



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

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**Date:** April 5, 2022  
**To:** Interested Person  
**From:** Clare Fuchs, Land Use Services  
503-865-6423 / Clare.Fuchs@portlandoregon.gov

## **NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 20-228031 RP**

#### **GENERAL INFORMATION**

**Owner:** Joshua Simpson  
7715 N Central Street Portland OR 97203  
303-720-9664 josh@ignitionlab.co

**Applicant and Consultant:** Paul Roeger, CMT Surveying & Consulting  
20330 SE Hwy 212 Damascus OR 97089  
503-860-2545 paul@cmtsc.net

**Site Address:** 7715 N CENTRAL ST

**Legal Description:** BLOCK 21 LOT 18 EXC PT IN ST LOT 19&20, POINT VIEW  
**Tax Account No.:** R665710870  
**State ID No.:** 1N1W12AA 02300 **Quarter Section:** 2122

**Neighborhood:** St. Johns, contact Patrick Theiss at landuse@stjohnspdx.org  
**Business District:** St. Johns Center for Opportunity, contact at info@stjohnsoportunity.org & St. Johns Boosters Business Association, contact at info@stjohnsboosters.org

**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

**Zoning:** Residential 5,000 (R5)  
**Case Type:** Replat (RP)  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant proposes to replat the 3 existing historic lots: Point View, Block 21, Lots 20, 19, and Lot 18 (except for right-of-way dedication) within the site. Existing lot line(s) will be

removed and reconfigured resulting in a total of 2 parcels, which will be 3,133 (Parcel 1) and 2,849 (Parcel 2), square feet in size.

In order to show feasibility of providing services and other criteria, the applicant has provided a site plan showing an existing single dwelling residence and a basement accessory dwelling unit on Parcel 1 to remain with on-site parking accessed via a driveway on N Polk Avenue. Parcel 2 is currently vacant and does not have a conceptual development proposal. Please note that the proposed lots qualify for additional density under the Residential Infill Options of 33.110.265. On-site parking is not required (33.266.110.B.2). The applicant will be able to apply for building permits under the code in effect at the time of any future building permit submittal.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section **33.675.300, Replat Approval Criteria.**

## FACTS

**Site and Vicinity:** The site contains an existing home and basement accessory dwelling unit to remain on Parcel 1. The vast majority of the parcels in the area contain mostly single dwelling detached homes especially north, northwest, and northeast of the site. The lots range in size from approximately 2,500 square feet to 7,500 square feet. In the area, there is multi-family residential and commercial zoning south and southeast of the site along the N Lombard Street corridor. There is a great deal of multi-family and commercial zoning southwest of the site as well in the main commercial area of the Saint John's neighborhood near the Saint John's Bridge. Roosevelt High School is located approximately 1,150 feet east of the site. Saint John's Park is located approximately 1,800 feet to the northwest. George Park is located 1,700 feet to the northeast.

**Zoning:** Residential 5,000 (R5): single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

On August 1, 2021, the zoning on the site was changed to Residential 2,500 (R2.5) as part of a city-wide legislative project. This application is being reviewed under the regulations in effect at the time it was submitted on December 30, 2020. Future development on the properties will be subject to the regulations in effect at the time of permit review.

**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 **August 23, 2021**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### REPLAT

**33.675.300 Approval Criteria**

A replat will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

**A. Lots.** The replatted lots must meet the standards of Chapters 33.605 through 33.615, with the following exceptions:

1. Lot dimension standards.

- a. Lots and adjusted lots that do not meet the minimum lot area required for new lots are exempt from the minimum lot area requirement if they do not move further out of conformance with the minimum lot area required for new lots, and they meet the following:
  - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
  - (2) No portion of the lot or adjusted lot is in the special flood hazard area; and
  - (3) The lot or adjusted lot has an average slope of less than 25 percent;
- b. Maximum lot area. If any of the lots within the replat site are larger than the maximum lot area allowed, the same number of lots in the replat site are exempt from maximum lot area requirements;
- c. Minimum lot width. Lots and adjusted lots that do not meet the minimum lot width required for new lots are exempt from the minimum lot width requirement if they do not move further out of conformance with the minimum lot width required for new lots, and they meet the following:
  - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
  - (2) No portion of the lot or adjusted lot is in the special flood hazard area; and
  - (3) The lot or adjusted lot has an average slope of less than 25 percent;
2. Regular lot lines. As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.
3. Maximum density. If the replat brings the replat site closer to conformance with maximum density requirements, the replat does not have to meet maximum density requirements;
4. Lots without street frontage. If the replat consolidates lots that do not have street frontage with lots that have street frontage, the replat does not have to meet minimum density and maximum lot area requirements;
5. Through lots. If any of the existing lots within the replat site are through lots with at least one front lot line abutting an arterial street, then the consolidated or reconfigured lots may be through lots;
6. Split zoning. If any of the existing lots within the replat site are in more than one base zone, then the consolidated or reconfigured lot may be in more than one base zone.

**Findings:** The subject property is in the R5 zone, so the replatted lots must meet the standards in Chapter 33.610 or one of the noted exceptions, above.

