



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

Carmen Rubio, Commissioner  
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**Date:** May 31, 2023  
**To:** Interested Person  
**From:** Erik Forsell, 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 22-166915 RP**

#### **GENERAL INFORMATION**

**Owner/Applicant:** Matthew Morse  
7007 N Knowles Ave  
Portland, OR 97217  
503-351-9006  
[mattmorsecode@gmail.com](mailto:mattmorsecode@gmail.com)

**Surveyor:** Erric Jones  
Chase, Jones & Associates Inc.  
530 NE Couch St  
Portland, OR 97232

**Site Address:** 7007 N KNOWLES AVE

**Legal Description:** BLOCK 15 E 1/2 OF LOT 16-18, ARBOR LODGE  
**Tax Account No.:** R032703280  
**State ID No.:** 1N1E16BB 15000  
**Quarter Section:** 2327

**Neighborhood:** Arbor Lodge, contact Katie MacKenzie at [landuse@arborlodgeneighborhood.com](mailto:landuse@arborlodgeneighborhood.com)

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

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

**Proposal:**

The applicant proposes to replat the existing historic lots of record: Arbor Lodge, Block 15, east ½ of Lots 16-18. The existing lot lines will be removed and reconfigured resulting in a total of two parcels. The reconfigured property will consist of Parcel 1 which will be 2,946 square feet and Parcel 2 which will be 3,431 square feet square feet in size.

Parcel 2 is proposed to retain the existing single-family home and accessory structure. A garage and attached breezeway which connected to the home were demolished as part of this proposal under City of Portland demolition permit RS 22-177442.

Parcel 1 is proposed to be vacant and will be available for development options allowed under Section **33.100, Single Dwelling Zone**.

**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 **33.675.300, Replat Approval Criteria**.

**FACTS**

**Site and Vicinity:** The subject site is on the northwest corner of N Knowles Avenue and N Bryant Street. The site is relatively flat and contains an existing single-family dwelling and a detached accessory structure (shed) on future Parcel 2.

As mentioned above, a detached garage and a breezeway that connected the garage to the single-family home was demolished as part of RS 22-177442. That permit was inspected and finalized according to city records.

There are two existing trees on future Parcel 2, an 18-inch diameter at breast height (dbh) cherry tree and a large split trunk tree. (detail on species and dbh was not provided with the plans).

The neighboring vicinity is low density residential in character and is approximately ¼ of a mile west of Arbor Lodge Park.

**Zoning:** Single dwelling zone, R2.5

**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 **January 18, 2023**. 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 lot(s) must meet the standards in Chapter 33.611 or one of the noted exceptions, above.

The proposed replatted lots meet the lot dimension standards of the R2.5 zone as shown in the following table (this information is found in 33.611.200 of the zoning code):

	<b>R2.5 Zone Requirement</b>	<b>Parcel 1</b>	<b>Parcel 2</b>
Minimum Lot Area (square feet)	1,500	2,946	3,431
Maximum Lot Area (square feet)	N/A		
Minimum Lot Width* (feet)	36	54.05	54.50
Minimum Front Lot Line (feet)	30	54.05	54.50
Minimum Lot Depth (feet)	40	54.50	62.94

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

The maximum density for the subject site is 2 lots and the minimum density is 2 lots which is automatically reduced to 1 lot pursuant to 33.611.100.E.1. The applicant is proposing to replat the site into 2 new discrete lots, which meets the density standard.

The replatted lot line are proposed to be straight, regular lot lines. Therefore 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:** As mentioned previously in this report, the detached garage breezeway structure on Parcel 1 was demolished, inspected and finaled under City of Portland building permit RS 22-177442. The applicant has supplied information in their submittal demonstrating compliance with floor area and building coverage requirements. Below is a summary of findings related to compliance with development standards for future Parcel 2.

Building Coverage: The existing single-family home is a single level home with a footprint of approximately 1,100 square feet. There is an existing shed which is approximately 125 square feet. The total coverage of 1,225 square feet on future Parcel 2 is less than the 1,661 square feet maximum building coverage allowed.

