



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

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Date: November 6, 2020
To: Interested Person
From: Clare Fuchs, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has 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 20-106748 LDP

GENERAL INFORMATION

Applicant: Kevin Partain Urban Visions
223 NE 56th Ave Portland OR 97213
503-421-2967 kevinp@gorge.net

Owner: FX Homes
210 N Buffalo St Portland, OR 97217

Owner's Representative: Francis Gaudette FX Homes
22060 SE 442nd Ave Sandy OR 97213

Site Address: 210 N BUFFALO ST

Legal Description: BLOCK 5, A PORTION OF LOTS 1&2, GREEN C LOVE ADDITION
Tax Account No.: R340001070
State ID No: 1N1E15AB 11300
Quarter Section: 2330

Neighborhood: Piedmont, contact landuse@piedmontemerald.com.
Business District: Soul District Business Association, contact info@nnebaportland.org
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

Zoning: Residential Multi-Dwelling 2,000 (R2)
Overlay Zone: Aircraft Landing Zone (h)

Case Type: Land Division – Partition (LDP)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to divide this 6,690 square foot lot that currently contains a single detached dwelling into 2 lots. Parcel 1 is proposed to be 3,503 square feet and contain the existing house to remain. Parcel 2 is proposed to be 2,920 square feet and contain a single detached house. The proposed off-street parking for Parcel 2 would allow for forward in and out motion from the new driveway on N Vancouver Avenue.

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 2 units of land (2 lots and no tracts). 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.**

ANALYSIS

Site and Vicinity: This property was rezoned from R2 to RM1 in March 2020 after this case file was submitted, but the pattern of multi-dwelling to single dwelling zoning is the same. Applications are reviewed under the code in effect at the time of submittal. The R2 (now RM1) zoning that this case falls under is zoned in a strip down both sides of N Vancouver Avenue. Some of the properties have redeveloped to multi-family housing along this strip and some of the R2 (RM1) zoned properties are still single dwelling homes, on approximately 5,000 square foot lots. Directly north and south of the site are other multi-dwelling zoning districts, with a commercial node at the intersection of N Lombard and N Vancouver Avenue. The area is otherwise predominated by R5 lots which are typically around 5,000 square feet. These lots contain single dwelling development especially to the east and west of the subject site. Interstate 5 is located approximately 0.4 of a mile to the west, State Highway 99E is located approximately .36 of a mile to the east, and Peninsula Park is located approximately .47 of a mile to the southwest.

Infrastructure:

- The site has approximately 66 feet of frontage on N Buffalo Street. There is one driveway entering the site that serves the existing house. N Buffalo Street at this location is a local street for all modes. N Buffalo Street has a 30-foot curb to curb paved surface within a 50-foot right-of-way. Along the 66-foot wide site frontage the pedestrian corridor includes a 3-foot wide planter area, curb, 6-foot sidewalk and a 1-foot wide buffer at the back of the sidewalk (3-6-1 configuration).

The site also has approximately 100 feet of frontage on N Vancouver Ave. At this location N Vancouver Avenue is classified as a Neighborhood Collector, Transit Access street, City Walkway, Major City Bikeway, Major Emergency Response, and Community Corridor for Design in the Transportation System Plan (TSP). N Vancouver is improved with a 41-foot wide paved roadway in a 63-foot wide right-of-way. The pedestrian corridor at this location includes a 3-foot wide planter area, curb, a 6-foot sidewalk, and a 1-foot wide buffer at the back of the sidewalk (3-6-1 configuration).

Tri-Met provides transit service approximately 786 feet from the site on N Lombard Avenue via Bus #75.

- **Water Service** – There is an existing 4-inch water main in N Vancouver Avenue. The existing house is served by a 5/8-inch metered service from the 8-inch main in N Buffalo Street.
- **Sanitary Service** - There is a public 10-inch vitrified clay (VSP) combined sewer in N Buffalo Street. There is a public 27-inch concrete with brink invert combined sewer in N Vancouver Ave.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: R2, Multi-dwelling Residential 2,000 with the Aircraft Landing “h” overlay zone. Since the application of this partition the zoning has changed to RM1. The application is reviewed under the zoning in place at time of application.

