



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 1, 2016  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
503-823-5868 / [Kate.Green@portlandoregon.gov](mailto:Kate.Green@portlandoregon.gov)

**NOTICE OF A TYPE IIx 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 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 15-271166 LDS**

**GENERAL INFORMATION**

**Applicant:** Amy Cooney, Syracuse Homes LLC  
4033 N Willamette Boulevard  
Portland OR 97203

**Site Address:** 7134 N Richmond Avenue  
**Legal Description:** BLOCK 6 LOT 8, SEVERANCE ADD  
**Tax Account No.:** R756202410  
**State ID No.:** 1N1W12AC 01300  
**Quarter Section:** 2122  
**Neighborhood:** Cathedral Park / Pat Haynes / [dattahaynes@gmail.com](mailto:dattahaynes@gmail.com)  
**Business District:** St. Johns Business Boosters / Mike Johnson / 503-206-8633  
**District Coalition:** North Portland Neighborhood Services / Mary Jaron Kelley / 503-823-4099

**Plan District:** St. Johns  
**Zoning:** Multi-Dwelling Residential 1,000 (R1)  
Design (d) overlay

**Case Type:** Land Division-Subdivision (LDS)  
**Procedure:** Type IIx, an administrative decision with appeal to the Hearings Officer

**Proposal:** The applicant requests a **Land Division-Subdivision** to divide a 5,000 square foot property into 5 lots for attached single dwelling houses. The applicant has a demolition permit (15-122338 RS) to remove the existing development.

New driveways are proposed serve Lots 2-5 via N Syracuse Street. No on-site parking is proposed for Lot 1 which is on the corner of N Syracuse Street and N Richmond Avenue.

New water and sanitary sewer services for the lots are proposed from existing service lines in N Syracuse Street. Three onsite drywells are proposed to provide stormwater management for the future development. One shared drywell is proposed for Lots 1 and 2, a second drywell is proposed to serve Lot 3; and a third shared drywell is proposed for Lots 4 and 5. Easements are proposed for the shared stormwater facilities.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines "lot" as a single unit of land created by a subdivision of land. The applicant's proposal is to create 5 units of land (5 lots). Therefore this land division is considered a subdivision.

*In order to address the Design (d) overlay regulations, the applicant has noted that the future development will be designed to meet the Community Design Standards (33.218). The development on the proposed lots will be reviewed at the time of permit application and will not be evaluated as part of this Land Division proposal.*

**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 subject site is a flat, 5,000 square foot vacant lot located on the corner of N Syracuse Street and N Richmond Avenue. The site had been developed with a single dwelling house that was constructed in 1907, until its recent demolition (15-122338-RS).

The surrounding development to the north and west include commercially zoned properties developed with a mix of commercial and residential uses; to the south and east the adjacent properties are in the multi-dwelling R1 zone and developed with older (pre-1920) single dwelling homes and newer (post-1960) multi-dwelling residences.

Generally, the site and adjacent properties are situated on a bluff that drops down toward the Willamette River about 500 feet south of the site.

### **Infrastructure:**

- **Streets** – The site has approximately 50 feet of frontage on N Richmond Avenue and approximately 100 feet of frontage along N Syracuse Street. There is one driveway entering the site on N Syracuse that served the recently removed residence.

At this location, the City's Transportation System Plan classifies N Richmond as a Neighborhood Collector, Transit Access, City Bikeway, Local Service Walkway and a Community Corridor. N Syracuse is classified as a Local Service street for all modes. Both of the site's frontages are improved with 4-6-2 sidewalk corridors.

Tri-Met provides transit service directly adjacent to and within 300 feet of the site along N Richmond via Bus Lines 4, 11 and 75.

- **Water Service** – There is an existing 8-inch water main in N Syracuse Avenue. The former house was served by a 5/8-inch metered service from this main.

