



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

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**Date:** October 5, 2015  
**To:** Interested Person  
**From:** Stephanie Beckman, Land Use Services  
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**NOTICE OF A TYPE II<sub>x</sub> 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 15-174127 LDP**

**GENERAL INFORMATION**

**Applicant:** Alex Koval / Classic Image Homes  
 PO Box 302 / Marylhurst OR 97034 / 503-548-8008

**Representative:** Robert Price  
 3935 NE 72nd Ave / Portland OR 97213 / 503-807-4009

**Owners:** Eliza Erhardt-Eisen and Glenn Eisen  
 2710 NW Pettygrove St / Portland OR 97210

**Site Address:** 2710 NW Pettygrove St

**Legal Description:** INC W 55' OF VAC 27TH ST E OF & ADJ - E 45' OF N 100' OF BLOCK 28, GOLDSMITHS ADD

**Tax Account No.:** R331305020

**State ID No.:** 1N1E32AA 03500

**Quarter Section:** 2926

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.

**Business District:** None

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Other Designations:** Potential Landslide Hazard Area

**Zoning:** R5 – Single-Dwelling Residential 5,000

**Case Type:** LDP – Land Division Partition

**Procedure:** Type IIX, an administrative decision with appeal to the Hearings Officer.

**Proposal:**  
 The applicant proposes to divide the 10,000 square foot site to create two lots. The existing house and detached garage would be retained on Parcel 1, proposed to be 6,875 square feet. Parcel 2 is proposed to be 3,129 square feet and would be available for new single-dwelling development. The driveway and curb cut for the existing house would be reconstructed so it is

located on Parcel 1. Stormwater for Parcel 2 would be directed to a flow through planter on that lot and then to the existing combination sewer in NW Pettygrove Street.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard (see 33.660.110).

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

## ANALYSIS

**Site and Vicinity:** This site is developed with a single dwelling house and a detached garage. The site is relatively flat, but is at the base of steep slope to the southeast. Surrounding development on the south side of NW Pettygrove consists primarily of single-dwelling homes. Development on the north side of Pettygrove (in R2 zoning) includes multi-dwelling and duplex development as well as Chapman Elementary School. Street connectivity is limited due to topography. NW 27 Ave dead-ends north of the site and NW Pettygrove dead-ends west of the site.

**Infrastructure:**

- **Streets** – The site has approximately 100 feet of frontage on NW Pettygrove Street, a Local Service Street for all modes in the Transportation System Plan (TSP). There is one driveway entering the site that serves the existing house on the site. The street is improved with a paved roadway and parking is allowed on both sides. According to GIS information, the sidewalk corridor provides a 6-inch curb, 3.5-foot planter, 6-foot wide sidewalk, 2-foot wide buffer zone (4-6-2 configuration). Tri-Met provides transit service approximately 350 feet from the site on NW Cornell Road via Bus #18. Cornell is accessible via a pedestrian stairway at the end of NW Pettygrove.
- **Water Service** – There is an existing 6-inch DI water main in NW Pettygrove Street. The existing house is served by a 1-inch metered service from this main.
- **Sanitary Service** - There is an existing 6-inch public combination sewer line in NW Pettygrove Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

**Zoning:** The R5 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.

**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 July 21, 2015. A total of four written responses have been received from notified property owners in

response to the proposal (see Exhibits F.1-4). Concerns are summarized below and staff responses provided.

- Height of home and blocking solar access referenced in 33.639.

**Staff Response:** *The solar access standards of 33.639 do not regulate the height of structures. They regulate the width of lots in certain situations, namely corner lots versus interior lots. In this situation the proposed lots are both interior lots, therefore the standards of 33.639 do not apply.*

- Landslide hazard and stormwater management and the potential for flooding.