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 27, 2020**. 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, or the trees are nuisance species or exempt due to poor condition.
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 proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	Maintaining existing development on the site limits new parcel configuration (33.612.200 supersedes 33.639).

J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands are evident on the site.
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.
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

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 2 single detached dwelling parcels.

Single-dwelling or duplex development is proposed for some or all of the site, therefore the applicant must demonstrate how the proposed lots meet the minimum density and not exceed the maximum density stated in Table 120-3 at the time of the preliminary plan review.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area after dedication shown on the applicant's survey is 6,423 square feet. The site has a minimum required density of 3 units and a maximum density of 3 units. A condition has been incorporated requiring that the parcel with the existing house become a minimum of 2 units upon redevelopment.

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

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Detached Houses	1,600	25	none	25
Duplexes	2,000	33	50	30
Parcel 1 - Duplex	3,503	53.47	64.77	53.55
Parcel 2 Detached House	2,920	45.58	64.43	45.65

* 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: 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.

Additionally, where geologic conditions or historic uses of the site indicate that 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 to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading: 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. 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.

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.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by 33.641.020.B.

Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

The applicant provided a written narrative addressing the transportation approval criteria above. The application proposes to divide the existing 6,690 square foot property into two lots; a 3,503 sq. ft. corner lot (proposed Parcel 1) with the existing house to remain, and a 2,920 sq. ft. lot (southern lot) fronting onto N Vancouver. The existing home will retain its current driveway and location off of N Buffalo, while the new proposed parcel will have a driveway off of N Vancouver. Due to the high classification of N Vancouver, the applicant's

preliminary plan has provided an on-site turn-around which allows for forward ingress/egress onto N Vancouver. However, turning movements may be required demonstrating compliance at time of Building Permit. The abutting streets are fully improved with paved roadway and established pedestrian corridors. However, the project will be required to dedicate property and reconstruct both pedestrian corridors to meet City standards through a Public Works Permit.

Based upon trip generation estimates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, the new proposed parcel is projected to generate one additional morning and one evening trip, for approximately ten daily trips. The net addition of one single-family residence added to the transportation system resulting from the development will not adversely impact the operations of area intersections, as the proposed development adds negligible trips to the transportation network compared to existing volumes in the area and is consistent with the zoning of the property. Therefore, the transportation system is capable of safely supporting the proposed development in addition to existing uses in the area and capable of maintaining acceptable levels of service.

The subject site is located within four TriMet bus service lines: *75-Lombard*, *4-Fessenden*, *44-Capitol Hwy*, and *6-MLK.*, all of which are within half mile from the site and have complete sidewalks and adequate crossings between the site and transit stop. For bicycles N Vancouver is an identified City Bikeway with a striped bike lane, with the remaining surrounding streets being low-volume neighborhood streets which allows for a safe and comfortable environment for cyclists. The existing sidewalk network in the area is complete and provides safe passage to locations within the immediate vicinity and to local transit stops. However, PBOT policy requires single-curb extensions at unsignalized intersections for sites outside of the Central City Plan District and along a *City Walkway* and abut a street classification greater than *Local Service*. In this case, N Vancouver is classified as a *City Walkway* and *Neighborhood Collector*. Therefore, a single curb extension will be required into N Vancouver, to be constructed through a Public Works permit, which is to receive 30 percent Public Works Concept approval and provide financial guarantee prior to Final Plat. Therefore, the resulting proposed development will not negatively impact transit access or other transportation modes and will enhance the pedestrian environment.

