



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

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**Date:** February 7, 2017  
**To:** Interested Person  
**From:** Diane Hale, 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 16-166601 LDP**

#### **GENERAL INFORMATION**

**Representative:** Nathan Arnold, Faster Permits (503) 438-8113  
14334 NW Eagleridge Lane, Portland, OR 97229

**Owner:** Slavik Dezhnyuk, Dez Development LLC  
10117 SE Sunnyside Rd, Ste F1123, Clackamas OR 97015

**Site Address:** 3420 NE RODNEY AVE  
**Legal Description:** BLOCK 15 LOT 3, WILLIAMS AVE ADD  
**Tax Account No.:** R308834  
**State ID No.:** 1N1E27AA 04000  
**Quarter Section:** 2730  
**Neighborhood:** Eliot, contact Mike Warwick at 503-284-7010.  
**Business District:** North-Northeast Business Assoc, contact at [chair@nnebaportland.org](mailto:chair@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

**Plan District:** Albina Community  
**Other Designation:** Eliot Historic Conservation District  
**Zoning:** R2a – Multi-Dwelling Residential 2,000 with an “a” Alternative Design Density Overlay Zone

**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 2-parcel land division for this 5,000 square foot site, resulting in 2 new parcels for single-family homes. The applicant requested flexibility to construct detached or attached homes on the new parcels. Each parcel will be 2,500 square feet. Both houses will provide off-street parking. The site is currently developed with a house built in 1904. The applicant has proposed to remove the house. There are no trees on the site.

This partition is reviewed through a Type 1x land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

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

**Relevant Approval Criteria:**

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

**FACTS**

**Site and Vicinity:** The site is an interior lot developed with a single-family house. The surrounding area is generally developed with single family houses, but is zoned for multi-dwelling development. NE Martin Luther King Jr Blvd is one block to the east, with a mix of higher density residential and commercial development. Irving Park is located approximately ¼ mile to the east.

**Infrastructure:**

- **Streets** – The site has approximately 50 feet of frontage on NE Rodney Avenue. There is one driveway entering the site that serves the existing house on the site. At this location, the City’s Transportation System Plan (TSP) classifies NE Rodney as a Local Service Street for all modes. NE Rodney is within the Elliot Pedestrian District. Based on City of Portland GIS data, at this location NE Rodney has a 60-ft ROW improved with a 36-ft paved roadway and a 12-ft sidewalk corridor that includes a 0.5-ft curb, 3.5-ft furnishing zone, 6-ft sidewalk, and 2-ft frontage zone. Bus stops for lines 24, 44, 4, 24, and 6 are within 1,200 feet of the proposed development.
- **Water Service** – There is an existing 8-inch water main in NE Rodney Avenue. The existing house is served by a 5/8-inch metered service from this main.
- **Sanitary Service** - There is an existing 8-inch PVC public combination sewer line in NE Rodney Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

**Zoning:** R2a – Multi-Dwelling Residential 2,000 with an “a” Alternative Design Density Overlay Zone

The R2 zone allows multi-dwelling residential development up to a maximum density of one unit per 2,000 square feet of site area, and requires a minimum density of one unit per 2,500 square feet of site area. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes.

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. The proposal does not use any of the a-overlay provisions.

**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 14, 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

**33.660.120 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	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site.
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	No dead-end street or pedestrian connections are proposed or required.

	connections	
	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 R3 through IR zones. The applicant is proposing 2 parcels for single dwelling development. Since single-dwelling development is proposed, the applicant must demonstrate how the proposed parcels meet the minimum density and not exceed the maximum density stated in Table 120-3 at the time of the preliminary plan review. Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 5,000 square feet; the site has a minimum required density of 2 units and a maximum density of 2 units.

