



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

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**Date:** May 9, 2022  
**To:** Interested Person  
**From:** Clare Fuchs, 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 21-077138 RP**

#### **GENERAL INFORMATION**

**Owner/Applicant:** Mark Rose, Omaha Rose LLC  
PO Box 1375 Corvallis OR 97339  
541-250-6597 mcrose25@gmail.com

**Site Address:** 7126 N OMAHA AVE

**Legal Description:** BLOCK 3 LOT 17-19, FIRST ELECTRIC ADDITION  
**Tax Account No.:** R283801150  
**State ID No.:** 1N1E16AB 15600  
**Quarter Section:** 2328

**Neighborhood:** Arbor Lodge, contact Dan Craver at landuse@arborlodgeneighborhood.com

**Business District:** None  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

**Zoning:** Residential, 2,500 (R2.5)  
**Case Type:** Replat (RP)  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant proposes to replat the 3 existing historic lots: First Electric Addition, Block 3, Lots 17, 18, and 19 within the site. These historic lots are 2,500 square feet each. Existing lot lines will be removed or reconfigured resulting in a total of 2 parcels, which will be 3,600 (Parcel 1) and 3,900 (Parcel 2), square feet in size.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are: Section **33.675.300, Replat Approval Criteria.**

**FACTS**

**Site and Vicinity:** This site and the surrounding area are all zoned R2.5 and contain mostly single detached houses. The lots range in size from 2,500 square feet to 10,000 square feet. There is R5 zoning approximately 700 feet to the west, south, and east of the site. There are strips of multi-dwelling and commercial zoning north of the site along the N Lombard Street corridor. Gammans Park is located approximately 1,000 feet to the west, Arbor Lodge Park is located approximately 800 feet to the southwest, and Chief Joseph Elementary is located approximately 500 feet to the southwest.

**Zoning:** Residential 2,500 (R2.5): The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood.

**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 **February 28, 2022**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

**ZONING CODE APPROVAL CRITERIA****REPLAT****33.675.300 Approval Criteria**

A replat will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

- A. Lots.** The replatted lots must meet the standards of Chapters 33.605 through 33.615, with the following exceptions:
1. Lot dimension standards.
    - a. Lots and adjusted lots that do not meet the minimum lot area required for new lots are exempt from the minimum lot area requirement if they do not move further out of conformance with the minimum lot area required for new lots, and they meet the following:
      - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
      - (2) No portion of the lot or adjusted lot is in the special flood hazard area; and
      - (3) The lot or adjusted lot has an average slope of less than 25 percent;
    - b. Maximum lot area. If any of the lots within the replat site are larger than the maximum lot area allowed, the same number of lots in the replat site are exempt from maximum lot area requirements;
    - c. Minimum lot width. Lots and adjusted lots that do not meet the minimum lot width required for new lots are exempt from the minimum lot width

requirement if they do not move further out of conformance with the minimum lot width required for new lots, and they meet the following:

- (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
  - (2) No portion of the lot or adjusted lot is in the special flood hazard area; and
  - (3) The lot or adjusted lot has an average slope of less than 25 percent;
2. Regular lot lines. As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.
  3. Maximum density. If the replat brings the replat site closer to conformance with maximum density requirements, the replat does not have to meet maximum density requirements;
  4. Lots without street frontage. If the replat consolidates lots that do not have street frontage with lots that have street frontage, the replat does not have to meet minimum density and maximum lot area requirements;
  5. Through lots. If any of the existing lots within the replat site are through lots with at least one front lot line abutting an arterial street, then the consolidated or reconfigured lots may be through lots;
  6. Split zoning. If any of the existing lots within the replat site are in more than one base zone, then the consolidated or reconfigured lot may be in more than one base zone.

**Findings:** The subject property is in the R2.5 zone, so the replatted lots must meet the standards in Chapter 33.611 or one of the noted exceptions, above.

proposed replatted lots meet the lot dimension standards of the R2.5 zone as shown in the following table (this information is found in 33.6611.200 of the Zoning Code):

	<b>R2.5 Zone Requirement</b>	<b>Parcel 1</b>	<b>Parcel 2</b>
Minimum Lot Area (square feet)	1,600	3,600	3,900
Maximum Lot Area (square feet)	None		
Minimum Lot Width* (feet)	36	36	39
Minimum Front Lot Line (feet)	30	36	39
Minimum Lot Depth (feet)	40	100	100

\* Width is measured at the minimum front building setback line

Additionally, the minimum required density of 2 lots is met and the maximum allowed density of 3 lots is not exceeded.

