



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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

Date: June 23, 2014
To: Interested Person
From: Rachel Whiteside, Land Use Services
 503-823-7605 / Rachel.White@portlandoregon.gov

NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved a proposal in your neighborhood**. 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 14-108649 LDS AD

GENERAL INFORMATION

Representative: Mark Dane Planning Inc
 13630 SW Butner Rd / Beaverton, OR 97005

Applicant: Catherine Lofts / Sustainable Infill Development
 495 NW Torreyview Lane / Portland, OR 97229

Owner: The Ableton Group Inc
 7455 SW Bridgeport Rd #220 / Tigard, OR 97224

Site Address: Vacant property on the SE corner of N Hunt and N Argyle

Legal Description: BLOCK 4 LOT 2, NATIONAL ADD; BLOCK 4 LOT 3&4 TL 2600, NATIONAL ADD; BLOCK 4 LOT 4 TL 2500, NATIONAL ADD

Tax Account No.: R598301120, R598301140, R598301160

State ID No.: 1N1E09AC 02700, 1N1E09AC 02600, 1N1E09AC 02500

Quarter Section: 2128

Neighborhood: Kenton, contact Steve Rupert at 503-317-6573.

Business District: Kenton Business Association, contact Jessie Burke at 971-404-9673.

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: Kenton

Zoning: R2ad – Multi-Dwelling Residential with Alternative Design Density (a) and Design (d) Overlay Zones

Case Type: LDS AD – Land Division (Subdivision) with concurrent Adjustment

Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

PROPOSAL:

The applicant proposes to subdivide the 13,623 square foot site into six lots. Two of the lots will front onto N Hunt Street, while the other four are oriented toward and will take vehicle access from N Argyle Way. The property consists of three existing tax lots that previously held four temporary houses. The site is currently vacant.

The applicant has shown connections to public water and sewer mains within the abutting rights-of-way. A sanitary sewer manhole is proposed on Lot 3 with laterals serving Lots 3-5. Stormwater from future development is proposed to be managed onsite with individual drywells.

In order to meet Portland Bureau of Transportation (PBOT) requirements to provide ingress and egress to the site in a forward motion, future development will need to have turnarounds onsite. Section 33.266.120.C.3.a limits vehicle area between a building and street to 40%. The applicant has requested an Adjustment to increase the maximum vehicle area on Lots 1, 3, and 4 to accommodate the necessary turnarounds to ensure safe exiting from the site.

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines "lot" as a single unit of land created by a subdivision of land. The applicant's proposal is to create 6 units of land. Therefore this land division is considered a subdivision.

This subdivision proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) 10 or fewer lots are proposed; and (3) a concurrent review (Adjustment) is requested (see 33.660.110).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.
- Section 33.805.040.A-F, Approval Criteria for Adjustments.

FACTS

Site and Vicinity: The roughly flat site is currently vacant. While the site is fairly flat, the area immediately to the west is higher and the vicinity generally slopes down from west to east. Surrounding properties on the block are developed with single-family homes. One block south is Kenton City Park. Vacant property to the north of N Hunt Street is owned by the Bureau of Environmental Services. Vacant property to the west across N Argyle is owned by the Portland Development Commission. Zoning in the vicinity is a mixture of multi-dwelling (R2, R1, and RX), single-dwelling (R5), open space, industrial (IG2), and commercial (CS).

Infrastructure:

- **Streets** – The site has frontage on N Hunt Street and N Argyle Way. At this location, N Hunt is a 50-foot wide right-of-way with no improvements. N Argyle Way is improved with 44 feet of paving within a predominately 60-foot wide right-of-way (it widens at the south end of the site). N Argyle is also improved with curbs, a 5-foot sidewalk and 3-foot planter strip.

At this location, N Hunt Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). N Argyle is classified as a District Collector, Transit Access street, Major Truck street, Major Emergency Response street, and a Local Service street for all other modes in the TSP. Tri-Met provides transit service approximately 830 feet south of the site at N Kilpatrick Street via Bus #4 and 1,000 feet east of the site via the MAX yellow line on N Interstate.

- **Water Service** – There is an existing 2-inch galvanized water main in N Hunt Street. There is an existing metered service from this main that serves the adjacent house at 2432 N Hunt Street.
- **Sanitary Service** - There is an existing 10" VSP combination sewer (BES As-Built # 0823) located in N Hunt. There is an existing 38" monolithic sanitary sewer (BES As-Built # 6182) located in N Argyle Way that turns into a 48" RCP line at the manhole (AAF925). An existing 6-inch lateral located approximately 80 feet south of the north property line currently serves the

site. There is also a 144-inch RCP main line on the opposite side of N Argyle way that is inaccessible from the subject property.