The lot dimensions required and proposed are shown in the following table:

<b>R2</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>Detached Houses</b>	1,600	25	none	25
<b>Attached Houses</b>	1,600	15	none	15
Parcel 1	2,500	25	100	25
Parcel 2	2,500	25	100	25

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

The applicant has requested flexibility to develop either detached or attached houses on the new parcels. The proposed parcels would meet the lot dimension standards for either detached or attached houses. There are other requirements and development standards that would vary according to the development type (See findings for sections H. Tracts and Easements, and K, Transportation Impacts, below, for more information). Therefore, even though the lots meet the requirements for both development types, the applicant will be required to choose a specific development type prior to final plat approval. The proposed parcels meet the lot dimension standards for detached or attached housing. The findings above show that the applicable density and lot dimension standards are met. Therefore this criterion is met.

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

**Findings:**

***Clearing and Grading***

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

In this case, the site is primarily flat and is not located within the Potential Landslide Hazard Area. Tree preservation is not required on the site. Therefore, no significant clearing or grading will be required on the site to make the new parcels developable, and disturbance areas will not impact trees to be preserved. This criterion is met.

***Land Suitability***

The site is currently in residential use, and there is no record of any other use in the past. The applicant has proposed to remove the existing house and garage and redevelop the site.

In order to ensure that the new parcels are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. With this condition, the new parcels 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 applicant has requested flexibility to develop either detached or attached houses on the new parcels. Flexibility can be provided at the time of this preliminary approval. However, 33.636.100.B requires that any maintenance agreements for required easements be approved prior to final plat approval. If the applicant develops detached houses on the new parcels, no easements would be required. If the applicant develops attached houses on the new parcels, a reciprocal access easement would be required to allow shared use of a driveway that would straddle the proposed lot lines. Therefore, if the applicant determines that parcels for attached houses are desired at the time of final plat, the following easement will be required for this land division:

- A Reciprocal Access Easement is proposed to allow shared use of a driveway that will straddle proposed lot lines;

As stated in Section 33.636.100 of the Zoning Code, if an easement is required for the land division, a maintenance agreement will be required describing maintenance responsibilities for the easement and facilities within those areas. This criterion can be met with the condition that a maintenance agreement is prepared and recorded with the final plat, if a reciprocal access easement is required at the time of final plat. In addition, the plat must reference the recorded maintenance agreement with a recording block for the agreement, substantially similar to the following example:

*“A Declaration of Maintenance agreement for Reciprocal Access 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 applicant provided two responses to the transportation approval criteria, including a written response to *Traffic Impacts* and *Connectivity and Location*. The proposed land division will result in one additional dwelling on the site. According to the *ITE Trip Generation Manual, 9th Edition*, a new single-family dwelling is expected to generate approximately ten trips per day, including one additional trip during the morning peak hour and one additional trip during the evening peak hour. Based on that information, the proposed development will not significantly impact street capacity or level-of-service.

The proposed curbside vehicle access and loading areas for the residential use at this location are sufficient to accommodate two dwellings. The applicant proposes between one and two off-street parking spaces to be located on each of the two proposed parcels (the number is unclear in the information provided). The lot to the north of the subject parcel could be divided in the future, which may further reduce on-street parking. In the surrounding neighborhood, density has increased in recent years, and is likely to continue to increase in the future; thereby creating additional demand for on-street parking while reducing the availability of on-street parking.

To reduce negative impacts to on-street parking and the surrounding neighborhood, as a condition of Building Permit approval, the driveways shall be no wider than 9-ft if the applicant proposes detached dwellings. If the applicant proposes attached dwellings, the dwellings shall share a driveway with a throat width of no more than 14-ft (see Exhibit E.2 for a conceptual diagram for general design guidance). With a condition of approval that driveways accessing detached dwellings be no wider than 9-ft, and driveways accessing attached dwellings be shared and no wider than 14-ft, on-street parking is maximized.

Bus stops for lines 24, 44, 4, 24, and 6 are within 1,200 feet of the proposed development. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area. The existing 12-ft sidewalk corridor provides a 6-ft sidewalk that complies with the city standard sidewalk width that is the city standard at this location and provides a sufficient pedestrian level-of-service. The proposed development will not negatively impact transit service or safety for any mode.

