



City of Portland Bureau of Development Services

Staff Presentation to
City Council

Land Use Review 11-153362 LDS ENM



Purpose of Hearing

Appeal of Hearings Officer's Decision to deny a 4-lot land division with Environmental Resource Tract.

(Type III Land Division with Environmental Review and Modifications)

Appellant/Applicant:

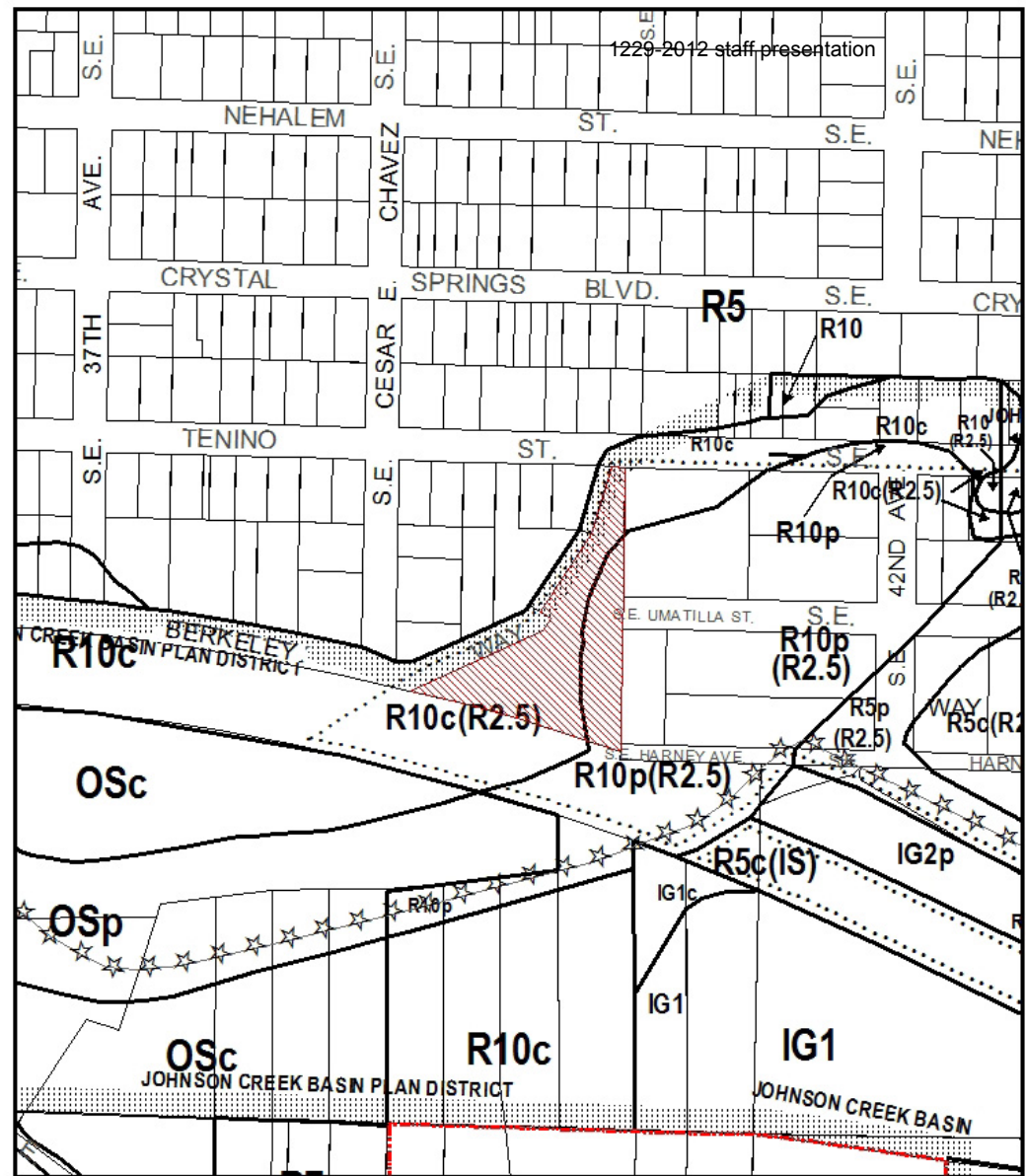
Brett and Cindy Laurila

Zoning Map

**R10 - Single Dwelling
Residential 10,000**

**c – Environmental
Conservation Zone**
**p – Environmental
Protection Zone**

**Johnson Creek Basin
Plan District**



ZONING

Site



NORTH

This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No. LU 11-153362 LDS.ENM
1/4 Section 3834
Scale 1 inch = 417 feet
State_Id 1S1E24DD 1700
Exhibit B (Jul 05,2011)



Aerial Photo





Summary of the Proposal

Land Division Review for:

- 4 Lots and an Open Space (Environmental Resource) Tract

Environmental Review for:

- Land division
- Street improvements in the Environmental Conservation Zone

Modification through Environmental Review to:

- Reduce the minimum lot size for Lots 1-4
- Reduce the minimum width for Lots 2 and 4
- Reduce the minimum street frontage for Lot 1
- Reduce the minimum lot depth for Lot 1
- Reduce the minimum side and rear setbacks to 5 feet
- Increase the maximum height to 35 feet for Lot 4 ONLY