**Staff Response:** *The applicant provided a Landslide Hazard Study prepared by a geotechnical engineer and engineering geologist. That report evaluated the site for hazards and indicated it was suitable for development. The Site Development of BDS reviewed the report and found it acceptable. When Parcel 2, the vacant lot, is developed the stormwater will be directed to a flow through planter and then to the public sewer to ensure that stormwater does not impact the land division site or adjacent properties.*

- Increased density and overcrowding.

**Staff Response:** *The site is zoned R5 and is 10,000 square feet in area. Therefore, it has an allowed density of two units as proposed.*

- Design details of proposed development, particularly concerns about building height, blocking views and setbacks not consistent with others in the area.

**Staff Response:** *Specific house plans are not required as part of the land division process. The new home will be required to meet the development standards of the R5 zone, which are summarized in this handout: <http://www.portlandoregon.gov/bds/article/92204>. A conceptual site plan was provided to show how the site could be developed meeting development standards and service requirements. The proposed lot meets the lot size and dimension requirements for the R5 zone, therefore there are no approval criteria that relate to compatibility of the future development with other homes in the area in terms of height, setbacks or style.*

## 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 trees in excess of 6 inches in diameter are located fully or partially on the site.  |
| C         | 33.631 - Flood Hazard Area                         | The site is not within the flood 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 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. The maximum density is one unit per 5,000 square feet. Because the site is within potential landslide hazard area, there is no required minimum density. The site is 10,000 square feet and has a maximum density of 2 units. The applicant is proposing two 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) |
|----------------|-----------------------------|-----------------------------|------------------------|-------------------|----------------------------|
| <b>R5 Zone</b> | 3,000                       | 8,500                       | 36                     | 50                | 30                         |
| Parcel 1       | 6,875                       |                             | 63                     | 100               | 63                         |
| Parcel 2       | 3,129                       |                             | 36                     | 100               | 36                         |

\* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

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

**D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.**

**Findings:** A portion of this site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

In order to evaluate the proposal against this criteria, the applicant has submitted a landslide hazard study of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A.5). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability (Exhibit E.5).

The applicant's landslide hazard study indicates that the risk of potential landslide hazard at the site is relatively low, given the soil composition, topography, and other risk factors. The proposed land division will result in lots, buildings, services, and utilities that will not significantly increase the risk of landslide potential on the site or other properties in the vicinity of the site. In addition, the geotechnical evaluation indicates that stormwater disposal should be directed off-site to the storm sewer (not infiltrated on site). This is consistent with the applicant's proposal for Parcel 2, the proposed vacant lot. However, the applicant has indicated that downspouts for the existing house will be directed to ground. BES has requested a condition of approval to document the existing stormwater system for the house and make any modifications to meet BES and BDS requirements prior to final plat approval. If stormwater is proposed to be disposed on site at the time, additional geotechnical information would likely be needed. Provided the stormwater for the existing house is addressed as described above, 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. Therefore, no significant clearing or grading will be required on the site to make the new lot developable. In addition, there are no trees required to be preserved. 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.

A portion of the site includes a previously vacated right-of-way. BES indicated in their completeness review that there was a sewer easement reserved over the right-of-way. There are no public sewer facilities within the easement. To ensure that proposed Parcel 2 is buildable, the easement must be quitclaimed prior to final plat approval.

With this condition, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

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

**Findings:** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of

the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services.

PBOT has provided the following findings (see Exhibit E.2):

*Based on the available information, the estimated increase in daily trips is less than 10 total trips per day for a single family residence, with the majority of trips occurring during non peak hours (Institute of Transportation Engineers – Trip Generation Manual 9th Edition). Additionally, consideration in determining potential Transportation related impacts include the location’s proximity to public transit, TriMet is located <300-feet from the subject property for access to a weekday route. In consideration of the availability of transit service, the limited increase in anticipated traffic generated from this proposal and the availability of alternative routes for vehicle and pedestrian access to and from the subject site, it is reasonably anticipated by PBOT staff (including registered traffic engineers) that this minimal increase to the existing transportation system capacity will not create a significant impact to the transportation system.*

