



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 5, 2016
To: Interested Person
From: Jason P. McNeil, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision 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 16-207207 LDP

GENERAL INFORMATION

Applicant: Katherine J Gengler,
708 N Blandena St
Portland, OR 97217

Site Address: 708 N BLANDENA ST

Legal Description: BLOCK 10 LOT 5, CLIFFORD ADD
Tax Account No.: R163901770
State ID No.: 1N1E22BD 08300
Quarter Section: 2529

Neighborhood: Humboldt, contact Micah Meskel at 503-481-5715.
Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Plan District: None

Zoning: R2.5a – Residential 2500 with “a” Alternative Design Overlay
Case Type: LDP – Land Division Partition
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing a two-parcel land division on this 5,004 square foot lot resulting in one 1,695 square foot lot (Parcel 1) and one 3,309 square foot lot (Parcel 2). The existing home on Parcel 2 will remain. The existing garage on Parcel 1 will be removed to make the site available for a new single dwelling. Parcel 1 is a narrow lot as the proposed width (34 feet) is smaller than the minimum width for the zone (36 feet). There are no trees located on

the site. Due to this site's proximity to a frequent service bus line, off-street parking is not required at this location.

Relevant Approval Criteria:

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

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. This application was submitted on July 19, 2016 and determined to be complete on October 4, 2016.

ANALYSIS

Site and Vicinity: The site is relatively flat and developed with a one-story, single dwelling unit built in 1923. There is a detached garage and a driveway located on the site. The surrounding area north, south, and east of the site is characterized by one and two-story single dwelling development, mainly comprised of homes from first half of the 20th century with some newer development mixed in. Directly to the west of the site are commercially zoned (EXd) properties along N Albina Avenue, just north of the bustling Mississippi commercial district. The street grid in the immediate area is regular and characterized by paved streets with curbs and sidewalks. The grid is broken up approximately three blocks to the west by the presence of Interstate 5.

Streets – The site has approximately 100 feet of frontage on N Blandena Street and 50 feet along N Borthwick Avenue. There is one driveway entering the site from N Blandena that serves the existing house on the site. At this location, both N Blandena and N Borthwick are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). Tri-Met provides frequent transit service approximately 100 feet from the site on N Albina Avenue via Bus 4.

N Blandena has a 36-foot curb-to-curb paved surface within a 60-foot right-of-way with parking on both sides. Along the 100-foot wide site frontage the pedestrian corridor includes a 4-foot wide planter area, curb, 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (4-6-2 configuration). N Borthwick has a 28-foot curb-to-curb paved surface within a 60-foot right-of-way with parking on both sides. Along the 50-foot wide site frontage the pedestrian corridor includes a 8-foot wide planter area, curb, 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (8-6-2 configuration).

Water Service – There is an existing 6-inch water main in N Blandena Street. The existing house is served by a metered service from this main.

Sanitary Service - There is an existing 8-inch PVC sanitary-only sewer line on the north side of N Blandena Street. There is also a 6-inch private sewer within the N Blandena frontage. The existing house is connected to a 12-inch VSP public combination sewer in N Borthwick Avenue.

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

Zoning: The R2.5 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The "a" overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential

neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits “E” contain the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 12, 2016**. One written response (Exhibit F.1) has been received from a notified property owner in response to the proposal. The issues raised in this letter include:

- **On-Street Parking:** Concern that there currently is a shortage of parking in the neighborhood and that there are several seniors living on the block that have difficulty parking near their homes.

Staff Response: The applicant submitted a detailed and thorough study of on-street parking in the area. The Bureau of Transportation (PBOT) reviewed this parking study and found that, though parking is in high demand on the block of N Blandena between N Albina and N Borthwick, adequate parking is available on the remainder of block faces in the vicinity of this land division.

- **Commercial/Office Uses:** Stated that some residents use their home for business purposes.

Staff Response: Some business uses are allowed in residential areas as home occupations under the zoning code (Chapter 33.203 Accessory Home Occupations). If there are concerns that the business uses go beyond what is allowed as a home occupation, you may call BDS Compliance Services at 503-823-CODE (2633).

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.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
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	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.

