 – Tree Preservation	No trees 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 6,310 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	3,155 square feet		30 feet**	105 feet	30 feet
Parcel 2	3,155 square feet		30 feet**	105 feet	30 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 30 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.

#### ***On balance, the proposed lots will have dimensions that are consistent with the purpose statement of this section***

The applicant has demonstrated that proposed Parcels 1 and 2 are “on balance” 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 (20 feet in width with 5 foot side setbacks on each site) and parking pad 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 not compatible with existing lots in the immediate area within the R2.5 zone. The majority of the lots in the area are 40 feet in width, and measure approximately 4,200 square feet in area. The area was originally platted with historic lots of this dimension. There are also several homes located on larger lots that encompass two historic lots and measure approximately 80 feet in width (8,400 square feet in area). The proposed lots are 10 feet narrower and approximately 1,000 square feet smaller than the smallest lots in the vicinity of the site.
  - It should be noted that there are a few lots of various sizes in the vicinity of the site that do not match the dominate lot pattern specified above. Some of these lots are located within the R5 zone, which is the most common zoning designation surrounding the block the site is located on as shown on Exhibit B. The R5 zoning is

located on properties within the immediate area of the site which are also zoned for single family residential development. For example, near the intersection of SE 62<sup>nd</sup> Ave and SE Insley street, there are two back to back flag lots located behind the house addressed 5406 SE Insley St. Each flag lot has 10 feet of frontage along SE 62<sup>nd</sup> Ave. In addition, there is a vacant 25 foot wide lot located directly south of the home located at 5204 SE 63<sup>rd</sup> Ave. This vacant lot is legally described as 3<sup>rd</sup> Electric Subdivision, Lot 9. Historic lots along a portion of this street were historically platted as 25 feet in width.

- New homes on the two lots proposed can be a maximum of 20 feet in width; many smaller homes in the area have similar width dimensions and are setback 5 feet from the adjacent property boundary. The new homes proposed under this review will at a minimum match this setback pattern. For example, two homes directly north of the subject site (across SE Steele St.) addressed 6113 and 6117 SE Steele St. are each approximately 25 feet in width based on the City's GIS aerial view.
- The R2.5 zone standard lot width is 36 feet, any lot within the area could be reduced to 36 feet in width by right per the Zoning Code via a property line adjustment with an adjacent lot. The 30 foot wide lot proposed under this review is only 6 feet narrower than the standard minimum lot width allowed in the R2.5 zone.
- The purpose of the R2.5 zone (33.611.010) states: *"These requirements ensure that lots are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate structures in accordance with the planned intensity of the R2.5 zone."* This proposal meets the purpose statement above. Both lots vary in size and shape, which allow the site to meet density standards for the zone. Both lots allow new homes that can meet the applicable development standards at development.

Overall, while the new lots proposed are smaller than the majority of other lots in the vicinity, the lots still provide adequate width (30 feet) to provide a reasonably size home (20 feet in width). The applicant's proposal meets all but one of the items (#9) listed in the purpose statement above, so "on balance" this criterion is met.

***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. The proposed parcels are both 30 feet wide.

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

- The site does abut an alley; therefore this requirement does apply. Access to both lots is proposed via the existing public alley.

***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 has vehicle access from the alley as noted above. An attached garage is not proposed on either lot.

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

- The applicant has indicated that the lots will be developed with detached houses, so this criteria does not apply. However, if the applicant did propose attached houses in the future on these lots, there is plenty of room to meet the 60 percent landscaping requirement at the time of future 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. The applicant has proposed parking off the existing alley abutting the site.

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 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 accessory structures 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.

In addition, City records do not show that the septic system on the site was decommissioned at the time the house was connected to the public sewer system. Prior to final plat approval, the applicant must decommission and must obtain final approval of a decommissioning permit.

With these conditions, 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.

At this location, SE Steele Street is classified as a Local Service Street for all modes. It is improved with a 12-ft sidewalk corridor with a 6-5-1 configuration. This is very close to current City standards and will not have to be reconstructed under TRN 1.22. The rears of the two new lots face a dirt/gravel 15-ft wide alley. The applicant is proposing on-site parking via alley access. Since the alley is only 15-ft wide, the new garages (or parking pads) must be set back 5-ft from the rear property line in order to provide a minimum 20-ft of back up distance from the southern boundary of the alley.

