



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

Carmen Rubio, Commissioner  
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[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** January 18, 2023  
**To:** Interested Person  
**From:** Erik Forsell, Land Use Services  
503-823-6760 / [Erik.Forsell@portlandoregon.gov](mailto:Erik.Forsell@portlandoregon.gov)

## **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 22-141834 RP**

#### **GENERAL INFORMATION**

**Applicant:** Paul Roeger  
CMT Surveying & Consulting  
20330 SE Hwy 212  
Damascus OR 97089  
[Paul@cmtsc.net](mailto:Paul@cmtsc.net)  
503-860-2545

**Owner/Agent:** Arther Ryapolov  
Genesis NW Group, Llc  
18718 NE 74th Ct  
Battle Ground, Wa 98604-9598  
[genesisnwgroupp@gmail.com](mailto:genesisnwgroupp@gmail.com)  
360-907-3157

**Surveyor:** David Roeger  
CMT Surveying & Consulting  
20330 SE Hwy 212  
Damascus, OR 9708  
[Dave@cmtsc.net](mailto:Dave@cmtsc.net)  
503-850-4672

**Site Address:** 8445 NE TILLAMOOK ST

**Legal Description:** BLOCK 18, LOT 28, 29, 30 AND EAST 10' OF LOT 31, RAILWAY ADD  
**Tax Account No.:** R684803670, R684803690  
**State ID No.:** 1N2E28CB 07600, 1N2E28CB 07700  
**Quarter Section:** 2839

**Neighborhood:** Madison South, contact Tristan Isaac at [t.rominemann@gmail.com](mailto:t.rominemann@gmail.com)

**Business District:** Parkrose Business Association, contact [parkrosebusinessassociation@gmail.com](mailto:parkrosebusinessassociation@gmail.com)

**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at [alisons@cncoalition.org](mailto:alisons@cncoalition.org)

**Plan District:** None

**Zoning:** Single Dwelling Zone; R2.5

**Case Type:** Replat; RP

**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:**

A replat can be used to remove or reconfigure lot lines within a site to combine existing units of land into no more than three parcels. The applicant is proposing to replat the subject property into two new parcels. Parcel one is proposed to be 5,169 square feet in area and Parcel 2 is proposed to be 5,168 square feet in area (see attached partition plat). The applicant proposes to demolish all existing development on the subject property. The replat will reconfigure the subject site described as Block 18, Lots 28, 29, 30 and the east 10 feet of Lot 31 of Railway Addition to Montavilla into two new separate parcels.

**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:**

The subject site is located at 8445 and 8600 NE Tillamook Street between 82<sup>nd</sup> Avenue and 86<sup>th</sup> Avenue cross streets. The site previously contained an existing single-family home, a detached garage, and a pool – all of which have been recently approved for demolition. The site is relatively flat and contains two coniferous trees on the westernmost portion of the site. The Diameter at Breast Height (DBH) of the trees is approximately 12-inches and 36-inches respectively.

The surrounding vicinity is primarily residential in character and is comprised of a mixture of lower density housing types. Hancock Park, a neighborhood park, is approximately 1,250 feet east of the subject site and McDaniel High school is approximately half a mile northwest of the subject site.

**Zoning:** Single Dwelling Zone; R2.5

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

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **October 3, 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, so the replatted lot(s) must meet the standards in Chapter 33.611 or one of the noted exceptions, above.

The proposed replatted lot(s) meet the lot dimension standards of the R2.5 zone as shown in the following table (this information is found in Table 611-2 of the Zoning Code):

	<b>R2.5 Zone Requirement</b>	<b>Parcel 1</b>	<b>Parcel 2</b>
Minimum Lot Area (square feet)	1,500	5,169	5,168

Maximum Lot Area (square feet)	N/A		
Minimum Lot Width* (feet)	36	42.50	42.50
Minimum Front Lot Line (feet)	30	42.50	42.50
Minimum Lot Depth (feet)	40	121.63	121.59

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

The proposal for 2 parcels complies with the standards for minimum density (2 lots) and maximum density (3 lots). The new proposed replat line is a straight and regular lot line.

As noted herein, the proposed replatted lot(s) meet the standards of Chapter 33.611. None of the exceptions are applicable. 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:** The subject property has inspected and finalized demolition permits for all structures on the property per City Files RS 22-145973, RS 22-145977 and RS 22-149071. Therefore, the development standards are not applicable to this replat proposal because the site does not contain any existing development.

**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 relevant 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 following bulleted list describes findings from service bureaus and any additional requirements or conflicts that must be addressed prior to approval of the replat application.

- **Bureau of Environmental Services (BES)** has reviewed the proposal for impacts on sanitary sewer and stormwater management services (Exhibit E.1). BES does not object to approval of the replat application. The proposed development will be subject to BES standards and requirements during the permit review process. Specific findings related to development related requirements are described in detail in Exhibit E.1.
- **The Water Bureau** has reviewed the proposal for impacts on water service (Exhibit E.2). The Water Bureau does not object to the approval of the replat application. The proposed development will be subject to Water Bureau standards at the time of future development.

- **The Site Development Section of BDS** has reviewed the proposal for impacts to onsite sewage disposal (septic systems) (Exhibit E.3). City records do not show that the septic system on the site was decommissioned at the time the house was connected to the public sewer system. The applicant supplied an inspection card demonstrating that the septic system was decommissioned under IVR 4808422 (Exhibit A.5).
- **The Life Safety Section of BDS** has reviewed the proposal for potential conflicts with building code and the land use proposal (Exhibit E.4). No conflicts or issues were identified.
- **Portland Bureau of Transportation/Development Review** has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. PBOT has no objections to the proposed replat. (Exhibit E.5).

The sidewalk corridor will need to be rebuilt to the standard configuration at the time of building permit. There is 1-foot excess right-of-way, which should be allocated to the furnishing zone. This results in a sidewalk corridor alignment of 0.5-ft curb, 5-ft furnishing zone, 6-ft sidewalk, 0.5-ft frontage zone. It is anticipated this work can be accommodated via a Minor Improvement Permit associated with the building permit for any new development.

The replat does not remove access to services and the proposed lots are not out of conformance with City service requirements. This requirement 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
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood Hazard, Clearing and Grading Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way OAR 340-071 and OAR 340-073 – Onsite Wastewater Treatment Systems
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 – Fire Regulations 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	Title 11 –Trees

<a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	
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 may be included in the Administrative Decision on this proposal.

## CONCLUSIONS

The applicant proposes to replat the existing historic lots and lot remnant described as Block 18, Lots 28, 29, 30 and the east 10 feet of Lot 31 of Railway Addition to Montavilla into two new discrete parcels.

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 two parcels from historic lots and lot remnant described as Block 18, Lots 28, 29, 30 and the east 10 feet of Lot 31 of Railway Addition to Montavilla, as illustrated by Exhibit C.1, signed and dated January 11, 2023.



**Decision rendered by:** \_\_\_\_\_ **on January 11, 2023**

By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) January 18, 2023**

**Staff Planner: Erik Forsell, AICP**

**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 (April 11, 2023), 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 May 11, 2022 and was determined to be complete on September 28, 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 May 11, 2022.

*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 60 days, Exhibit A.3.

**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>.

**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>.

**Recording the Partition Plat.** The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicant's Narrative
  - 2. Applicant's Supporting Materials
  - 3. Timeline Extension Form
  - 4. Applicant's second submittal 9.27.22
  - 5. Applicant's third submittal 12.14.22
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Approved 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. Life Safety Section of BDS
  - 5. Site Development Section of BDS
- F. Correspondence: None
- G. Other:
  - 1. Original Land Use 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).**