



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

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**Date:** July 26, 2016  
**To:** Interested Person  
**From:** Lois Jennings, 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 16-113264 LDP**

### **GENERAL INFORMATION**

**Applicant:** Nathan Arnold, Faster Permits  
14334 NW Eagleridge Lane  
Portland, OR 97229  
503-438-8113 or [Nathan@fasterpermits.com](mailto:Nathan@fasterpermits.com)

**Owner:** DEZ Development LLC  
10117 SE Sunnyside Road, Suite F1123  
Clackamas, OR 97015

**Site Address:** 5051 NE 7TH AVE

**Legal Description:** BLOCK 3 LOT 14, ROSEDALE & ANX  
**Tax Account No.:** R724500450  
**State ID No.:** 1N1E23BB 19700  
**Quarter Section:** 2531  
**Neighborhood:** King, contact Andrew Neerman at [andrew.neerman@kingneighborhood.org](mailto:andrew.neerman@kingneighborhood.org).  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.  
**Plan District:** None

**Zoning:** R1- Medium Density Multi-dwelling Residential zone (1 unit per 1,000 s.f.) with an "a"- Alternative Design Density overlay and an "h"-Aircraft Landing overlay  
**Case Type:** LDP -Land Division Partition  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The applicant is proposing a three (3) lot land division on the site, with lots ranging from 1200 to 1400 s.f.. The existing house will be removed for the future attached housing development on the new lots. However the future lots are of the lot area which could be developed with detached single family houses. There are no existing trees on the site. The applicant's preliminary plan is showing how services (sanitary, stormwater and water) will be provided for the future lots. Parking is proposed to be provided for each lot in attached garages.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines "parcel" as a single unit of land created by a partition of land. The applicant's proposal is to create three lots. Therefore this land division is considered a partition.

**Relevant Approval Criteria:** In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

## FACTS

**Site and Vicinity:** The lot fronts on N.E. Webster and N.E. 7<sup>th</sup> Avenue, which is improved with paved street and curbs and sidewalks. The surrounding properties are developed with one and two-story single dwelling residences. To the southeast of the site is a religious institution and then commercial business are developed along the properties which abut NE Alberta Street.

### Infrastructure:

- **Streets** –The site has approximately 40 feet of frontage on N.E. 7<sup>th</sup> Avenue and 100 feet of frontage along N.E. Webster Street. There is one driveway entering the site that serves the existing house on the N.E. Webster frontage. At this location, N.E. 7<sup>th</sup> Avenue and N.E. Webster Street are classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 240 feet south of the site on N.E. Alberta Street via Bus #72 and approximately 640 feet to the west of the site on N.E. Martin Luther King Boulevard via Bus #6.

At this location N.E. Webster Street and N.E. 7<sup>th</sup> Avenue are improved with approved with approximately 30 feet of paving with curb and sidewalk within a 50-foot wide public right-of-way. The existing sidewalk corridor is 10 feet wide with a configuration of 3-7-0.

- **Water Service** – There is an existing 8-inch CI water main in N.E. Webster Street and in N.E. 7<sup>th</sup> Avenue. The existing house is served by a 5/8-inch metered domestic service from the main in N.E. 7<sup>th</sup> Avenue.
- **Sanitary Service** - There is an existing 15-inch CSP public combination sewer line in N.E. Webster Street and a 10-inch VSP- public combination sewer line in N.E. 7<sup>th</sup> Avenue. The existing house is connected to the sewer in NE Webster through a lateral located approximately 176 feet from the manhole in Ne 6<sup>th</sup> Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. The applicant is proposing to manage stormwater onsite via drywells (discussed late in this report).

**Zoning:** The R1 designation is one of the City’s multi-dwelling zones which are intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

The “a”-Alternative Design Density 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. This land division proposal is not using any of the provisions of the “a” overlay.

The “h”-Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. Because this site is located in a residential zone, it will be subject to the base zone height limits.

Areas south of the site closer to N.E. Alberta Street are zoned CG (General Commercial) and R2- Low density Multi-dwelling zoning is to the north of this property. Approximately 350 feet to the west of the site along NE Grand & NE Martin Luther King Blvd is zoned CG.