- **Stormwater Disposal** – There is an existing 15-inch CSP storm-only line in N Hunt (BES as-built #3854) and a 12-inch CSP to an 18-inch DIP storm-only line in N Argyle Way (BES as built #6182).

Zoning: The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing. The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay. The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review. For the purposes of the land division, the applicant has indicated future development can meet the Community Design Standards. The Kenton plan district fosters a vital retail corridor along Denver Avenue, ensures that the design of new buildings, and modifications to existing buildings, are compatible with the historic character of the area as well as ensures a pleasant, safe and efficient environment for pedestrians.

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 **April 30, 2014**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.120 The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.

Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the criteria that are not applicable. Applicable criteria are addressed below the table.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	The one tree on site was exempted from preservation requirements by a certified arborist due to existing structural problems and wind throw potential (Exhibit A.3).
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
J	33.640 - Streams, Springs,	No streams, springs, or seeps are evident on the

	and Seeps	site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met.

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing six single family lots for detached housing. Therefore the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 13,580 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. Street dedications are required that total 579 square feet. Therefore the resulting lot size for calculating density is 13,001 square feet. The site has a minimum required density of 5 units and a maximum density of 6 units.

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Attached Houses	1,600	15	none	15
Detached Houses	1,600	25	none	25
Lot 1 – detached	2,350	25	94	25
Lot 2 – detached	2,015	46.5	48	27.54
Lot 3 – detached	1,930	28	77	35.05
Lot 4 – detached	2,463	26	99	29.36
Lot 5 – detached	2,051	25	81.75	25.88
Lot 6 – detached	2,192	25	87.5	25.44

* Width is measured from the midpoints of opposite lot lines.

The findings above show that the applicable density and lot dimension standards are met. The lot dimension standards for attached or detached housing are met, however the applicant has proposed detached housing at this time. This criterion is met.

G. Clearing, Grading and Land Suitability. The approval criteria of Chapter 33.635, Clearing, Grading and Land Suitability must be met.

Findings:

Clearing and Grading

The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved on the site. This criterion is met.

Land Suitability

The site is currently vacant and there is no record of any use other than residential in the past. There is no record of an on-site sewage disposal system being installed at the site, however at the time of building permit application, the applicant may be asked to complete a Disclaimer for Existing On-site Sewage Disposal System. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

Findings: No tracts are proposed or required for this land division, so criterion A does not apply.

The following easements are proposed and/or required for this land division:

- A Public Sanitary Sewer Easement is required over the relevant portions of Lots 3 and 4;
- A Private Sanitary Sewer Easement is required across the relevant portions of Lots 3 and 4, for sanitary sewer lateral connections that will serve Lots 4 and 5;
- A Private Access Easement is required on Lot 4, as shown on Exhibit C.4, to allow a vehicle turnaround serving Lot 3. This may be a Reciprocal Access Easement if the area is to be used by Lot 4 as well; and
- A Private Access Easement is required on Lot 1, as shown on Exhibit C.4, to allow vehicle access for Lot 2.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement(s) will be required describing maintenance responsibilities for the easements described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records.”

With the conditions of approval discussed above, this criterion is met.

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

Proposed Lots 1 and 2 are on the south side of an east-west oriented street. Lot 2 will be on the corner and will be wider than Lot 1, consistent with Figure 639-2. Lots 3-6 are on a street that is not within 30 degrees of a true north-south axis. There are no criteria for lots in this case. This criterion is, therefore, met.

K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<p>33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.</p> <p>There is an existing water service which fronts the proposed lot 1, and currently is shown in Water Bureau records as serving the property to the west identified as 2432 N Hunt Street. Prior to final plat approval, the applicant will need to provide the Water Bureau with a signed licensed plumbers report verifying that this water service has been disconnected from providing water service to the existing property and house at 2432 N Hunt St. This service lateral may potentially be used to provide water to proposed Lot 1.</p> <p>There is no existing water service on N Argyle Way. The applicant must make arrangements to extend a new water main in N Argyle to ensure service is available to Lots 2-6. In order to meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the Water Bureau prior to final plat approval.</p>
<p>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that sewer lines exist in both N Hunt and Argyle Way, as noted on page 3 of this report. Lot 1 can be served through a new lateral to the main in N Hunt. Lot 2 can be served through an existing lateral in N Hunt. Lots 3-5 are proposed to be served through a new City-maintained manhole located on Lot 3. Lot 6 can be served through an existing lateral located approximately 3 feet north of the south property line, connected to a vault in the Argyle right-of-way. With conditions of approval that the necessary public and private easements are shown on the plat and prior to final plat approval the applicant provides an engineered plan approvable by BES, permit fees, and a financial guarantee, the sanitary sewer standards of 33.652 are satisfied.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable.</p> <p>The applicant has proposed the following stormwater management methods</p> <ul style="list-style-type: none"> <p>Public Street Improvements: PBOT is requiring public right-of-way improvements to both N Argyle Way and N Hunt Street. Accordingly, public drainage improvements per the standards of the Stormwater Management Manual and the Sewer and Drainage Facilities Design Manual are required.</p> <p>Along N Argyle Way PBOT is requiring requires new sidewalk construction in a pedestrian corridor where a curb and paved street already exist. Constructing the sidewalk so that it slopes toward a vegetated area and/or planting street trees may be a viable alternative to constructing stormwater management facilities, and will be reviewed with the public works permit.</p> <p>N Hunt Street is currently unimproved. PBOT is requiring street improvements (parital</p>