- **Sanitary Service** - There is an existing 8-inch PVC combined sewer line in N Richmond Avenue, and an existing 8-inch PVC combined sewer line in N Syracuse Street.

**Zoning:** The site is located in the **Multi-Dwelling Residential 1,000 (R1)** zone. *The R1 zone is a medium density multi-dwelling zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning is applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.*

The site also has a **Design (d)** overlay, which promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to Design Review.

The site is within the **St. Johns Plan District** which supports St. Johns as the commercial and civic core of the North Portland peninsula by guiding the types and intensity of uses allowed in the plan district.

**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 **June 6, 2016**. No written responses have been received.

## 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 are located fully or partially 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	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.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.640-Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site.
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	No pedestrian connections are 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 R1 zone.

Density is based on the site area, type of development proposed, and whether any area is required for streets or right-of-way dedication(s). In the R1 zone, the minimum density is one unit per 2,000 square feet for lots less than 10,000 square feet in area (33.120.205.C.2) and the maximum density is one unit per 1,000 square feet (Table 120-3). The St Johns Plan District allows a minimum density of one unit per 2,250 square feet for lots less than 10,000 square feet in site area; however, this density standard does not apply on corner lots, such as the subject site (33.583.240.B).

In this case, the total site area shown on the applicant's survey is 5,000 square feet; no multi-dwelling lots are proposed; and no streets or right-of-way dedications are required. Based on these factors, the minimum density is 3 units and the maximum density is 5 units. The applicant is proposing an attached house on each of the 5 lots, so the density allowances are met.

However, as shown in the lot dimension table below, the R1 zone does not have any minimum lot area requirements for lots designated for attached houses or duplexes, and each of the lots also meets the minimum lot width and minimum front lot line dimensions for duplexes. Therefore, to ensure the proposal will not exceed the maximum density, a condition must be applied allocating a minimum and maximum density of 1 unit to each lot.

**R1 Lot Dimensions: required and proposed**

<b>R1</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>Attached Houses</b>	none	15	none	15
<b>Duplexes</b>	none	none	none	10
Lot 1 –attached	1,050	21	50	21
Lot 2 –attached	925	18.5	50	18.5
Lot 3 –attached	925	18.5	50	18.5
Lot 4 –attached	925	18.5	50	18.5
Lot 5 –attached	1,175	23.5	50	23.5

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

Based on the foregoing and with the noted condition, the applicable density and lot dimension standards will be met. Therefore, this criterion will be met.

**G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.**

**Findings:** 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 limits the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development.

Clearing and Grading: In this case the site is primarily flat, has no trees, 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.

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.

As noted in the response from Site Development: *The residence at 7134 N Richmond Avenue was constructed in 1907. The demolition permit for this residence (15-122338-RS) included a “Disclaimer for On-site Sewage Disposal” which acknowledges that there are no historic plumbing records for the residence that confirm whether the former residence was served by a cesspool prior to the availability of a sewer connection.*

Though the applicant has obtained a demolition permit, as noted above, and no structures were observed on the property during a site visit on June 1, 2016, the demolition permit has not be finalized. To ensure the lots will be suitable for development, all components of the demolition must be completed. Therefore, a condition must be applied which requires that the applicant must obtain a finalized demolition permit.

Based on these factors, with the noted condition, the new lots will be considered suitable for new development. As such, this criterion is met.

**H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;**

**Findings:** No tracts are proposed or required for this land division. The following easements are proposed and/or required for this land division, as discussed in more detail in the findings for Criterion L, below:

- A Private Storm Sewer Easement is required across the relevant portions of Parcels 1 and 2 for a shared stormwater facility that will provide stormwater disposal for both parcels.
- A Private Storm Sewer Easement is required across the relevant portions of Parcels 4 and 5 for a shared stormwater facility that will provide stormwater disposal for both parcels.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

*“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”*

With the conditions of approval discussed above, this criterion is met.