PBOT has reviewed and concurs with the information supplied and available evidence. With the condition listed above, the transportation system will be capable of safely supporting the proposed development in addition to the existing uses in the area and these criteria will be 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.
<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 Exhibit E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant has proposed the following stormwater management methods: <b>Parcels 1 and 2:</b> Stormwater from these parcels will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these parcels 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 drywells.

The standards and criteria are met.

**33.654.110.B.1 Through streets and pedestrian connections** See Exhibit E.2 for bureau comment

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 proposed parcels are located within 50-ft of the corner of NE Ivy and NE Rodney. Connections located on the proposed parcels would not provide the minimum 200-ft distance between pedestrian connections and through streets. Therefore, no pedestrian connection or public street is required. 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.

**33.654.120.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.

At this location, the City's Transportation System Plan (TSP) classifies NE Rodney as a Local Service Street for all modes. NE Rodney is within the Elliot Pedestrian District.

Based on City of Portland GIS data, at this location NE Rodney has a 60-ft ROW improved with a 36-ft paved roadway and a 12-ft sidewalk that includes a 0.5-ft curb, 3.5-ft furnishing zone, 6-ft sidewalk, and 2-ft frontage zone. For a Local Service Street in a pedestrian district, the Portland Pedestrian Design Guide recommends a 12-ft sidewalk corridor consisting of a 0.5-ft curb, 4-ft furnishing zone, 6-ft sidewalk, and 1.5-ft frontage zone.

The existing frontage improvements do not meet the City standard. However, on May 18, 2016, PBOT approved of a Public Works Alternative (PW-16-173648) that accepted the existing sidewalk configuration as the standard at this location (see Ex. E.2). Therefore, the applicant will not be required to construct the standard frontage improvements as part of the land division proposal.

City standards require speed bumps to be located 5-ft or more from the throat of driveways. Therefore, as a condition of Building Permit approval the applicant will be required to relocate the proposed speed bump if it is not 5-ft or more from the throat of the new driveway.

Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

With the condition listed 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. Therefore, 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 parcels is developed.

### Future Development

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

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on parcels that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

**Existing development that will remain after the land division.** The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2 zone. Final approval of a demolition permit for the existing house will be required prior to final plat. Therefore, 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 <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.

- 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; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

## CONCLUSIONS



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

## **ADMINISTRATIVE DECISION**

**Approval** of a Preliminary Plan for a 2-parcel partition for single family development, as illustrated with Exhibit C.1, subject to the following conditions:

**A. Supplemental Plan.** If the reduced side setbacks allowed under 33.120.270.D are to be used for future development, one copy of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review review and approval. That plan must show the reduced side setbacks allowed under 33.120.270.D.

**B. The final plat must show the following:**

1. If the applicant proposes attached houses at the time of final plat, a Reciprocal Access Easement, 14-feet wide and 24-feet long as measured from the front lot line, shall be shown and labeled on the final plat, centered on the common property line between Parcels 1 and 2. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for.
2. If an easement is required, a recording block for a maintenance agreement, as required by Condition C.3 below. The recording block shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for Reciprocal Access 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. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier.

**Required Legal Documents**


3. If attached houses are proposed, a Maintenance Agreement shall be executed for the Reciprocal Access Easement described in Condition B.1 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.

**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.

2. The applicant must relocate the existing speed bump if it is not 5-ft or more from the throat of the new driveway(s).
3. If the applicant proposes detached houses at the time of final plat, the driveways shall be no wider than 9-ft. If the applicant proposes attached houses at the time of final plat, the dwellings shall share a driveway with a throat width of no more than 14-ft. See the Final Plat Approval Letter for determination of attached or detached houses.

