



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

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Date: April 3, 2017
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 16-271551 LDP

GENERAL INFORMATION

Applicant: Art Duhon | Duhon Consulting & Design
233 E Main St Suite 204
Hillsboro, OR 97124

Owner: Rhett Butler
3306 NE 49th Ave
Portland, OR 97213-1851

Site Address: 5258 NE 38TH AVE

Legal Description: BLOCK 7 LOT 3 EXC NLY 6', KILLINGSWORTH AVE ADD
Tax Account No.: R449701140
State ID No.: 1N1E24AA 09500
Quarter Section: 2534

Neighborhood: Concordia, contact Garlynn Woodsong at 503-936-9873.
Business District: None
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Plan District: None
Zoning: R5ah – Residential 5,000 Zone with the 'a' Alternative Design Density and 'h' Aircraft Landing Overlay Zones.
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 4,962 square foot lot resulting in a 2,498 square foot lot (Parcel 1) and a 2,464 square foot lot (Parcel 2). There is

an existing dwelling on the site that the applicant proposes to remove to construct two attached houses on the new parcels using the provisions of Section 33.11.240, which allow an extra unit of density for attached houses on corner lots. There are no trees on the site that are subject to the tree preservation requirements of Title 33. One off-street parking space is required on each parcel, which will be provided by attached garages with the new homes.

The site is a corner lot located at the intersection of NE 38th Avenue and NE Roselawn Street. The applicant will be required to dedicate between three (3) and seven (7) feet of right-of-way along the NE Roselawn frontage and construct curb and sidewalk improvements along that street. There is an existing curb along the NE 38th frontage. The Bureau of Transportation will require that a sidewalk be constructed behind the existing curb along NE 38th.

This partition is reviewed through a Type Ix 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 two lots. Therefore this land division is considered a partition.

Relevant Approval Criteria:

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

ANALYSIS

Site and Vicinity: The relatively flat, corner site is currently developed with a one-story single dwelling unit that was built in 1927. The surrounding neighborhood is characterized by one and two story single family homes, with a mixture of older homes and more recent infill development. The street grid is regular and is comprised of mostly paved streets with some unimproved gravel streets mixed in as well.

Infrastructure:

Streets – The corner site has approximately 50 feet of frontage on NE 38th Avenue and 100 feet of frontage along NE Roselawn Street. At this location, both NE 38th and NE Roselawn are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 600 feet from the site on NE Killingsworth Street via Bus 72.

NE 38th is improved with a 28-foot wide paved roadway and curbs within a 60-foot wide right-of way (ROW). There currently is no pedestrian corridor along NE 38th; however, there appears to be 16 feet of ROW behind the existing curb. NE Roselawn is a 44-foot wide ROW improved with 28 feet of paving. The site’s NE Roselawn frontage lacks a curb or sidewalk; however, there is an existing curb and sidewalk along the south side of NE Roselawn.

Water Service – There is an existing 6-inch water main in NE 38th Avenue and an 8-inch main in NE Roselawn. The existing house is served by a 5/8-inch metered service from the NE 38th main.

Sanitary Service – The existing house is currently connected to an existing 8-inch PVC public combination sewer line in NE Roselawn.

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

Zoning: The R5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It fosters owner-occupancy, focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division is not using any provisions of the “a” overlay.

The Aircraft Landing (“h”) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

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

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 **January 11, 2017**. One written response has been received from a notified property owner in response to the proposal, whose comments are addressed below:

- Changing look and feel of the neighborhood: The neighbor was concerned that new development, increased density, and “skinny” homes in the area were changing the look and feel of the neighborhood.

Staff Response: While BDS staff is aware that new development can be a change for a neighborhood, our role in reviewing this application is to implement the current regulations and standards found in the Portland Zoning Code. These rules outline what property owners are and are not allowed to do on their property. This review evaluates the proposal against those requirements. If met, the property owner is allowed to move forward with the development. See below for further discussion of how this proposal meets the approval criteria for land divisions in single dwelling zones.

- Increased traffic and parking demand: Concern that increased density has led to more traffic and less on-street parking.