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

**Findings:** 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.

Portland Transportation evaluated the proposal and provided the following response:

*The minimal expected added vehicle trips (4 AM peak hour trip/ 5 PM peak hour trip/ 48 total new daily trips) are not expected to adversely impact the operations of area intersections. This is corroborated by conclusions provided in the TIS resulting from observations conducted by the applicant’s traffic consultant at two nearby intersections. Said intersections are currently operating at acceptable levels of service and will continue to do so taking into consideration the additional vehicle trips expected to be generated by the proposed development. The proposed subdivision will not have any negative effect to transit service or any other mode of travel. Existing sidewalks can be found throughout the area to facilitate pedestrian passage. There is an*

existing bicycle facility pursuant to Portland Bike/Walk Map to facilitate bicycling in the area - a Shared Roadway along N Willamette (south of the site).

With regard to the on-street parking and neighborhood impacts evaluation factors, PBOT had expressed initial concerns about what appeared to be a high demand for on-street parking in the immediate area. Accordingly, PBOT directed the applicant's traffic consultant to concentrate efforts on a parking analysis. The parking analysis that was submitted included multiple observation periods/on varying days to identify the existing supply/demand in the area for the residential and non-residential uses and to determine potential impacts from the proposed subdivision. The parking survey area includes approx 132 spaces. As indicated in the TIS, under existing conditions, between 58 to 77 parking spaces remain available within the study area during the observed peak parking demand periods.

The parking demand that will be generated as a result of the construction of five additional single-family dwellings was estimated using rates from the ITE Parking Generation Manual (4<sup>th</sup> Generation). Based upon the data for average peak parking demand, the partitioning of the single lot and construction of 5 dwellings could result in an increased demand of 9 additional parking spaces during the late evening peak period.

As shown on the submitted plans, the proposed development will include 2 shared driveways that will serve the homes on lots 2-5 (there is no on-site parking shown for the house on Lot 1). The shared driveways will reduce the available on-street parking by 2 spaces. With full occupancy of the 5 homes, assuming that 2 vehicles will park within each of the shared access driveways, and that the additional parking demand will be served by on-street parking, the on-street average peak parking demand is projected to increase by 5 spaces. Accordingly, it was estimated that 51 to 70 on-street average peak parking demand spaces will remain available within the study area following completion of the proposed development. Based on the available supply of parking in the vicinity of the lot partition in addition to the additional parking being provided by the development, adequate on-street parking is available to serve the proposed use in addition to the existing uses in the site vicinity.

The applicant has demonstrated that "the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area".

Based on the foregoing, this criterion is 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
The Bureau of Environmental Services reviewed the proposed stormwater management methods and provided the following comments:
<i>Onsite Stormwater Management: Stormwater runoff from this project must comply with all</i>

*applicable standards of the SWMM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee. Staff reviewed the project's stormwater report from John Cooney, Syracuse Homes LLC (11/06/2015) that describes Simplified Approach infiltration test results of 18 to 20 inches per hour on this site. The applicant proposes to infiltrate runoff from the development onsite via drywells that can meet minimum setbacks as established in the facility design standards and Exhibit 2-1 of the SWMM.*

*Shared Private Stormwater Systems: In order to share the private stormwater system as proposed, the applicant has [proposed] a private sewer easement across lot 2 for the benefit of lot 1, and an easement across lot 4 for the benefit of lot 5. BDS has approved plumbing code appeals for the shared stormwater systems that cross property lines and for easement widths less than 10 feet. For more information, see [BDS Appeals](#) page and search plumbing code appeal numbers 13551, 13553, 13554, 13568). BES will review the easement to ensure that it covers an approvable stormwater system for the included lots.*

Generally, shared stormwater systems are required to be in a tract; however, this criterion allows a private stormwater facility serving up to five dwelling units to be located within an easement, if there is a recorded maintenance agreement (PCC 33.653.030.C.2.c). No stormwater tract is proposed. Therefore, to ensure the proposed shared stormwater facilities approved in the noted Plumbing Code Appeals are provided on the plat, along with the required maintenance agreements, a condition will be applied that calls for the easements to be shown on the final plat and the related maintenance agreements to be provided for city review and approval, prior to final plat approval. Additional details about the maintenance agreement requirements are provided in the findings for Criterion H, above.

