



CITY OF PORTLAND
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201 **P524**
Land Use Decision Enclosed
Case # LU 14-115614 LDP PD

16

Return Service Requested



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

FROM CONCEPT TO CONSTRUCTION

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

Date: July 29, 2014
To: Interested Person
From: Stephanie Beckman, Land Use Services
 503-823-6979 / Stephanie.Beckman@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 14-115614 LDP PD

GENERAL INFORMATION

Applicant: Joshua Patrick / Metro Homes NW LLC
 211 NE Weidler Street / Portland OR 97232 / 503-384-2153

Site Address: 4524 N Michigan Ave

Legal Description: BLOCK 1 INC STRIP W OF & ADJ LOT 3, CLIFFORD ADD
Tax Account No.: R163900050
State ID No.: 1N1E22BD 16400 **Quarter Section:** 2529
Neighborhood: Humboldt, contact Brian Murtagh at 503-962-9194.
Business District: North-Northeast Business Assoc, Joice Taylor at 503-841-5032.
District Coalition: NE Coalition of Neighborhoods, Claire Adamsick at 503-388-9030.
Other Designations: Mississippi Conservation District
Zoning: R2.5a – Single Dwelling Residential 2,500, with Alternative Design Density ‘a’ Overlay Zone

Case Type: LDP PD – Land Division Partition and Planned Development
Procedure: Type IIX, an administrative decision with appeal to the Hearings Officer.

Proposal:
 The applicant proposes to divide this 6,030 square foot site to create two parcels for attached houses. The existing house and all existing trees will be removed.

A Planned Development review is required to evaluate the specific development proposed for the site, which consists of two attached houses on narrow lots. The two-story houses will face NE Michigan Avenue and will have front porches across the front facade. A garage is proposed for each unit, which will tuck under the porch.

Specifically, the Planned Development review is required to modify the garage standards of 33.110.253.E.3, which requires the street-facing façade of a dwelling unit on a new “narrow lot” to be at least 22 feet wide to include a garage. The proposed lots will be 25 feet wide and the street facing facades of the attached houses will be 20 feet wide. The garages will be 11 feet wide.

Because this site is within the Mississippi Conservation District, development must also comply with the Community Design Standards (33.218.100).

This 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 Planned Development review is 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 2 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:

- Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.
- 33.665.310, Approval Criteria for Planned Developments in All Zones
- 33.665.320, Additional Approval Criteria for Modifications of Site-Related Development Standards.

CONCLUSIONS

The applicant has proposed a 2-parcel partition for attached houses. A planned development is required to create narrow lots that do not limit the street facing garage wall. As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. Development on the site will be required to conform with the approved house plans at the time of development. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in narrow lots for attached houses as illustrated with Exhibit C.1, subject to the conditions listed below.

Approval of a Planned Development for two attached houses, per the approved site plan and building elevations, Exhibits C.1 and C.2, signed and dated July 24, 2014, subject to condition C.1 and including a modification to 33.110.253.E.3, allowing a garage within a 20 foot wide street facing façade.

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

1. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.
2. The applicant must pay into the City Tree Fund the amount equivalent to 17 inches of trees. 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. As part of the building permit application submittal, each of the 4 required site plans and building elevations must reflect the information and design approved by this land use review as indicated in Exhibits C.1 and C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-115614 LDS PD." The following must be shown on the plans:
 - Landscaping between the front lot line and front building line on Parcels 1 and 2 shall include at least one tree (minimum 1 ½ inch caliper) and 4 shrubs (minimum 3 gallon) on each lot.
 - Additional tree planting as needed to meet tree planting standards (currently T1).

- The applicant must meet the Fire Bureau requirements for addressing and aerial fire 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: Stephanie Beckman

Decision rendered by: Stephanie Beckman **on July 24, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 29, 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 February 12, 2014, and was determined to be complete on **May 27, 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 February 12, 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: September 23, 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 August 12, 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 a planned development. This concurrent approval 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 a planned development. 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.

The following approvals were necessary for the land division to be approved: Planned Development. 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.

