



City of Portland Bureau of Development Services

Staff Presentation to the
City Council

Appeal Hearing on
Land Use Review 16-213734 LDS ENM EV
Macadam Ridge Subdivision

Zoning Map

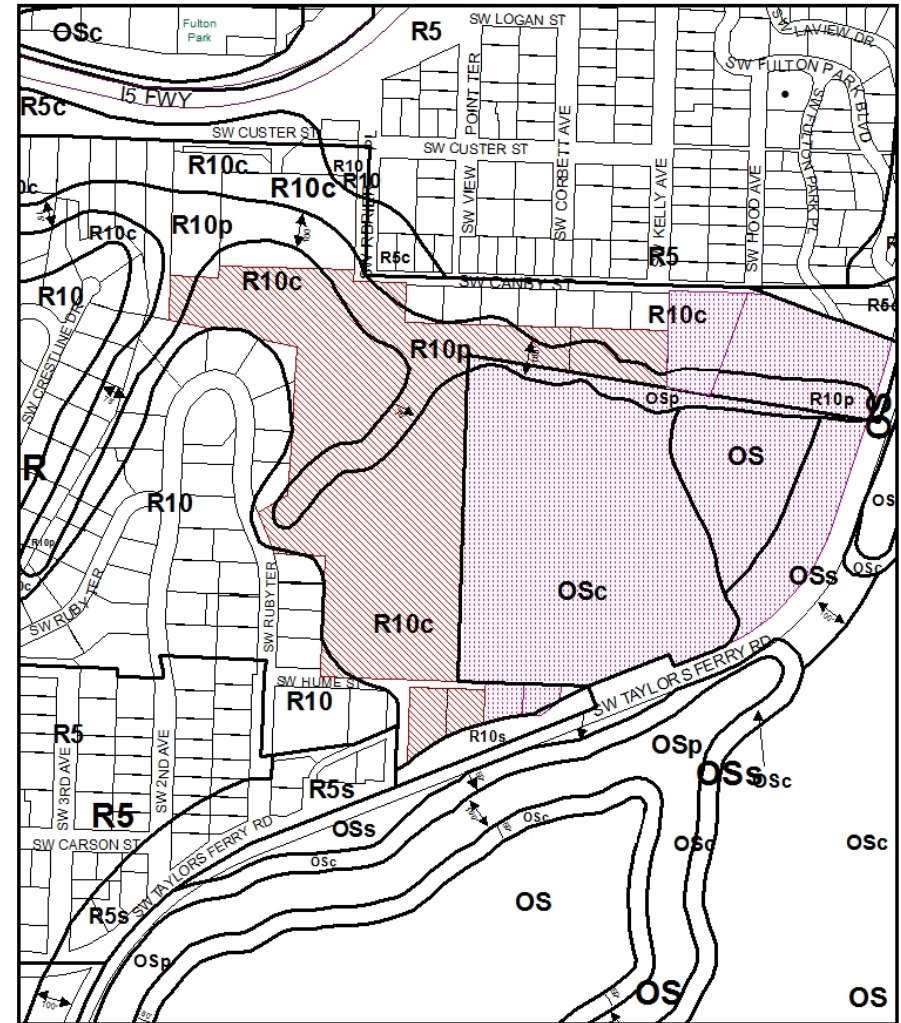
Base Zone:

Residential 10,000 (R10)

Overlay Zone(s):

- Environmental Protection (p)
- Environmental Conservation (c)
- Scenic Overlay (s)
- Landslide Hazard Area

