



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**Date:** April 29, 2008  
**To:** Interested Person  
**From:** Mieke Stekelenburg, Land Use Services  
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## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 08-103439 LDP**

#### **GENERAL INFORMATION**

<b>Applicant:</b>	Kevin Partain Urban Visions 223 NE 56th Ave Portland, OR 97213	<b>Owner:</b>	Dan Andrew 3439 NE Sandy Blvd. #113 Portland, OR 97232
<b>Legal Description:</b>	LOT 3 BLOCK 27, VERNON		
<b>Tax Account No.:</b>	R860704900		
<b>State ID No.:</b>	1N1E23AB 19400		
<b>Quarter Section:</b>	2532		
<b>Neighborhood:</b>	Vernon, contact John Fall at 503-3108264.		
<b>Business District:</b>	North-Northeast Business Assoc, contact Joyce Taylor at 503-445-1321.		
<b>District Coalition:</b>	Northeast Coalition of Neighborhoods, contact Robin Denburg at 503-823-4135.		
<b>Zoning:</b>	R2.5ah – Single Dwelling Residential – 2,500 with an “a” overlay for Alternative Density Design and a “h” overlay for Aircraft Landing zone		
<b>Case Type:</b>	LDP – Land Division Partition		
<b>Procedure:</b>	Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).		

#### **Proposal:**

The applicant is proposing a 2-parcel partition on a site that contains approximately 5,000 square feet of site area. The site is currently vacant of structures, and there are no tree preservation requirements. The applicant plans to divide the site into 2 - 2,500 square foot parcels for attached housing development. Narrow lot standards of Section 33.611.200 apply.

#### **Relevant Approval Criteria:**

The relevant criteria are found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

This partition is reviewed through a Type I 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).

## ANALYSIS

**Site and Vicinity:** The subject property and surrounding area is relatively flat and surrounded by residential housing development of varying type, size and age, as well as commercial development in close proximity. The site is approximately 150' north of NE Alberta Street, which is zoned CSh. This zoning designation allows for commercial development, a more intense use than what is permitted in the neighboring R2.5 zone. In addition, multifamily development abuts the property to the north, while multifamily zoning (R1) exists just two blocks east.

**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 focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood.

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. The allowed height limit for buildings and vegetation on the site per the "h" overlay is 240 – 250 feet above the lowest base point at Portland International Airport. The airport low base point is at an elevation of 18.3 feet. Therefore, the topographical elevation of the site PLUS the proposed building cannot exceed 258.3 feet. The highest ground elevation on the site is approximately 230 feet. Therefore, buildings and vegetation on the site cannot exceed 28.3 feet in height. The maximum height limitation of the R2.5 zone is 35 feet, with the height limitation for narrow lots at approximately 30'. The FAA regulates these guidelines. A letter of approval must accompany an application for a building permit where the structure will exceed the Aircraft Landing zone height limit from the Federal Aviation Administration. The application for FAA approval may be obtained from the Aviation Department of the Port of Portland.

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

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on **March 7, 2008**.

- 1. Agency Review:** Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.
- 2. Neighborhood Review:** One written response was received from the neighboring property in the area in response to the proposal.

The neighbor responded with the following concerns:

- Concern that the overall safety of the neighborhood will decrease due to an increase in traffic from the new development;
- Believes that NE 17<sup>th</sup> Ave is overdeveloped with duplex and multi-family residential buildings;
- Concern over the lack of off-street parking.

Staff Response: The Bureau of Development Services appreciates the submitted comments and concerns. The applicant has met, or can meet with conditions, the requirements of Code Section 33.611, which allows for the creation of two new narrow lots in the R2.5 zone, for single family attached housing. The applicant is proposing two off-street parking spaces for the new development (Exhibits C-3). Please see Sections “K” Transportation impacts of this report for more information on traffic impacts from the proposed land division.

## **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.**

The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential Zones**. 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 applicability of each criterion.