Staff Response: This proposal has been reviewed by the Portland Bureau of Transportation (PBOT), which finds that the addition of approximately 10 additional daily vehicle trips will not have a significant impact on the surrounding roadway network. Additionally, each new lot will provide one off-street parking spot, which will provide two new off street parking spaces (there is presently no off-street parking at for the existing house). See approval criterion K - Transportation Impacts, below, for further discussion.

- Lot size: Raised the issue that these lots don’t meet the standard minimum lot size for the R5 zone.

Staff Response: The applicant is taking advantage of the bonus density allowance in the Alternative Development Options found in Zoning Code Section 33.110.240.E. This provision allows for one extra dwelling unit on corner sites in the R5 zone. New lots created using this provision must meet the lot size and dimension standards of the R2.5 zone, which has a minimum lot size of 1,600 square feet.

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, or the trees are nuisance species or exempt due to poor condition.
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.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required.
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required.
	33.654.120.D - Common Greens	No common greens are proposed or required.
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required.
	33.654.120.F - Alleys	No alleys are proposed or required.
	33.654.120.G - Shared Courts	No shared courts are proposed or required.
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:**A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.**

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. Based on the applicant's survey, the site area is 4,962 square feet. The maximum density in the R5 zone is one unit per 5,000 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 one (1) units and a minimum required density of one (1) unit. If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore, in this case the minimum density is reduced to 0.

The applicant is proposing two (2) parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses.

With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards are 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)
Original lot before division in R5 zone	4,500	NA	NA	NA	NA
Original lot before division	4,962		50	100	50
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Parcel 1	2,498		50	50	50
Parcel 2	2,464		50	49	50

* 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.

Attached Houses on Corner Lots

Parcels 1 and 2 are smaller than would normally be allowed in the R5 zone. As described above, these lots are being created through a provision that allows attached houses on corner lots. To use this code provision the original lot before the division must be at least 4,500 square feet.

As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Proposed Parcels 1 and 2 each exceed the minimum lot dimension standards. Therefore, the corner lot may be divided to create Parcels 1 and 2 as proposed.

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. 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 house and redevelop the site. Although the site is currently connected to the public sanitary sewer, there is an old cesspool on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. This work can be included with the Demolition Permit for the existing house.

In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site, decommissioning the cesspool, and sewer capping prior to final plat approval. With this condition, the new lots can be considered suitable for development, and 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 has requested this partition in order to redevelop the site with attached housing. The existing home on the site will be removed. Accordingly, the proposed project will result in a net increase of one new dwelling. Based upon trip generation estimates obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition*, the project is projected to generate 1 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.*

As proposed, each parcel will be developed with sufficient space to accommodate at least one on-site parking space. The surrounding area has an established residential development pattern that predominately includes single-family homes on lots that accommodate one, and in some cases, multiple on-site parking spaces thereby reducing the demand for on-street parking in this area. Additionally, the required roadway improvements will create at least two new on-street parking opportunities along the north side of NE Roselawn. Given the on-site parking opportunities that will be provided with the new development and the existing mix of uses in the area, on-street parking in the area will not be adversely impacted by the proposed development.

There are existing transit opportunities in the area with the closest bus stop (TriMet #72) located at NE Killingsworth & NE Cesar Chavez approximately 686-ft from the site. The required public improvements, including sidewalks and ADA ramps at the corner,

will improve connectivity to said facilities. The proposed partition will not have any effect on transit service 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. 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:

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p>
<p>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.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p>
<p>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.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1</p>
<p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed the following stormwater management methods</p> <ul style="list-style-type: none"> • Public Street Improvements: As discussed on page 2, NE 38th Avenue is improved with a curb but no sidewalk while NE Roselawn Street is a paved street with gravel shoulders along the site’s frontage. The applicant has proposed improving both street frontages to City standards. <p>Stormwater from the new impervious areas along NE Roselawn will be directed into a 4-foot wide infiltration swale located between the curb and the new sidewalk. BES has indicated that surface infiltration is the preferred method of public stormwater disposal at this site. The agency has confirmed that the proposed swale is of a size and proposed design that is adequate to provide infiltration for the quantity of water generated from the new impervious areas.</p> <p>BES requires a Public Works Permit for the construction of such a swale. The applicant must provide engineered designs and financial guarantees of performance prior to final plat approval.</p> <p>Along NE 38th, a new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.</p> <ul style="list-style-type: none"> • Parcels 1 and 2: Initially, as indicated on the site plan, the applicant proposed that stormwater from these lots would be directed to a shared drywell; however, the applicant is now proposing individual drywells on the lots to treat the water and slowly infiltrate it into the ground. Each of these lots 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 that there appears to be enough space on the lots to accommodate individual drywells on the lots; however, additional information is needed at

the time of final plat before BES can grant conceptual approval of the stormwater management plan. Prior to final plat approval, the applicant must submit a revised stormwater report and site utility plan to the satisfaction of BES.

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 block on which the subject property is located meets the noted spacing requirements.

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

NE 38th Avenue is improved with curbs and no sidewalks on both sides at this location. NE Roselawn is improved with a paved roadway, and a gravel shoulder on the side adjacent to this site. There are no curbs, planter strips, or sidewalks. The opposite (south) side of NE Roselawn is improved with curbs, sidewalks, and a planter strip. In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. In this case Portland Transportation has determined that curb and sidewalk improvements must be made in order to meet City standards ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, as well as an associated stormwater facility discussed above, additional right-of-way must be dedicated along the frontage of the site. With those improvements, two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided. Prior to final plat approval, the applicant must provide Public Works financial guarantees for the ROW improvements.

This criterion is met, with the condition that curb and sidewalk improvements are made, the required right-of-way dedication is shown on the Final Plat, and the Public Works financial guarantees are provided.

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 lots is developed.

Future Development

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

- Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Parcel 1 must be oriented toward the NE 38th Avenue and development on Parcel 2 must be oriented toward NE Roselawn Street.
 3. The height of the two units must be within 4 feet of each other

4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.
 7. Trim must be the same in type, size and location.
 8. Windows must match in proportion and orientation.
- Accessory Dwelling Units - Accessory Dwelling Units (ADUs) are not allowed to be added to attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.

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 R5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

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; and 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 for street tree planting adjacent to Parcels 1 and 2 through the Public Works permit for street improvements. This requirement is based on the standards of Title 11.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.3). 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:

- Use of the Alternative Development Options bonus density for attached houses found in Section 33.110.240.E
- Street improvements along the NE 38th Avenue and NE Roselawn Street frontages

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 two lots for attached housing as illustrated with Exhibit C.3, 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:

- 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. The applicant shall meet the street dedication requirements of the City Engineer for NE Roselawn. The required right-of-way dedication must be shown on the final plat.

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.

Utilities

2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
3. The applicant shall submit a revised storm report and supplemental plan that depicts a stormwater management system that meets all of the Stormwater Management Manual requirements to the satisfaction of BES.

Existing Development

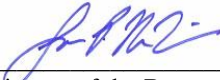
4. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources.

5. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the cesspool on the site.

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

1. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
2. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of Parcels 1 and 2.
3. 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 McNeil

Decision rendered by:  **on March 30, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed April 3, 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 November 9, 2016, and was determined to be complete on January 3, 2017.

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 November 9, 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: May 3, 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.