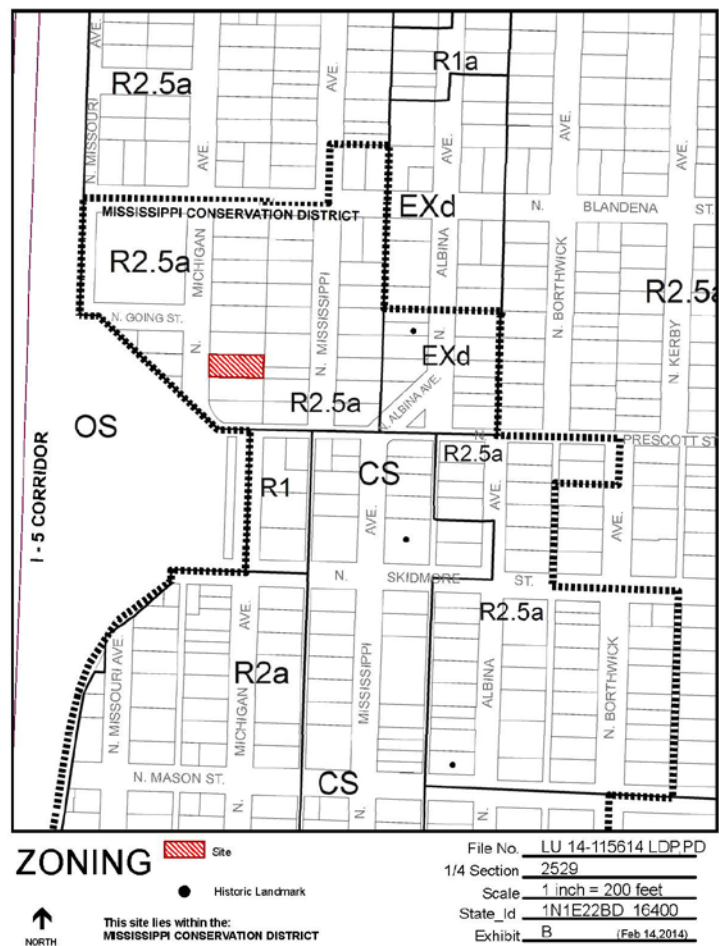
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Submittal
 2. Additional Information (5/22/14)
 3. Tree Inventory and Evaluation
 4. Transportation Impacts Narrative
 5. Stormwater Simplified Approach Form
 6. Photographs of Surrounding Area
 7. Neighborhood Contact Documentation
 8. Fire Flow Documentation

- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Building Elevations (attached)
 - 3. Existing Conditions and Utility Plan
 - 4. Floor Plans
- 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 Section of BDS
- F. Correspondence (none)
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Notice of Demolition Delay Request
 - 4. Driveway Design Exception Approval