With the implementation of this condition, this criterion will be met.

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

Generally, through street should be between 200 and 530 feet apart and pedestrian connections should be between 200 and 330 feet apart. The subject property is on a corner in an area with a developed street grid and no additional through street or pedestrian connections are warranted on this location. As such, this criterion is met.

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

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development.

In this situation, Portland Transportation determined the following:

*At this location, both of the site's frontages are improved with 4-6-2 sidewalk corridors. For Neighborhood Collector streets within (or in this case across the street from) a pedestrian district, the City's Pedestrian Design Guide requires a 15-ft wide sidewalk corridor (0.5-ft curb, 4-ft wide furnishing zone, 8-ft wide sidewalk and a 2.5-ft wide frontage zone). The site's existing 12-ft wide sidewalk corridor (and configuration thereof) does not satisfy the noted 15-ft wide standard corridor. **However**, in April of last year and in relation to a nearby apartment building that was constructed next door to the subject site, the Public Works Administrative Review Committee approved PW 14-139273 to allow the existing 4-6-2 sidewalk corridor to remain (along N Richmond) – no sidewalk corridor reconstruction to the 15-ft wide standard was required. **Accordingly**, the same decision has been rendered via PW 15-277197 - the proposed development on the subject site will not trigger sidewalk corridor widening along the site's N Richmond frontage.*

*The existing 4-6-2 sidewalk corridor along the site's N Syracuse frontage satisfies the characteristics of PBOT's Administrative Rule TRN-1.22. Accordingly, this sidewalk corridor*

*will be recognized as the standard sidewalk corridor along this site frontage: no r.o.w. improvements or property dedication will be triggered along this site frontage in relation to the proposed project. Minor Improvements Permits from PBOT during the Building Permit process will be required for the new curb cuts/driveways.*

Based on the foregoing, this criterion is met.

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

At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. 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. As such, 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:

Community Design Standards (Chapter 33.218): Since the site has a Design (d) overlay, new development must meet the Community Design Standards or it will be subject to Design Review (33.420 and 33.825).

## **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 11 – 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.

Fire Bureau: The applicant must meet the requirements of the Fire Bureau in regards to fire flow/water supply; addressing; and aerial fire department access. These requirements are based on the technical standards of Title 31 and the 2014 Portland Fire Code.

Urban Forestry: The applicant must meet the requirements of Urban Forestry for street tree planting along both street frontages at the time of building permits, in accordance with Title 11. One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). The applicant has provided a conceptual street tree planting plan showing two trees planted on N



Richmond St and three trees to be planted on N Syracuse St. This plan does not meet the requirements of 11.50.060 for street tree planting along N Syracuse Street, which calls for 4 trees. Therefore, a fourth tree must be shown on N Syracuse Street or a fee of \$450 must be paid prior to final plat. Additionally, the tree planting must be shown on the building permit(s) at the time of development.

## CONCLUSIONS

The applicant has proposed a 5-lot subdivision, 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. The primary issues identified with this proposal are:

- Maximum density allocation
- Finalized demolition permit and sewer capping for existing development
- Shared stormwater facilities and related easements and maintenance agreements
- Fire Bureau requirements
- Street tree plantings or payment

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

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 5-lot subdivision, that will result in 5 single dwelling lots, as illustrated with Exhibit C.1, subject to the following conditions:

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

1. A Private Storm Sewer Easement is required across the relevant portions of Parcels 1 and 2 for a shared stormwater facility that will provide stormwater disposal for both parcels.
2. A Private Storm Sewer Easement is required across the relevant portions of Parcels 4 and 5 for a shared stormwater facility that will provide stormwater disposal for both parcels.
3. 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 Conditions C.4 and C.5 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

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

#### Streets

1. A street tree planting plan must be provided to show the required street trees along the site's frontages to the satisfaction of Urban Forestry. If a fourth tree cannot be planted on N Syracuse St due to the land division configuration, a fee of \$450 must be paid in lieu of planting, prior to final plat.

