



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** September 16, 2016  
**To:** Interested Person  
**From:** Sean Williams, Land Use Services  
503-823-7612 / [Sean.Williams@portlandoregon.gov](mailto:Sean.Williams@portlandoregon.gov)

**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 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 16-206965 AP**

**GENERAL INFORMATION**

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

**Representative:** Everett Custom Homes Inc  
3330 NW Yeon Ave, Suite#100  
Portland, OR 97210

**Site Address:** 7868 SW 30<sup>th</sup> Avenue

**Legal Description:** LOT 2 EXC PT IN ST, PARTITION PLAT 1993-98  
**Tax Account No.:** R649733890  
**State ID No.:** 1S1E20DA 02400  
**Quarter Section:** 3826  
**Neighborhood:** Multnomah, contact James Peterson at 503-246-0725.  
**Business District:** Multnomah Village, contact Jason Lensch at [benji10@comcast.com](mailto:benji10@comcast.com).

**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.  
**Plan District:** None  
**Other Designations:** Potential Landslide Hazard  
**Zoning:** Residential 2,000 (R2)  
**Case Type:** Partition Amendment (AP)  
**Procedure:** Type IIX, an administrative decision with appeal to the Hearings Officer.

**Proposal:**

The applicant is requesting a partition amendment to eliminate condition C.1 of LU 15-257168 LDP, which is an approval for a 2 parcel partition. This condition required right-of-way improvements along the site's SW 30<sup>th</sup> Avenue frontage. Instead of constructing the required improvements the applicant is proposing to pay a Local Transportation Infrastructure Charge (LTIC). A right-of-way dedication already occurred as a part of a previous permit (15-195845

RS). The final plat, the second step in the [process to create new lots, has been submitted and is currently under review.

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

## FACTS

**Site and Vicinity:** The site is located on the east side of SW 30<sup>th</sup> Avenue approximately 115 feet north of SW Moss Street. A single family residence was recently removed from the site (15-194183 RS). No trees are located within the land division site, which is situated approximately 8 to 9 feet above the adjacent street grade. The surrounding vicinity is developed with a mix of multi-dwelling, commercial, and single family homes. The Multnomah Arts Center is approximately 380 feet west of the site.

### Infrastructure:

- **Streets** – The site has approximately 70 feet of frontage on SW 30<sup>th</sup> Avenue. At this location, SW 30<sup>th</sup> Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 500 feet northwest of the site on SW Capitol Highway via Bus #44. Along the site’s frontage, SW 30<sup>th</sup> Avenue is improved with a 16 foot paved roadway surface within a 50 foot wide right-of-way. There is no curb or sidewalk. A 6 foot right-of-way dedication occurred along the frontage of the site as a function of a building permit review for the adjacent site to the south (15-195845 RS).
- **Water Service** – There is an existing 6-inch DI water main in SW 30<sup>th</sup> Avenue.
- **Sanitary Service** – There is an existing 8-inch CSP sanitary sewer main in SW 30<sup>th</sup> Avenue.
- **Stormwater Disposal** – There is an existing 24-inch CSP storm-only main in SW 30<sup>th</sup> Avenue (BES as-built #1974).

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

**Land Use History:** City records indicate the following prior land use reviews for this site:

- **LUR 92-00609 MP:** Approval of a minor land division for 2 parcels in association with the Adjustments referenced below. This minor land division was subsequently platted as PP 1993-98. This site is Lot 2 of that partition plat.
- **LUR 92-00610 AD:** Approval of adjustments to: (1) reduce lot area for proposed Lot 1 to 6,400 square feet from the required 7,000 square feet, (2) reduce lot width for proposed Lot 1 to 50 feet from the required 60 feet, (3) increase the maximum percentage of paving between the front building line and front property line for parking or driveway purposes to 60% for proposed Lot 1.
- **LU 15-257168 LDP:** Approval of a Preliminary Plan for a 2 parcel partition that will result in two parcels for detached houses. The applicant is requesting to eliminate condition C.1 of this decision through this review.