**Street Capacity and Levels of Service**

The proposal will result in a net increase of 1 single-family residence. This residence can be expected to generate 10 daily vehicle trips with 1 trip occurring in each of the AM and PM Peak Hours. This small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed.

**Vehicle Access/Loading**

The new lots will have a driveway to provide access to parking and loading.

**On-Street Parking Impacts**

Since the new lots are proposing on-site parking access from the alley, on-street parking on SE Steele is preserved. Impacts to the on-street parking supply should be minimal.

**Availability of Transit**

Tri Met Bus Line #17 is available to serve the site 0.5 mile at SE Holgate and SE 62<sup>nd</sup>.

**Neighborhood Impacts**

The site is being developed with a new single-family residence in compliance with the existing R2.5 zoning. In addition, existing sidewalks will reduce the potential for conflicts between pedestrians and vehicles.

**Safety for All Modes**

Sidewalks along both sides of the area streets provide adequate pedestrian facilities. Given the low vehicle speeds and volumes on SE Steele cyclists can safely share the roadway.

Alley garage entrances must be set back 5-ft from the rear property line to provide 20-ft of back up distance in the 15-ft wide alley.

**RECOMMENDATION**

No objection to approval. As a condition of building permit approvals, the alley garage entrances must be set back 5-ft from the rear property line to provide 20-ft of back up distance in the 15-ft wide alley

PBOT has no objections to the proposed land division. Based on the requirements above, 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:** 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 to the existing house on the site has been turned off due to non-payment. The Water Bureau will not sell any water services, or provide water to this proposed property development until the past due water account is paid in full. Once the outstanding water bill is paid in full this service may potentially be used to provide water to the proposed Parcel 2.
With the condition listed above, 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 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.</li> </ul>



**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.

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. PBOT therefore has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition. PBOT noted that while a north/south pedestrian connection would be desirable, the narrow width of the lots and the single-family zoning make it very unlikely a full pedestrian connection between SE Steele St. and SE Insley St. could ever be achieved.

The site is within the Portland Master Street Plan for the Southeast 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.

**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.

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 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; meeting 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 (Exhibits 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 B.5 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 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**

2. A finalized permit must be obtained for demolition of the existing residence and accessory structures 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.
3. The applicant shall meet the requirements of the Site Development Section of BDS for the decommissioning of the septic system on the site.
4. The applicant shall make payment to the Water Bureau for outstanding water bills.

### **Required Legal Documents**

5. If required, per Conditions B.1 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring new residential development 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.

**C. 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. Vehicle access to Parcels 1 and 2 must be via the public alley abutting the site. As required by the Portland Bureau of Transportation, garage entrances must be set back 5-ft from the rear property line to provide 20-ft of back up distance in the 15-ft wide alley.

**Staff Planner: Shawn Burgett**

**Decision rendered by:** S. Burgett **on May 12, 2015**  
By authority of the Director of the Bureau of Development Services

**Decision mailed May 15, 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 December 30, 2014, and was determined to be complete on **March 4, 2015**.

*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 December 30, 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. **The 120 day deadline is July 2, 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. Applicants Narrative
  - 2. SIM test
  - 3. Applicant response to incomplete letter
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Utility Plan
  - 3. Partition Plat
  - 4. Existing conditions survey
- 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:
  - 1. Barbara Pickus, received 3/30/15
  - 2. Sharon E. Streeter, received 4/7/15
  - 3. Valerie Southard, received 4/7/15
  - 4. Petition received 4/8/14 signed by a representative of 24 households as follows:

- Addie Bedfield,  
Valerie Southard,  
Judith A. Green,  
Kathryn Lambert Holenstein,  
David Stevens,  
Barbara Pickus,  
Jerry Park,  
Dave Hutchins,  
Eamonn Doherty,  
Heather Ennis,  
Arik Ohlson, 6019  
Sydney Jones,  
Jade McDaniel,  
Eric Petrequin,  
Kyle Jones,  
Molly Baez,  
Dustin & Lauren Shelburne,  
Salley Hameister,  
Ron Gleim,  
Alexandra Schneider,  
Steven & Michele White,  
Cindy & Celeste Pellicci,  
Michael Facer & Jin Kyeong Kim,
5. Mt. Scott-Arleta Neighborhood Association, Erika Palmer-Wilson, Co-Chair.
  6. Lauren Shelburne, no address given, received 4/13/15.