#### Utilities

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.


**Required Legal Documents**

4. A Maintenance Agreement shall be executed for the Private Storm Sewer Easements described in Conditions A.1 and A.2 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
5. If the Fire Bureau has required Acknowledgement of Special Land Use Conditions, the acknowledgement shall be recorded with Multnomah County and referenced on the final plat.

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

1. The minimum and maximum density for each lot in this land division is one unit per lot.
2. Each lot must be developed with an attached dwelling unit.
3. The applicant must meet the addressing requirements of the Fire Bureau. The location of the sign must be shown on the building permit.
4. 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.
5. Street trees must be identified on the permit plans for the new residences to the satisfaction of Urban Forestry.

**Staff Planner: Kate Green**

**Decision rendered by:**  **on July 28, 2016**  
By authority of the Director of the Bureau of Development Services

**Decision mailed August 1, 2016**

**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 1, 2015, and was determined to be complete on May 31, 2016.

*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 1, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: September 28, 2016.**

**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 August 15, 2016** 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

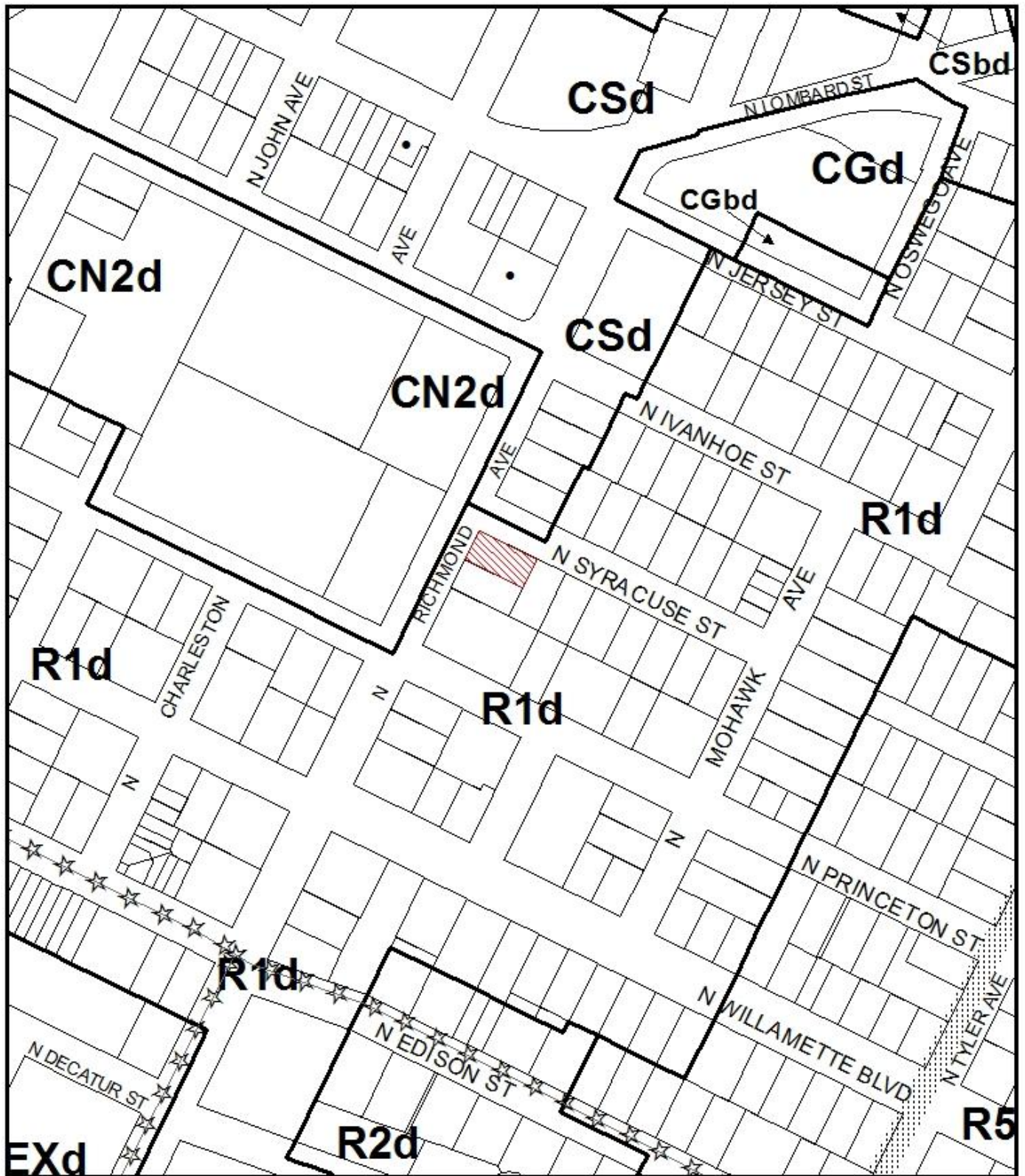
the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Initial Submittal, December 1, 2015
  - 2. Revised Submittal, May 31, 2016
  - 3. Supplemental Materials, June 1, 2016
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Site Survey
  - 3. Conceptual Development Plan
  - 4. Preliminary Grading Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development/BDS
  - 6. Urban Forestry/Parks
  - 7. Life Safety/BDS
- F. Correspondence: (none received)
- G. Other:
  - 1. Original LU Application
  - 2. Letter to applicant re: incomplete application