PBOT has reviewed and concurs with the information supplied and available evidence. With requirements to improve the sidewalk corridors along this site to City standards, the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. 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:

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p> <p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report.</p> <p>Sanitary connections from private property that are to be permitted according to PCC 17.32.090 must be separately conveyed to the property line and connected through individual laterals to a City sanitary or combined sewer. All discharge must be connected via a route of service approved by the BES Chief Engineer. Based on City records (case #18-241956-PP and case #18-241958-PS), the subject property has a “partied” sewer with the</p>

neighboring home at 220 N Buffalo St. The City of Portland considers this configuration to be a nonconforming sewer. The applicant has performed a scope and locate to determine the location of the “partied” sewer and this information has been provided on the submitted site plan. Prior to final plat approval the applicant must:

Bring the existing sewer connection into conformance by establishing a new service lateral for the existing house on Parcel 1 to the combined sewer in either N Buffalo St or N Vancouver Ave.

For capping and establishing new service, the work must be completed, and the applicant must obtain finalized plumbing and connection permits prior to final plat approval. Please work with the neighboring property owner at 220 N Buffalo St to ensure that the work being done does not interrupt their sewer service.

The sanitary sewer service standards of 33.652 have been verified.

33.653.020 & .030 Stormwater Management criteria and standards – 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:

- **Parcel 2:** Stormwater from this lot will be directed to an individual drywell that will treat the water and slowly infiltrate it into the ground. This lot 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. BES has indicated conceptual approval of the drywell.
- **Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain onto the ground and into an underground pipe. BES has noted that the third downspout is connected to a piped system and the discharge location is unclear, and therefore must be retrofitted to meet City standards prior to final plat approval to ensure that the stormwater from the house will not be impacted by proposed lot lines. The applicant must modify the stormwater system for the existing house as necessary to comply with Stormwater Management Manual prior to final plat approval. Any required plumbing permits must have final inspection approval.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

The block on which the subject property is located does not meet the noted spacing requirements. Therefore, there should be a north-south pedestrian connection provided within the block. However, the site is located at an intersection of established rights-of-way, within the typical grid pattern of an established neighborhood and many redundant connections surrounding the property, therefore additional connections are not practical at this location.

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

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, PBOT 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. In this case PBOT has determined that the sidewalk corridor improvements must be made to city standards in order to ensure that safe pedestrian travel is possible to and from the proposed development.

PBOT policy requires single-curb extensions at unsignalized intersections for sites outside of the Central City Plan District and along a *City Walkway* and about a street classification greater than *Local Service*. In this case, N Vancouver is classified as a *City Walkway* and *Neighborhood Collector*. Therefore, a single curb extension will be required into N Vancouver, to be constructed through a Public Works permit, which is to receive 30 percent Public Works Concept approval and provide financial guarantee prior to Final Plat approval.

PBOT will require the applicant to reconstruct the pedestrian corridor along the site frontage to City standards with a 4 foot wide planting strip between curb and 6-foot wide sidewalk with a 1.5 foot buffer at the back of the sidewalk next to the property line.

To accommodate these improvements additional right-of-way must be dedicated along the frontages of the site. With the improvements, two additional dwellings can be safely served by the existing streets without having any significant impact on the level of service provided.

This criterion is met, with the condition that curb, ADA ramp, and sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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. 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 11 can be met, and those 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.

Future Development

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

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 2. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R2 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a

request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there Zoning Code standards that relate to existing development on the site:

- **Minimum Setbacks** – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 4 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines. Future development or alteration of the home on Parcel 1 will require that building setbacks required for that housing type are met.
- **Accessory Structures** – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, all accessory structures on Parcel 2 must be removed prior to final plat approval. Because the structure is less than 200 square feet in size, a demolition permit is not required. The applicant must submit before and after photos to document removal of the structure. Alternatively, the applicant may choose to execute a covenant with the City to retain the accessory structure for up to two years without a primary structure. The covenant must meet the requirements of 33.700.600 and be executed prior to or with the Final Plat.