roadway and sidewalk corridor). The applicant evaluated the required street improvements to incorporate drainage improvements and found the drainage improvements to be infeasible – there is inadequate frontage to accommodate a stormwater facility. The applicant has received a Special Circumstances approval from BES to pay an offsite management fee in lieu of drainage improvements. The fee is collected as part of the public works permit prior to final plat approval.

- **Lots 1-6:** Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The subject site is situated on a block that satisfies the stated connectivity goals. Additionally, no street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. PBOT has expressed no concerns relative to connectivity with the proposed land division request. For the reasons discussed, this criterion is met.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comments

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. The applicant provided a transportation analysis by a licensed traffic engineer (Exhibit A.2). The Portland Bureau of Transportation (PBOT) has reviewed that report and provided the following analysis for these evaluation factors:

Street capacity and level-of-service

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.
2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

The proposed land division will create 6 lots from the current lot in order to accommodate 6 new detached single-family homes. Referring to the ITE Trip Generation Manual, 9th Edition, there will be 5 new AM peak hour trip and 6 additional PM peak hour trip (58 total new daily trips) that may result from the development proposal on the site.

The applicant's traffic consultant conducted observations at the following several nearby intersections during the evening peak hour to determine existing levels of service and to project the capacity of the intersections in relation to the proposed development:

<u>Intersection</u>	<u>Existing LOS</u>	<u>Projected LOS</u>
N Argyle Way/N Hunt St (stop controlled)	A/B	A/B
N Argyle Way/N Brandon Ave (stop controlled)	A/B	A/B
N Argyle Way/N Columbia (signalized)	A/B	A/B
N Argyle St/N Interstate Ave (signalized)	A/B	A/B

Accordingly, it is not anticipated that one of the area intersections (including those analyzed herein), will experience any greater degradation than another. Therefore, as found by the applicant's traffic consultant, site generated vehicle trips will have negligible impacts to the capacity of nearby intersections.

Vehicle access and loading

N Argyle Way connects directly to N Columbia Boulevard and N Interstate Avenue, two arterial roadways north and east of the subject site, respectively. Both streets connect to the broader transportation system including additional arterial streets and the nearby Interstate-5 Freeway.

Loading can occur along the streets or within the individual driveways that will serve each of the proposed lots.

On-street parking impacts

The parking demand that will be generated as a result of the proposed subdivision is estimated using rates from the Institute of Transportation Engineers (ITE), *Parking Generation Manual, 4th Edition*, 2010. The data utilized to determine the parking demand for the 6 new homes on the site was for land use #210, *Single-Family Detached Housing*. Based upon this data, the 85th percentile peak parking demand will be 13 parking spaces.

There are ample on-street parking opportunities in the area to accommodate the existing uses in the area as well as the proposed subdivision. Observations conducted by the applicant's traffic consultant during a peak period of high residential parking demand revealed no vehicles parked along the frontages of the site or nearby. With an approximate supply of 45 on-street parking spaces along these segments of N Hunt and N Argyle Way, there will be little impact to this supply even if all the vehicles associated with the proposed lots are parked along the site frontages and beyond. Adequate on-street parking exists, and will remain (after the new houses are constructed), to serve the existing and proposed uses in the area.

Availability of transit service and facilities and connections to transit

The closest Tri-Met transit service to the subject site is located less than ¼ mile to the east via the MAX Yellow line (light rail) which travels along N Interstate Avenue. Adequate sidewalks, marked and signalized crossings between the subject site and the MAX line facilitate pedestrian travel to the transit service.

Impacts on the immediate/adjacent neighborhoods

As analyzed above, the impact of the proposed project's generated vehicle trips on area intersections and streets will be minimal and the operations of the transportation system will continue to be acceptable. Currently, there is sufficient on-street parking to serve the demand of the existing uses in the area. As demonstrated above, adequate on-street parking opportunities will remain after the construction of the proposed subdivision. From a transportation perspective, these noted areas (transportation system and parking impacts) are impacts that can adversely affect neighborhoods. These issues are not expected to negatively impact the immediate or adjacent neighborhoods in question.

