



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

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 13, 2017  
**To:** Interested Person  
**From:** Brandon Rogers, Land Use Services  
503-823-7597 / [Brandon.Rogers@portlandoregon.gov](mailto:Brandon.Rogers@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 16-273495 LDP**

**GENERAL INFORMATION**

**Applicant/Owner:** Jennifer Farmer/City Craft Development  
6931 NE Milk Blvd  
Portland, OR 97211

**Site Address:** 1735 NE SKIDMORE ST  
**Legal Description:** BLOCK 12 E 1/2 OF LOT 13&14, IRVINGTON HTS  
**Tax Account No.:** R421001910  
**State ID No.:** 1N1E23DB 01800  
**Quarter Section:** 2632  
**Neighborhood:** Sabin Community Assoc., contact Rachel Lee at 503-964-8417.  
**Business District:** North-Northeast Business Assoc, contact at [chair@nnebaportland.org](mailto:chair@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

**Zoning:** Residential 5,000 (R5) with the "h" Aircraft Landing overlay zone.  
**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 a two-parcel partition of the 5,000 square foot site to create two, 2,500 square foot parcels for development of attached houses using the provisions of subsection 33.110.2410.E, *Duplexes and Attached Houses on Corners*. Water and sanitary sewer services are proposed from existing utilities located within NE 18<sup>th</sup> Avenue, stormwater is proposed to be managed by on-site drywells. Access is proposed from NE 18<sup>th</sup> Avenue and NE Skidmore Street with separate driveways. The site contains trees subject to the preservation standards of Title 33, however the applicant proposes mitigation instead of preservation. The existing house is proposed to be removed.

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 two units of land. 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.**

## CONCLUSIONS

The applicant has proposed a two parcel partition for development of attached houses, as shown on the attached preliminary plan (Exhibit C.3). 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: street tree preservation, demolition of the existing house and detached garage, mitigation for on-site tree preservation. With conditions of approval that address these requirements this proposal can be approved.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a two-parcel partition, that will result in two standard lots for development of attached houses as illustrated with Exhibit C.3, subject to the following conditions:

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

#### Utilities

1. 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

2. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. The site plan for the demolition permit must show the street tree to be preserved and root protection zones as shown on Exhibit A.5. All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A.5). Note that Title 24 requires a 35-day demolition delay period for most residential structures. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources.
3. The applicant must obtain a finalized demolition permit for removing the existing, detached garage on the site. Prior to removal of this structure, street tree protection must be installed in accordance with the approved Street Tree Preservation Plan, per Condition B.1.

#### Other requirements


4. The applicant must pay into the City Tree Preservation and Planting Fund [Private Property Trees - Planting and Establishment, fee in Lieu (per inch)] the amount

equivalent to 10 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

1. Development on Parcels 1 and 2 shall be in conformance with the Street Tree Preservation Plan and the applicant's arborist report (Exhibit A.5) for protection of a 34-inch Pin Oak street tree. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. An arborist must be on-site during excavation at edge of root protection zone.
2. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
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: Brandon Rogers**

Decision rendered by:  on April 11, 2017  
By authority of the Director of the Bureau of Development Services

**Decision mailed April 13, 2017**

**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 November 15, 2016, and was determined to be complete on December 30, 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 November 15, 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: April 29, 2017.**