**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 **July 13, 2016**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

**33.660.120 The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.**

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No trees in excess of 6 inches in diameter are located fully or partially on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.

L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

**Applicable Approval Criteria are:**

**A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.**

**Findings:** Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing three (3) attached housing lots. However, the proposed lots are a size which could be developed with detached single family houses.

Minimum density in the R1 zone is one unit per 2,000 square feet and the maximum density is one unit per 1,000 square feet. The total site area shown on the applicant's survey is 4,000 square feet. The site has a minimum required density of 2 units and a maximum density of 4 units. The proposal is for three (3) lots.

In this zone, there are no minimum lot area requirements for lots designated for attached houses or detached houses. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division, to avoid further division of lots in the future that could result in non-compliance with the overall density requirements of the site as it exists in this proposal.

The lot dimensions required and proposed are shown in the following table:

<b>R1</b>	<b>Minimum lot area (square feet)</b>	<b>Minimum lot width (feet)</b>	<b>Minimum lot depth (feet)</b>	<b>Minimum front lot line (feet)</b>
<b>Detached Houses</b>	<b>none</b>	<b>25 ft.</b>	<b>none</b>	<b>25 ft.</b>
<b>Attached Houses</b>	<b>none</b>	<b>15 ft.</b>	<b>none</b>	<b>15 ft.</b>
Parcel 1	1,400 s.f.	35 ft.	40 ft.	35 ft.
Parcel 2	1,200 s.f.	30 ft.	40 ft.	30 ft.
Parcel 3	1,400 s.f.	35 ft.	40 ft.	35 ft.

\* Width is measured from the midpoints of opposite lot lines.

The findings above show that the applicable density and lot dimension standards are met. Therefore this criterion is met.

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

**Findings:**

***Clearing and Grading***

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

***Land Suitability***

The site is currently in residential use, and there is no record of any other use in the past. The home was built in 1911 and not connected to sewer until 1922. Although the site is currently connected to the public sanitary sewer, the City has no record that the on-site sewage system (septic/cess pool system) on the site was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility.

The applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval. The demolition permit for removal of the existing house shall include decommissioning of the existing on-site sewage disposal system unless the applicant obtains final approval of decommissioning permits. With this condition, the new lots can be considered suitable for development, and this criterion is met.

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

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

The applicant's proposal is to develop the future lots with attached housing, which would be exempt from this solar standard. However, since the lot dimensions could allow for detached single family residence to be developed on this site, the proposal is showing all of the proposed lots are on the south side of an east-west oriented street. Parcel 1 will be on the corner, and is wider than Parcel 2. Parcel 2 is narrower in width than Parcel 1 and Parcel 3. Parcel 3 is narrower in width to the adjacent property (interior lot) to existing lot to the west.

This criterion is therefore met.

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

**Findings:** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services.

PBOT has provided the following response to this land division proposal:

The minimum expected added vehicle trips (2 AM peak hour trips/2 PM peak hour trips/20 total new daily trips) will not adversely impact the operations of area intersections. PBOT had initial concerns with regard to on-street parking impacts in the area. The applicant prepared a thorough on-street parking survey/analysis with multiple observations at a variety of days/times. The data obtained/submitted demonstrates that the highest demand period observed only had a 53% occupancy rate of approx 40 spaces identified in the parking survey area. Even if the eventual development on the subject site does not include any on-site parking opportunities, the applicant has demonstrated to PBOT's satisfaction, that there is sufficient on-street parking supply in the area to accommodate the additional demand(6 parking spaces) from the proposed project. The proposed partition will not have any effect on nearby transit service or any other mode of travel.

With regard to the safety for all mode evaluation factors, to minimize conflicts/impacts to pedestrians, PBOT will require the pairing of two of the three curb cuts/driveways shown on the revised site plan if the development is for the three attached homes, as currently shown on the submitted site plan. Similarly, if the development proposal changes to a pair of attached homes and one detached home, the driveway serving the attached homes would need to be paired. The transportation system is capable of safely supporting the proposed development in addition to the existing uses.

