



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

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**Date:** January 29, 2018  
**To:** Interested Person  
**From:** JP 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 17-251246 LDP**

**Applicant:** Debbie Cleek | The Bookin Group  
1140 SW 11th Ave #500 | Portland, OR 97205  
[Cleek@bookinggroup.com](mailto:Cleek@bookinggroup.com) | (503) 789-3211

**Owners:** Carson Mead  
5273 NE 16th Ave | Portland, OR 97211-4423

**Representative:** Geoffrey Gibson  
117 Cortland Ave | San Francisco, CA 94103

**Site Address:** 5273 NE 16TH AVE  
**Legal Description:** BLOCK 20 LOT 16, VERNON  
**Tax Account No.:** R860703980  
**State ID No.:** 1N1E23AB 11200  
**Quarter Section:** 2532

**Neighborhood:** Vernon, contact Carson Mead at [carson.mead@gmail.com](mailto:carson.mead@gmail.com).  
**Business District:** Soul District Business Association, contact at [outreach@nnebaportland.org](mailto:outreach@nnebaportland.org)

**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

**Zoning:** R2.5ah – Residential 2,500 with the ‘a’ Alternative Design Density and the ‘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 5,000-square foot site, resulting in a new parcel of 3,254 square feet (Parcel 1) and one of 1,746 square feet (Parcel 2). There is an existing single dwelling home on Parcel 1 that will remain. An accessory dwelling unit (ADU) is currently being constructed on Parcel 2 under building permit 17-126416 RS. The applicant proposes to convert that ADU to a primary dwelling if this Land Division application is approved. The Bureau of Environmental Services is requiring the

applicant to extend the sanitary sewer main in NE Emerson Street to serve the new dwelling on Parcel 2. There are no regulated trees located on the site to be preserved.

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 2 units of land. 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:** This relatively flat site is situated at the corner of NE 16<sup>th</sup> Avenue and NE Emerson Street and is presently occupied by a primarily dwelling unit built in 1909 and a second dwelling under construction as an ADU. There are no regulated trees on the site. The immediate surrounding neighborhood is primarily comprised of a mix of single dwelling units of one to two stories. The area along NE Killingsworth Street one block to the north is made up of a mix of small-scale commercial uses and multidwelling development.

### Infrastructure:

**Streets** – The site has approximately 100 feet of frontage on NE Emerson Street and 50 feet of frontage on NE 16<sup>th</sup> Avenue. There is one ribbon-stripped driveway entering the site from NE 16<sup>th</sup> that serves the existing house on Parcel 1. At this location, both NE Emerson Street and NE 16<sup>th</sup> Avenue are classified as Local Service Streets for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 100 feet from the site at NE 15<sup>th</sup> Avenue via Bus Line 8, a frequent service bus line; therefore, off-street parking is not required at this site.

NE 16<sup>th</sup> Avenue and NE Emerson Street both have a 30-foot curb to curb paved surface within a 50-foot right-of-way with parking on both sides. The pedestrian corridor along both street frontages includes a 3-foot wide planter area, curb, 6-foot sidewalk and a 1-foot wide buffer at the back of the sidewalk (3-6-1 configuration).

**Water Service** – There is an existing 8-inch CI water main in NE 16<sup>th</sup> Avenue and a 6-inch DI main in NE Emerson Street. The existing primary house is served by a ¾-inch metered service from the NE 16<sup>th</sup> main and the ADU is served by a 1-inch lateral from the main in NE Emerson.

**Sanitary Service** - There is an existing 10-inch VSP public combination sewer line in NE 16<sup>th</sup> Avenue and a 6-inch VSP combination sewer line in NE Emerson Street. The existing primary dwelling takes service from the main in NE 16<sup>th</sup> Avenue. The main in NE Emerson Street is being extended to serve the ADU located on proposed Parcel 2 (permit 17-192151 UC).

**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 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. Because the site is located in a residential zone, the base zone height limit applies.

**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 **November 20, 2017**. 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, 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.
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	No common greens are proposed or required.