PBOT has reviewed and concurs with the information supplied and available evidence regarding transportation impacts. 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:

|   |
|---|
| <b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.  |
| The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.  |
| <b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.  |
| The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.   |
| <b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1  |
| No stormwater tract is proposed or required. Therefore, criterion A is not applicable.  |
| <b>Stormwater Management for Lots:</b>  |
| BES has reviewed the Simplified Approach stormwater report from Robert Price dated 7/6/14 as well as the Geotechnical Report from Rapid Soil Solutions that was revised 7/3/15. The Geotechnical Report includes Presumptive Approach infiltration test results of 0 inches per hour and notes that “storm water disposal will have to be taken off site.”  |
| <b>Parcel 2 (vacant lot):</b> The applicant proposes offsite discharge to the combination sewer after treatment and detention for the new structure on Parcel 2. BES has no objections to this approach for the purposes of land use review, as the infiltration tests indicate that onsite infiltration is not feasible.                                   |
| <b>Parcel 1 (lot with existing house):</b> The applicant proposes to modify the downspouts on the existing house and garage on Parcel 1 in order to discharge stormwater on property. Based on the Geotech Report all stormwater should be discharged offsite.  |
| The plumbing record from 1929 demonstrates that stormwater has historically been discharged directly to the combination sewer. BES recommends a condition of approval that the applicant demonstrate stormwater management on the existing house that meets BES and BDS requirements prior to final plat approval. The applicant will need to show that all |

stormwater is discharged to the public system (pictures of the existing stand-pipes may be sufficient if they are consistent with the [historical plumbing records](#) in location and material). Scoping of the sewer and/or rain drains may be necessary. For BES to allow the proposed onsite infiltration on Parcel 1, the applicant would need to provide a revision to the Geotechnical Report but this may alter the required facilities on Parcel 2.

With this condition to address stormwater for the existing house prior to plat approval, the stormwater management standards and criteria are met.

### **33.654.110.B.1 Through streets and pedestrian connections**

Through-streets should generally be provided no more than 530-feet apart, and pedestrian connections should generally be provided no more than 330-feet apart. Through-street and pedestrian connections should generally be at least 200-feet apart. This property is located on a block that does not meet spacing requirements for north-south connectivity. Topography makes street connections challenging in this area. In fact, the subject site includes vacated right-of-way from what was a continuation NW 27<sup>th</sup> Ave. Given the existing development pattern and topography a through connection would not be feasible. For the reasons described above, this criterion is met.

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

At this location, *according to City records*, NW Pettygrove Street is improved with a paved roadway and an existing sidewalk corridor that includes a 6-inch curb, 3.5-foot planter, 6-foot wide sidewalk, 2-foot wide buffer zone (4-6-2 configuration requirement) which meets the criteria of TRN 1.22, as well as the required 12-foot pedestrian corridor width required under the City's street standards. Therefore, there will be no frontage improvement requirements or property dedication associated with this land division request. The applicant will be required to obtain over the counter permits for any new curb cuts/driveways that will serve Parcel 2 and to rebuild the existing curb cut when the driveway is altered for Parcel 1.

The width of the right-of-way is adequate to serve the expected users and PBOT has approved the existing elements within the right-of-way, therefore these standards and criteria are met.

### **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.

**Existing development that will remain after the land division.** The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R5 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are Zoning Code standards that relate to existing development on the site:

- Minimum Setbacks – The existing house and detached garage identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines.

Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 10 feet from the new property line and the garage will be 5 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.

- **Required Off-Street Parking** – In this zone, one parking space per dwelling unit is required. A paved driveway and garage provides this required parking for the existing house on Parcel 1. As a result of this land division, the driveway will be partially on proposed Parcel 2. The applicant proposes to reconstruct the driveway so that it will be entirely on Parcel 1. In order to ensure that parking requirements continue to be met, this work must be complete prior to final plat approval. Permits must be obtained to reconstruct the driveway. Documentation of final inspection of this new driveway will be required prior to final plat approval. In addition, the driveway must be shown on the supplemental plan.