Safety for all modes

PBOT had initial concerns with regard to access related to (some of) the proposed lots via N Argyle. Recognizing the limited vehicle/maneuvering areas of narrow residential lots, PBOT expressed reservations of the expected backing out onto N Argyle by future residents of these lots, specifically proposed Lots 2 and 3. These concerns were also based on the geometry and grade of the abutting N Argyle roadway, the perceived speeds of vehicles along the street and the known freight traffic in the area. Accordingly, the applicant's traffic consultant was requested to conduct a thorough speed and sight distance analysis in relation to this subject evaluation factor.

The applicant's submitted TIS contained technical and industry accepted data, methodologies and analyses to address PBOT's concerns. From a technical standpoint, there will be sufficient (stopping) sight distances to provide for safe operation of the site accesses. Notwithstanding the technical findings provided by the applicant's traffic consultant, and the thorough review by PBOT engineering staff, PBOT also sought the expertise of the City's Traffic Engineer. Upon this additional review, PBOT

staff is confident that access to/from all of the lots can occur safely. This will be ensured by conditioning the approval of this land division request to include the driveway configuration as shown on Exhibit C.4. (**NOTE:** The requirement to provide sufficient maneuvering area for Lots 1, 3 and 4 triggered the accompanying Adjustment request that is associated with this land division proposal. PBOT clearly supports the Adjustment to allow greater vehicle area than is typically allowed by the Zoning Code for these lots, to ensure safe access to/from the subdivision.)

To further the conclusions reached by the applicant's traffic consultant relative to the safe access findings, crash records were examined for the most recent time frame available for the two intersections at either end of the subject site. There are no apparent crash patterns associated with the 4 reported crashes (within the 5-year reporting timeframe) and no safety deficiencies were observed by the applicant's traffic consultant during site visits. The number of reported crashes in no way suggests that there should be any mitigation to the nearby transportation system.

With regard to bicyclists, there are identified bike facilities (Portland Bike/Walk Map) in the area, including shared roadways along N Argyle, N Wilbur, N Hunt, N Delaware and N Willis (west of the subject site).

In summary, as analyzed above and as evidenced in the submitted TIS (Exhibit A.2), with acceptable analyses, methodologies and conclusions, all of which PBOT staff supports, the applicant has clearly demonstrated that "the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area". To ensure this finding, PBOT recommends that the approval of this requested land division is conditioned to include the driveway configurations as depicted on the submitted plans.

Continuous pedestrian facilities exist on both sides of the streets in the area, as well as signalized and marked pedestrian crossings in the area to facilitate pedestrian passage. The City Engineer requires a site's frontage to be improved to City Standards for any building permit or land use action that increases occupancy. Therefore, frontage improvements will be required as a condition of approval. The frontage improvements must be reviewed and permitted through the City's Public Works Permitting process. Plans, fees, a contract (called the application for permit) and a performance guarantee for the estimated value of the frontage improvements must be submitted prior to (Final Plat approval). To accommodate these improvements, additional right-of-way must be dedicated along both frontages of the site. With these improvements, the existing streets and infrastructure in the site vicinity are sufficient to provide safe access for all travel modes. With the conditions of approval described, these criteria are met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

ADJUSTMENT REVIEW

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: Section 33.266.120.C.3.a limits vehicle area between a building and street to 40%. The applicant has requested an Adjustment to increase the maximum vehicle area on Lots 1, 3, and 4 to accommodate the necessary turnarounds to ensure safe exiting from the site. Lot 1, which includes the access from Lot 2 has a vehicle coverage of 48%, thus an 8% adjustment is necessary. Lots 3 and 4 have 47% and 50% coverages, respectively, requiring 8% and 10% adjustments. Lots 2, 5, and 6 at 0%, 29%, and 35% meet the standard requirement.

According to Section 33.266.120.A, “The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.” The purpose of the 40% limitation on vehicle area is to create a balance between auto use and landscaping, creating a better streetscape aesthetic.

The reason for the increase in vehicle area is not additional off-street parking spaces or wider garages, but rather to allow future residents safe egress. From the pedestrian view at the street, each lot will have a single car garage with room for a single car in the driveway. This is consistent with what is allowed under the vehicle area limit.