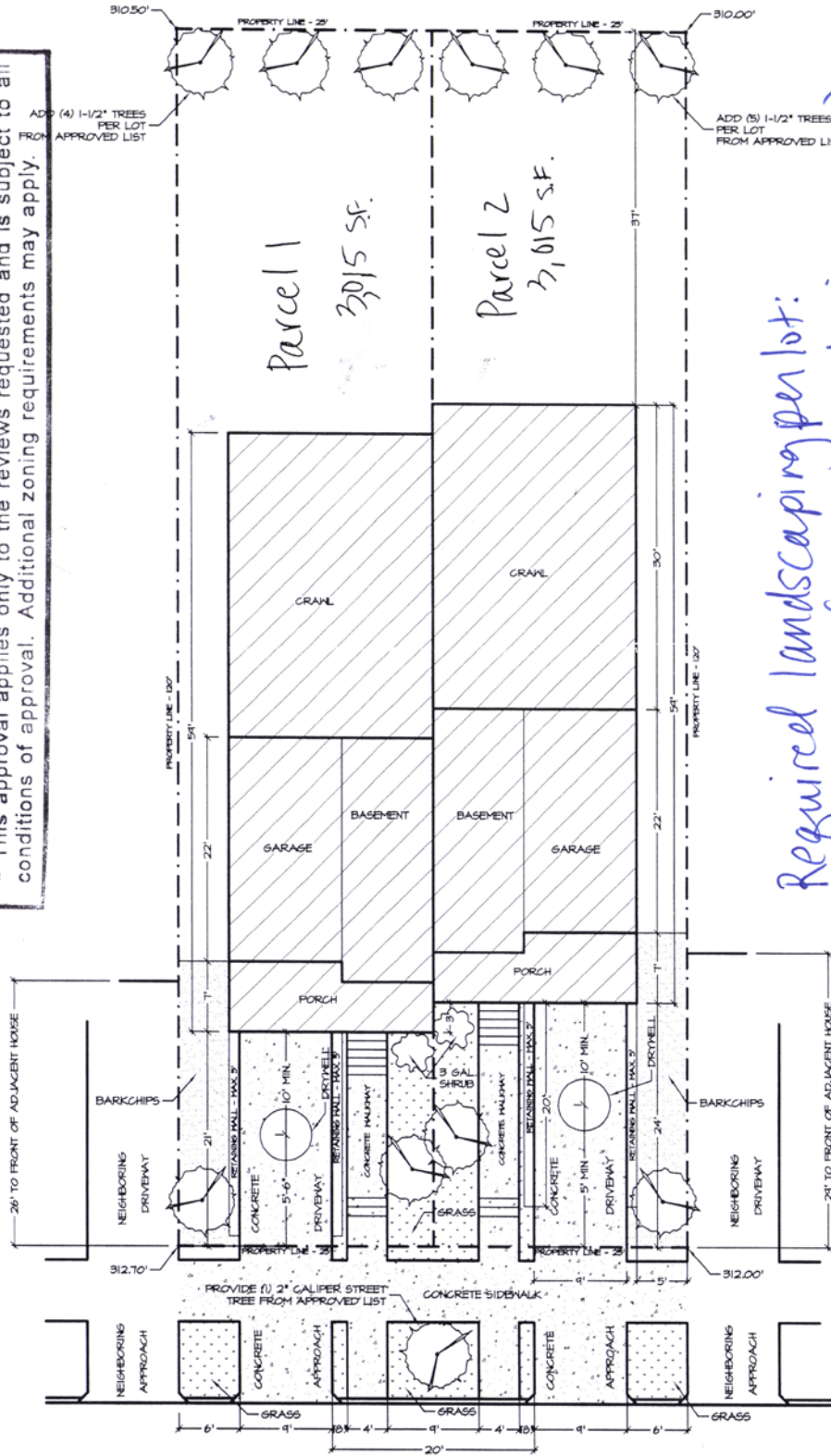
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



RECEIVED

MAY 22 2014

Approved
 City of Portland - Bureau of Development Services
 Planner S. Bellman Date 7/24/14
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