**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.**

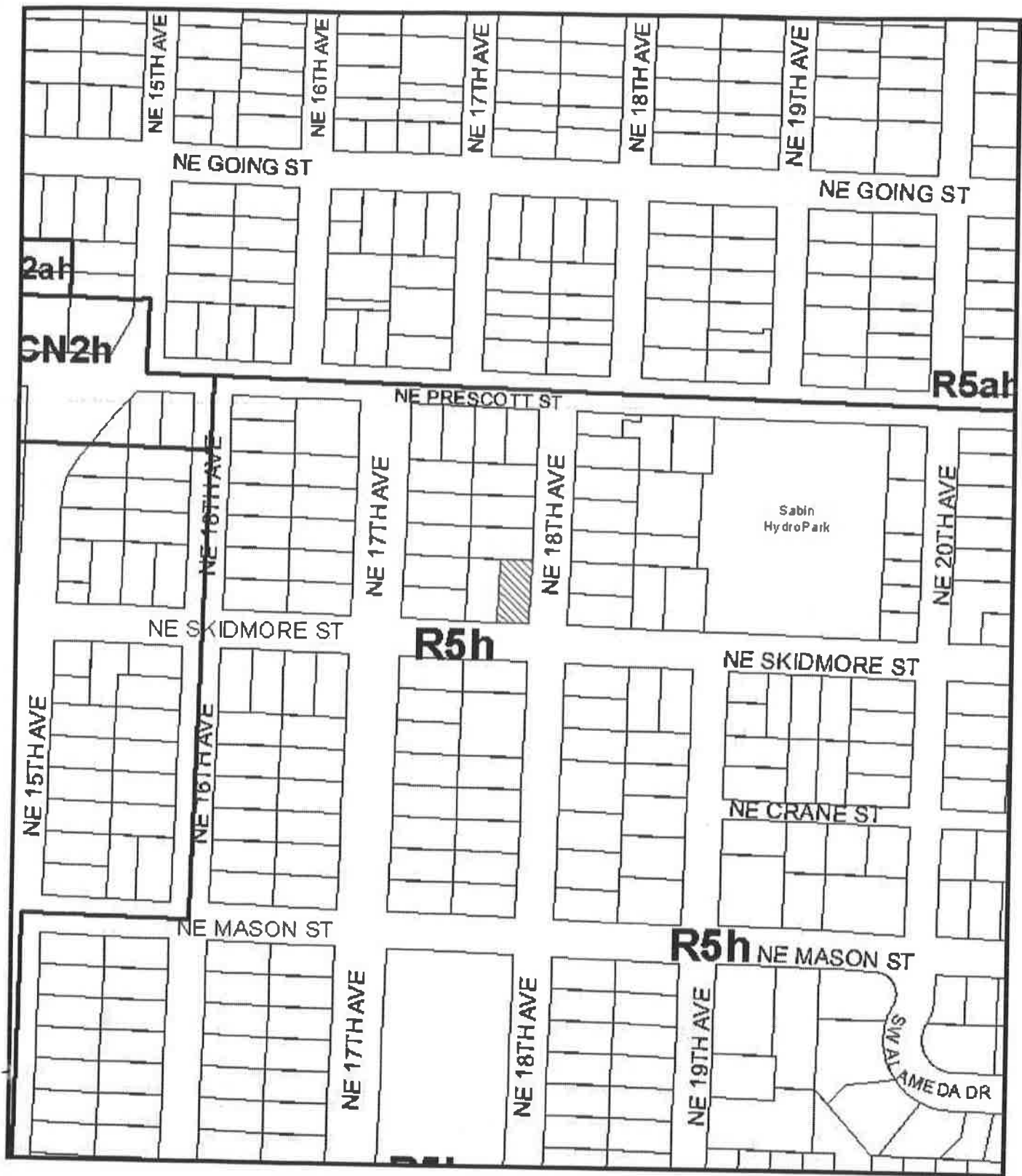
#### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Submittal/Applicant's Narrative
  - 2. Response to Incomplete Letter
  - 3. On Site Trees Arborist Report/Addendum
  - 4. Approved PBOT Driveway Design Exception
  - 5. Street Tree Performance Path Arborist Report
  - 6. Simplified Approach Stormwater Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Existing Conditions Plan, Tree Survey
  - 2. Preliminary Plan
  - 3. Proposed Improvements and Tree Preservation Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services/Addendum

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/Addendum
  7. Life Safety Section of BDS
- F. Correspondence:
1. Cary Pinard
  2. Sabin Community Association
  3. Amy Sullivan
- G. Other:
1. Original Land Use Application
  2. Incomplete Letter
  3. Expedited Land Division Form