**Staff Planner: Diane Hale**

**Decision rendered by:**  **on February 3, 2017**  
By authority of the Director of the Bureau of Development Services

**Decision mailed February 7, 2017**

**About this Decision.** This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on May 3, 2016, and was determined to be complete on October 5, 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 May 3, 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 requested to extend the review period by 15 days (See Exhibit G.3). Unless further extended by the applicant, **the 120 days will expire on February 17, 2017.**

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

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

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

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

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed,

as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

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

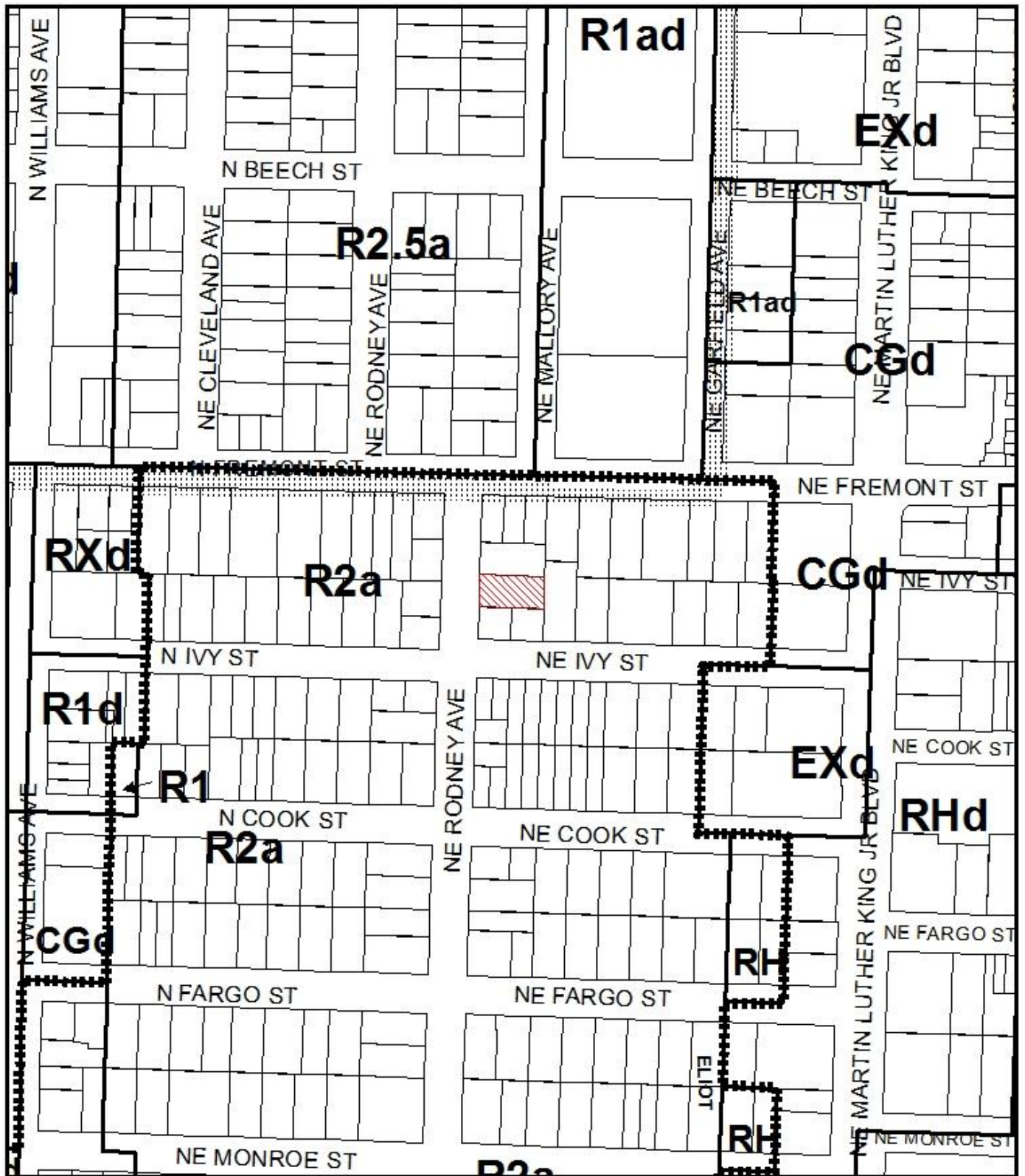
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicant's original submittal and plans
  - 2. Applicant's response, July 5, 2016
  - 3. Infiltration testing results, April 29, 2016
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan - Existing and Proposed Conditions (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. Life Safety Section of BDS
  - 7. Parks Urban Forestry
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter
  - 3. Extension Request