	Greens	
	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 5,000 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 two (2) units and a minimum required density of one (1) units. The applicant is proposing two (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)
<b>R2.5 Zone</b>	1,600	NA	36	40	30
Parcel 1	3,254		50	65	50
Parcel 2	1,746		35	50	35

\* 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 2 is 35 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 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 2 is consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint (under construction as an ADU) that meets all applicable setback requirements and is oriented towards the street. Therefore, they have demonstrated that the proposed lot(s) can accommodate a reasonably sized house while meeting the development standards of the zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services
- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street
- The proposed narrow lot is compatible with existing lots because the lot is consistent with other narrow lots on the block opposite the site to the northeast, where many 34-foot wide lots can be found. Additionally, Parcel 2 will only be one (1) foot narrower than the allowed minimum width of 36 feet and will therefore have a very minimal impact on the character of the surrounding R2.5 zoned areas.
- Allowing the narrower lot will make it possible to retain the existing house on the corner, built in 1909, which will maintain the character of the neighborhood.

***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 parcels are 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***

- As noted under the Facts section of this report on page 2, 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. To that end, there are no garages proposed on either parcel; however, the applicant has demonstrated, with Exhibit C-2, that each lot is wide enough that it could be built with a house that is greater than 22 feet in width and would therefore be able to accommodate a garage that will occupy no more than 50% of the length of the street facing façade. The garage limitation standards of Subsection 33.110.253.E can 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.***

- As noted above, the applicant is not proposing parking on the site for Parcel 2; however, the lots are wide enough to meet the garage width limitation and therefore no covenant is required.

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. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

**I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.**

**Findings:** The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

All of the proposed lots are on the south side of an east-west oriented street. Parcel 1 will be on the corner, and will be wider than the other lot(s). This criterion is therefore 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):

***Street Capacity and Levels of Service***

*The proposal will result in a net increase of 1 single-family residence. This residence can be expected to generate 10 daily vehicle trips with 1 trip occurring in each of the AM and PM Peak Hours. This small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed.*

***Connectivity***

*The site is a corner lot. Connectivity requirements do not apply.*

***Vehicle Access/Loading***

*The lot with the existing residence to remain has a driveway to provide access to parking and loading. The new vacant lot does not propose any on-site parking. Parking and loading access will take place curb side.*

***On-Street Parking Impacts***

*The lot with the existing residence to remain will continue to have one on-site parking space. The new vacant lot without any on-site parking will use existing on-street parking. A typical driveway of 10-ft with 3-ft wings would result in the loss of an on-street parking space. Therefore, there will be no net change in area parking availability. The applicant observed on-street parking availability during typical peak demand times for a residential area and determined that approximately 50% of on-street parking spaces were available. Impacts to the on-street parking supply should be minimal.*

**Availability of Transit**

Tri Met Bus Line #8 is available to serve the site at NE 15<sup>th</sup> and NE Summer Street.

**Neighborhood Impacts**

*The site is being developed with a new single-family residence in compliance with the existing R2.5 zoning. In addition, area sidewalks will reduce the potential for conflicts between pedestrians and vehicles.*

**Safety for All Modes**

*Sidewalks along both sides of the area streets provide adequate pedestrian facilities. Given the low vehicle speeds and volumes on NE Emerson and NE 16<sup>th</sup>, cyclists can safely share the roadway.*

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

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

**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><b>33.651 Water Service standard</b> – 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><b>33.652 Sanitary Sewer Disposal Service standards</b> – 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 existing house on Parcel 1 will continue to take service from the main in NE 16<sup>th</sup> Avenue. BES notes that the public sewer in NE Emerson stops east of Parcel 2, and therefore the main in NE Emerson must be extended 80 feet in order to provide service to the dwelling unit under construction on Parcel 2. The applicant has initiated the sewer extension under permit 17-192151 UC.</p> <p>The applicant must complete the sewer extension and connect the dwelling unit to this sewer main prior to final plat approval. Additionally, BES will require the applicant to provide an as-built design for the extended sewer prior to final plat approval. With these conditions, the sanitary sewer service standards of 33.652 have been verified.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – 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> <p><b>Parcel 2:</b> Stormwater from this lot will be directed via downspouts to splashblocks at the rear of the dwelling unit 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</p>

approval of the downspouts to splashblocks method of stormwater management.

**Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain onto splashblocks on the ground. BES notes that it is unclear if the downspout discharges meet setback requirements. Prior to final plat approval, the applicant must document the location of the stormwater disposal for the existing house, to the satisfaction of BES. If necessary, the applicant must modify the stormwater system for the existing house to comply with Stormwater Management Manual prior to final plat approval. Any required plumbing permits must have final inspection approval.