Based on these factors, all R2.5 density and lot dimension standards are met. Therefore, this criterion is met.

**B. Development standards.** If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the replat. If existing development is not in conformance with a development standard of this title, the replat will not cause the development to move further out of conformance with the standard unless an adjustment is approved.

**Findings:** A house and accessory dwelling unit is under construction on Parcel 1, Parcel 1 was enlarged so that the house will meet floor area ratio, tree density, and utility requirements, after the Replat. Nine small trees will be planted on Parcel 1 by the time the permit to construct the house on Parcel 1 is finalized. A 3,600 square foot parcel requires

1,440 square feet of tree density. Small trees count for 300 square feet of tree density. Therefore, 1,800 square feet of tree density will be planted on Parcel 1. Parcel 2 is vacant. Therefore, this criterion is met.

**C. Conditions of land division approvals.** The replat must meet one of the following:

1. All conditions of previous land division approvals continue to be met or remain in effect; or
2. The conditions of approval no longer apply to the site, or to development on the site, if the lots are reconfigured.

**Findings:** There are no previous land division approvals for this site, therefore this criterion does not apply.

**D. Conditions of other land use approvals.** Conditions of other land use approvals continue to apply, and must be met.

**Findings:** There are no previous land use approvals for this site, therefore this criterion does not apply.

**E. Services.** The replat does not eliminate the availability of services to the lots, and the reconfigured lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.

**Findings:** The Bureau of Environmental Services has reviewed the proposal for impacts on sanitary sewer and stormwater management services (Exhibit E1). Sewer is available for the new parcel and the existing sewer lateral can continue to serve the house under construction within its own property lines. Stormwater facilities for the house under construction won't affect Parcel 2's stormwater with the proposed parcel lines.

The Water Bureau has reviewed the proposal for impacts on water service (Exhibit E3). Parcel 1 currently has water service that won't be impacted by the proposed parcel lines. Parcel 2 has water available in N Omaha Avenue.

The Site Development Section of BDS has reviewed the proposal for impacts on site sewage disposal (septic systems) (Exhibit E5) and they have no concerns.

Therefore, this criterion is met.

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## **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 replat proposal.

Bureau	Code Authority and Topic
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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 2016 or 2020 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 and 2016 City of Portland Fire Code
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 Bureau of Transportation (Exhibit E2), the Fire Bureau (Exhibit E4) and the Life Safety Section of BDS (Exhibit E6) reviewed this proposal and had no concerns or objections to its approval.

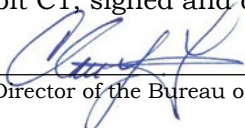
## CONCLUSIONS

The applicant proposes to replat historic lots First Electric Addition, Block 3, Lots 17, 18, and 19 into 2 parcels. No City Bureaus raised objection to the proposal.

As discussed above, the requested replat has been reviewed and shown to be able to meet all the requirements as laid out in Section 33.675.300.

## ADMINISTRATIVE DECISION

**Approval** of a replat to create 2 parcels of historic First Electric Addition, Block 3, Lots, 17, 18, and 19, as illustrated by Exhibit C1, signed and dated May 10, 2022.

**Decision rendered by:**  **on May 5, 2022**  
By authority of the Director of the Bureau of Development Services

**Decision mailed May 9, 2022**

**Staff Planner: Clare L. Fuchs**

**About this Decision.** This land use decision is **not a permit** for development. **THE SIGNED PARTITION PLAT MUST BE RECORDED WITH MULTNOMAH COUNTY DEED RECORDS WITHIN 90 DAYS OF THE DATE OF THIS DECISION August 8, 2022, OR THIS DECISION WILL BECOME NULL AND VOID.** Permits may be required prior to any work. Contact Permitting Services at 503-823-7357 for information about permits.

**Procedural Information.** The application for this land use review was submitted on August 12, 2021, and was determined to be complete on February 8, 2022.

*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 August 12, 2021.

*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 that the 120-day review period be extended by 30 days, as stated with Exhibit A6.

**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.

**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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that only digital copies of material are available. Additional information about the City of Portland and city bureaus is available at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available <https://www.portland.gov/code/33>.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative
  - 2. Incomplete Response Memo
  - 3. Simplified Approach Form
  - 4. Supplemental Survey and Site Plan
  - 5. Unsigned Plat
  - 6. 120 Day Extension
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Signed Plat (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
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**