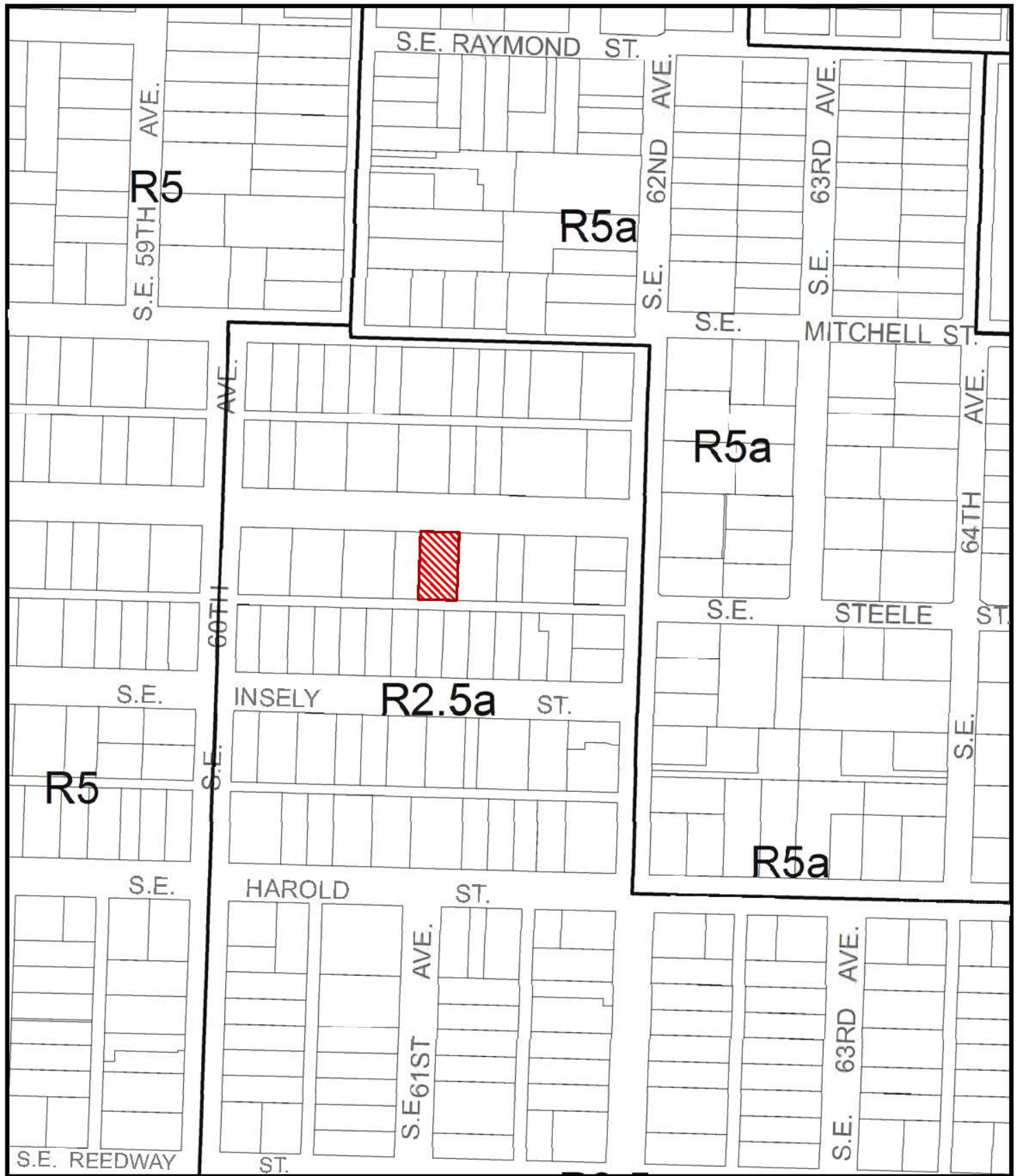
Letters received after 5pm on 4/13/15 (the official 30 day comment period closed at 5pm on 4/13/15) and therefore are not considered:

7. Chris Holenstein, received 4/13/15 at 5:18pm
8. Erin Petreguin, no address given, received 4/13/15 at 5:23 pm

G. Other:

1. Original LU Application
2. Incomplete Letter
3. Land use History
4. E-mail correspondence with applicant regarding trees