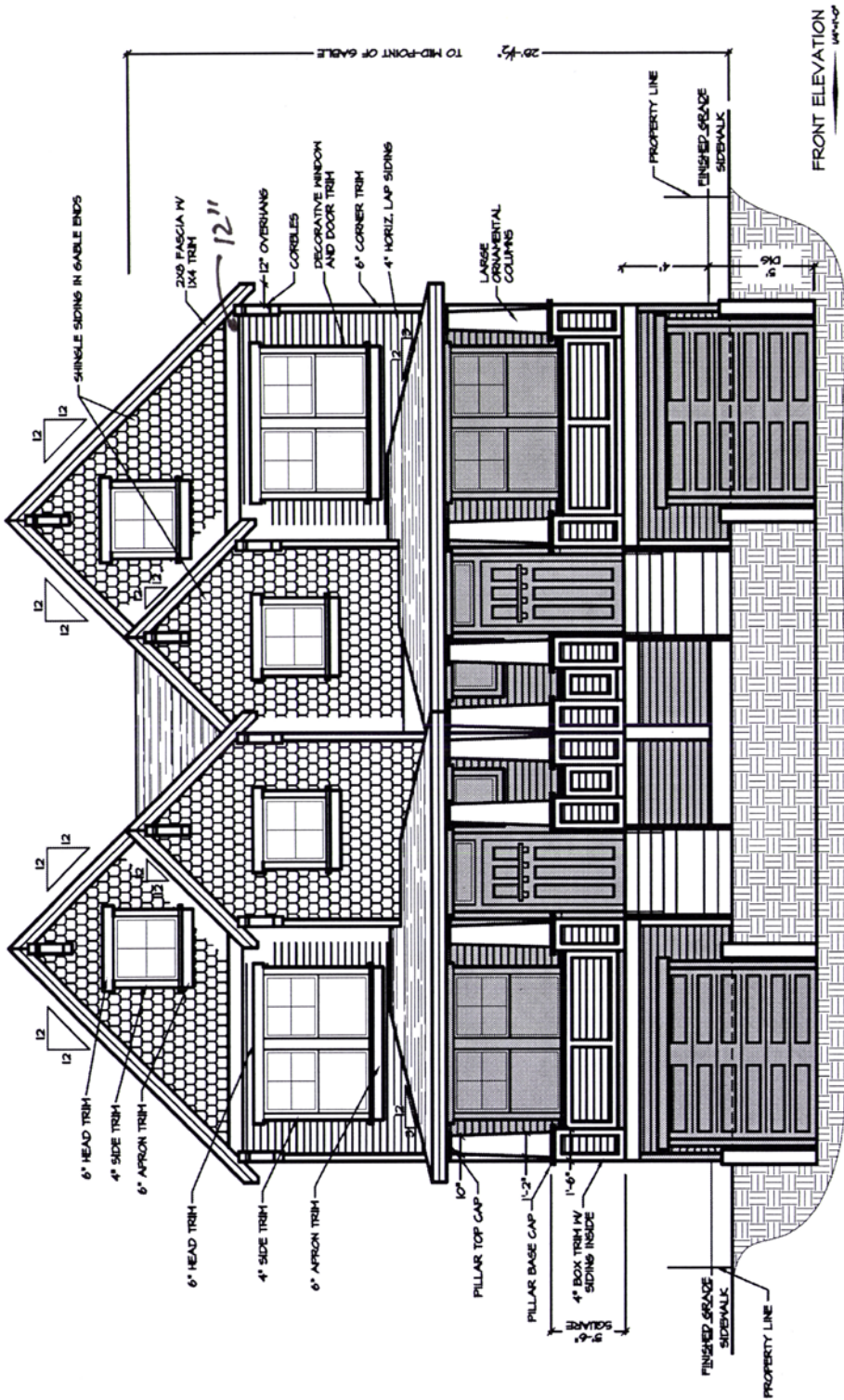
N MICHIGAN AVE

CASE NO. 14-115614 LDP PD
 EXHIBIT C.1

Required landscaping per lot:
 • 1 Tree in front yard (1 1/2 inch caliper)
 • 4 shrubs (3 gal)
 • Add'l trees as needed to meet TI std. (or current planting std.)

