



CITY OF PORTLAND  
Bureau of Development Services  
1900 SW Fourth Avenue, Suite 5000  
Portland, OR 97201 **P524**  
**Land Use Decision Enclosed**  
**Case # LU 15-270045 LDP**

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

Dan Saltzman, Commissioner  
 Paul L. Scarlett, Director  
 Phone: (503) 823-7300  
 Fax: (503) 823-5630  
 TTY: (503) 823-6868  
 www.portlandoregon.gov/bds

**Date:** April 18, 2016  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
 503-823-5868 / Kate.Green@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 15-270045 LDP**

**GENERAL INFORMATION**

**Applicant:** Sarah Radelet / Strata Land Use Planning  
 PO Box 90833 / Portland OR 97290

**Property Owner:** Vlad Rudnitsky / Structure Redevelopment LLC  
 PO Box 3026 / Clackamas OR 97015

**Site Address:** vacant corner property west of 1217 NE Mason Street

**Legal Description:** BLOCK 19 LOT 7&8 TL 12101, NORTH IRVINGTON  
**Tax Account No.:** R611503220  
**State ID No.:** 1N1E23CA 12101  
**Quarter Section:** 2631  
**Neighborhood:** Sabin Community Association / Rachel Lee / 503-964-8417  
**Business District:** North-Northeast Business Association / Joice Taylor / 503-841-5032  
**District Coalition:** Northeast Coalition of Neighborhoods / Zena Rockowitz / 503-388-5070  
**Zoning:** Single Dwelling Residential 5,000 (R5)  
 Alternative Design Density (a) overlay  
 Aircraft (h) overlay

**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 requests a **Land Division-Partition** to divide an approximately 5,000 square foot property into 2 parcels using a provision that allows for attached houses on corner lots (33.110.240.E). Each parcel is proposed to be approximately 2,500 square feet in area.

Water and sewer services are proposed from service lines in NE Mason Street for Parcel 1 and from services lines in NE 12th Avenue for Parcel 2. Stormwater management is proposed via an onsite drywell on each parcel.

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 (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 parcels). 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 2-parcel partition for attached houses, as shown on the attached preliminary plan (Exhibit C.1). The primary issues identified with this proposal are:

- Density and attached houses on a corner
- Tree mitigation
- Fire Bureau requirements

As discussed in this report, with conditions to address these issues, the relevant standards and approval criteria can be met.

The neighbor's comments regarding trees have been addressed in the findings for Criterion B, Tree Preservation. As noted previously, this review does not evaluate or approve any specific development proposal or house designs and any future development on the parcels must comply with the attached house provisions in Section 33.110.240.E and with the R5 zone development standards in Chapter 33.110.

In regard to the neighbor's concerns about safety and flooding at the intersection of NE Mason and NE 12<sup>th</sup> Avenue, Portland Transportation and Bureau of Environmental Services (BES) responded to these issues in their comments for Criterion K, Transportation Impacts, and Criterion L, Services and Utilities/Stormwater Management. Portland Transportation noted the intersection is operating at an acceptable level and no changes are warranted due to this project. BES noted that since no street improvements are triggered by the project, similarly no changes will be triggered to the existing stormwater system in the rights-of-way. Both agencies provided details about city programs that the neighbors could contact to follow up on these concerns.

Overall, the applicable approval criteria have been met or can be met with conditions. Therefore, this proposal can be approved.

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 2-parcel partition that will result in 2 parcels for attached houses on a corner, as illustrated with Exhibit C.1, subject to the following conditions:

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

**Other requirements**

1. The applicant must pay into the City Tree Fund the amount equivalent to 10 inches of tree diameter. The payment must be made to the Bureau of Development Services, which administers the fund for the Parks Bureau.

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

1. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
2. 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: Kate Green**

**Decision rendered by:**

*Kimberly Tallant*

**on April 14, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed April 18, 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 November 25, 2015, and was determined to be complete on February 11, 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 25, 2015.