**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



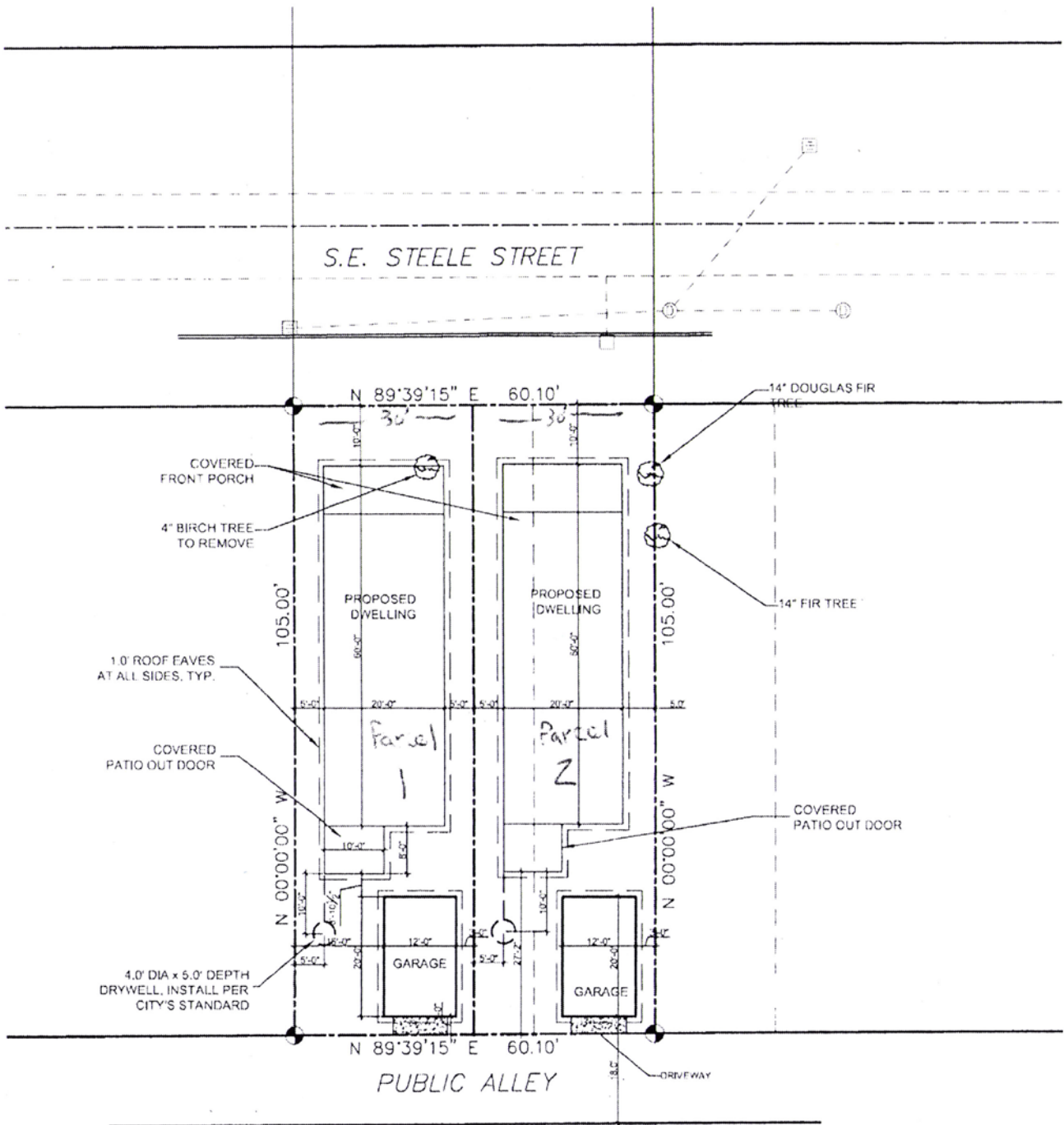
Site



NORTH

File No. LU 14-254858 LDP  
 1/4 Section 3536  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E18AD 5100  
 Exhibit B (Jan 02,2015)



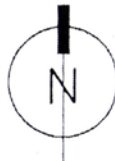


## SITE PLAN

SCALE : 1/2" = 10'-0"

02-25-2015

6108 SE Steel St  
Portland, OR



GreenWood Homes

CASE NO 14-254858

EXHIBIT C-1



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PORTLAND - OREGON 97207  
PHONE: 503-515-7418  
www.knstudiodpx.com