ADD (4) 1-1/2" TREES PER LOT FROM APPROVED LIST

ADD (5) 1-1/2" TREES PER LOT FROM APPROVED LIST



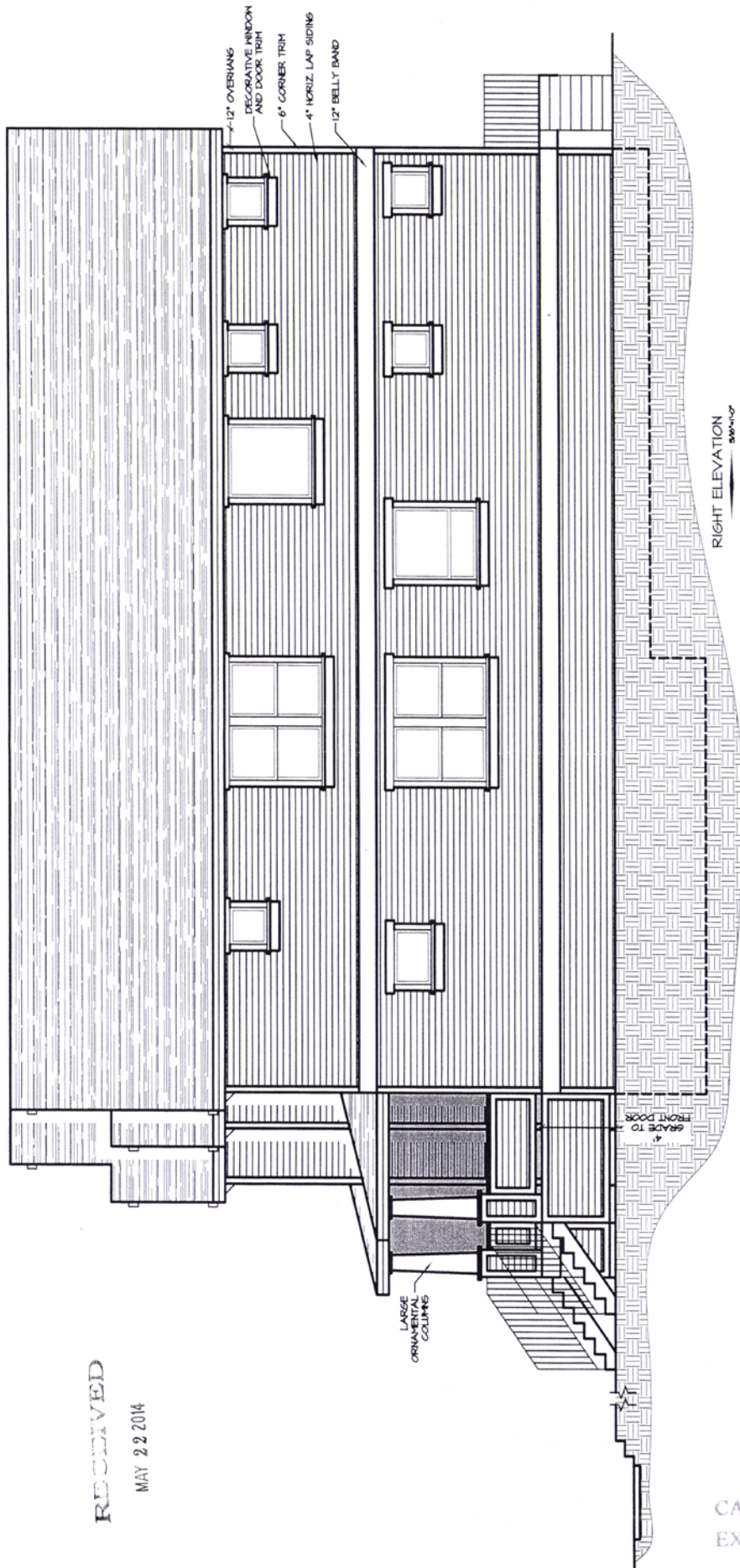
FRONT ELEVATION

Approved
 City of Portland - Bureau of Development Services
 Planner Shelton Date 7/24/14
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CASE NO. 14-115614LDPPD
 EXHIBIT C.2(183)

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MAY 22 2014

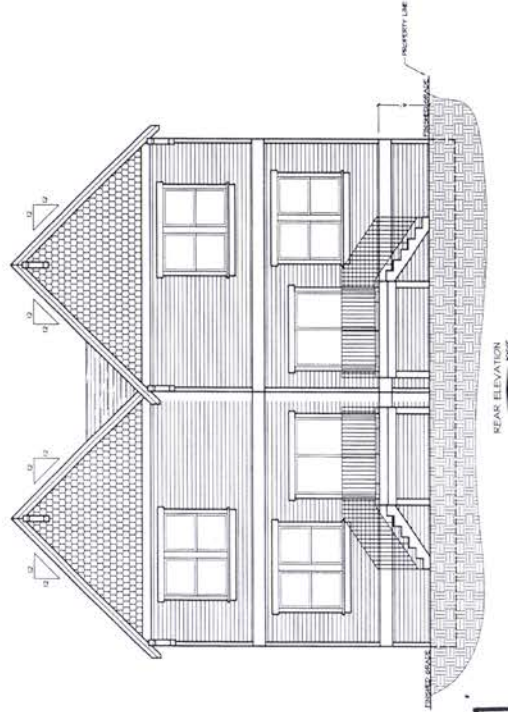


see front elevation for trim dimensions

Approved
 City of Portland - Bureau of Development Services
 Planner S. Belme Date 7/24/14
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CASE NO. 14-115614 LDD
EXHIBIT C.2 (203) PD

EXTERIOR ELEVATIONS
 LV 115614



see front and side
 elevations for
 trim dimensions.

CASE NO. 14-115614 LDP PO
 EXHIBIT C-2 (303)

MAY 22 2014

RECEIVED

* Approved*
 City of Portland - Bureau of Development Services
 Planner Shelma Date 7/24/14
 * This approval applies only to the reviews requested and is subject to all
 conditions of approval. Additional zoning requirements may apply.