### **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 site is located at a corner and is therefore not an appropriate location for a new through street or pedestrian connection. 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. Portland Transportation has indicated that the existing street is currently improved in a manner that is sufficient to serve the expected users, with the exception of an inadequate ADA ramp at the corner of this site. 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 that the applicant upgrade the corner ADA ramp to current standards and repair any damaged sidewalk segments prior to final plat approval, 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 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 2 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; and
  - Garages can be no wider than 50% of the width of the front façade of the house, per 33.110.253.E.3.a



- Attached garages are not permitted where the street facing façade of a unit will be less than 22 feet per 33.110.253.E.3.b

**Existing development that will remain after the land division.** The existing primary dwelling on the site will remain and be located on Parcel 1. The ADU under construction on the site will remain on Parcel 2 and will become the primary dwelling unit on that parcel after the completion of this Land Division. Prior to final plat approval, the applicant must obtain final approval of a building permit to convert the ADU to a primary dwelling unit and pay any associated System Development Charges (SDC's) that were waived for the ADU construction.

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 and ADU 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, as shown on the site plan submitted, will be 5 feet from the new property line. Therefore, the required setbacks are being met; however, the Life Safety Section of BDS notes that the plans submitted with the building permit application to modify the existing show a deck and stairway within 3 feet of the proposed property line. The Zoning Code does not allow decks or stairways that are more than 30 inches high to extend more than 20% into the required setback (or 1 foot into the 5-foot setback in this case).

To ensure this standard is met at the final plat stage, the final plat must be accompanied by a supplemental plan showing the surveyed location of the existing building, including any encroachments into the setback (e.g. eaves, deck, stairs), relative to the adjacent new lot lines.

- **Base Zone Design Standards** – A new primary dwelling is subject to additional development standards that an ADU is not required to meet. Compliance with these base zone design standards, including main entrance standards and windows on street facing façade requirements, will need to be shown at the time of the building permit to convert the ADU to a primary dwelling unit.

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.

<b>Bureau</b>	<b>Code Authority and Topic</b>
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development

	Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 –Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	Title 21 – Water availability

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

- The applicant must meet the requirements of the Fire Bureau in regard 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 the Life Safety section of BDS for setbacks to the existing house on Parcel 1. As noted above, Life Safety noted a deck and stairway on the building plans submitted with the permit to modify the house show a deck and stairway located within 3 feet of the proposed property line. Life Safety requires the deck and stairway to meet fire rating requirements if it is located within 3 feet of the property line. Prior to final plat approval, the applicant must demonstrate that setback requirements are met to the satisfaction of Life Safety. This requirement is based on the technical standards of Title 24.
- The applicant must meet the requirements of Urban Forestry for payment into the Street Tree Fund for loss of street tree planting area in the planter strip prior to final plat approval. This requirement is based on the standards of Title 11.

## CONCLUSIONS

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

- Narrow lots
- Rear setback for the existing house on Parcel 1
- ADA sidewalk standards
- Public sewer main extension
- Stormwater management for the existing house on Parcel 1
- Conversion of ADU to a primary dwelling and collection of SDC's
- Loss of street tree planting area

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

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a two- (2) parcel partition, that will result in two parcels for single-dwelling development as illustrated with Exhibit C.2, subject to the following conditions:

**A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for BDS 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, including any encroachments into the setback (e.g. eaves, deck, stairways, etc.);
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The stormwater management system for the existing house.
- Any other information specifically noted in the conditions listed below.

**B. 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, specifically to upgrade the sidewalk ramp on the corner to ADA standards and improve any damaged sections of sidewalk. The applicant must obtain an approved Right of Way permit from the Portland Bureau of Transportation to install the required improvements, which must be constructed prior to final plat approval.

#### **Utilities**

2. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main in NE Emerson Street. The sewer must be built with all necessary permits finalized prior to final plat approval. An as-built design must also be provided to BES prior to final plat approval.
3. 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**


4. If any portion of the existing house does not meet Zoning Code or Building Code setback requirements to the new property lines, the applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Parcel 1. The building permit must demonstrate compliance with the Building Code to the satisfaction of Life Safety and with the Zoning Code standard listed below. The permit plans must include the note: *This permit fulfills requirements of Condition B.4 of LU 17-251246 LDP.*
  - 33.110.220 Setbacks--specifically, the permit must show modifications to the west wall of the existing house on Parcel 1 to meet the side setback requirement of 5 feet in the R2.5 zone.
5. Prior to final plat approval, the applicant must either show that the downspout discharging at the southwest corner of the house discharges meeting BES and Stormwater Management Manual (SWMM) requirements, or modify the stormwater disposal system according to BES and SWMM requirements. Finalized plumbing permits as necessary are required prior to final plat approval.