Findings: Chapter 33.611 contains the density and lot dimension requirements applicable in the R2.5 zone. Based on the applicant's survey, the site area is 5,004 square feet. The maximum density in the R2.5 zone is one unit per 2,500 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area.

The site has a maximum density of 2 units and a minimum required density of 1 unit. The applicant is proposing 2 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)
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	1,695		34	50	34
Parcel 2	3,309		66	50	66

* 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.

Narrow Lots

Parcel 1 is 34 feet wide — narrower than the minimum width for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations of Section 33.611.200.C.

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

The purpose of lot dimension regulations are as follows:

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are wide enough to allow development to orient toward the street; (6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9) lots are compatible with existing lots while also considering the purpose of this chapter.

The applicant has demonstrated that the proposed Parcel 1 is consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that the proposed lot can accommodate a reasonably sized house and garage while meeting the development standards of the zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that the proposed lot has access for utilities and services
- The proposed narrow lot is compatible with existing lots because the proposed lot will be just 2 feet shy of the 36-foot minimum lot width. There is an example of narrow lot development, with 25-foot wide lots and attached housing, less than one block north on N Borthwick Avenue. Additionally, the surrounding area is made of a lots of a variety of shapes and sizes and are occupied by a broad mix of uses, including multidwelling development and commercial uses.

The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet

- The lots will be developed with detached houses; however, the proposed parcel is at least 25 feet wide.

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

- The site does not have access from an alley, so this standard does not apply.

Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development

- The site is located within 500 feet of a frequent transit line and, therefore, off-street parking is not required. The applicant is not proposing a garage as part of this proposal. The garage limitation standards of Subsection 33.110.253.E do not apply; however, should the owner decide to provide parking, these requirements would need to be met.

60 percent landscaping requirement for attached houses

- The applicant has indicated that the lots will be developed with detached houses; therefore, this requirement does not apply.

If parking is not required, alley access and garage limitation requirements do not have to be met if a covenant is provided.

- The applicant is not proposing parking on the site. As noted under the Facts section of this report on page 2, both Parcels 1 and 2 are exempt from minimum parking requirements due to their location within 500 feet of a transit street with 20-minute service. While not proposed, the lot could accommodate parking if desired.

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

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

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. The applicant has proposed to remove the existing garage to make Parcel 1 available for development. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of the existing garage prior to final plat approval. With this condition, the new lots can be considered suitable for development, and 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, so criterion A does not apply.

The following easement is proposed and required for this land division:

- A Private Sanitary Sewer Easement is required across the relevant portions of Parcel 2, for a sanitary sewer lateral connection that will serve Parcel 1.

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

“A Declaration of Maintenance agreement for the Private Sanitary Sewer Easement 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; and,

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. Mitigation may be necessary to reduce impacts.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

The minimal expected added vehicle trips (1 AM peak hour trips/ 1 PM peak hour trips/ 10 total new daily trips) will not adversely impact the operations of area intersections.

PBOT had initial reservations with regard to the project's expected impacts to on-street parking and related impacts to the neighborhood (evaluation factors) given the existing apparent demand throughout the area for on-street parking related to the residential and nearby non-residential uses in the area. Compounding the existing high demand for on-street parking is the applicant's proposal to not include any on-site parking for either of the two proposed parcels. All expected demand from the existing home and the proposed home expected to be constructed on proposed Parcel 1 will need to be accommodated on the area's streets. Accordingly, PBOT directed the applicant to submit a thorough parking analysis – which the applicant prepared herself under PBOT guidance. As expected, the submitted documentation demonstrates a high demand for on-street parking, especially within that portion of the parking survey area along N Blandena, west of N Borthwick, which abuts the variety of non-residential uses in the area (with limited [or no] on-site parking). Though this segment of the parking survey area has a greater-than-supportable parking occupancy rate, the remainder of the parking survey area has sufficient capacity (available on-street parking spaces) to accommodate the expected 4 overall on-street parking space demand from the proposed partition request.