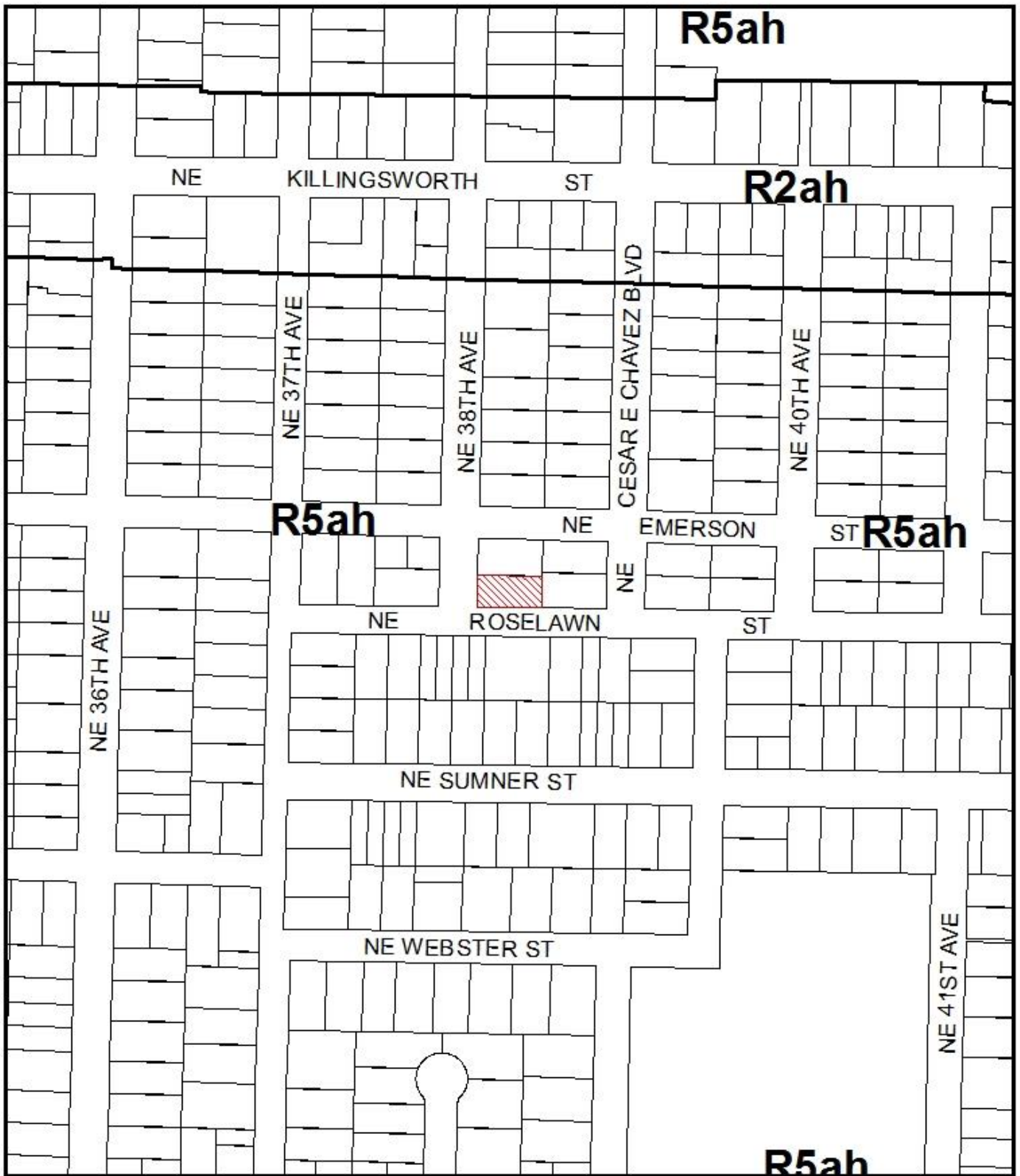
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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 Submittal
 - 1. Narrative, November 9, 2016
 - 2. Revised Narrative, January 3, 2017
 - 3. Simplified Approach Stormwater Form
 - 4. Email confirming stormwater proposal, March 29, 2017
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions Plan
 - 2. Utility Plan
 - 3. Site Plan, January 3, 2017 (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. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Chris McCullick, January 14, 2017, email from neighbor with concerns about impacts of density on neighborhood character, parking, increased traffic
- G. Other:
 - 1. Original LU Application
 - 2. Expedited Land Division Acknowledgement
 - 3. Incomplete Letter, November 30, 2016

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 16-271551 LDP</u>
1/4 Section	<u>2534</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E24AA 9500</u>
Exhibit	<u>B</u> (Nov 16, 2016)