#### **Other requirements**

6. The applicant must pay into the City Tree Preservation and Planting Fund [Street Trees – Fee in Lieu of Planting and Establishment (per inch)] 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.

7. The applicant must obtain a finalized building permit to convert the existing Accessory Dwelling Unit to a New Single-Family Residence, including payment of relevant SDC fees, to the satisfaction of each agency.

**Staff Planner: Jason P. McNeil**

**Decision rendered by:**  **on January 24, 2018**  
By authority of the Director of the Bureau of Development Services

**Decision mailed January 29, 2018**

**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 October 4, 2017, and was determined to be complete on November 8, 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 October 4, 2017.

*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: March 8, 2018.**

**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).

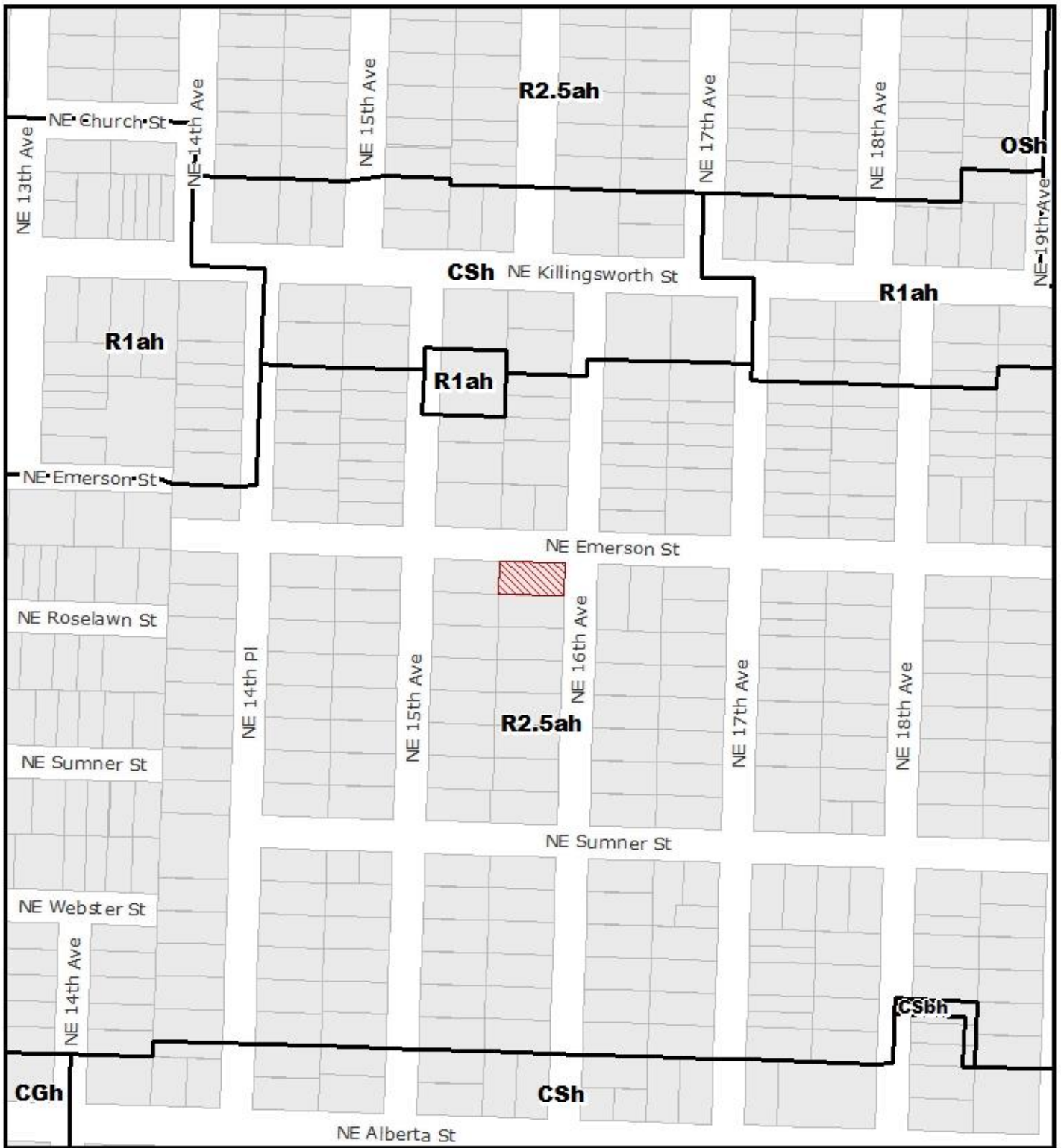
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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 submittal
  - 1. Applicant's statement
  - 2. Applicant's response to Incomplete Letter
  - 3. Building elevations and construction documentation
  - 4. Existing Stormwater Management Plan
  - 5. Proposed Stormwater Management Plan
  - 6. SIM Form
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Original Site Plan
  - 2. Revised Site Plan, November 8, 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: None
- G. Other:
  - 1. Original LU Application
  - 2. Expedited Land Division Acknowledgement Form
  - 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**  NORTH