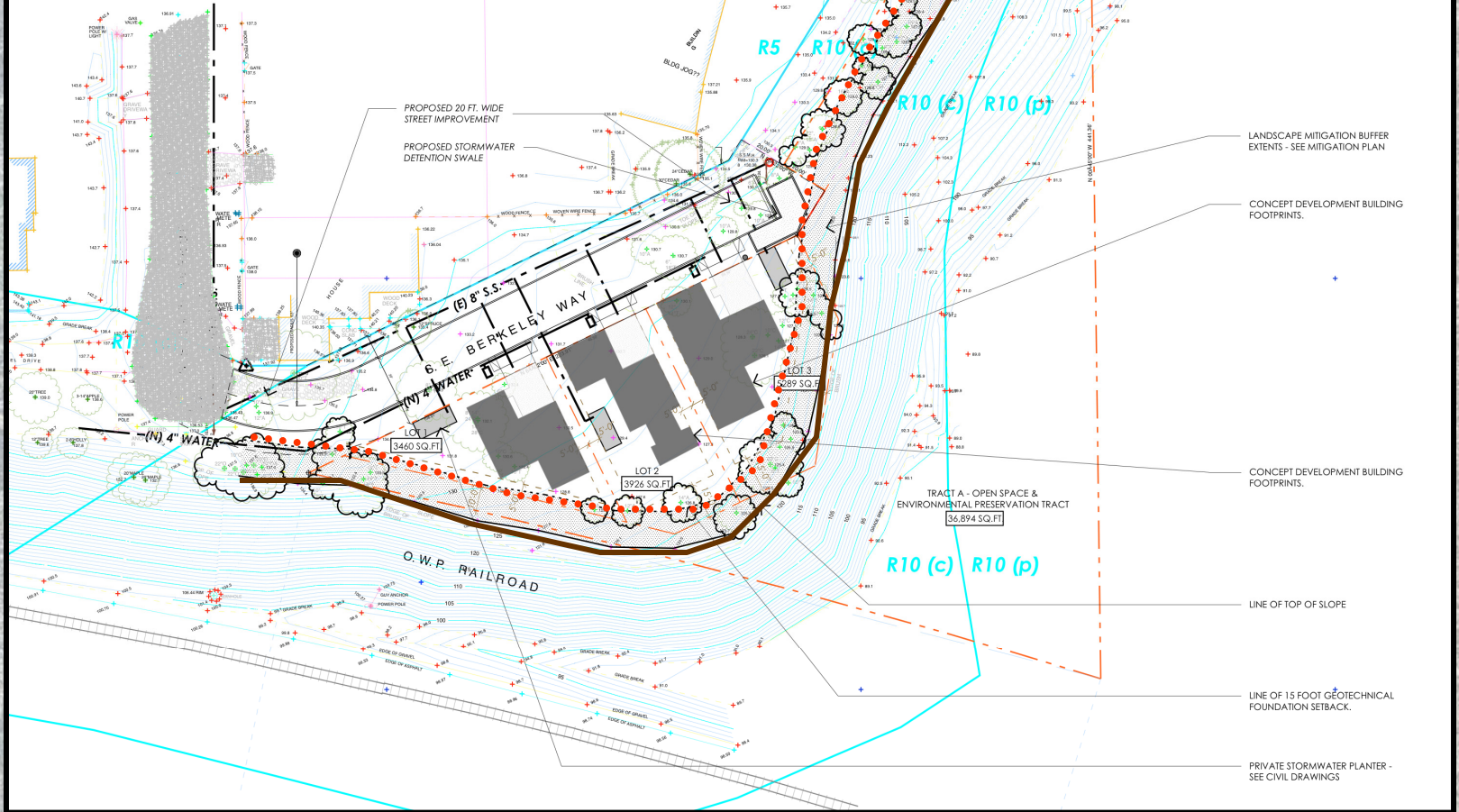


S.E. TENINO STREET

Proposed Development Plan

(E) SEWER
(E) WATER

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Summary of HO Decision

Denial

– 33.641.020 Transportation Impacts

“PCC 33.641 requires, among other things, that sufficient evidence be in the record to demonstrate that the transportation system is capable of safely supporting the proposed development . . . One such evaluation factor is on-street parking.”

– 33.430.250.A.1.a-b, 3.a-c, 4.a-c

“The Hearings Officer finds that to satisfy these criteria, the Applicant needs to supply credible evidence of specific alternative locations, designs and construction methods, determine the practicability of each specific alternative and to determine which of the practicable alternatives creates the least significant detrimental impact upon the identified resources and functional values.”



Staff Response

PCC 33.641.020:

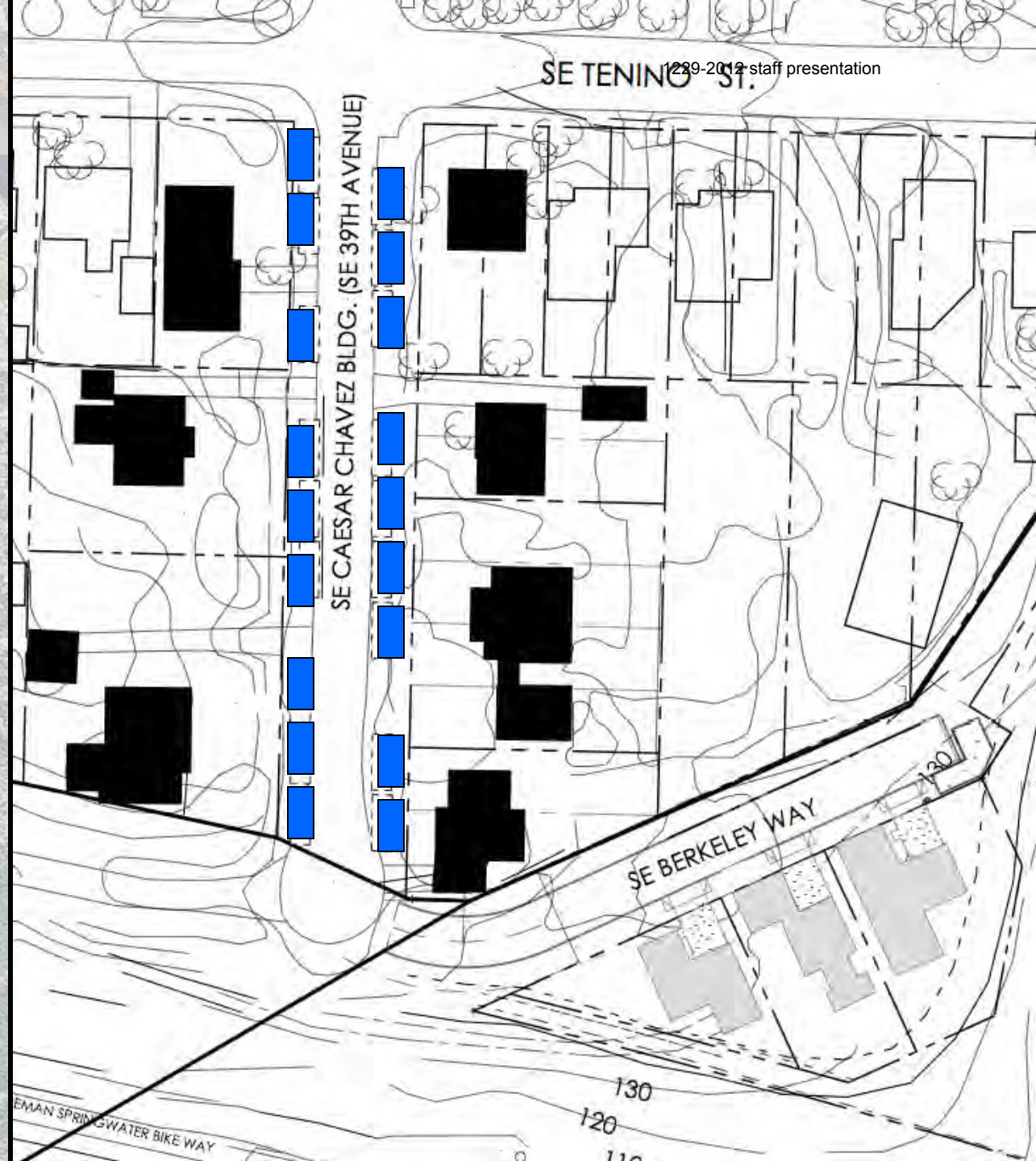
Applicant provided an On-Street Parking Study:

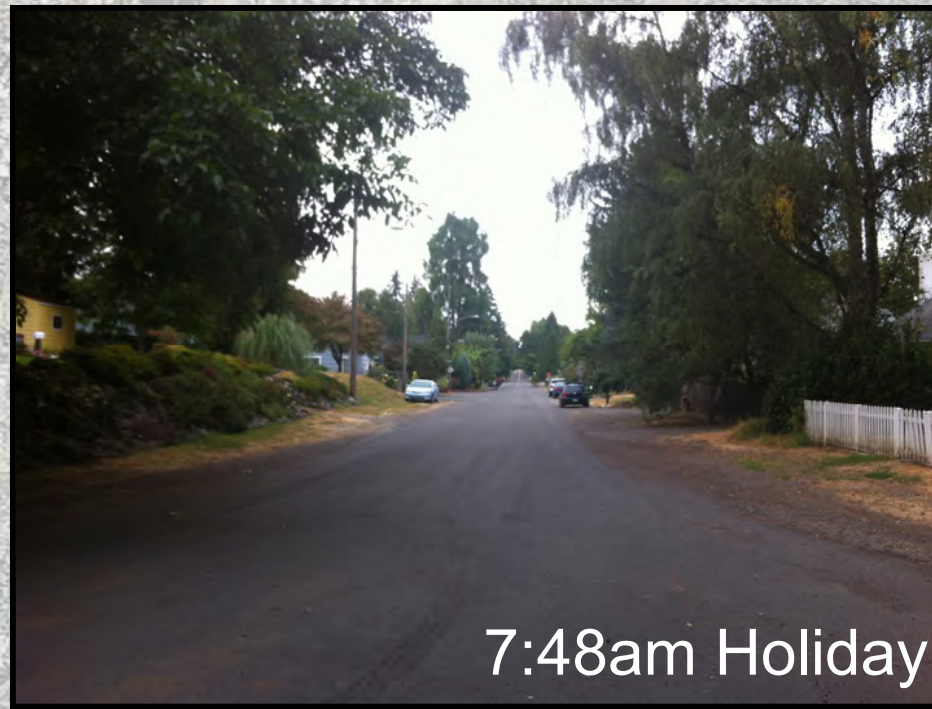
- Traffic on SE Cesar Chavez is limited to residents, visitors, & service vehicles past SE Crystal Springs
- There are 18 on-street parking spaces on SE Cesar Chavez within approximately 300' of the site
- Observations show at least 14 of these spaces regularly available during daytime, evening, & weekend hours.