*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 30 days (Exhibit A.3). Unless further extended by the applicant, **the 120 days will expire on: July 10, 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.**

#### EXHIBITS

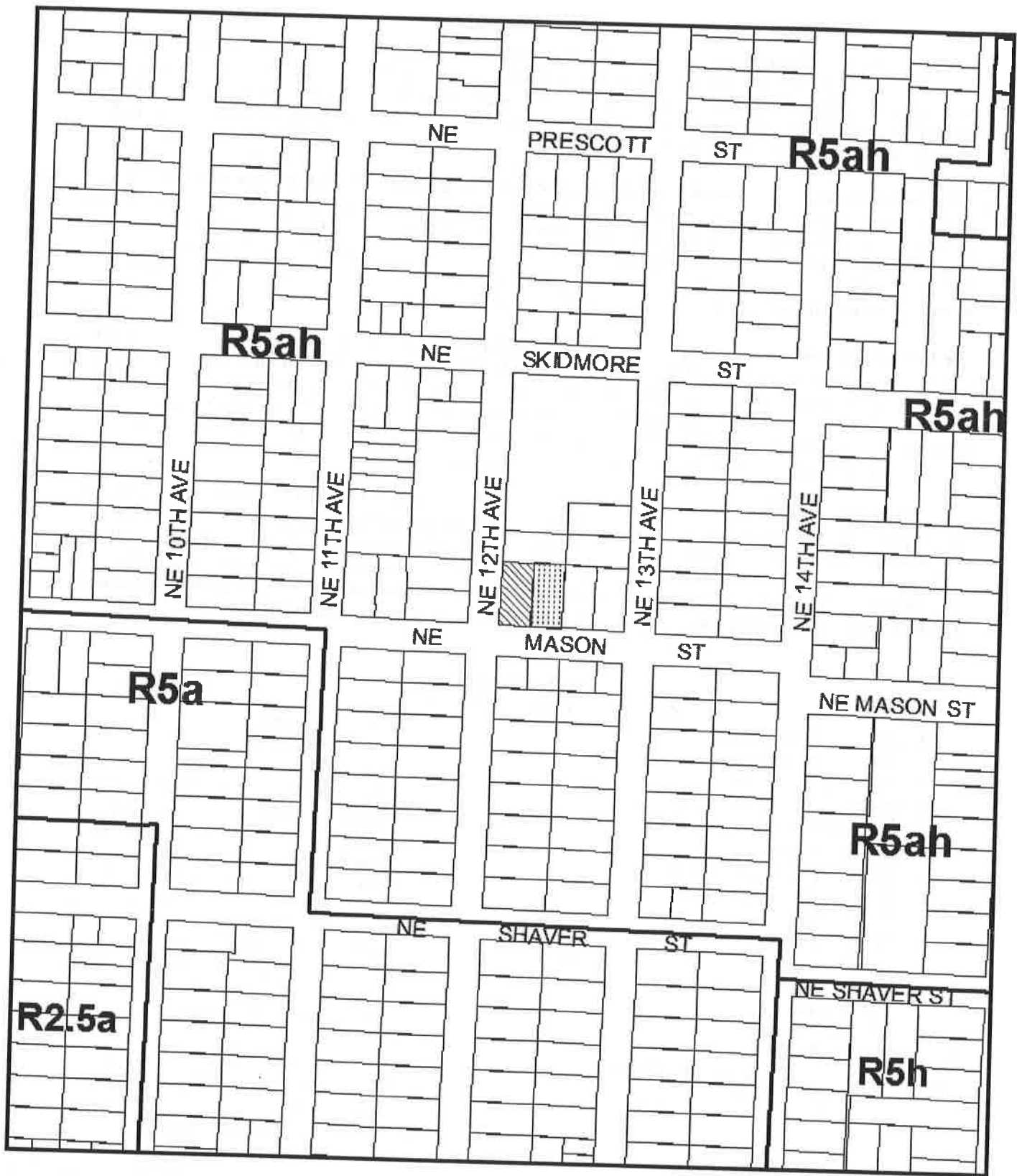
#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Initial Submittal
  - 2. Revised Narrative
  - 3. Timeline Extension (30 days)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Preliminary Plan (attached)
  - 2. Existing Condition Plan
  - 3. Storm Plan
  - 4. Building Plans
  - 5. Grading Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development/BDS