14.17-acre site area



ZONING



- Site
- Also Owned Parcels
- Historic Landmark

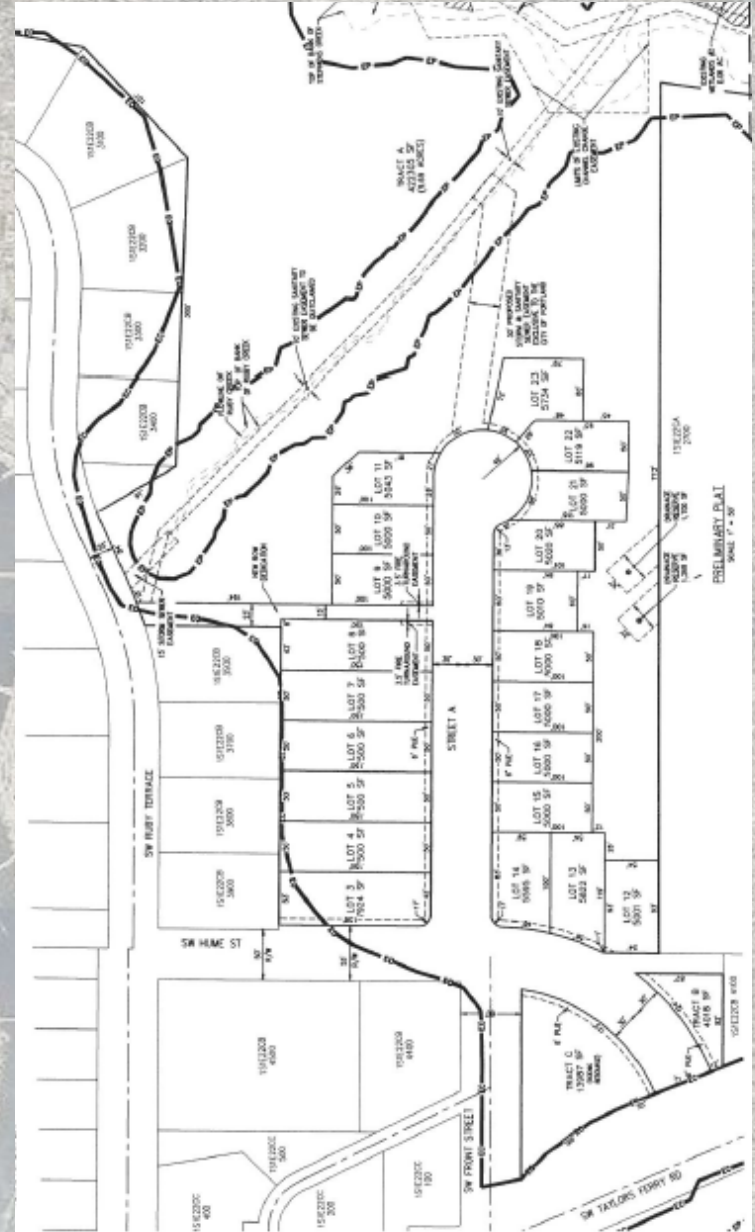
File No. LU 16-213734 LDS ENM EV
1/4 Section 3829
Scale 1 inch = 300 feet
State_Id 1S1E22CB 1300
Exhibit B (Feb 01, 2017)

Aerial Photo



Preliminary Subdivision Plat

- 21 lots ranging in size from 5,000 to 7,924 sq. ft.
- Tract A: Environmental Resource (422,305 sq. ft.)
- Tract B: Landscape Buffer (4,018 sq. ft.)
- Tract C: Scenic Resource (13,987 sq. ft.)
- New public street and pedestrian connection
- New utilities (water, sanitary, storm)



Environmental Violation Review

- Violation 1: Trees and shrubs topped, cut, and pruned within the environmental conservation and protection overlays planted along Stephens Creek
- Violation 2: Ground disturbance (survey work with track machine off SW Hume Street) within the resource area of the Environmental Conservation Zone
- EV approved subject to removal of nuisance species and planting of native trees, shrubs, and groundcover within upland and riparian areas



No objections to approval of EV included in appeal

Hearings Officer Decision

- Approval of a **Land Division Subdivision** for a 21-lots, 3 tracts, and new public streets;
- Approval of an **Environmental Review** for the disturbance area proposed by the applicant within the Environmental Conservation (c) and Protection (p) zones;
- Approval of **Environmental Modifications** to allow for reductions to the minimum lot area in the R10 zone from 6,000 to 5,000 square feet; and to reduce the minimum side building setback for each lot from 10 to 5 feet.
- Approval of a **Environmental Violation Review** to remediate removal of and impacts to native vegetation within the Environmental Conservation (c) and Protection (p) zones

Approval Criteria

- **33.660.120** / Land Divisions in Open Space and Residential Zones
- **33.430.250.A** / Environmental Review
- **33.430.280** / Environmental Modifications
- **33.430. 250.G** / Corrections to Violations

Appeal Summary

South Burlingame Neighborhood Association

Appeal Issues:

- Procedural Error – due process rights
- Environmental Review - 33.430.250.A
Mitigation & Remediation Plan - 33.430.240.B.3
- Environmental Modifications - 33.430.280
- Tree Preservation - 33.630.200
- Landslide Hazard - 33.632.100
- Transportation Impacts - 33.641.020/030