Adequate on-street parking exists to support the proposed development in addition to existing uses in the area.



Available On-Street Parking







Staff Response

PCC 33.430.250: *Applicant provided:*

- A financial analysis:
 - ROW improvements are \$120,000 regardless of number of lots
 - Water improvements increase significantly due to the need to upsize a water line in SE Cesar Chavez
 - Only 4 or more lots are financially practicable
- Maps of alternatives considered
- Assessment of environmental impacts



Alternatives Analysis

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Not Practicable:

- **Outside of the environmental zone** - *not possible*
- **Lower Plateau** – *not practicable as development is not allowed in the protection zone*
- **Fewer lots** – *less than 4 lots is not practicable due to the cost of required public infrastructure improvements*

Greater Impacts:

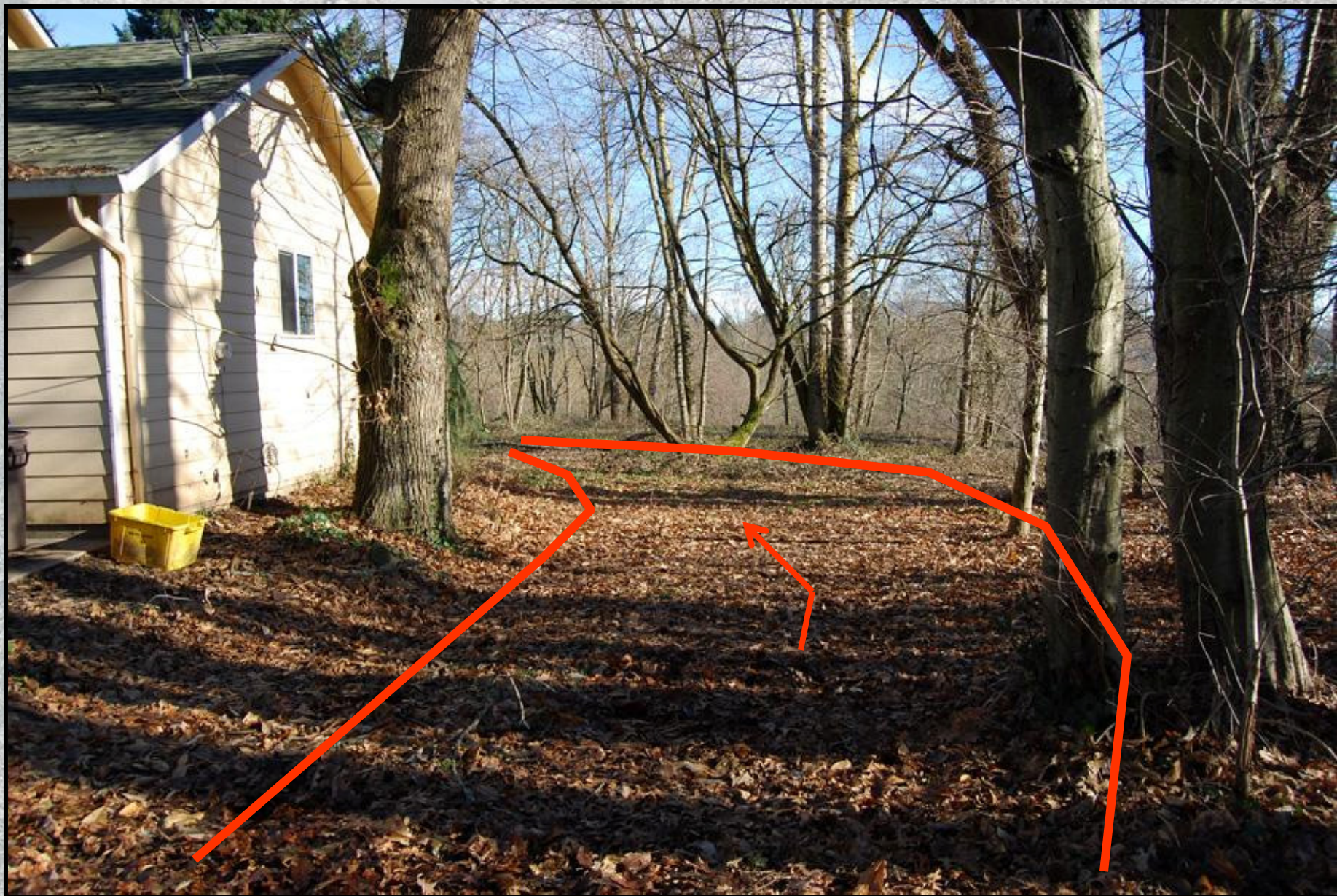
- **Larger lots** – *even lots meeting the minimum lot size would result in more impacts to sensitive habitat areas and greater disturbance area*
- **Smaller lots** – *would not reduce tree loss due to location of existing trees, requires a modification to height for comparable sized homes*
- **More lots** – *a 5-lot proposal would result in roughly 3,500 SF more disturbance and loss of 16 additional native trees*
- **Alternative development type** (attached housing or condos) – *inconsistent with development pattern in the neighborhood, would require modifications to height & building coverage, still impacts all of the upper plateau*