 Site

File No.	LU 17-251246 LDP
1/4 Section	2532
Scale	1 inch = 200 feet
State ID	1N1E23AB 11200
Exhibit	B Oct 09, 2017

# EXISTING CONDITIONS AND TREE SURVEY FOR A PROPOSED PARTITION PLAT, LOT 16, BLOCK 20, VERNON

SITUATED IN THE N.E. 1/4 OF SECTION 23, T.1N., R.1E., W.M.  
CITY OF PORTLAND  
MULTNOMAH CO., OREGON

**MARK ASSOCIATES**  
18615 E. BURNSIDE STREET  
PORTLAND, OR 97233  
TEL: 503-667-5550  
FAX: 503-666-8666  
EMAIL: DALE@MARKASSOCIATES.NET

DATE DRAWN: JULY 25, 2017  
DRAWING NO. 1607453C  
ACCOUNT NO. 16074  
REVISED: SEPTEMBER 21, 2017  
REVISED: NOVEMBER 2, 2017

**ZONING:**

R2.5 - RESIDENTIAL 2,500

**SITE SIZE:**

5,000 SQUARE FEET

**PARCEL DATA:**

LOT 16, BLOCK 20, VERNON

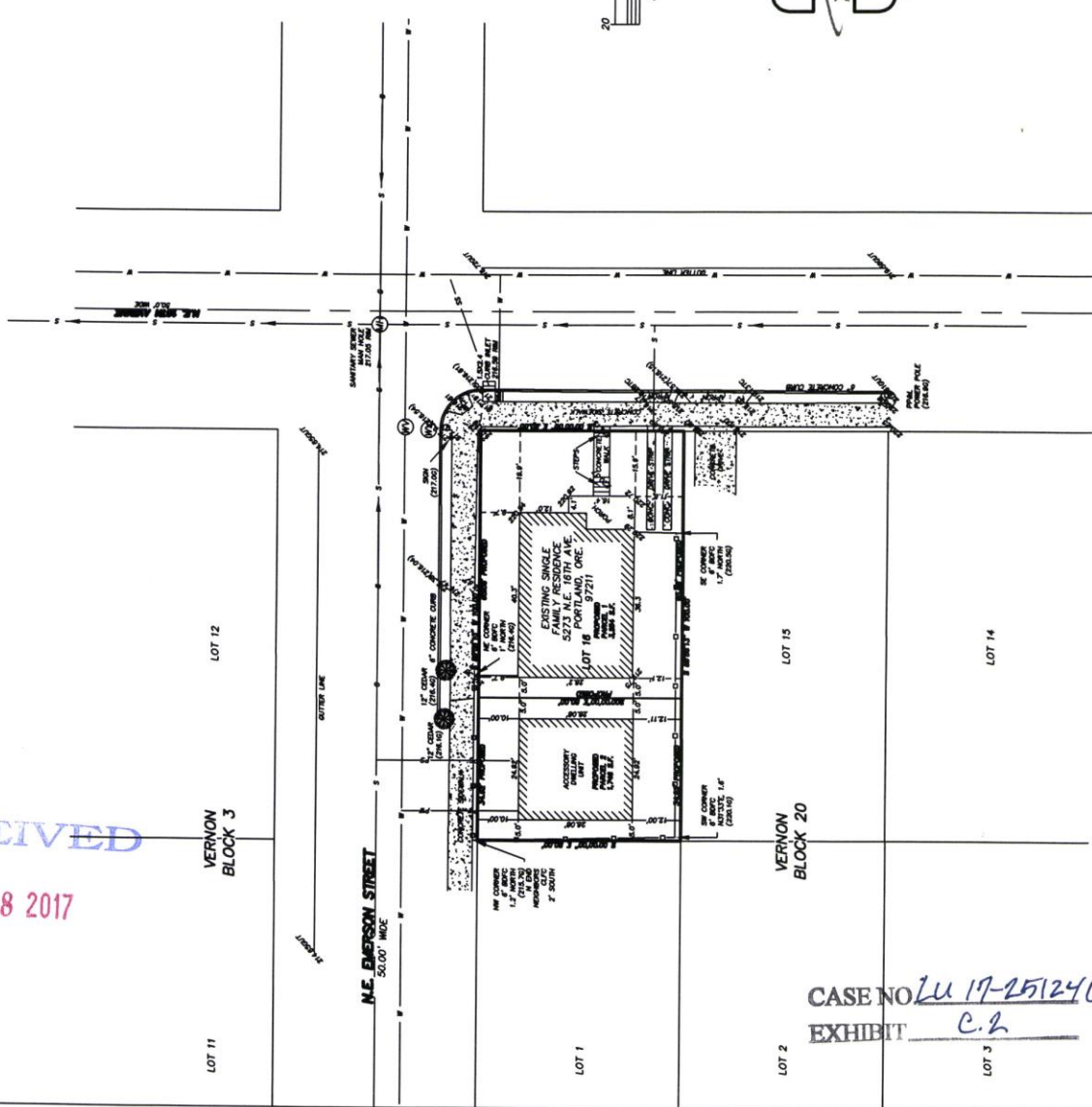
**BENCHMARK:**

BENCHMARK IS CITY OF PORTLAND BENCHMARK NO. 2853  
N.W. CORNER 1 CORNER RETURN, 1875 W. MARINE AVE. E.  
16TH STREET, ELEVATION IS 228.902, CITY OF PORTLAND  
DATUM

**NOTES & LEGEND:**

- ☐ "M" - DEPICTS WATER METER.
- ☐ "C" - DEPICTS CURB INLET, SIZE AS NOTED.
- ☐ "H" - DEPICTS MANHOLE.
- ☐ "P" - DEPICTS POWER POLE.
- ☐ "V" - DEPICTS WATER VALVE.
- "BPC" - DEPICTS BOARD FENCE.
- "-B-" - DEPICTS BOARD FENCE.