- 6. Urban Forestry
- 7. Life Safety/BDS
- F. Correspondence:
  - 1. Claire Bollinger and Shayan Rohani, March 12, 2016, re: safety and flooding at the intersection of NE Mason Street and NE 12<sup>th</sup> Avenue
  - 2. Genna Golden, March 14, 2016, re: trees, outdoor area, retaining walls, future development
  - 3. Rachel Lee/Sabin Community Action/Land Use and Transportation Committee, March 18, 2016, re: support for the proposal
- G. Other:
  - 1. Original LU Application
  - 2. Letter to applicant re: incomplete application
  - 3. Emails to/from applicant



1.

**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
-  Also Owned

File No. LU 15-270045 LDP  
 1/4 Section 2631  
 Scale 1 inch = 200 feet  
 State Id 1N1E23CA 12101  
 Exhibit B (Dec 04, 2015)

# PRELIMINARY PLAN MAP

LOCATED IN THE  
S.W. 1/4 SECTION 23, T.1N. R.1E. W.M.  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON  
OCTOBER 21, 2015 SCALE 1"=20'

## SURVEY NOTES:

THE PLAN FOR THIS SURVEY IS BASED UPON CITY OF PORTLAND BENCHMARK NO. 3022, WHICH WAS FOUND TO BE IN THE INTERSECTION OF N.E. MASON STREET AND 142TH AVENUE, PORTLAND, OREGON.

A TRIANGLE OF SIDES RESECTION INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVEL.

THE PURPOSE OF THIS SURVEY IS TO MONUMENT POINTS AND SET UP THE BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL EXISTING AND PROPOSED UTILITIES AND ENCROACHMENTS, TO IDENTIFY CONFLICTS, AND TO SET UP THE SURVEY.

NO ENCROACHMENTS WERE FOUND AS TO ADJACENT TITLES, SUCH AS ADJACENT PROVISIONS, STOPPED, ADJACENT, ETC.

## LEGEND:

- Some Symbols shown may not be used on map
- ⊙ ANTI-CLOCKWISE CURVE
  - ⊙ EXTENSION TO
  - ⊙ STORM SEWER MANHOLE
  - ⊙ SANITARY SEWER CLEANOUT
  - ⊙ CATCH BASIN
  - ⊙ SANITARY SEWER MANHOLE
  - ⊙ WATER VALVE
  - ⊙ FIRE HYDRANT
  - ⊙ GAS VALVE
  - ⊙ GAS METER
  - ⊙ SIGN
  - ⊙ MAILBOX
  - ⊙ UTILITY POLE
  - ⊙ LIGHT POLE
  - ⊙ ELECTRIC METER
  - ⊙ UTILITY AND LIGHT POLE
  - ⊙ CUT WIRE
  - ⊙ TRAMP SIGNAL POLE
  - ⊙ ELECTRICAL POWER PROVISION
  - ⊙ COMMUNICATIONS PROVISION
  - ⊙ COMMUNICATIONS MANHOLE
  - ⊙ CHEMICAL LINE
  - ⊙ GAS LINE
  - ⊙ ELECTRICAL LINE
  - ⊙ COMMUNICATIONS LINE
  - ⊙ SANITARY SEWER LINE
  - ⊙ STORM SEWER LINE
  - ⊙ WATER LINE
  - ⊙ FENCE LINE
  - ⊙ ELECTRIC METER
  - ⊙ UTILITY METER
  - GAS —
  - PROPOSED GAS LINE —
  - PROPOSED SEWER LINE —
  - PROPOSED STORM SEWER LINE —