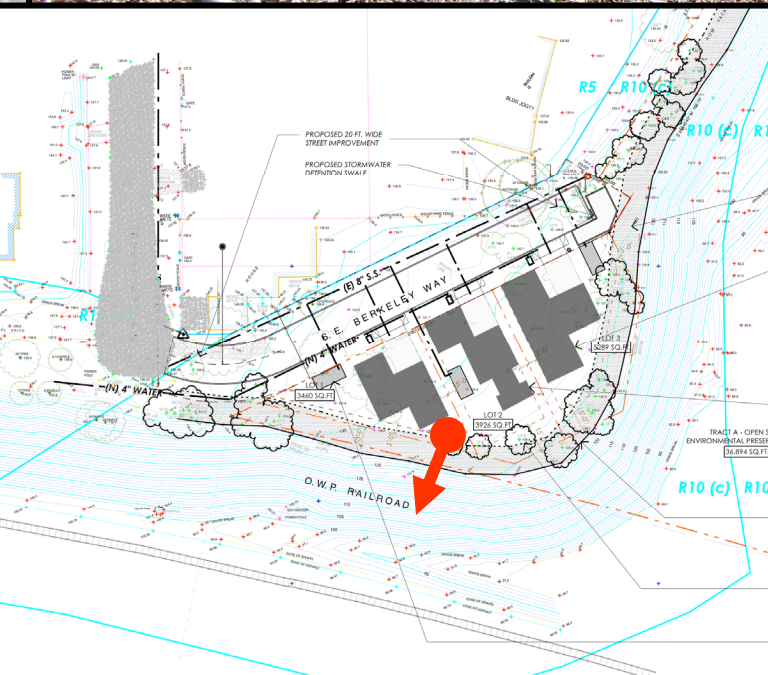
The proposed 4-lot configuration is practicable and has the least environmental impacts