PBOT has no concerns with regard to any of the other evaluation factors; nearby transit service nor any other mode of travel will not be adversely impacted by the new home expected to be constructed on Parcel 1. 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. 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:

33.651 Water Service standard – 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.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that the 8-inch PVC sanitary sewer in N Blandena Street is inaccessible for Parcel 1 due to the location of a water line between the sewer in the north side of the street and the new parcel. The applicant proposes to serve Parcel 1 by connecting to the public sewer in N Borthwick via an easement over Parcel 2. BES has indicated this route of service is acceptable. The easement must be shown on the final plat. With this condition, the sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant has proposed the following stormwater management methods: Parcel 1: Stormwater from this lot will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. This lot has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval

of the drywell.

Parcel 2 (the lot with the existing house): The existing house has downspouts that drain into underground pipes. BES has indicated that the system is consistent with historic plumbing permit records.

The stormwater criteria and standards are met.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

The subject block satisfies the above referenced spacing goals only in the east-west direction – the block length is approx 460-ft in the north-south direction. The subject lot is not located within its block in a location to potentially improve connectivity in the area (it is a corner site at the northern extreme of the block).

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

For the reasons described above, this criterion is 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.

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

- Narrow Lots-- development on Parcel 1 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 2. 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 R2.5 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 several Zoning Code standards that relate to existing development on the site:

- Minimum Setbacks – The existing house 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 5.3 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 plan showing the surveyed location of the existing building relative to the adjacent new lot lines.

- Accessory Structures – Structures are not allowed to remain on a proposed lot line. Therefore, in order for the proposed new lots to be approved, the accessory structure that straddles the line between proposed Parcels 1 and 2 must be removed prior to final plat. If the structure is greater than 200 square feet in area, demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. If the structure is less than 200 square feet, the applicant can submit before and after photos showing that the structure has been removed with the final plat. To ensure that this standard is met, a condition of approval is necessary.
- Required Off-Street Parking - A paved parking pad and garage provides parking for the existing house on Parcel 2. As a result of this land division, the parking space for the existing house will be located on a different lot, and will no longer be available to Parcel 2. The Portland Zoning Code does not require off-street parking on sites that are less than 500 feet from a transit street with 20-minute peak-hour bus, streetcar, or light rail service. Tri-Met provides transit service approximately 100 feet from the site on N Albina Avenue via bus number 4. Bus number 4 provides peak-hour service meeting this requirement. As a result, no replacement parking is required for Parcel 2.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry. Due to the loss of street tree planting space in the parking strip as a result of this land division, the applicant is required to make a payment into the Tree Planting and Preservation Fund for 1.5 inches. These requirements are based on the standards of Title 11.
- Prior to final plat approval, a Minor Improvement Permit must be obtained from PBOT for the required closure of the existing curb-cut and driveway along the site's N Blandena frontage.

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. The primary issues identified with this proposal are: meeting narrow lot standards and off-street parking availability.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in one standard lot and one narrow lot 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 Review and BES 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;
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. A 5-foot wide private sanitary sewer easement, for the benefit of Parcel 1, shall be shown and labeled over the relevant portions of Parcel 2.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.3 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for the Private Sewer Easement has been recorded as document no. _____, Multnomah County Deed Records."

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

Utilities

1. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the

Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

Existing Development

2. The applicant must obtain a finalized demolition permit for removing the garage that straddles the proposed property line between Parcels 1 and 2.

Required Legal Documents

3. A Maintenance Agreement shall be executed for the Private Sewer described in Condition B.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, additional provisions for a reduced width 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.

Other requirements

4. Prior to final plat approval, a Minor Improvement Permit must be obtained from PBOT for the required closure of the existing curb-cut and driveway along the site's N Blandena frontage.
5. The applicant must pay into the City Tree Preservation and Planting Fund the amount equivalent to 1.5 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

D. 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: Jason P. McNeil

Decision rendered by:  **on November 30, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed December 5, 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 October 4, 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.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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.**