**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

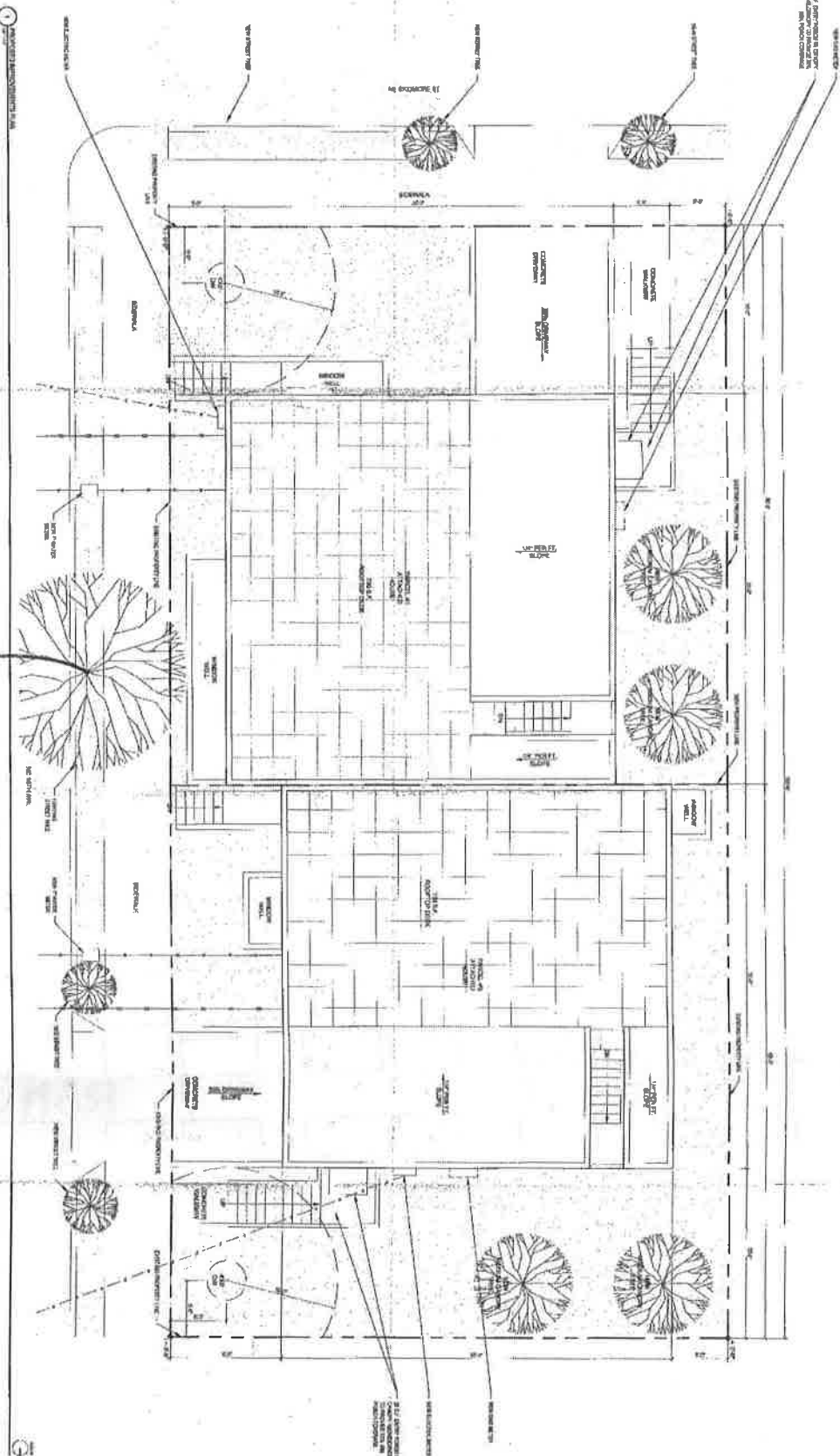


NORTH

File No. LU 16-273495 LDP  
 1/4 Section 2632  
 Scale 1 inch = 200 feet  
 State Id 1N1E23DB 1800  
 Exhibit B (Nov 21, 2016)

PROJECT INFO	
PROJECT NO.	1735 NE SKIDMORE ST.
DATE	10/20/17
CLIENT	A TROY GROUP, LLC
DESIGNER	CHARTERED ARCHITECTS, P.A.
SCALE	AS SHOWN
PROJECT LOCATION	1735 NE SKIDMORE ST., PORTLAND, OR 97211
PROJECT NO.	1735 NE SKIDMORE ST.
DATE	10/20/17
CLIENT	A TROY GROUP, LLC
DESIGNER	CHARTERED ARCHITECTS, P.A.
SCALE	AS SHOWN
PROJECT LOCATION	1735 NE SKIDMORE ST., PORTLAND, OR 97211

PLANTING REQUIREMENT	
NO. OF TREES	1
NO. OF SHRUBS	1
NO. OF PERENNIALS	1
NO. OF ANNUALS	1
NO. OF TREES	1
NO. OF SHRUBS	1
NO. OF PERENNIALS	1
NO. OF ANNUALS	1



10/20/17 2/1/17

PROPOSED IMPROVEMENTS PLAN  
A1.0

NEW RESIDENCE LOCATED AT  
1735 NE SKIDMORE ST.  
PORTLAND, OR 97211.

A TROY GROUP, LLC

DATE: 11/21/17