<b>Criterion</b>	<b>Code Chapter</b>	<b>Topic</b>	<b>Applicability Findings</b>
A	33.611	Lots	Applicable - See findings below
B	33.630	Trees	Not applicable - No significant trees or trees in excess of 6 inches in diameter located fully on the site.
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units
G	33.635 .100	Clearing and Grading	Applicable - See findings below.
G	33.635 .200	Land Suitability	Applicable - See findings below.
H	33.636	Tracts and Easements	Applicable – See findings below.
I	33.639	Solar Access	Not Applicable - All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and Utilities	Applicable - See findings below

**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 standards applicable in the R2.5 zone. These density and lot dimension standards ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

The method used to calculate density depends on whether a street is created as part of the land division, and whether the site is subject to certain environmental constraints.

In this case, a street is not proposed or required, and the site is not within the environmental zone, potential landslide hazard area, or flood hazard area. Therefore, the maximum and minimum density for this site is as follows:

Minimum = (5,000 square feet \* .80) ÷ 5,000 square feet = 0.8 (which rounds up to a minimum of 1 lots, per 33.930.020.A)

Maximum = 5,000 square feet ÷ 2,500 square feet = 2

The applicant is proposing 2 lots. The density standards are therefore met.

Lot Dimensions

The lot dimension standards ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not too large relative to the planned density; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

The dimensions of the proposed lots as compared to the required lot dimension standards is shown in the following table (this information is found in Chapter 33.611 of the Zoning Code):

	<b>R2.5 Zone Requirement</b>	<b>Proposed Parcel 1</b>	<b>Proposed Parcel 2</b>
Minimum Lot Area	1,600 sq. ft.	2,500	2,500
Maximum Lot Area	NA		
Minimum Lot Width*	36 ft.	25	25
Minimum Lot Depth	40 ft.	100	100
Minimum Front Lot Line	30 ft.	25	25

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

Narrow Lots

Parcels 1 and 2 are 25 feet wide — narrower than the standard minimum width for the R2.5 zone, as shown in the table above. Section 33.611.200.C of the Zoning Code, however, allows narrower lots if the future development can meet certain standards:

- **If the lot abuts an alley, then vehicle access is allowed only from the alley;**
- **If the lot does not have vehicle access from an alley, then there must be at least 15 contiguous feet of uninterrupted curb space on the abutting street for each lot being created under these provisions (lots that abut a pedestrian connection or common green are exempt from this standard).**
- **Lots must be configured so that at the time of development the length of the garage wall will be no more than 50% of the length of the street-facing building façade.**
- **Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development;**
- **When a driveway is proposed to provide vehicle access to more than two lots, it must be an alley; and**

The applicant has demonstrated that Parcels 1-2 can meet the narrow lot standards for the following reasons:

***Preserves on-street parking***

- Exhibit C-2 shows that 15-feet of uninterrupted curb space will be preserved for every narrow lot along NE 17<sup>th</sup> Avenue after provision of driveways serving the lots (including the required 3 - foot curb returns on either side of the driveway entrance). A condition of approval is required to assure that this curb space will continue to be preserved when the lots are developed or re-developed.
- In order to maintain the required 15' of uninterrupted curb space, the applicant is proposing an attached driveway approach for the proposed development. An adequately sized reciprocal access easement is required for the portion of the driveway that will allow shared vehicle access for the shared portion of the driveway.

***50 percent garage wall limitation***

- The applicant has demonstrated, with Exhibit C-3 that each lot will be able to accommodate a garage that will occupy no more than 50 percent of the length of the street-facing building wall.

**G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.**

*The approval criteria of Chapter 33.635 are found in two groups – clearing and grading, and land suitability.*

**33.635.100 – Clearing and Grading**

- A. **Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;**
- B. **Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;**
- C. **Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;**
- D. **Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and**

**E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable.**

**Findings:** 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. This criterion is met.

**33.635.200 – Land Suitability**

**Where geologic conditions or historic uses of the site indicate a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.**

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.

**H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;**

**33.636.100 Requirements for Tracts and Easements**

**A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:**

- 1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;**
- 2. The Homeowners' Association for the area served by the tract;**
- 3. A public or private non-profit organization; or**
- 4. The City or other jurisdiction.**

**Findings:** No tracts are proposed or required for this land division, so criterion A does not apply.

**B. Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.**

**Findings:** The following easements are required for this land division:

- A Reciprocal Access Easement is proposed to allow shared use of a driveway that will straddle proposed lot lines. The access easement shall allowed shared access for all of the uses that driveways are intended for.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easement described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement with a recording block, substantially similar to the following example:

*"A Declaration of Maintenance agreement for the reciprocal access easement has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."*

With the conditions of approval discussed above, this criterion is met.