## 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<br><a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>                 | Title 24 – Building Code, Flood plain<br>Title 10 – Erosion Control, Site Development<br>Administrative Rules for Private Rights-of-Way |
| Environmental Services/503-823-7740<br><a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>               | Title 17 – Sewer Improvements<br>2008 Stormwater Management Manual  |
| Fire Bureau/503-823-3700<br><a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>                        | Title 31 Policy B-1 – Emergency Access  |
| Transportation/503-823-5185<br><a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a> | Title 17 – Public Right-of-Way Improvements<br>Transportation System Plan   |
| Urban Forestry (Parks)/503-823-4489<br><a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>           | Title 11 –Trees   |
| Water Bureau/503-823-7404<br><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; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1. See Exhibit E.4.

## CONCLUSIONS

The applicant has proposed a 2 parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. This proposal can be approved.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-parcel partition, that will result in standard lots for single-dwelling development as illustrated with Exhibit C.1, 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 Services 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:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application (Note: Condition B.2 requires the driveway to be reconstructed and shown on the supplemental plan);
- Any other information specifically noted in the conditions listed below.

**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 spacing and flow. The applicant must provide verification to the Fire Bureau that Appendix B and C of the Fire Code are met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval. If the exception is used or a fire code appeal is granted, the applicant must record an Acknowledgement of Special Land Use Conditions stating any requirements with the final plat.
2. The driveway serving the existing house on Parcel 1 must be reconstructed to be located completely on that lot and in conformance with the applicable requirements of the Portland Zoning Code. The applicant must obtain a finalized Zoning Permit for installation of the driveway. The permit plans must include the note: *This permit fulfills requirements of Condition B.2 of LU 15-174127.* The new driveway must also be shown on the supplemental plan.
3. The applicant must demonstrate that the stormwater management system for the existing house on Parcel 1 meets BES and BDS requirements prior to final plat approval. Documentation of the location of the existing system must be submitted to the Bureau of Environmental Services. Any modification needed to meet requirements must be completed prior to final plat approval.
4. The applicant must provide documentation that any easements within the vacated right-of-way on the site have been released.

**C. 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.

**Staff Planner: Stephanie Beckman**

**Decision rendered by:**  **on October 1, 2015**

By authority of the Director of the Bureau of Development Services

**Decision mailed October 5, 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 May 21, 2015, and was determined to be complete on **July 15, 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 May 21, 2015.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 30 days, as stated with Exhibit A.6. Unless further extended by the applicant, **the 120 days will expire on: December 12, 2015**.

**Note: 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.

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 19, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 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.ci.portland.or.us](http://www.ci.portland.or.us) .