**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).**



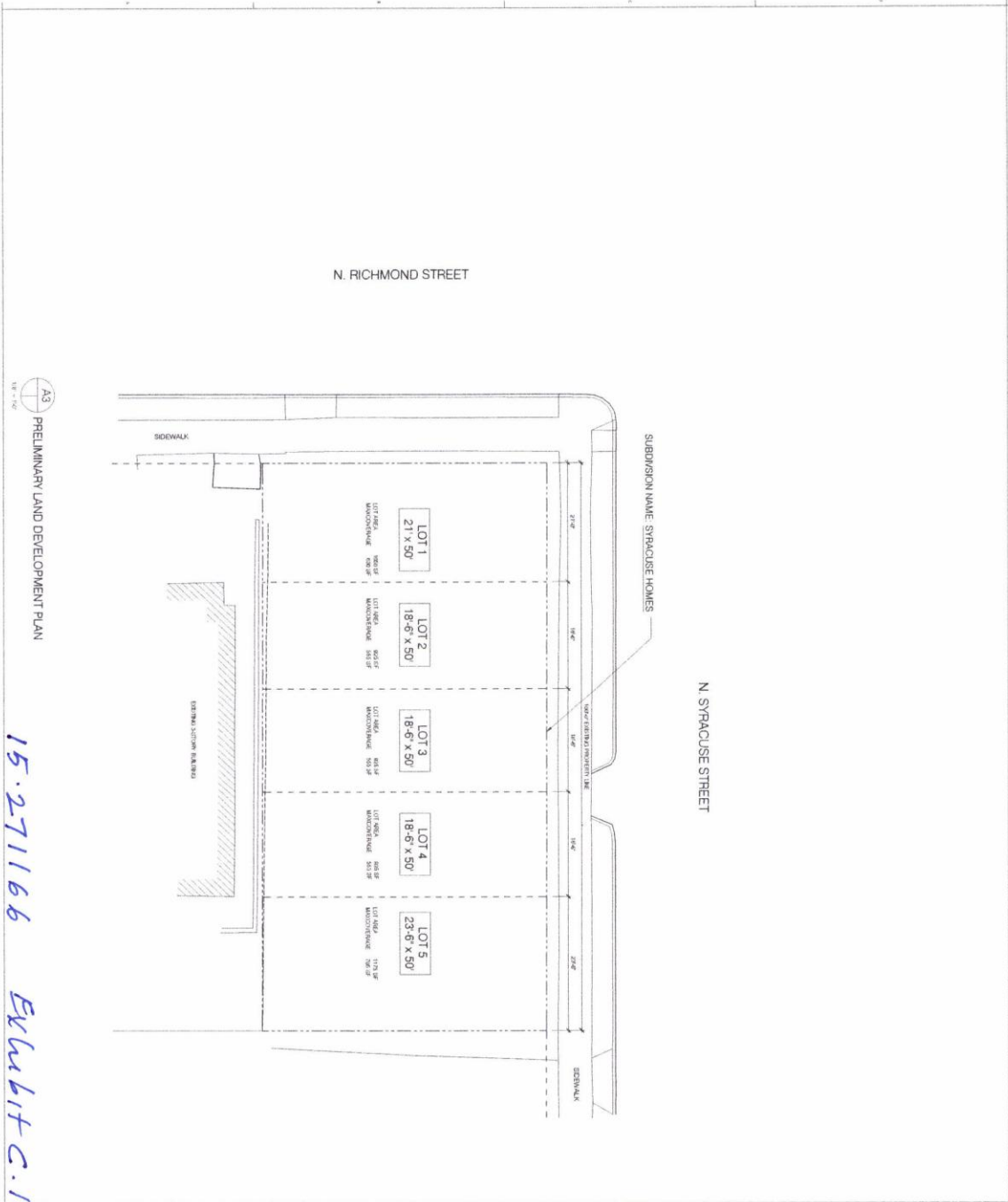
# ZONING



This site lies within the:  
ST. JOHN'S PLAN DISTRICT

-  Site
-  Recreational Trails
-  Historic Landmark

File No.	LU 15-271166 LDS
1/4 Section	2122
Scale	1 inch = 200 feet
State_Id	1N1W12AC 1300
Exhibit	B (Dec 04, 2015)



A3 PRELIMINARY LAND DEVELOPMENT PLAN

15.271166 Exhibit C.1  
 reduced copy  
 on 5.31.2016

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT STANDARDS AND SPECIFICATIONS.
2. ALL UTILITIES SHALL BE LOCATED IN ACCORDANCE WITH THE CITY OF PORTLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT STANDARDS AND SPECIFICATIONS.
3. ALL UTILITIES SHALL BE LOCATED IN ACCORDANCE WITH THE CITY OF PORTLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT STANDARDS AND SPECIFICATIONS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

LAND DIVISION NOTES

1. SUBDIVISION AREA: 100,000 SQ. FT. TOTAL AREA.

<p><b>climate</b>          ARCHITECTURE + LANDSCAPE, LLC</p> <p>4033 N. Williams Blvd          Portland, OR 97203          503.901.1408          info@climatearch.com</p>	<p><b>SYRACUSE HOMES DEVELOPMENT</b></p> <p>7134 N. RICHMOND          Portland, Oregon 97203ph: 503-641-1611</p>	<p>General Contractor</p> <p>XXXXXX          XXXXXX</p> <p>Address          XXXX XX XXXX XXXXXX          Portland, OR 97210          XXX@XXXX.com</p>
<p>DATE: 10/15/15          SCALE: AS SHOWN          SHEET: L-02</p>	<p style="text-align: right;">CLIMATE          ARCHITECTURE +          LANDSCAPE, LLC</p>	