**K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,**

*The relevant approval criteria of Chapter 33.641 are found in the two paragraphs below.*

**33.641.020. 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.**

**33.641.030. The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.**

**Findings:** The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required).

The site has approximately 50 feet of frontage on NE 17<sup>th</sup> Ave. NE 17<sup>th</sup> Ave is classified as a local service street for all modes in the Transportation System Plan. Tri-Met provides transit service approximately 360 feet from the site on the corner of NE Alberta and NE 18<sup>th</sup> Ave via bus 72. Parking is currently observed on NE 17<sup>th</sup> Ave, on both sides. The site is vacant, and there are no existing off-street parking spaces on the site. A neighboring property owner is concerned that over the lack of available on-street parking. Of street parking is not required for housing that is within 500 feet of frequent service bus service. However, the applicant is proposing off street parking for each of the two proposed units.

NE 17<sup>th</sup> Ave is fully improved with a paved roadway, curbs, planting strips, and sidewalks. 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 not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

The proposed combined driveway approach width of 14-feet does not meet the City recommendation for minimal attached approach widths. However, the proposed 14' width with 3' wings on each side can be approved with the following conditions. Transition to the full 20-foot wide driveway will begin at the back of the property line. The transition to the

20' width shall be at a ratio of 1' of length for each 1' of width. This will require a 2' transition from the back of the sidewalk to the full 20' wide driveway. This 2' transition combined with the 17' driveway length will require the building to be setback a minimum of 19' from the back of the sidewalk, as shown in Exhibit C.2.

This criterion is met, with the condition that construction of approach and driveway and reconstruction of damaged sidewalks will be a condition at time of site development.

**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 water standards of 33.651 have been verified. An existing 8-inch water main is available in NE 17<sup>th</sup> Ave. Water is available to serve the proposed development from the water main in NE 17<sup>th</sup> Ave. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch combined public sanitary sewer located in NE 17<sup>th</sup> Ave that can serve the sanitary needs of the proposed lots. See Exhibit E-1 for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.

**33.653.020 Stormwater Management Approval Criteria**

- A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and**
- B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.**

**Findings:** No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In order to meet this approval criterion, land division proposals must demonstrate an approved method of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

The Stormwater Management Manual contains a hierarchy of acceptable methods of stormwater treatment and disposal. The hierarchy requires that applicants first explore the use of methods that have a lower potential impact on groundwater, such as on-site surface infiltration swales and infiltration planters. If these methods are not feasible on a site, applicants may move lower on the hierarchy, to methods that inject water deeper into the ground through mechanical devices such as drywells or sumps, or carry it off of the site into storm sewers, drainageways, or other approved disposal points.

In addition to determining appropriate treatment and disposal methods by working through the hierarchy in the Stormwater Management Manual, stormwater facilities must be sized, through engineering calculations, to accommodate the expected amounts of stormwater. In some cases, sizing a stormwater facility necessitates testing the infiltration rate of the soil at the site.



The applicant has proposed the following stormwater management methods (Exhibit C-1), and the Bureaus have responded as follows (Exhibits E-1 and E-5)

- **Parcels 1 and 2:** Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably sized home. Site Development has indicated conceptual approval of the drywells. However, to assure that an adequate area for the drywell for the new house is retained when the lot is developed, Site Development has recommended a minimum 15- foot front or rear building setback for Parcels 1 and 2 to accommodate the drywells.

With the conditions of approval described above, the stormwater management criteria are met. As shown by the findings above, the Services and Utilities criteria are met.

### **Right of Way Approval Criteria**

Chapter 33.654 contains standards and approval criteria for rights of way. Due to the location of this site, and the type of street that is proposed, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

<b>Code Section</b>	<b>Topic</b>	<b>Applicability Findings</b>
33.654.110.B.1	Through streets and pedestrian connections	Applicable - See findings below
33.654.130.A	Utilities	Applicable - See findings below.