With the condition that access for attached housing development on two of the three lots to be provided via a paired driveway as mitigation for the transportation system to be capable of safely support the proposed development in addition to the existing uses in the area.

With the condition described above these criteria are met.

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

**Findings:** Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that water service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
<b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The future development on Parcel 2 may use the existing lateral and Parcel 1 and 3 will be served by new connections to the sewer in NE Webster Street. The sanitary sewer service standards of 33.652 have been verified.
<b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.
The applicant has proposed the following stormwater management methods:
Parcels 1, 2 & 3: 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. Bureau of Environmental Services (BES) finds the applicant's proposed stormwater management plan (drywells) acceptable for the purpose of reviewing the land division proposal against the stormwater management approval criterion.

This criterion is met.

### **33.654.110.B.1 Through streets and pedestrian connections**

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. Pedestrian connections should be provided at least 330 feet apart. The block on which the subject property is located meets the noted spacing requirements. The site is ~100 feet east of NE 6<sup>th</sup> Avenue, ~220 feet south of NE Sumner Street, and ~230 feet north of NE Alberta Street. This criterion is met.

No street connections have been identified in the vicinity of this property in the Portland Master Street Plan. The subject site is located within an established grid pattern of existing streets and blocks, therefore no additional connectivity is necessary through the subject site/block.

For the reasons described above, this criterion is met.

### **33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment**

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development.

N.E. Webster Street and N.E. 7<sup>th</sup> Avenue are classified as Local Service street for all modes of transportation per the City's Transportation System plan.

At this location N.E. Webster Street and N.E. 7<sup>th</sup> Avenue are improved with approximately 30 feet of paving and a 3-7-0 sidewalk corridor within a 50-foot wide public right-of-way (r.o.w). The City's Pedestrian Design Guidelines requires an 11-foot wide sidewalk corridor comprised of a 0.5 ft. curb, 4-ft wide furnishing zone, 6-ft. wide sidewalk and 0.5 ft. wide frontage zone. Although the existing r.o.w. conditions do not satisfy current City standards, the site and existing conditions satisfy the provisions of Administrative Rule TRN-1.22. Accordingly, the existing sidewalk corridors will be recognized as the standard sidewalk configuration for the block length. No additional r.o.w. improvements or property dedication will be required in association with the proposed development.

The applicant is advised that the existing curb cut/driveway along the site's NE Webster frontage must be closed. Curb cuts and driveway construction/location must meet the requirements of Title 17. Title 17 requirements for driveway locations –“no portion of a driveway, excluding ramps if required, shall be located closer than 25-feet from the corner of a lot where two streets intersect”.

As discussed under Transportation Impacts approval criterion 33.641.020 in regards to safety for all modes and to minimize the conflicts/impacts to pedestrians, PBOT, will require the pairing of two of the three curb cuts/driveways if these lots are developed with attached housing.

Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that three additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided. The Title 17 driveway requirements and this condition will be enforced at the time of development during the review of building or zoning permits.

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

**33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)**

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

**DEVELOPMENT STANDARDS**

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

**Future Development:**

Among the various development standards that will be applicable to these lots, the applicant should take note of the specific development standards for Attached Housing under Section 33.120.270.C of Title 33(Portland Zoning Code).

**Existing Development:** The applicant is proposing to remove all of the existing structures on the site, 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 R1 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

**OTHER TECHNICAL REQUIREMENTS**

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

<b>Bureau</b>	<b>Code Authority and Topic</b>
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way Plumbing Code
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 – Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	Title 21 – Water availability

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

- The applicant must meet the requirements of the Fire Bureau in regards to ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Lots must be determined prior to final plat approval. At the time of development the applicant must meet the requirements of the Fire Bureau for addressing; fire apparatus



access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

- A Building Permit is required to demolish the existing house. The issuance of a permit to demolish a single family residence or a duplex in a Residential Zone is subject to a 35-day delay, beginning when the demolition permit application is received and intake fees are paid (City of Portland Code 24.55.200). Additional requirements apply. It is recommended the applicant visit the Development Services Center for more information at 1900 SW 4<sup>th</sup> Ave, 1<sup>st</sup> floor. The Development Services Center is open Monday through Friday from 8:00 a.m. to 3:00 p.m. (close at noon on Thursday). No appointment is necessary. These requirements are based on technical standards of the Title 24 and the Oregon Residential Specialty Building Code
- Future Development: The applicant must meet the requirements of Urban Forestry for street tree planting at the time of development. This requirement is based on the standards of Title 20.