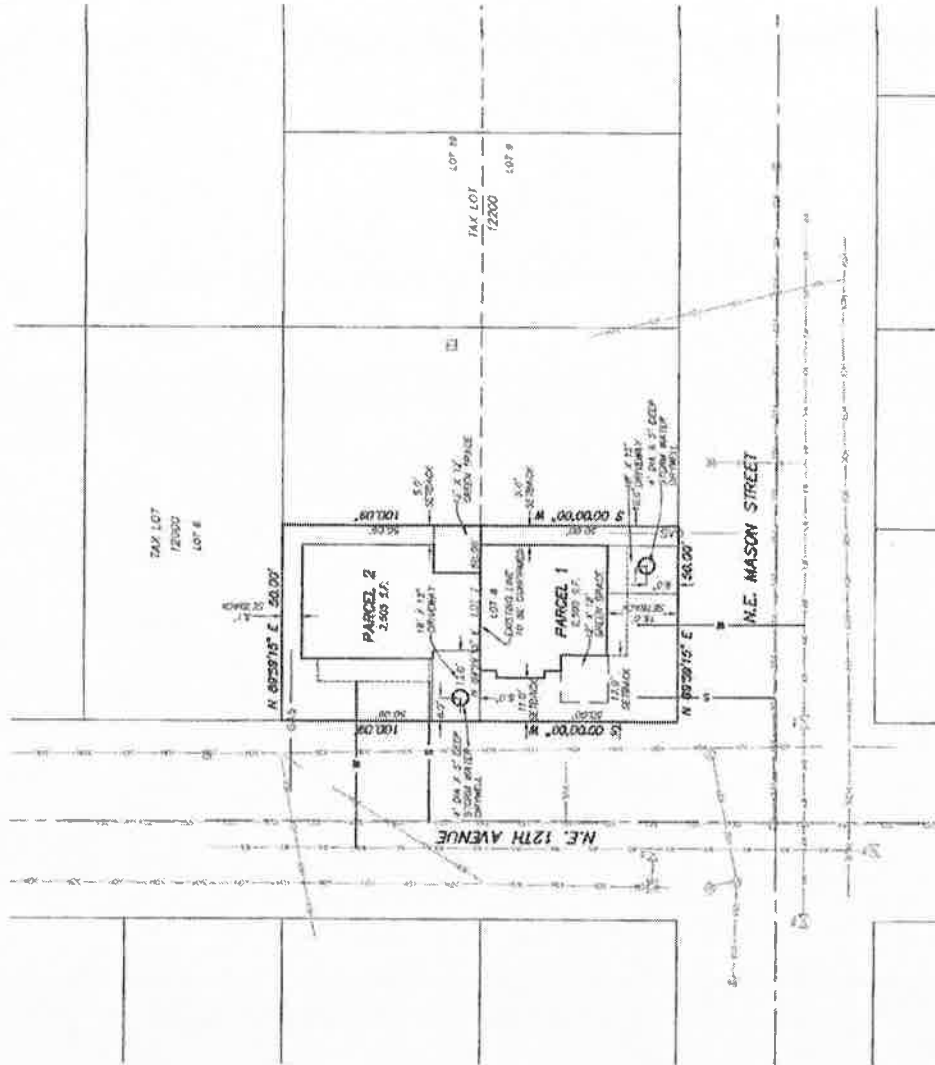
GRAPHIC SCALE



**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.

10315 NE CLATSOP AVENUE, SUITE 100  
PORTLAND, OREGON 97228  
PHONE 503.650.0188 FAX 503.650.0189

PROJECT: MULTNOMAH COUNTY, OREGON, 2015 PRELIMINARY SITE PLAN MAP



15-27004-5

Exhibit C.1