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 and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 – Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	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 addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Parcel 1 prior to final plat approval and pay into the Tree Fund for the loss of the Street Tree planting space on Parcel 2. This requirement is based on the standards of Title 11.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C1). 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: meeting service requirements for the existing house and the sidewalk and ADA ramp improvements.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, as illustrated with Exhibit C1, subject to the following conditions:

- A. Supplemental Plan.** A supplemental plan shall be submitted with the final plat survey for Land Use Review and BES review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the location of the following:
- Surveyed location of any buildings or accessory structures on the site at the time of the final plat application;
 - Surveyed location of any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
 - The reduced side setbacks allowed under 33.120.270.D, if the applicant intends to use this option;
 - Sanitary sewer and stormwater management systems for the existing house (see Conditions C.2 and C.4 below); Any other information specifically noted in the conditions listed below.
- B. The final plat must show the following:**
1. The applicant shall meet the street dedication requirements of the City Engineer for N Buffalo Street and N Vancouver Avenue. The required right-of-way dedication must be shown on the final plat.

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

Streets and Alleys

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.

Utilities

2. The applicant shall meet the requirements of the Bureau of Environmental Services concerning the capping of the nonconforming partied sewer and the creation of a new sewer service connection to the existing home.

3. 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

4. The applicant must remove the accessory structure on Lot 2. The applicant must submit before and after photos of the removal (with the same perspective). Alternately, the applicant can execute a covenant with the City stating that the structures will be removed if a primary structure has not received final inspection on the lot with the accessory structure within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval.5. Documentation of the location of the stormwater disposal system for the existing house on Parcel 1 shall be submitted to the satisfaction of the Bureau of Environmental Services. The location of any existing or required stormwater systems serving the existing home must be shown on the Supplemental Plan. The applicant must modify the stormwater disposal system as necessary to comply with BES and SWMM requirements. Any required permits must be finalized prior to final plat approval.
6. The applicant must meet the requirements of Urban Forestry to verify Parcel 1 is planted to density for street tree(s) in the planter strip on both streets adjacent to parcel 1. The applicant must contact Urban Forestry at 503-823-TREE (8733) prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Alternatively, this requirement can be met as part of the public works permit process to the satisfaction of Urban Forestry.

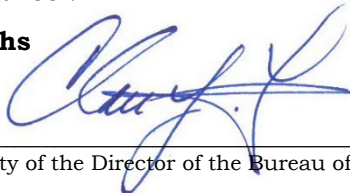
Other requirements

7. The applicant must pay into the City Tree Preservation and Planting Fund [Street Trees – Fee in Lieu of Planting and Establishment (per inch)] the amount equivalent to 1.5 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

1. The minimum density for Parcel 1 at the time of any future redevelopment is 2 dwelling units. At the time of redevelopment or alteration of the existing detached house on Parcel 1, Title 33 building setback standards must be met, or modified through the appropriate land use review process.
2. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of Parcel 2.
3. 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 from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Clare L. Fuchs



Decision rendered by: _____ **on November 3, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed November 6, 2020

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 17, 2020, and was determined to be complete on July 8, 2020.

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 17, 2020.

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: November 5, 2020.

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.