## CONCLUSIONS

The applicant has proposed a three (3) parcel partition, as shown on the preliminary plan (Exhibit C.1). The proposed lots are of a size which could be developed with attached or detached houses. The applicant's proposal is to develop attached housing on these lots.

In this zone, there are no minimum lot area requirements for lots designated for attached houses or detached houses. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division.

To make the site suitable for development, the existing house will be demolished, the on-site sanitary system decommissioned and existing utilities capped. PBOT in looking at safety for all modes of transportation, to assist in reducing conflicts and impacts to pedestrians is requiring pairing of two of the three curb cuts/driveways for attached housing development on this site. PBOT will review Title 17 requirements for driveway locations at the time of development of these lots. Fire Bureau has specific requirements for fire flow, addressing and fire access for the future development on this site.

As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a three lot partition, that will result in development of either attached housing or detached houses, as illustrated with Exhibit C.1, subject to the following conditions:

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

1. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition B.4 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A (Acknowledgement of Special Land Use Conditions) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

### B. The following must occur prior to Final Plat approval:

#### Utilities

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing on-site sanitary sewer system (septic/cesspool) on the site.
2. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.

### **Existing Development**

3. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.

### **Required Legal Documents**

4. If required per Condition B.2 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcels 1, 2 and 3 contain internal fire suppression sprinklers, per Fire Bureau Appeal no \*. The acknowledgement shall be recorded with Multnomah County, and referenced on the final plat.

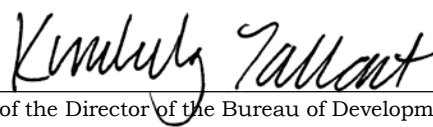
### **C. The following conditions are applicable to site preparation and the development of individual lots:**

1. The minimum and maximum density for the lots in this land division are as follows:

Parcel 1	Minimum Density	Maximum Density
1	1	1
2	1	1
3	1	1

2. If developed with attached housing, two of the three lots shall include a paired curb cut/driveway and meet PBOT's requirement for Title 17 requirements for driveway locations.
3. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling unit on these Parcels. Please refer to the final plat approval report for details on whether or not this requirement applies.
4. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

**Staff Planner: Lois Jennings**

**Decision rendered by:**  **on July 21, 2016**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: July 26, 2016**

**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 April 6, 2016, and was determined to be complete on May 19, 2016.

*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 April 6, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 4, 2016.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City’s approval of the preliminary plan.**