**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

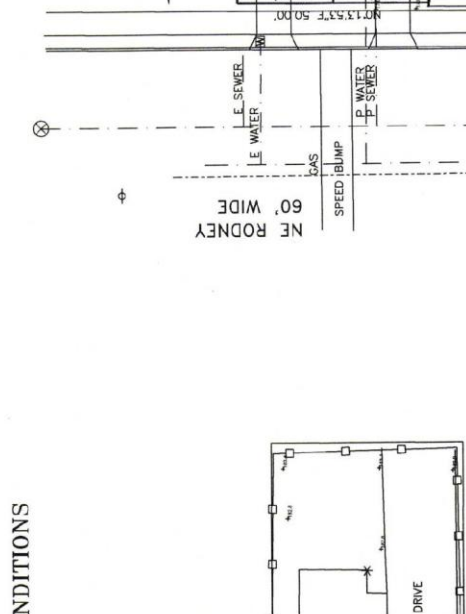


This site lies within the:  
 ALBINA COMMUNITY PLAN DISTRICT  
 ELIOT CONSERVATION DISTRICT

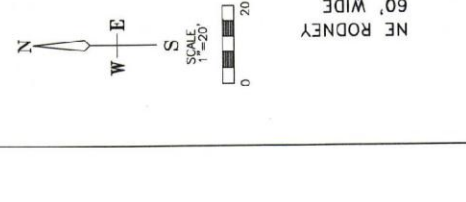
File No.	LU 16-166601 LDP
1/4 Section	2730
Scale	1 inch = 200 feet
State_Id	1N1E27AA 4000
Exhibit	B (May 04, 2016)

Staff. Detached or attached housing is allowed, to be noted determined at the time of final Plat.

EXISTING CONDITIONS



PROPOSED CONDITIONS



RECEIVED  
OCT 05 2016

- SYMBOLS
- ⊕ = POWER POLE
  - ⊙ = GUY ANCHOR
  - ⊖ = WATER METER
  - ⊕ = GAS METER
  - ⊕ = ELECTRIC METER
  - ⊕ = WATER VALVE
  - ⊕ = GAS VALVE
  - ⊕ = MANHOLE
  - ⊕ = CLEAN OUT
  - ⊕ = CATCH BASIN
  - ⊕ = FIRE HYDRANT
  - ⊕ = DOWN SPOUTS TO GROUND
  - ⊕ = LINE TO CONFIRM
  - W --- = WATER LINE
  - C --- = GAS LINE
  - E --- = ELECTRIC LINE
  - S --- = SAN. SEWER
  - P. SEWER = PROPOSED SEWER
  - P. WATER = PROPOSED WATER



<p>CLIENT: DEZ DEVELOPMENT</p> <p>DATE: APRIL 14, 2016</p> <p>JOB NO. 16-041</p> <p>DRAFTED 4.14.16</p>	
<p>SITE PLAN</p> <p>LOT 3, BLOCK 15, WILLIAM'S AVE. ADDITION<sup>®</sup></p> <p>IN THE NE 1/4, SECTION 27, T.1N., R.1E., W.M.</p> <p>CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON</p>	<p>REVISIONS</p> <p>REVISIONS</p> <p>REVISIONS</p> <p>SHEET 1 OF 1</p>
<p>Ferguson Land Surveying, Inc.</p> <p>646 SE 106TH AVE. PORTLAND, OR 97216</p> <p>Phone (503) 408-0601 Fax (503) 408-0602</p> <p>www.FergusonLandSurveying.com</p>	

CASE NO. 16-16660 LDP  
EXHIBIT C-1