### **Applicable Approval Criteria are:**

**33.654.110.B.1 Approval criterion for through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:**

- Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;**
- Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;**
- Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;**
- Master street plans for the area identified in Goal 11B of the Comprehensive Plan;**

- e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.**

**Findings:** The site is located between NE Sumner Street and NE Alberta which have a distance between them of approximately 400 feet. There are no other east-west through streets between these two streets. If the distance between these existing streets is evaluated against the optimum spacing requirement of 530 feet, one can conclude that there should not be an east-west through street provided in the vicinity of the site.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

The frontage of the site is fully improved with curbs, sidewalk and planting strip.

For the reasons described above, this criterion is met.

### **Utility Location, Extension of Streets, Partial Rights of Way**

#### **33.654.130 Additional Approval Criteria for Rights-of-Way**

- A. Utilities. Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way.**

**Findings:** Any easements that may be needed for private utilities that cannot be accommodated within the existing right-of-way 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**

**General Information about Development Standards and Approval Criteria.** The Zoning Code contains two types of regulations: Development standards and Approval criteria.

**Approval criteria**, such as those listed earlier in this report, are administered through a land use review process. Approval criteria are regulations where the decision-maker must exercise discretion to determine if the regulation is met. Public notice is provided and public comments received that address the approval criteria are addressed in the decision.

**Development Standards:** Development standards are clear and objective regulations (for example: building setbacks; number of required parking spaces; and maximum floor area). Compliance with development standards is reviewed as part of the administrative permitting process and not considered to be discretionary reviews. 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.

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

- Narrow Lots-- development on Parcels 1 and 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 33.110.250.E.4.c (1)
  - Landscaping Standards: 60% of the area between the front lot line and the building line must be landscaped per 33.110.240.C.d.

**Existing development that will not remain after the land division.** The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2.5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

## OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 <a href="http://www.water.ci.portland.or.us/">http://www.water.ci.portland.or.us/</a>
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 <a href="http://www.bes.ci.portland.or.us/">http://www.bes.ci.portland.or.us/</a>
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 <a href="http://www.fire.ci.portland.or.us/">http://www.fire.ci.portland.or.us/</a>
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 <a href="http://www.trans.ci.portland.or.us/">http://www.trans.ci.portland.or.us/</a>
Development Services	Titles 24 –27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 <a href="http://www.bds.ci.portland.or.us.">http://www.bds.ci.portland.or.us.</a>

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

- The applicant must meet the requirements of the Fire Bureau in regards to building height measured to the eave of the structure and must be less than 30 feet in height. These requirements are based on the technical standards of Title 31 and the Fire Code.

## CONCLUSIONS

The applicant has proposed a 2- parcel partition, as shown on the attached preliminary plan (Exhibit C-1). 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 lot standards
- Fire Bureau requirements for building height
- Shared driveway construction and reciprocal access easement.

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

**ADMINISTRATIVE DECISION**

**Approval** of a Preliminary Plan for a 2-lot partition, that will result in two narrow lots as illustrated with Exhibit C1, subject to the following conditions:

**A. The final plat must show the following:**

1. A Private Reciprocal Access Easement shall be shown and labeled on the final plat, centered on the common property line between Parcel 1 and Parcel 2. The easement shall allow shared use of the driveway area for all of the purposes that a driveway would be typically used for.
2. A recording block for the maintenance agreement described below. The recording block shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for Private Reciprocal Access Easement has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

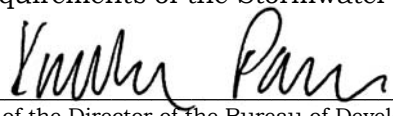
**C. The following must occur prior to Final Plat approval:**

**Required Legal Documents**

1. A Maintenance Agreement shall be executed for the Reciprocal Access Easement area described in Condition B1 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

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

1. A minimum of 15 feet of uninterrupted curb space for each lot must be preserved along the frontage of parcels 1 and 2.
2. The applicant must provide aerial fire accessway to the satisfaction of the Fire Bureau or the height of the new structures shall be limited to 30 feet, measured to the eave.
3. The minimum front or rear building setback for Parcels 1 and 2 shall be 15 feet to assure that adequate space is available to accommodate a stormwater disposal facility that can comply with the requirements of the Stormwater Management Manual.