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

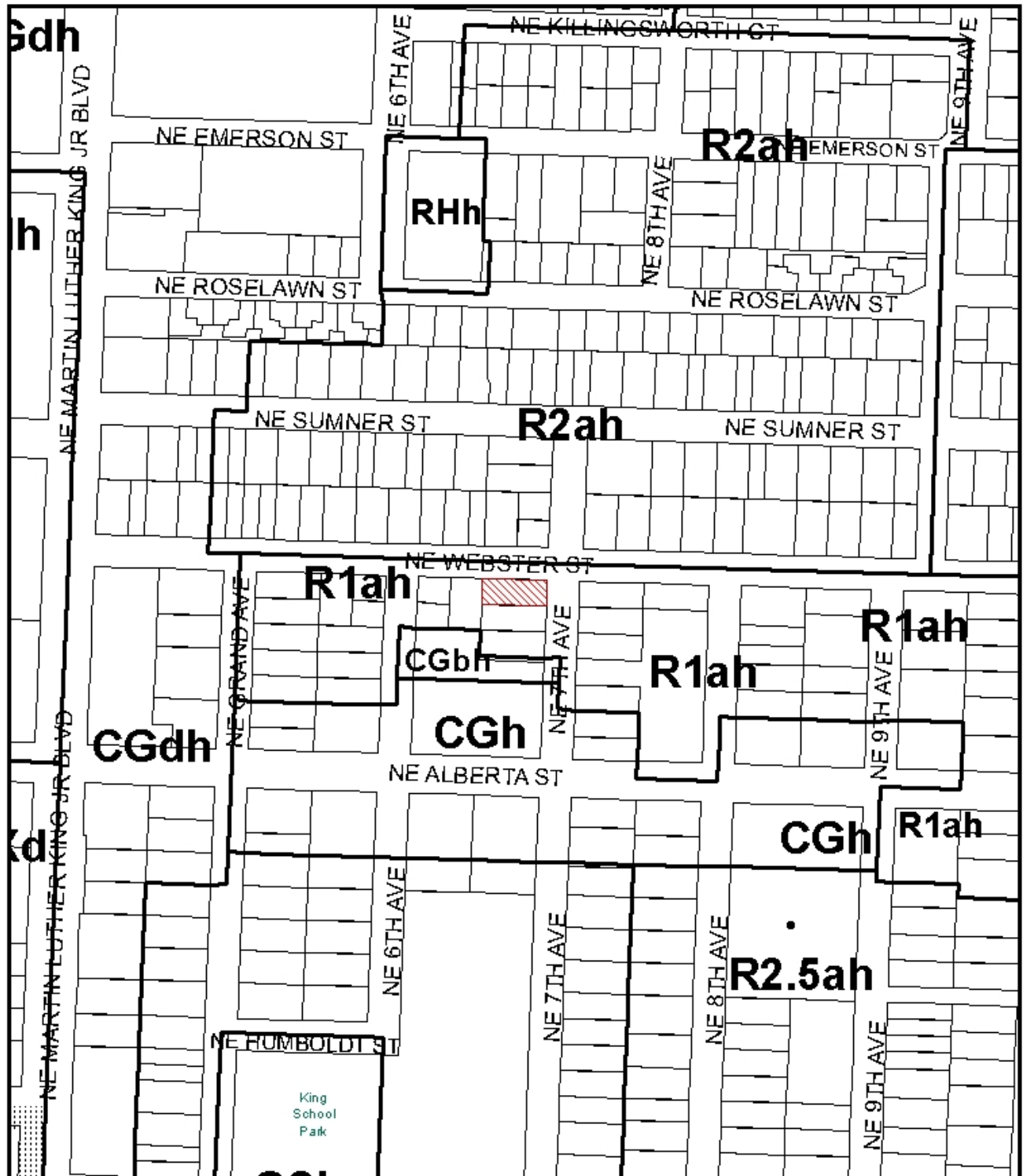
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Land Division Preliminary Site Plan for two lots
  - 2. Original Narrative addressing approval criteria for two lot land division
  - 3. Infiltration Testing dated October 20, 2015
  - 4. Revised Land Division Preliminary Site Plan for three lots submitted June 6, 2016
  - 5. Revised Narrative addressing land division approval criteria submitted June 6, 2016
  - 6. Cover letter dated May 23, 2016 from Dez Development LLC submitted June 6, 2016
  - 7. One page Bus information submitted by applicant on June 6, 2016
  - 8. On-Street Parking Analysis submitted by applicant on June 6, 2016
  - 9. Simplified Approach Form submitted by applicant on June 6, 2016
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Land Division Site Plan (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
  - 7. Life Safety section of Bureau of Development Services
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application submitted for two lots
  - 2. Incomplete letter to applicant
  - 3. Revised Application with new three lot land division proposal
  - 4. TriMet Schedule
  - 5. E-mail Correspondence with applicant-Nathan Arnold

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



# ZONING

- Site
- Historic Landmark



File No.	LU 16-113264 LDP
1/4 Section	2531
Scale	1 inch = 200 feet
State_Id	1N1E23BB 19700
Exhibit	B (Feb 03, 2016)

Preliminary Land Division  
Proposa!



For the lot minor partition only

RECEIVED  
JUN 06 2016  
BY \_\_\_\_\_

CASE NO. 16-113264 LD  
EXHIBIT C1