**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 **August 4, 2016**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

#### 33.660.320 Approval Criteria

**Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:**

- A. Approval criteria for changes listed in Subsection 33.660.310.B. Changes to the Preliminary Plan that are listed in Subsection 33.660.310.B must meet the approval criteria of Subsection 33.660.120, Approval Criteria.**

**Findings:** The applicant is proposing to eliminate condition C.1 of LU 15-257168 LDP. This change is processed through the same procedure type as was used for the preliminary plan (Type IIx) in accordance with 33.660.310.B.9. Therefore, the approval criteria of 33.660.120, Approval Criteria are addressed below:

#### 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. Only those criteria that are relevant to eliminating condition C.1 of LU 15-257168 LDP, which required street improvements along the frontage of the site, are addressed below. The applicable approval criteria are:

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

**Findings:** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services. PBOT has provided the following findings (see Exhibit E.2):

*The applicant is proposing this partition in order to develop the subject site with two new detached single-family homes. The existing single-family home on the property will be removed. Therefore, the project will result in a net addition of one new single-family home. Based upon trip generation estimates obtained from the Institute of Transportation Engineer's Trip Generation Manual, 9th Edition, the new home is projected to generate one additional trip during both the morning and evening peak hours (10 additional trips in total each day). The small number of trips that will be added into the transportation system as a result of the proposed development will not adversely impact the operations of area intersections.*

*The project will include on-site parking for at least one vehicle per lot. Given the on-site parking opportunities that will be provided with the new development, on-street parking in the area will not be adversely impacted by the construction of an additional single-family home. The proposed partition will not impact existing transit facilities or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.*

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

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

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

Along the site's frontage, SW 30<sup>th</sup> Avenue is improved with a 16 foot paved roadway surface within a 50 foot wide right-of-way. There is no curb or sidewalk. In reviewing this land division, the Portland Bureau of Transportation (PBOT) 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. As a part of the original preliminary plan approval (LU 15-257168 LDP) PBOT required curb and sidewalk improvements along the site's SW 30<sup>th</sup> Avenue frontage (condition C.1).

Since this approval, a Local Transportation Infrastructure Charge (LTIC) was created to provide an alternative to constructing street improvements for qualifying sites. The applicant has proposed to eliminate condition C.1 of the preliminary plan approval and instead pay the applicable LTIC. PBOT finds that this site qualifies for the LTIC as SW 30<sup>th</sup> Avenue is a Local Service Street that lacks curbs or sidewalks and will allow payment of the LTIC in lieu of standard frontage improvements. In addition to payment of the LTIC the applicant will be required to sign street and storm sewer waivers of remonstrance (for participation in future street and storm sewer improvements). Therefore, prior to Final Plat approval, the applicant shall execute street and storm sewer waivers of remonstrance and pay the Local Transportation Infrastructure Charge.

With the conditions noted above, this criterion can be met.

## CONCLUSIONS

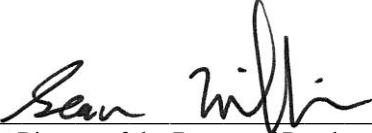
The applicant has proposed a Partition Amendment to eliminate condition C.1 of LU 15-257168 LDP, which required street improvements along the frontage of the site. As discussed in this report, the Portland Bureau of Transportation finds that the applicable criteria may be met with payment of a Local Transportation Infrastructure Charge (LTIC) and completion of street and storm sewer waivers of remonstrance in lieu of providing standard street improvements. With a condition of approval that addresses this requirement this proposal can be approved.

## ADMINISTRATIVE DECISION

**Approval** of a partition amendment to eliminate condition C.1 of LU 15-257168 LDP, subject to the following condition:

- A. Prior to Final Plat approval, the applicant shall complete street and storm sewer waivers of remonstrance (for future street and storm sewer improvements) and pay the Local Transportation Infrastructure Charge (LTIC) as required by the City Engineer.

**Staff Planner: Sean Williams**

**Decision rendered by:**  **on September 14, 2016**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: September 16, 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 July 19, 2016, and was determined to be complete on August 2, 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 July 19, 2016.

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: November 30, 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 September 30, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **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.