**Decision rendered by:**  **on (April 24, 2008)**  
By authority of the Director of the Bureau of Development Services

**Decision mailed April 29, 2008**

**Staff Planner: Mieke Stekelenburg**

**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 January 18, 2008, and was determined to be complete on February 29, 2008.

*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 January 18, 2008.

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.

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

The file and all evidence on this case are available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City’s homepage 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 Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Driveway Approach (attached)
  - 3. Conceptual front building façade(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. Bureau of Parks, Forestry Division

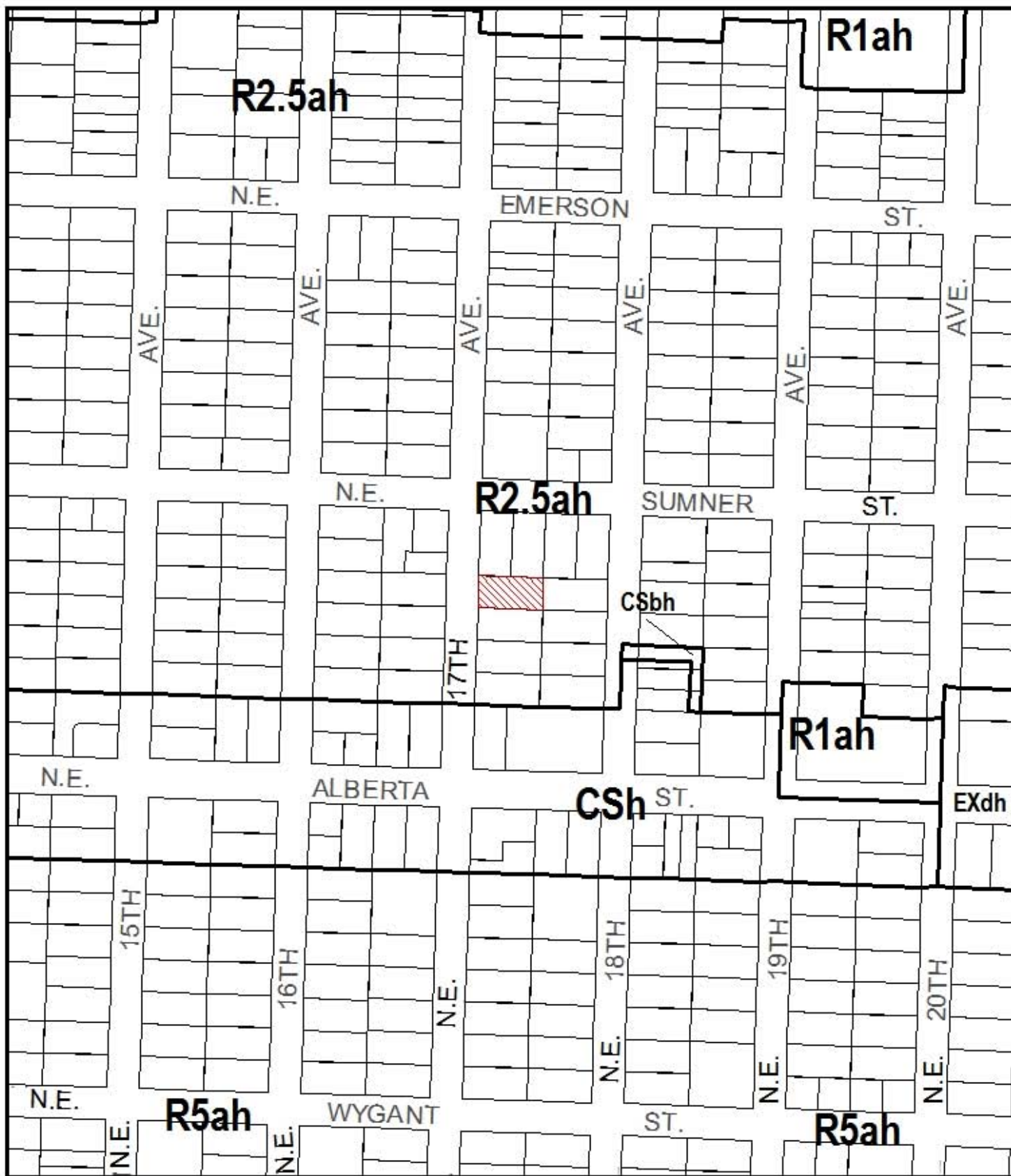
## F. Correspondence:

1. Layla Schubert, 211 Briarcliff Drive. Apt. #2  
Eugene, Oregon 97404

## G. Other:

1. Original LU Application

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING



Site

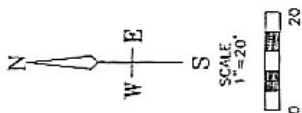


NORTH

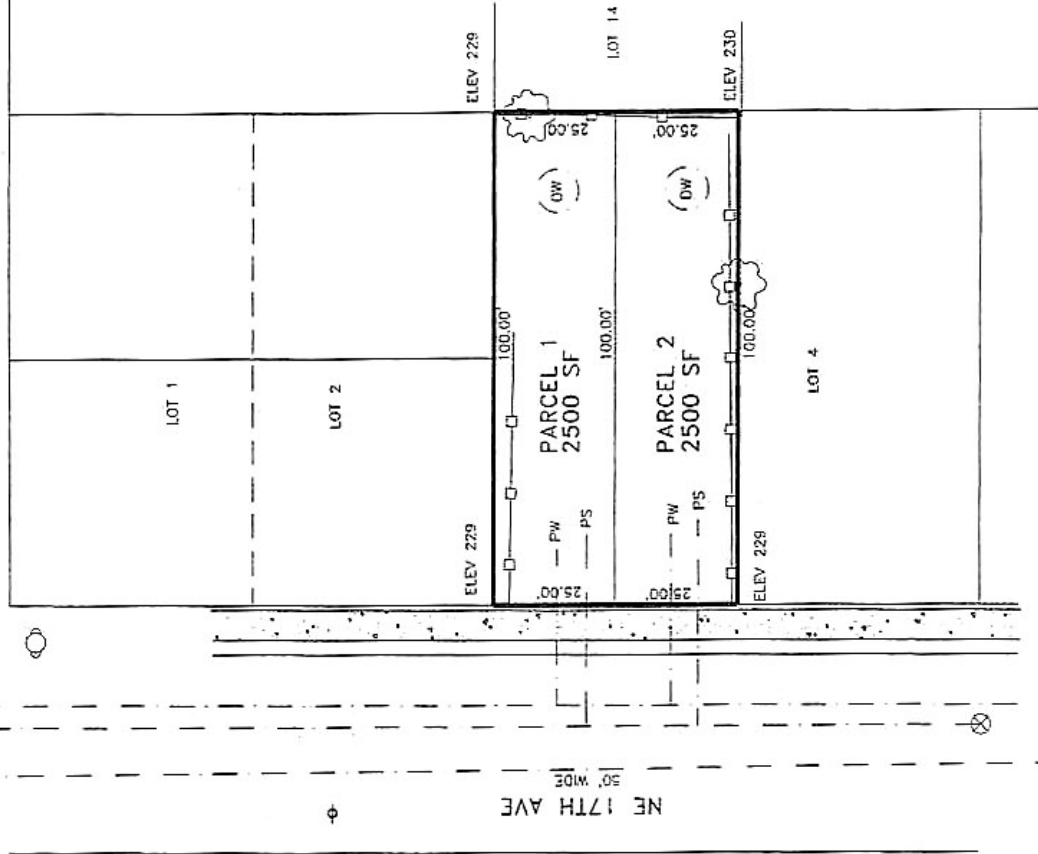
File No. LU 08-103439 LDP  
 1/4 Section 2532  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E23AB 19400  
 Exhibit B (Jan 23, 2008)

# SITE PLAN

LOT 3, BLK 27, VERNON  
STATE ID NO. INT23AD 19400  
LOCATED IN THE NE 1/4 OF SECTION 23,  
T.1N., R.1E., W.1M.  
SEPTEMBER, 2007



NE SUMNER ST  
50' WIDE



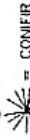
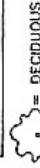
ZONE IS R2.5

FOR TREE INFORMATION SEE TREE REPORT.