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any

further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

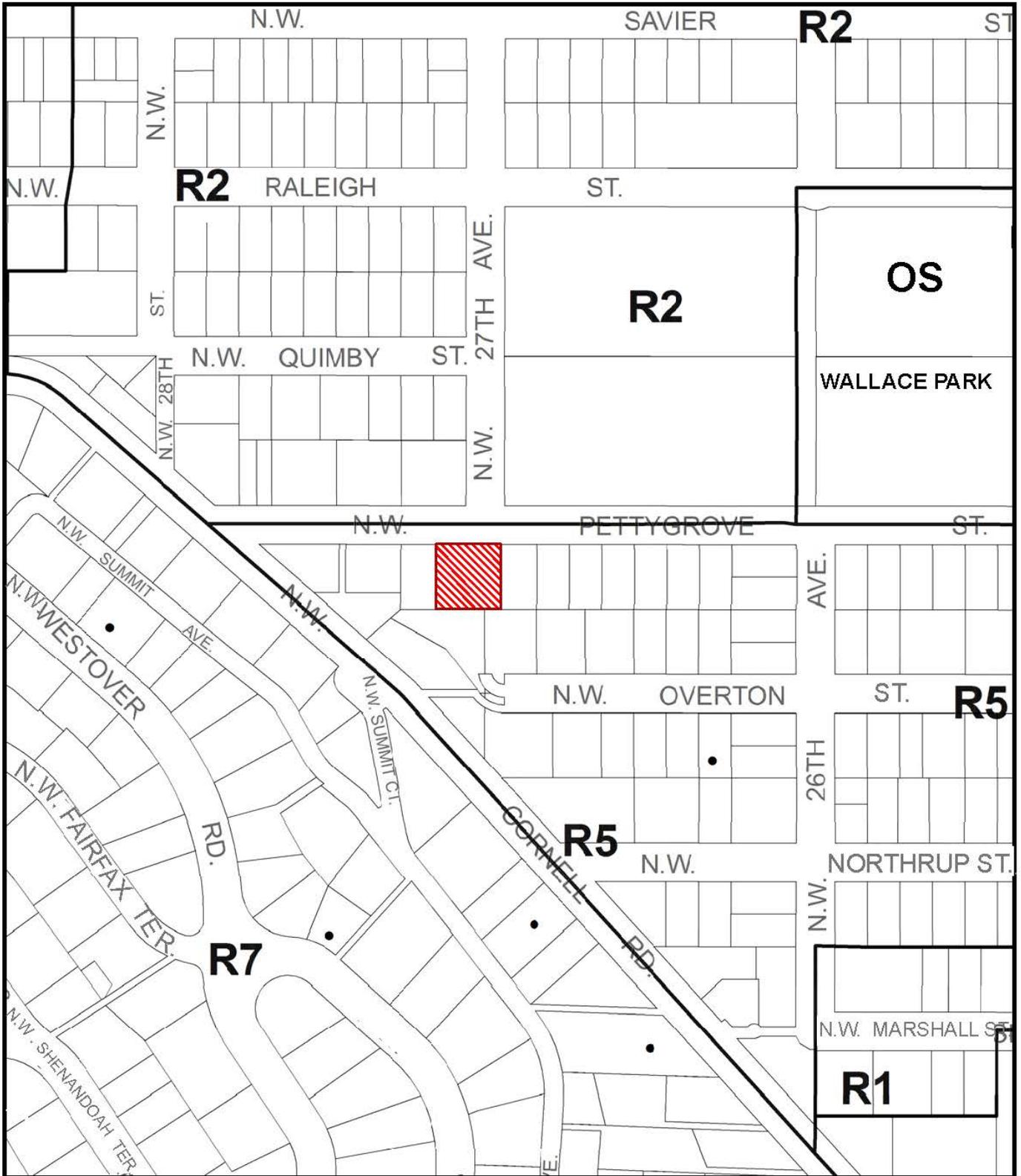
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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. Original submittal
  - 2. Neighborhood Contact Documentation
  - 3. Response to Incomplete Letter
  - 4. Stormwater Form
  - 5. Landslide Hazard Study
  - 6. Extension to 120 day review timeline
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Existing Conditions
- 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
- F. Correspondence:
  - 1. Kevin Tomlinson and Kathryn Baker
  - 2. Jennifer Coffman and Todd Eisenberg
  - 3. Karen Steingart and Julian Fifer
  - 4. Hilda Welch
- G. 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