View east of SE Berkley ROW

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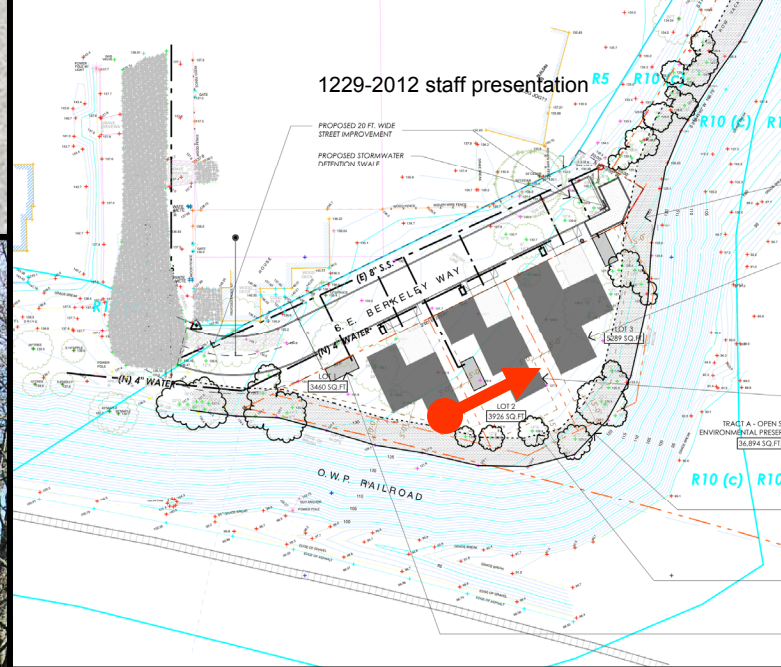




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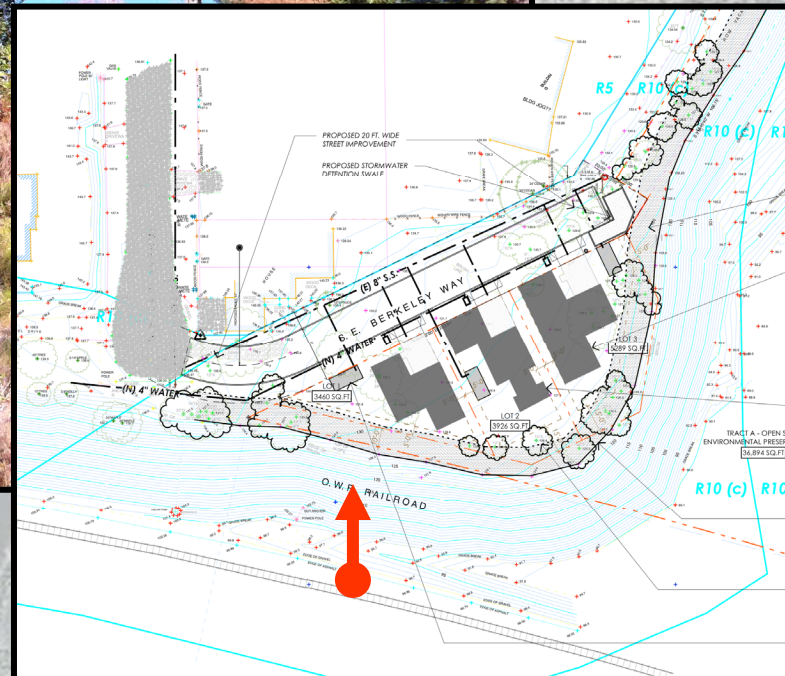