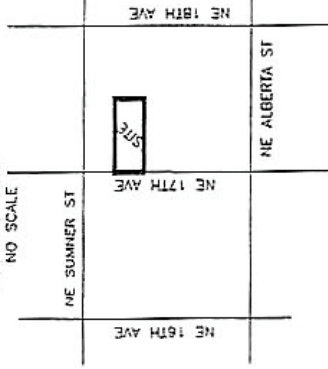
SOAKAGE TRENCH AND OTHER UTILITIES TO BE LOCATED  
AT THE TIME OF BUILDING PERMITS.

## SYMBOLS

- ⊕ = POWER POLE
- = GUY ANCHOR
- W = WATER METER
- C = GAS METER
- EL = ELECTRIC METER
- WV = WATER VALVE
- WG = GAS VALVE
- ⊗ = MANHOLE
- ⊙ = CLEAN OUT
- ⊠ = CATCH BASIN
- ⊕ = FIRE HYDRANT
- \* = DOWN SPOUTS
- W— = WATER LINE
- G— = GAS LINE
- E— = ELECTRIC LINE
- S— = SAN. SEWER
- DW— = DRIVEWAY
- SW— = SIDEWALK



## VICINITY MAP NO SCALE



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

JOE M. JOHNSON  
JULY 1, 1990  
JULY 1, 2000  
JULY 1, 2005  
JULY 1, 2010

JOE M. JOHNSON  
JULY 1, 1990  
JULY 1, 2000  
JULY 1, 2005  
JULY 1, 2010