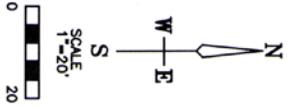
Site



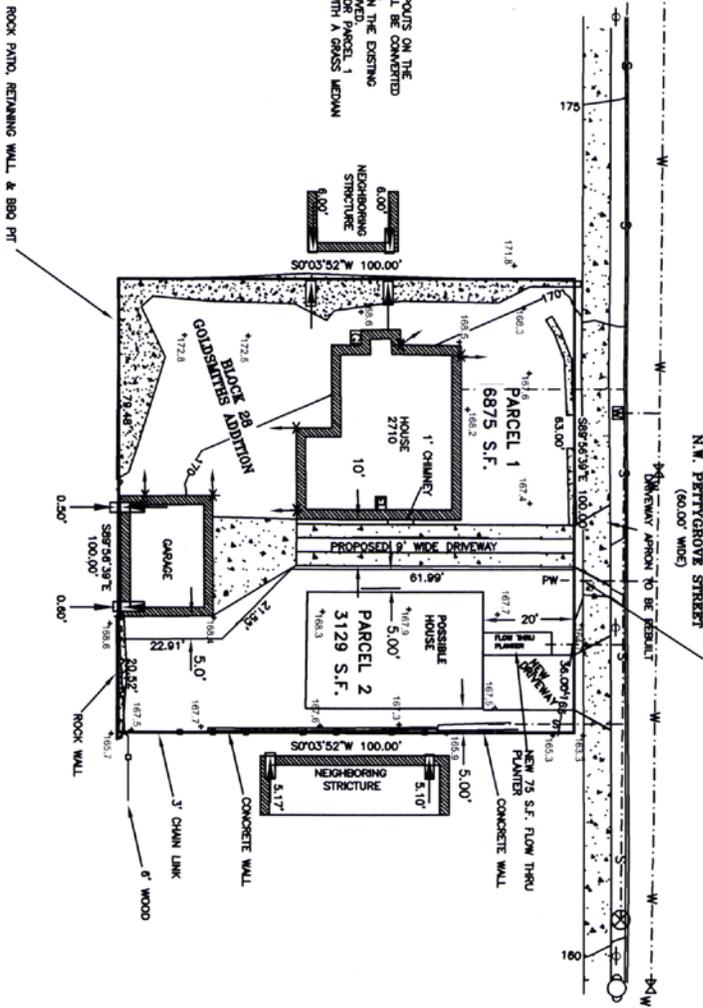
Historic Landmark



File No. LU 15-174127 LDP  
 1/4 Section 2926  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E32AA 3500  
 Exhibit B (May 25, 2015)



NOTES:  
 1. EXISTING DOWNSPOUTS ON THE EAST SIDE OF PARCEL 1 TO BE COMPLETED TO SPLASH BLOCKS.  
 2. DOWN SPOUTS ON THE EXISTING GARAGE WILL BE MOVED TO THE EAST SIDE OF PARCEL 1 AND BE 3' 3\"/>



EXISTING DRIVEWAY TO BE REPLACED WITH NEW 9' DRIVEWAY FOR PARCEL 1

- SYMBOLS**
- ⊕ = POWER POLE
  - ⊙ = GUY ANCHOR
  - ⊞ = WATER METER
  - ⊞ = GAS METER
  - ⊞ = ELECTRIC METER
  - ⊞ = WATER VALVE
  - ⊞ = GAS VALVE
  - ⊞ = MANHOLE
  - ⊞ = CLEAN OUT
  - ⊞ = CATCH BASIN
  - ⊞ = FIRE HYDRANT
  - ⊞ = DOWN SPOUTS
  - W— = WATER LINE
  - G— = GAS LINE
  - E— = ELECTRIC LINE
  - S— = SANI SEWER

REGISTERED PROFESSIONAL LAND SURVEYOR  
**DRAFTER**  
 JOE H. FERROUSON  
 JULY 28, 1980  
 2445  
 RENEWAL DATE 12/31/15

**Ferguson Land Surveying, Inc.**

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

**PROPOSED CONDITIONS**

TAX LOT 3500, BLOCK 25, "GOLDSMITH ADDITION" IN THE NE 1/4, SECTION 32, T.1N, R.1E, W.1M. CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

CLASSIC IMAGE HOMES LLC  
 ALEX KOVAL  
 PO BOX 502  
 MARTYHURST, OR 97036

DATE: APRIL 13, 2015

REVISIONS

JOB NO. 15-067  
 DRAFTED 4/9/15  
 SHEET 1 OF 1

CASE NO. 15-174127 LDP  
 EXHIBIT C.1