Review Timeline

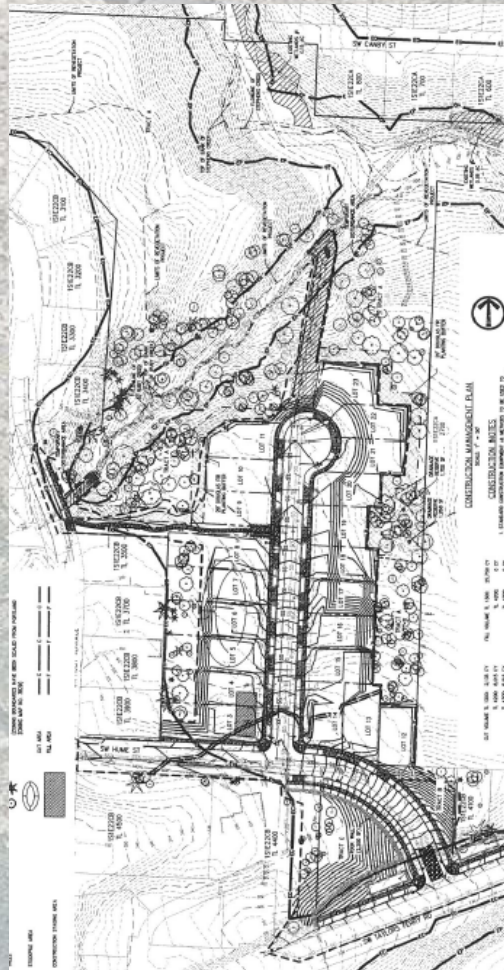
- Application Determined Complete: 1/30/17
- Staff Report to Hearings Officer Recommending Denial (with exception of Environmental Violation Review-EV): 10/6/17
- First Hearing: 10/16/17
- Continued Hearing: 10/30/17
 - Open Record period: 10/30/17 through 11/6/17
 - Rebuttal and Applicant final argument: 11/6/17 through 11/13/17
- Record re-opened: 11/20/17 through 12/7/17
 - Anyone allowed to submit new evidence
 - Applicant final written argument 12/7/17 through 12/14/17 (record closing date)
- Hearings Officer Decision Mailed: 12/29/17
- Appeal Submitted: 1/12/2018
- **Council Decision: Today's Hearing**
- Adoption of findings: 2/14/18

Environmental Review - 33.430.250.A

Mitigation & Remediation Plan - 33.430.240.B.3

Preferred alternative must have the fewest detrimental impacts as compared to other significantly different alternatives; Construction methods must provide effective protection of resources to be retained; and Mitigation must compensate for unavoidable impacts.

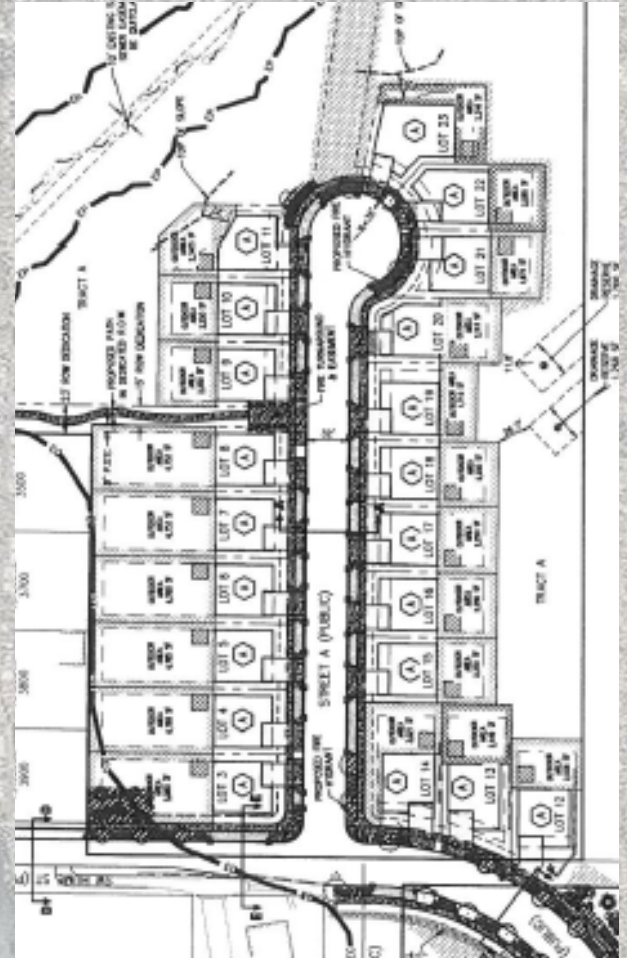
- Likely no practicable alternatives less detrimental to identified resources than preferred alternative, subject to Conditions of Approval
- Substantial evidence that resources outside disturbance will be protected
- Mitigation sufficient to compensate for impacts



Environmental Modifications - 33.430.280

Modifications to lot dimensions or development standards may be approved if they result in greater protection of resources and, on balance, are consistent with the purpose of the applicable regulation.