RENEWAL DATE 12/31/07

CASE NO. 58-103439

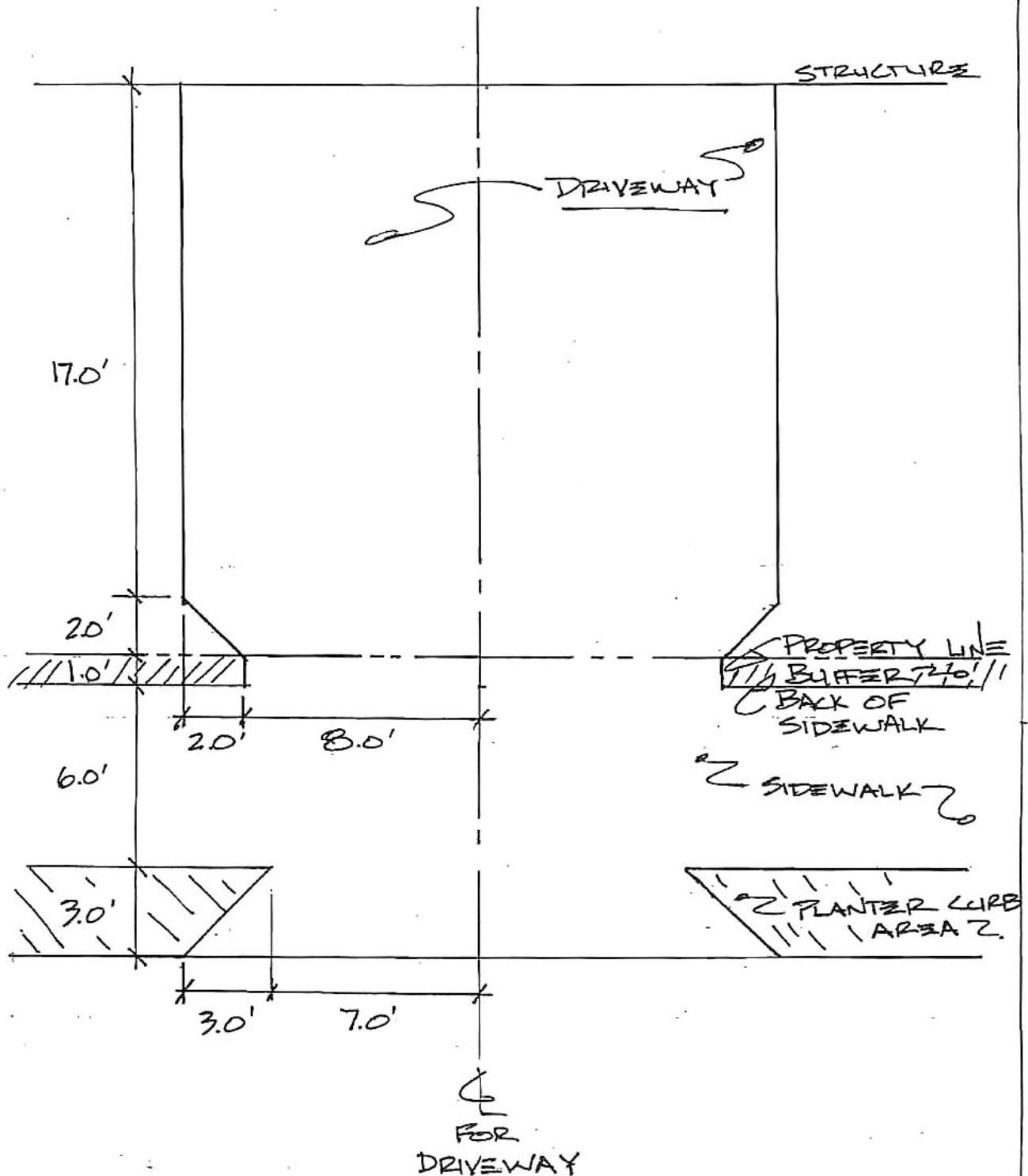
EXHIBIT C.1



# Driveway Approach

4/24/08

NARROW LOT 3-6-1 SIDEWALK CONFIG. (EXISTING)  
08-103439 LDP



CASE NO. 08-103439  
EXHIBIT C2

WC TRANSPORTATION DEV. REV.

# Conceptual Building Facade

1/4" SCALE

CASE NO. 08-103439  
EXHIBIT C3

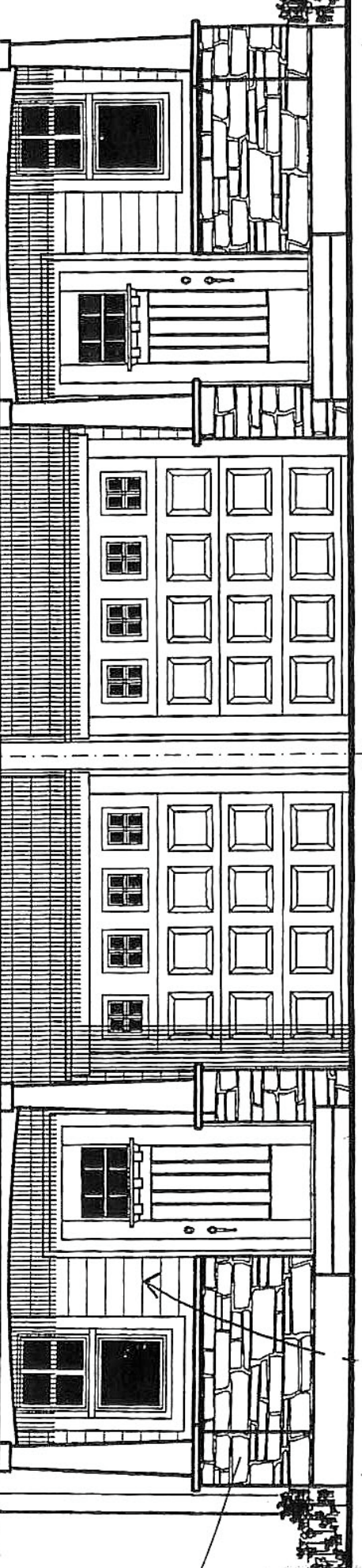
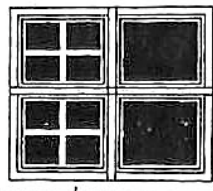
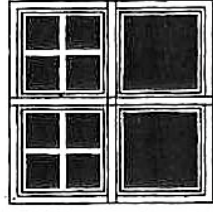
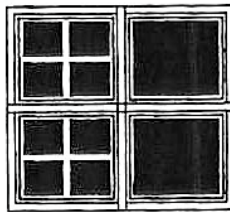
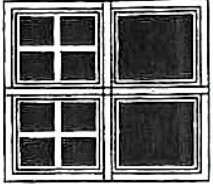
HOT MOP OR TORCH DOWN  
ROOFING (VERIFY W/ MANUF. &  
TRUSS DESIGN)

PROPERTY  
LINE

12  
PITCH 7

DECKING SHINGLES

2X10 FASCIA BOARD



19'4"

19'4"