Floor to Area Ratio (FAR): The maximum FAR for the property is 0.7:1 or 2,401 square feet. The existing home is a single-story structure. The combined floor area of the approximately 1,100 square foot house and the approximately 125 square foot shed is within the allowed FAR standard.

Setbacks: The applicant has provided a supplemental existing condition plan (Exhibit C.2) that demonstrates that the setbacks of the R2.5 zone are met, including eaves and stairwell. The breezeway straddling future Parcel 1 and 2 was demolished as part of the demolition permit for the garage.

The existing development on Parcel 2 will remain in conformance with the development standards found in chapter 33.110 of the zoning code. Outdoor area is provided for meeting the size and dimensional requirements. Onsite parking is not required and is not provided for the existing dwelling.

**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 following information below describes compliance with the availability and conformity with service bureau requirements.

- Bureau of Environmental Services (BES, Exhibit E.1) has reviewed the proposal for impacts on sanitary sewer and stormwater management services (Exhibit E.1). BES staff have not requested any conditions of approval nor have BES staff objected to the replat proposal. Exhibit E.1 contains information that is primarily focused on future development for the vacant future Parcel 1.
- The Water Bureau (Exhibit E.2) has reviewed the proposal for impacts on water service (Exhibit E.2). Water Bureau staff indicated that because the existing water service that will serve the home on future Parcel 2 is within the frontage of Parcel 1 that the replat cannot be supported until a new water service is purchased and installed to serve future Parcel 2. The applicant has replaced and moved that waterline and service under PT 23-029424; therefore, this addressed and resolved the water bureau's requirements.
- Portland Bureau of Transportation (PBOT) (Exhibit E.3) has reviewed the revised plat and plans and has not requested any conditions of approval or noted any objections to the approval of the replat. Informational items have been provided for the applicant's benefit. This information relates primarily to future development or redevelopment, The existing curb cut was closed as part of the demolition permit, 22-177442-RS.
- The Life Safety Section (Exhibit E.4) has reviewed the proposal and has no objections. The building permit 22-177442-RS to demolish the detached garage and breezeway has received a final inspection. Based on the information provided, there appears to be no conflicts between the proposal and applicable building codes.
- The Site Development Section (Exhibit E.5) has reviewed the proposal and has indicated that there were no concerns with the proposal.

## **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.

As mentioned above, the existing site and future parcels will remain in conformance with the development standards of the R2.5 zone.

The site consists of the east ½ of Lots 16 through 18, Arbor Lodge Subdivision and those same lots, the east ½ of Lots 16 through 18, Arbor Lodge Subdivision are the subject of this replat application.

This replat will reestablish a lot line between Parcel 1 and Parcel 2. Parcel 1 is vacant will be and will meet the standards for primary structures according to its dimensions and size. Parcel 2 contains the existing home and will remain in conformance with the development standards of the R2.5 zone.

## **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 <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 may be included in the Administrative Decision on this proposal.

## CONCLUSIONS

The applicant proposes to replat lots of record Arbor Lodge, Block 15, East ½ of Lot 16-18 into 2 parcels.

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

## ADMINISTRATIVE DECISION

**Approval** of a replat to create two parcels from lots of record Arbor Lodge, Block 15, East ½ of Lot 16-18, as illustrated by Exhibit C.1, signed and dated May 18, 2023.



**Decision rendered by:** \_\_\_\_\_ **on May 18, 2023**

By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) May 31, 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 (August, 18, 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 July 27, 2022, and was determined to be complete on January 12, 2023.

*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 July 27, 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 90 days, as stated with Exhibit G.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>.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Incomplete Letter Response, 1.11.23
  - 2. Vesting Deeds and Title Report, 1.11.23
  - 3. Narrative and associated materials, 7.27.22
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Partition Plat (Attached)
  - 2. Supplemental Existing Conditions Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Water Bureau
  - 3. Bureau of Transportation Engineering and Development Review
  - 4. Life Safety Review Section of BDS
  - 5. Site Development Review Section of BDS
  - 6. Fire Bureau
- F. Correspondence: None
- G. Other:
  - 1. Application
  - 2. Incomplete letter, 8.12.22
  - 3. 90-Day timeline extension request

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