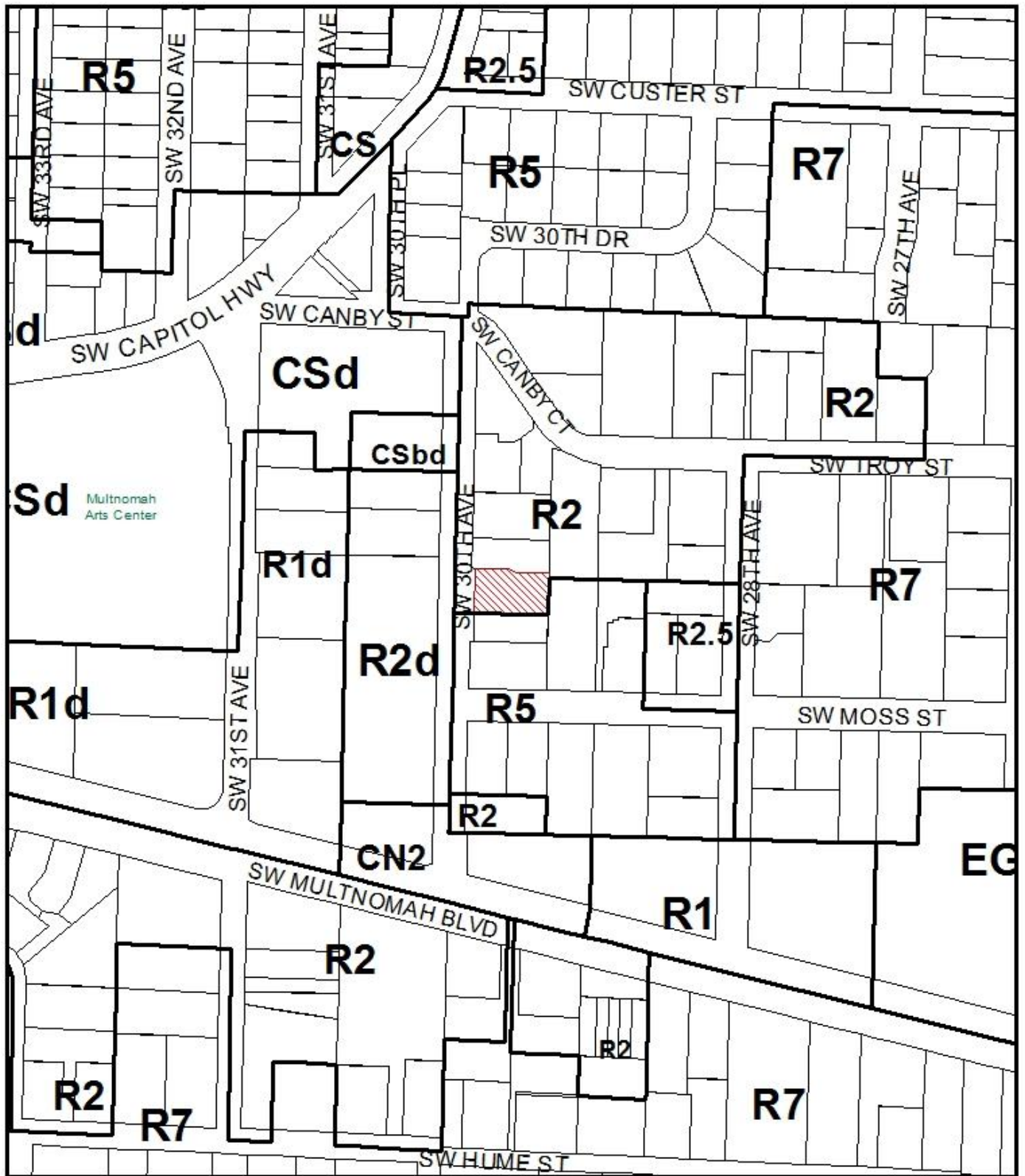
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
- 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. Fire Bureau
  - 4. Bureau of Parks, Forestry Division; Water Bureau; Site Development Review Section of BDS
- F. Correspondence: None
- G. Other:
  - 1. Original LU 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

 Site



File No.	<u>LU 16-206965 AP</u>
1/4 Section	<u>3826</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1S1E20DA 2400</u>
Exhibit	<u>B (Jul 20, 2016)</u>