The R5 zone lot dimension standards and proposed lot sizes are summarized in the table below:

	<b>R5 Zone Requirement</b>	<b>Parcel 1</b>	<b>Parcel 2</b>
Minimum Lot Area (square feet)	3,000	3,133	2,849
Maximum Lot Area (square feet)	8,500		
Minimum Lot Width* (feet)	36	52.38	47.62
Minimum Front Lot Line (feet)	30	52.38	47.62
Minimum Lot Depth (feet)	50	59.83	59.83

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

As noted above, proposed Parcel 1 meets the standards of Chapter 33.610. The lot area for Parcel 2 is smaller than the current minimum required lot area. However, Parcel 2 is allowed under exception 33.675.300.A.1.a, since the originally platted lots were 2,500 square feet or less, and Parcel 2 is not within an environmental zone or flood hazard area and does not have slopes that exceed 25 percent. Based on these factors, this criterion is met.

**B. Development standards.** If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the replat. If existing development is not in conformance with a development standard of this title, the replat will not cause the development to move further out of conformance with the standard unless an adjustment is approved.

**Findings:** The existing house will remain on Parcel 1, and will remain in conformance with setback standards. The allowed building coverage is 1,550 sf and the existing building coverage is 810 square feet. The replat will cause Parcel 1 to go out of conformance with the tree density standards. Therefore, prior to any building permit on Parcel 1, the applicant shall obtain a finalized zoning permit to meet tree density. With this condition, this criterion is met.

**C. Conditions of land division approvals.** The replat must meet one of the following:

1. All conditions of previous land division approvals continue to be met or remain in effect; or
2. The conditions of approval no longer apply to the site, or to development on the site, if the lots are reconfigured.

**Findings:** There are no previous land division approvals for this site, therefore this criterion does not apply.

**D. Conditions of other land use approvals.** Conditions of other land use approvals continue to apply, and must be met.

**Findings:** There are no previous land use approvals for this site, therefore this criterion does not apply.

**E. Services.** The replat does not eliminate the availability of services to the lots, and the reconfigured lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.

**Findings:** The Bureau of Environmental Services has reviewed the proposal for impacts on sanitary sewer and stormwater management services (Exhibit E1). The required sewer extension has been completed for Parcel 2. The existing house may continue to use the existing sewer lateral from N Polk Avenue. According to the submitted survey, the existing home on proposed Parcel 1 discharges stormwater from downspouts to the ground and lawn areas. The locations of the downspouts and direction of discharge do not appear to conflict with the replatted property lines. BES understands Parcel 2 is vacant.

The Water Bureau has reviewed the proposal for impacts on water service (Exhibit E3). Parcel 1 can continue to use its existing service and Parcel 2 can use the 8-inch main in N Central Street.

The Site Development Section of BDS has reviewed the proposal for impacts on-site sewage disposal (septic systems) (Exhibit E5) and has no concerns.

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2016 or 2020 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 and 2016 City of Portland Fire Code
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 11 –Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	Title 21 – Water availability

The Bureau of Transportation (Exhibit E2), The Fire Bureau (Exhibit E4), and the Life Safety Section of BDS (Exhibit E6) reviewed this proposal and had no concerns or objections to its approval.

## CONCLUSIONS

The applicant proposes to replat historic lots from the Point View Plat, Block 21, Lots 18 (except for right-of-way dedication), 19, and 20 into 2 parcels. No City Bureaus raised objection to the proposal.

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

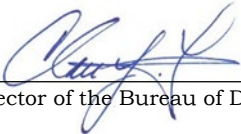
## ADMINISTRATIVE DECISION

**Approval** of a replat to create 2 parcels of historic Point View Plat, Block 21, Lot 18 (except right-of-way dedication), 19, and 20, as illustrated by Exhibit C1 and C2, signed and dated March 31, 2022 subject to the following condition:

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

1. The applicant must meet the tree density standard of 11.50.050 on Parcel 1 with the existing house by either planting trees on the lot or making the equivalent payment into the City Tree Preservation and Planting Fund. A finalized Zoning

Permit must be obtained to document tree planting prior to approval of any building permit on Parcel 1.

Decision rendered by:  on March 31, 2022  
By authority of the Director of the Bureau of Development Services

**Decision mailed April 5, 2022**

**Staff Planner: Clare L Fuchs**

**About this Decision.** This land use decision is **not a permit** for development. **THE SIGNED PARTITION PLAT MUST BE RECORDED WITH MULTNOMAH COUNTY DEED RECORDS WITHIN 90 DAYS OF THE DATE OF THIS DECISION (July 5, 2022), OR THIS DECISION WILL BECOME NULL AND VOID.** Permits may be required prior to any work. Contact Permitting Services at 503-823-7357 for information about permits

**Procedural Information.** The application for this land use review was submitted on December 30, 2020, and was determined to be complete on June 28, 2021.

*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 December 30, 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 requested that the 120-day review period be extended by 165 days, as stated with Exhibit A1.

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

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

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to paper files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [Title 33 Zoning Code | Portland.gov](https://www.portland.gov/title33).

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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Extensions
  - 2. Original Point View Plat
  - 3. Stormwater and Land Use Narrative
  - 4. Resubmittal Memos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Approved Plat (attached)
  - 2. Existing Conditions and Utility Plan
- 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. Life Safety Review Section of BDS
- F. Correspondence: None
- 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).**