In this case, granting the adjustment equally meets the purpose of the regulation because public safety is balanced with a friendly streetscape. This criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Proposed development is detached single-family homes on each lot. Providing off-street maneuvering area so that vehicles may exit the lots in a forward motion will not detract from the residential appearance of the area. The applicant has proposed to meet Community Design Standards with the future homes and all of the driveways and turnarounds continue to comply with the 9-foot width limitation. Livability of the future homes will be increased by ensuring safe vehicle exiting from the lots. The same is true for the area in general, as vehicles exiting the site in a forward motion increases the safety of passing pedestrians and cyclists. This criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is requested. This criterion is not applicable.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: City designated scenic resources are shown on the zoning map by the ‘s’ overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The only discernible impact that could result from granting the requested adjustment is increased stormwater runoff. The applicant has provided a simplified stormwater report (Exhibit A.4) documenting that onsite infiltration is adequate and plans showing individual drywells for each lot. The Bureau of Environmental Services has given conceptual approval of the method of stormwater disposal and will review the plans at the time of building permit to ensure correct sizing of facilities. This criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The site is not within a mapped environmental zone, shown on the official zoning maps with a ‘c’ or ‘p’ designation. Therefore, this criterion is not applicable.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Future Development

Among the various development standards that will be applicable to this lot, the applicant should take note of:

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

Existing development that will remain after the land division. The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

With the conditions noted above, this land division proposal can meet the requirements of 33.700.015.

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 preliminary partition proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code conditions of approval related to these technical standards have been included in the Administrative Decision on this proposal.

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring proper residential hydrant spacing; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 6-lot subdivision, 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: transportation impacts, right-of-way improvements, and access to utilities. With conditions of approval that address these requirements, the land division proposal can be approved. The concurrent Adjustment to maximum vehicle area for Lots 1, 3, and 4 is necessary to address transportation concerns for safe exiting of the proposed lots and should be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 6-lot subdivision, that will result in 6 single-dwelling lots, as illustrated with Exhibit C.3;

Approval of an Adjustment to increase vehicle area of Lots 1, 3, and 4, as illustrated with Exhibit C.4, subject to the following conditions:

A. Supplemental Plan. Two copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The reduced side setbacks allowed under 33.120.270.D, if requested; and
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for N Argyle Way and N Hunt Street. The required right-of-way dedication must be shown on the final plat.
2. A 9-foot wide Private Access Easement, for the benefit of Parcel 2, shall be shown and labeled over the relevant portions of Lot 1, as shown on Exhibit C.4. The easement shall allow shared use of this area for all of the purposes that a driveway would be typically used for, except parking.
3. A Reciprocal Access Easement, for the benefit of Lot 3 and Lot 4, shall be shown and labeled on the final plat, as shown on Exhibit C.4. The easement shall allow shared use of this area for vehicle maneuvering.
4. A private sanitary sewer easement, for the benefit of Parcel 5, shall be shown and labeled over the relevant portions of Lots 3 and 4.
5. A private sanitary sewer easement, for the benefit of Parcel 4, shall be shown and labeled over the relevant portions of Lot 3.
6. A public sanitary sewer easement, granted to the City of Portland, shall be shown over the relevant portions of Lots 3 and 4, to the satisfaction of the Bureau of Environmental Services. The easement must be labeled as "Public Sewer Easement to COP".
7. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.7 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."

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

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site's street frontages. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.

Utilities

2. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main in N Argyle Way to the City-maintained manhole on Lot 3. The public sewer extension requires a Public Works Permit, which must be initiated and at a stage acceptable to BES prior to final plat approval. As part of the Public Works Permit, the applicant must provide engineered designs, and performance guarantees for the sewer extension to BES prior to final plat approval.
3. The applicant shall meet the requirements of the Water Bureau concerning relocation of the water service connection to the existing home at 2432 N Hunt Street.
4. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water main extension in N Argyle Way.
5. 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 to final plat approval.
6. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate residential hydrant spacing. The applicant must provide verification to the Fire Bureau that Appendix C of the Fire Code is met.

Required Legal Documents

7. Maintenance Agreements shall be executed for the easements described in Conditions B.2-5 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

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

1. Vehicles must exit Lots 3-6 in a forward motion. Permits for homes on Lots 3-6 must include the driveway configurations shown on Exhibit C.4
2. The applicant must meet the addressing requirements of the Fire Bureau for Lots 1-6. The location of the address sign must be shown on the building permit.
3. If necessary, the applicant will be required to meet any conditions imposed through a Fire Code Appeal. Please refer to the final plat approval report for details on whether or not this requirement applies.
4. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30

feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Rachel Whiteside

Decision rendered by: RWhiteside **on June 19, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed June 23, 2014

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 January 22, 2014, and was determined to be complete on **April 28, 2014**.

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 January 22, 2014.

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: August 25, 2014**.

Note: 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.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 7, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries.