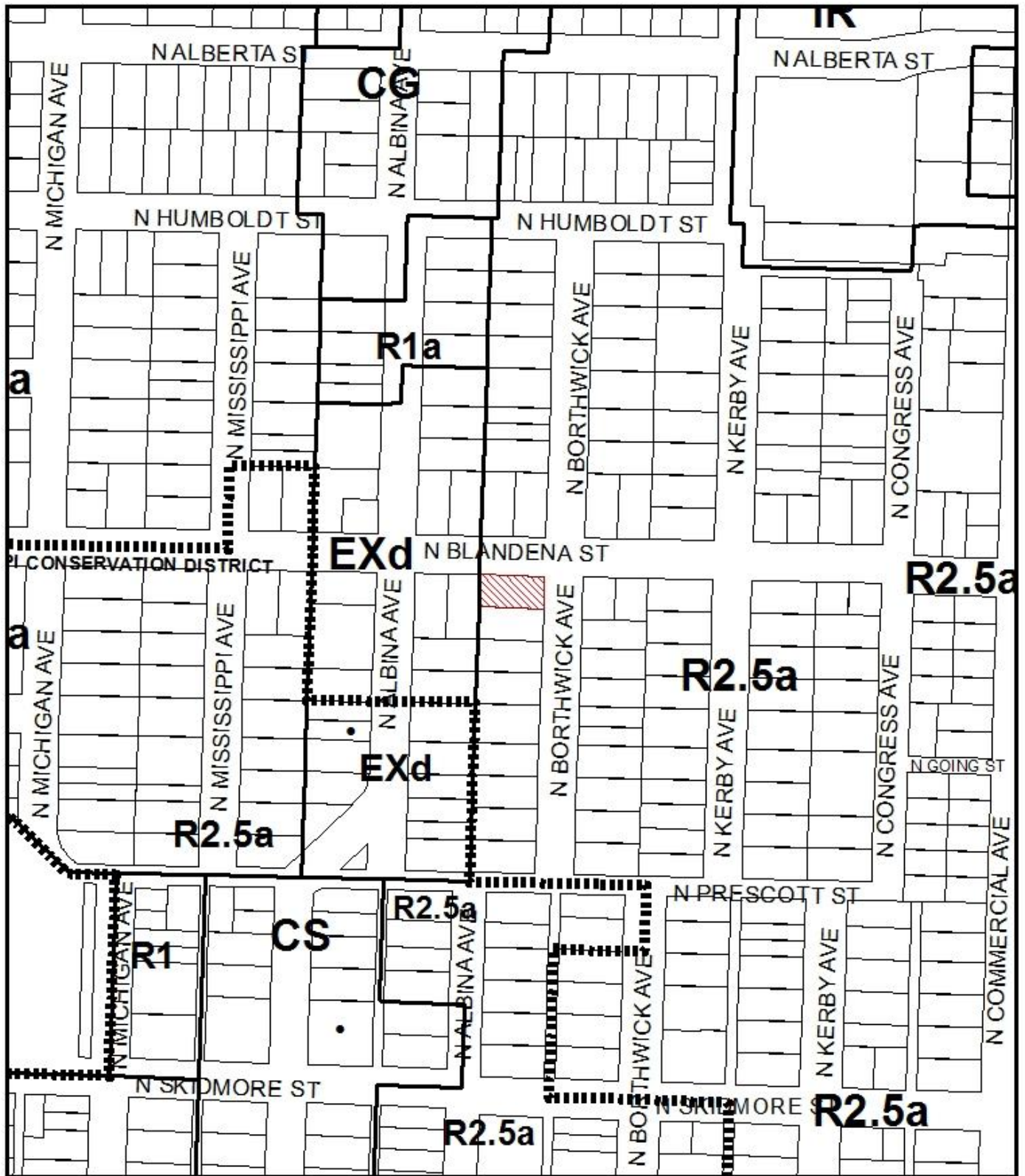
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. July 18, 2016 Narrative and plans
 - 2. October 4, 2016 Additional information
 - 3. Stormwater Simplified Approach Form
 - 4. Parking Study
 - 5. Utility Locate Field Report
- B. Zoning Map (attached)

- C. Plans/Drawings: 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. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of BDS
- F. Correspondence:
 - 1. Lillie Calvert, October 17, 2016: Neighbor concerned about on-street parking and home occupations in the area
- G. Other:
 - 1. Original LU Application
 - 2. Expedited Land Division Acknowledgement
 - 3. 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).