- "BPC" - DEPICTS BOARD RAIL FENCE.
- "-K-" - DEPICTS BOARD FENCE.
- "CLFC" - DEPICTS CHAIN LINK FENCE.
- "-O-" - DEPICTS CHAIN LINK FENCE.
- "-W-" - DEPICTS WATER LINE.
- "-PW-" - DEPICTS PROPOSED WATER LINE.
- "-S-" - DEPICTS SEWER LINE.
- "-PS-" - DEPICTS PROPOSED SEWER LINE.
- "-PS-" - DEPICTS STORM SEWER LINE.
- "-G-" - DEPICTS GAS VALVE.
- "-G-" - DEPICTS GAS LINE.
- "1213.456J" - DENOTES GUTTER ELEVATION.  
(ELEVATION IS AT THE DECIMAL POINT)
- "123.45(123.00)" - DENOTES TOP CURB(GUTTER ELEVATION  
(ELEVATION IS AT THE DECIMAL POINT)
- "123.45CL" - DENOTES CENTERLINE ELEVATION.  
(ELEVATION IS AT THE DECIMAL POINT)
- "(123.456)" - DENOTES GROUND ELEVATION AT ITEM NOTED.
- "123.46" - DENOTES SPOT ELEVATION.  
(ELEVATION IS AT THE DECIMAL POINT)
- "SF" - DENOTES SQUARE FEET.
- ☉ (OS) - DEPICTS DOWNSPOUT TO SURFACE.
- ☉ (DS) - DEPICTS DOWNSPOUT TO DRAIN.
- "WCR" - DENOTES WHEEL CHAIR RAMP.

NOTE: UTILITIES ARE LOCATED AS SHOWN PER FIELD RES OR  
CITY OF PORTLAND AS BUILT DATA. ACTUAL LOCATION SHOULD BE  
FIELD VERIFIED BEFORE CONSTRUCTION.  
UNDERGROUND UTILITIES ARE SURFACE MARKED.



RECEIVED

NOV 08 2017

CASE NO LU 17-251246 LOP  
EXHIBIT C.2