The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 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.ci.portland.or.us.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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.**

Recording concurrent approvals. The preliminary land division approval also includes concurrent approval of an adjustment. These other concurrent approvals must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

Expiration of concurrent approvals. The preliminary land division approval also includes concurrent approval of one adjustment. For purposes of determining the expiration date, there are two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

In this case, the adjustment approval was necessary for the land division to be approved. This approval expires if:

- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

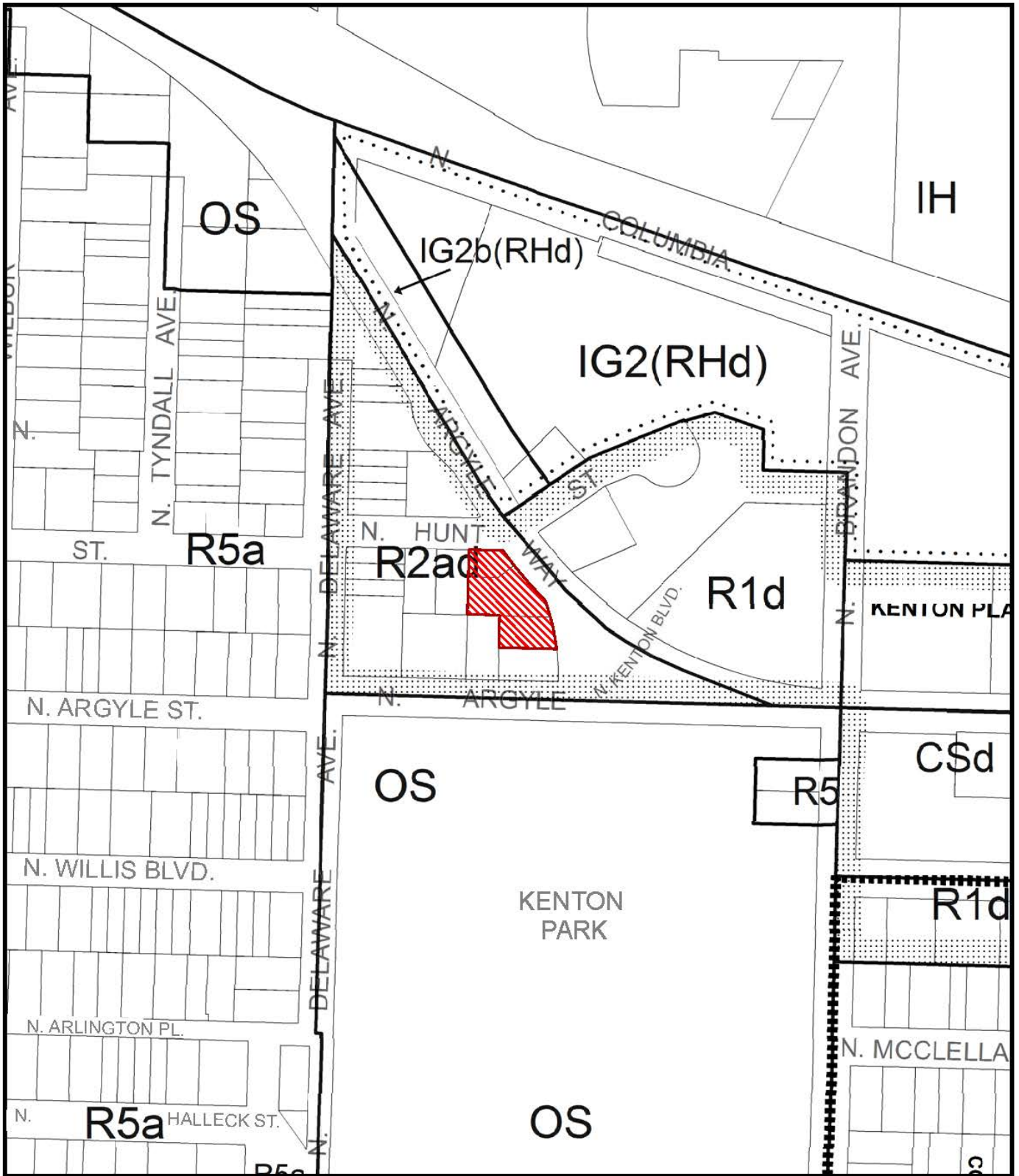
All other concurrent approvals expire three years from the date rendered, unless a building permit has been issued, or the approved activity has begun. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 1. Land Division Narrative
 2. Transportation Impact Study
 3. Arborist Report
 4. Simplified Approach Stormwater Report
 5. Response to Incomplete Letter
 6. Adjustment Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Vicinity Map
 2. Existing Conditions Plan
 3. Preliminary Plan (attached)
 4. Preliminary Site/Utility Plan (attached)
 5. Preliminary Grading Plan
 6. Stamped Survey
- 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. Bureau of Parks, Forestry Division
 7. Life Safety Review Section of BDS
- F. Correspondence: *none received*
- G. Other:
 1. Original LU Application
 2. Incomplete Letter, sent February 12, 2014
 3. Neighborhood Contact Mailing Receipt