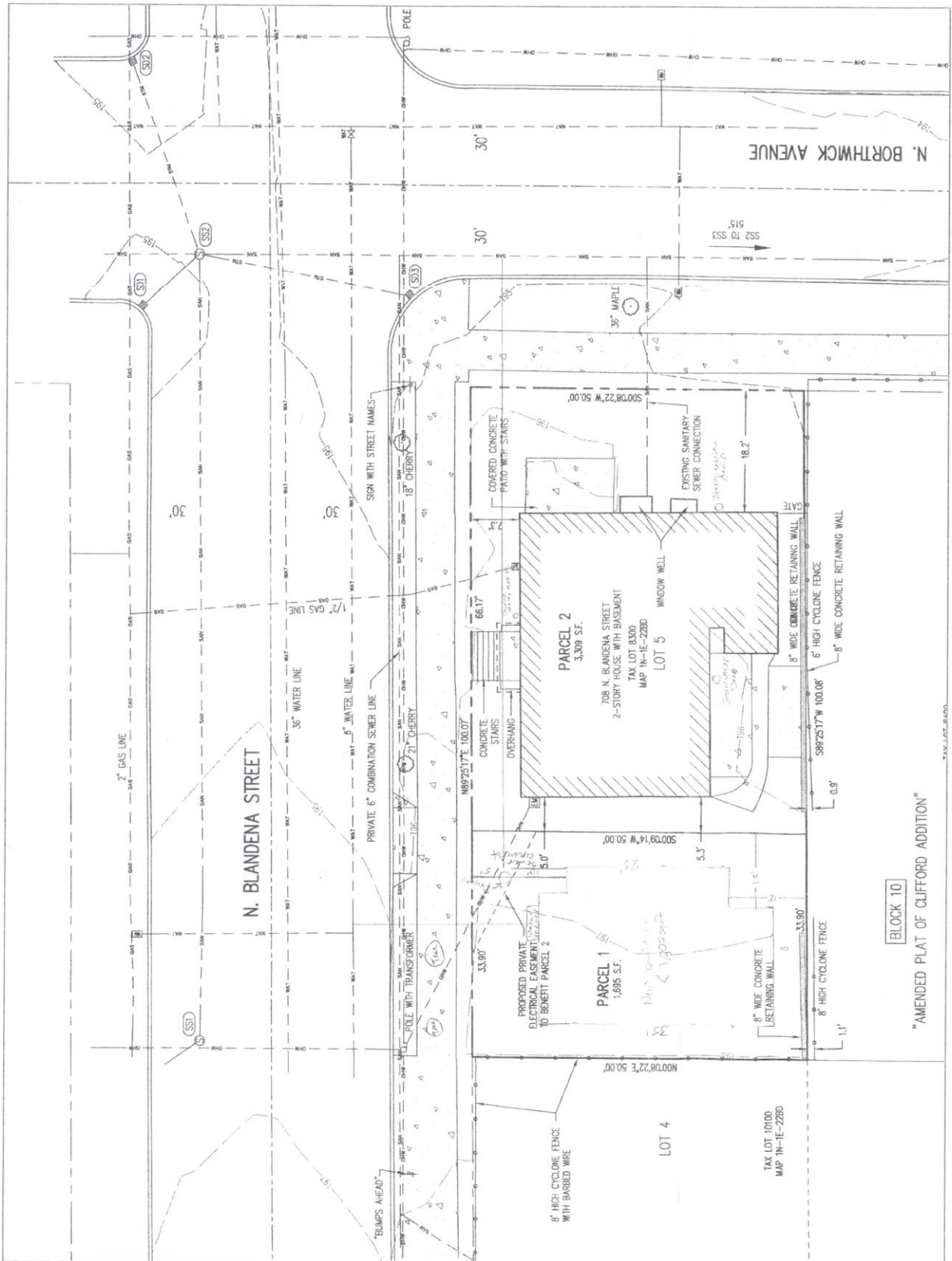


ZONING

-  Site
-  Historic Landmark



File No.	LU 16-207207 LDP
1/4 Section	2529
Scale	1 inch = 200 feet
State Id	1N1E22BD 8300
Exhibit	B (Jul 21, 2016)



CASE NO. Lu 14-201207L0P
 EXHIBIT C