Upper Plateau



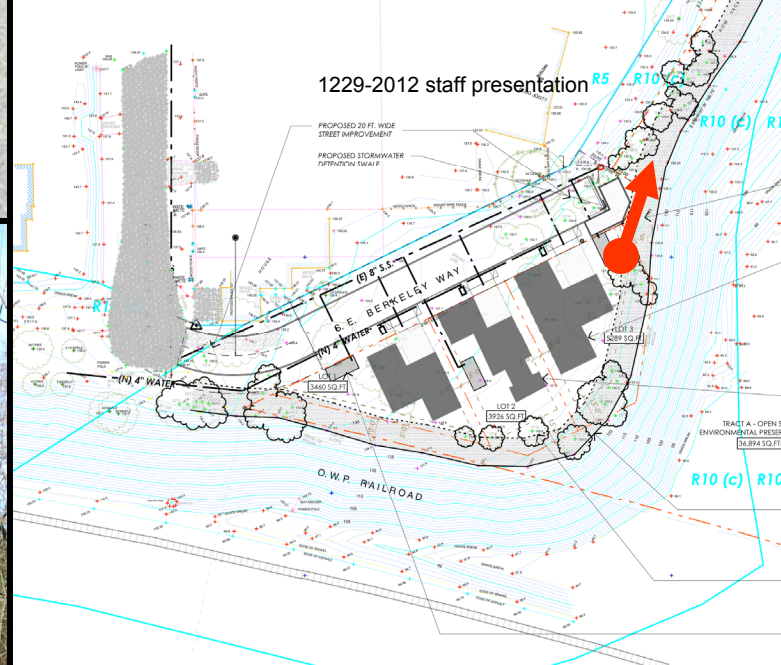


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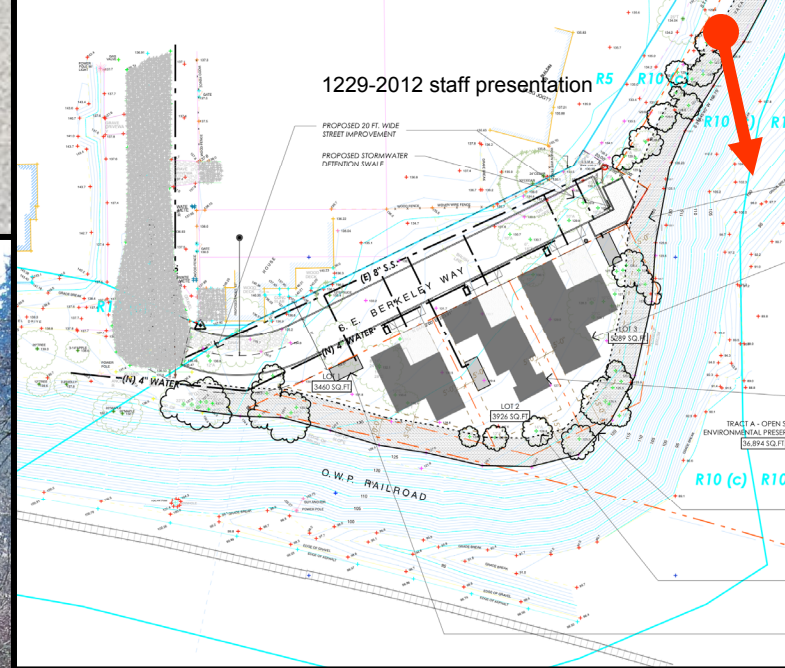
From Springwater Trail

View from site, looking north, at
vacated Berkley Way





Wetland Area





Modifications

- Greater protection of resources
 - Allowing a taller building helps maintain a small footprint
 - Preserves integrity of the wetland area
 - Restricts development to the upper plateau
- Consistent with the purposes of the regulations
 - Lot 4 is the last house on a dead-end street, surrounded by City-owned property, an open space tract, and the 50-foot wide SE Tenino right-of-way for outdoor area, and room for a reasonably sized house
 - Adjacent development would be over 35 feet away
 - Options for privacy are maintained
- Will not detract significantly from livability or appearance¹⁰ of the area



Council Alternatives

Appeal of Hearings Officer's Decision to deny the Land Division and Environmental Review with Modifications.

- Deny the appeal. Uphold Hearings Officer decision for denial of the proposal.
- Uphold the appeal, thereby overturning the Hearings Officer's decision and adopt revised findings and conditions of approval.



Conditions of Approval must be included that address:

- open space tract
- maintenance agreements
- public street improvements
- public water main extension
- fire bureau requirements
- performance guarantee for mitigation plants and monitoring
- construction management
- development standards
- monitoring requirements and corresponding maintenance



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