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



This site lies within the:
KENTON PLAN DISTRICT

File No. LU 14-108649 LDS
 1/4 Section 2128
 Scale 1 inch = 200 feet
 State_Id 1N1E09AC 2600
 Exhibit B (Jan 28, 2014)

N HUNT STREET & N ARGYLE WAY
 TAX MAP T1N R1E 9AC
 PORTLAND, OREGON

PRELIMINARY PLAT

NO.	DATE	DESCRIPTION

EMERIGO
Designs
 6107 SW ALBERA BLVD. SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503)-746-8912

5
 3
 SHEET

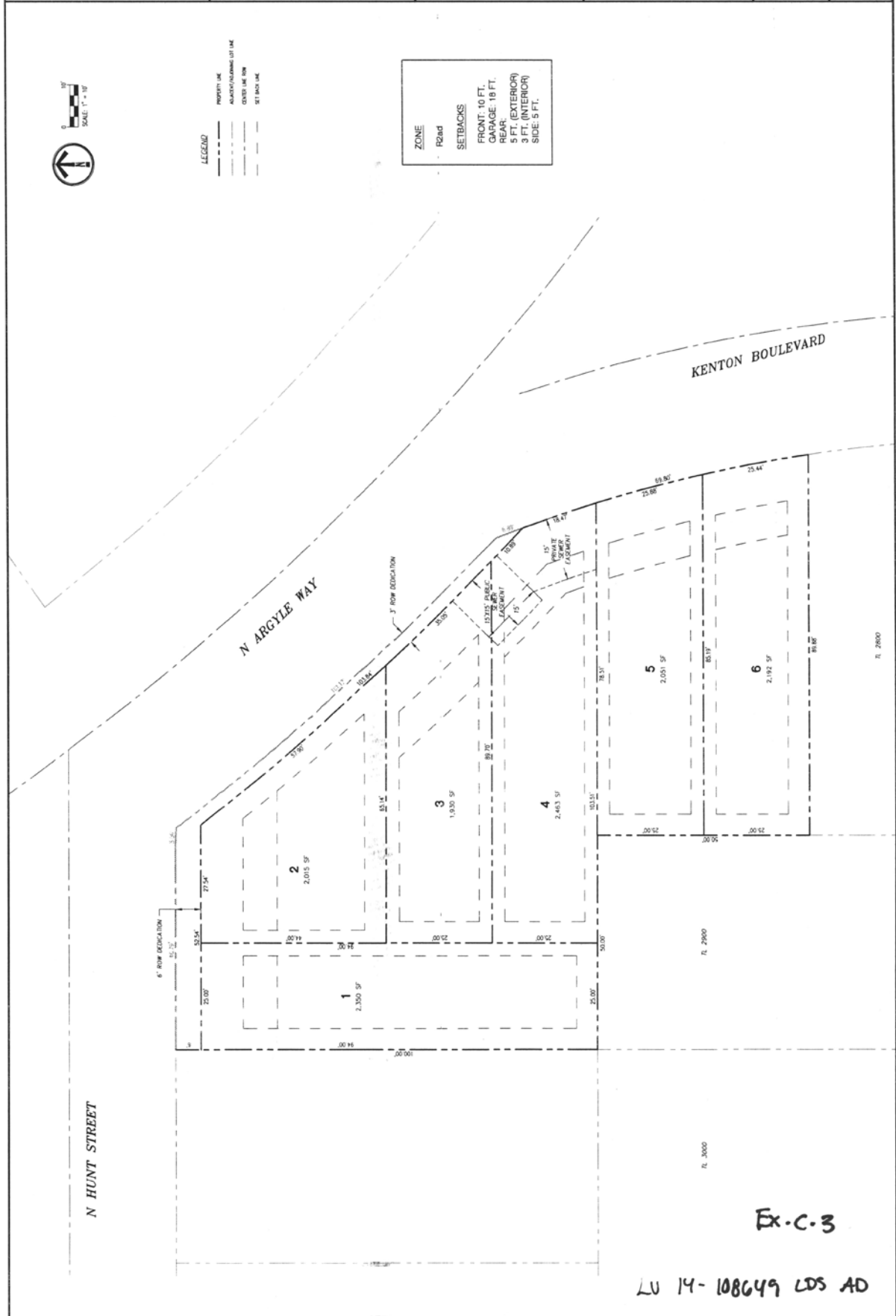


LEGEND

- PROPERTY LINE
- ADJACENT/ABUTTING LOT LINE
- CEMETERY LINE
- SET BACK LINE

ZONE
 R2sd

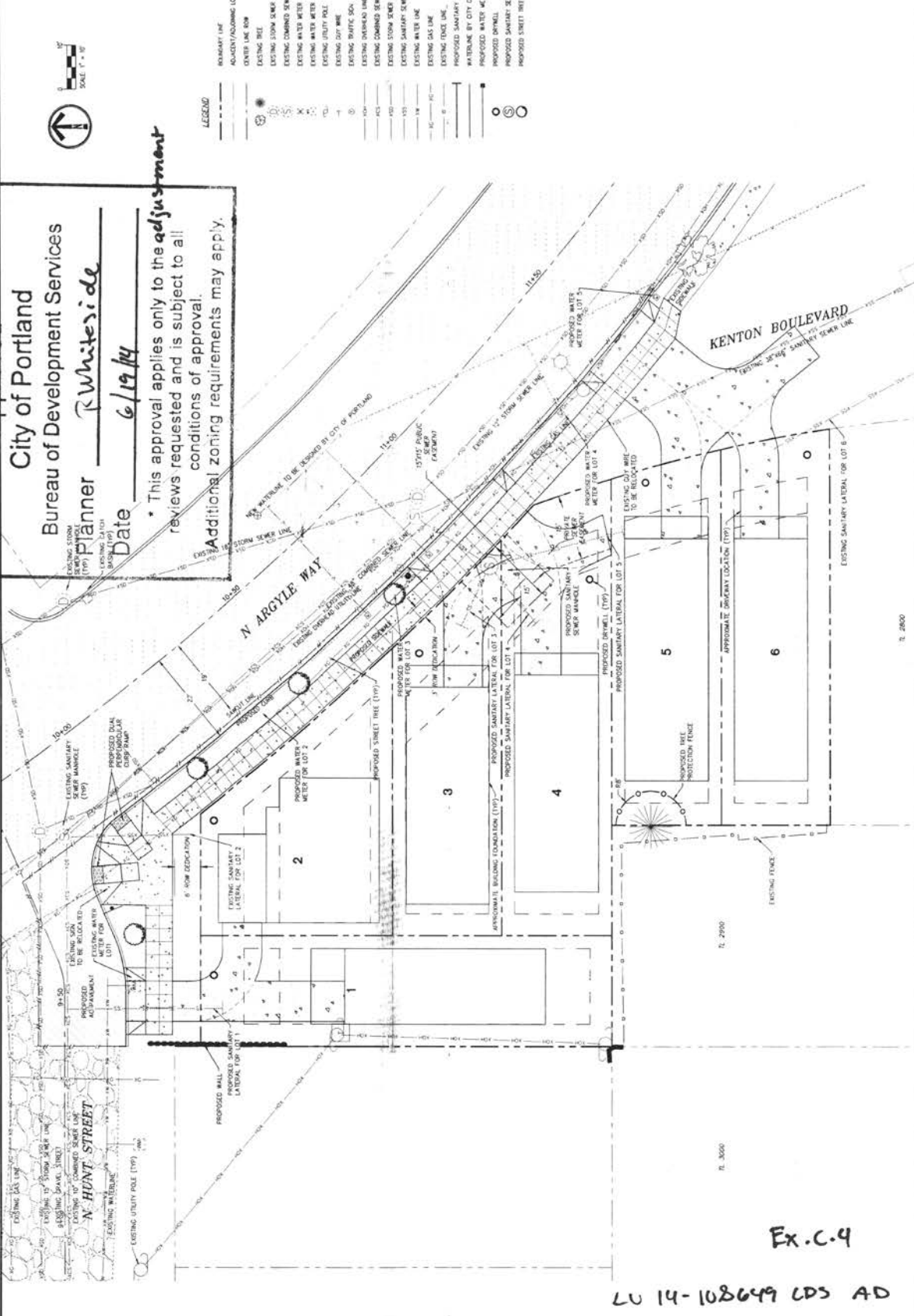
SETBACKS
 FRONT: 10 FT.
 GARAGE: 18 FT.
 REAR: 5 FT. (EXTERIOR)
 3 FT. (INTERIOR)
 SIDE: 5 FT.



Ex-C-3
 LU 14-108649 LOS AD

DESIGN STAFF: PRINTED MAY 28, 2014 - 4:48pm, P:\280-001\Argyle\Print\280-001-001.dwg

Approved
 City of Portland Services
 Bureau of Development Services
 Planner R. Whiteside
 Date 6/19/14
 * This approval applies only to the adjustment reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Ex.C.4
 LU 14-108649 CDS AD

REVISIONS

NO.	DATE	DESCRIPTION

EMERGO
 6102 SW WARMON BLVD. SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503) 746-6812

SHEET 4 OF 5

UTILITY PLAN
 PRELIMINARY
 N HUNT STREET & N ARGYLE WAY
 TAX MAP T1N R1E 9AC
 TAX LOT 2500, 2600 & 2700
 PORTLAND, OREGON