- Reduce minimum lot area for lots 9-23 from 6,000 to 5,000 square feet;
- Reduce minimum side building setback for each lot from 10 to 5 feet;
- Found that modification to side setbacks, on balance, meets purpose of lot dimension standards;
- Modifications will not detract from livability/appearance of area based on proximity to R5 zoned lots.



Tree Preservation - 33.630.200

Proposals to divide sites that are partially within an environmental overlay and include a concurrent environmental review are not subject to the tree preservation standards of Section 33.630.100. However, the tree preservation approval criteria in 33.630.200 apply.

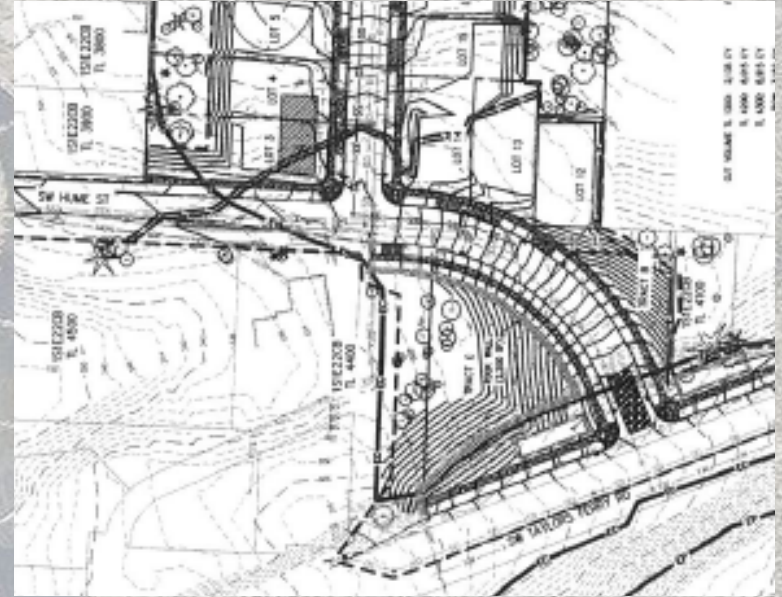
- Tree preservation must be maximized to the extent practicable;
- With conditions requiring approval for tree removal from Urban Forester and City Engineering, this criterion can be met.



Landslide Hazard - 33.632.100

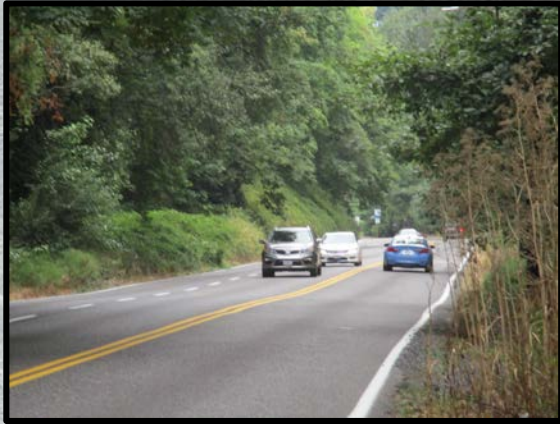
Locate the lots, buildings, services and utilities on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

- Entire site located within Landslide Hazard Area;
- Neighborhood contends site is on a known (historic) landslide;
- Applicant provided geotechnical report and Landslide Hazard Studies to address this criterion
- Reports conclude that proposal can be constructed without creating any hazard risks.



Transportation Impacts - 33.641.020/030

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.



- Issues identified regarding safety for all modes and availability of transit
- Criteria found to be met with conditions:
 - Adding/improving transit stop
 - Vegetation removal to improve sight distance



City Council Alternatives

- **Deny the appeal**, and uphold the Hearings Officer's decision to approve the application with conditions;
- **Deny the appeal**, and uphold the Hearings Officer's decision to approve the application, with modifications including revised conditions;
- **Grant the appeal** and overturn the Hearings Officer's decision, thereby denying the application;
- **Grant the appeal in part** and overturn the Hearings Officer's decision, thereby denying the application with exception of approval of the Environmental Violation review with conditions.