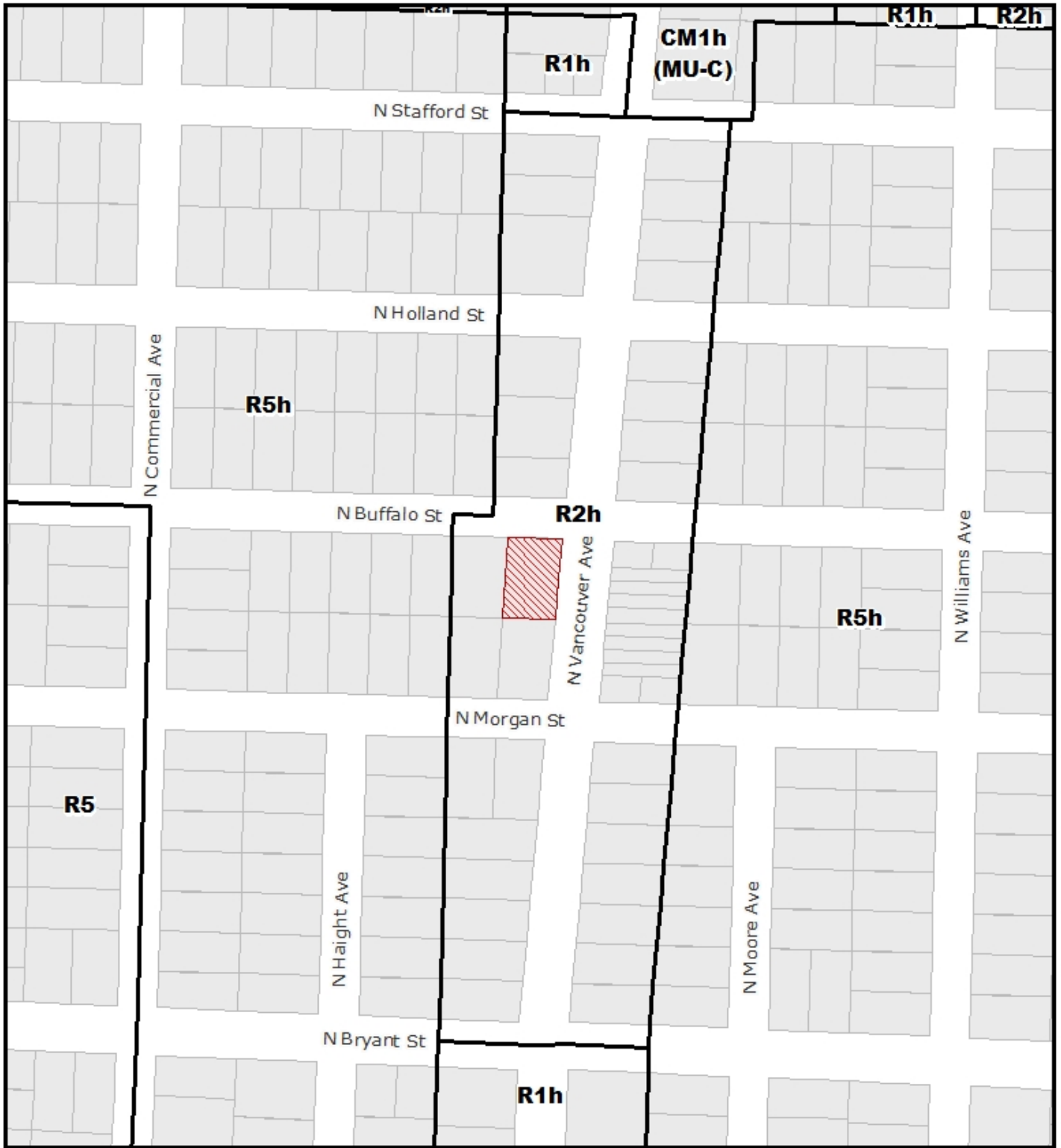
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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
 - 1. 1978 Deed
 - 2. Fire Flow Data
 - 3. Simplified Approach Forms
 - 4. January 17, 2020 Narrative
 - 5. July 8, 2020 Narrative
 - 6. September 23, 2020 Narrative
 - 7. Original Site Plan
 - 8. Resubmittal Memos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. 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 BDS
- F. Correspondence: (None)
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter(s)

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 
NORTH

 Site

File No.	<u>LU 20 - 106748 LDP</u>
1/4 Section	<u>2330</u>
Scale	<u>1 inch = 163 feet</u>
State ID	<u>1N1E15AB 11300</u>
Exhibit	<u>B</u> <u>Jan 22, 2020</u>

