



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

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Date: May 3, 2011
To: Interested Person
From: Rachel Whiteside, Land Use Services
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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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-113722 LDS AD

GENERAL INFORMATION

Applicant: Mark Lisac
Lisac Brothers Construction, Inc.
Po Box 2422
Clackamas, OR 97015

Representative: Monty Hurley
Aks Engineering And Forestry, Llc
13910 SW Galbreath Drive, Suite 100
Sherwood OR 97140

Owners: Portland Development Commission
222 NW 5th Ave
Portland, OR 97209-3812

Vanport Square Condominiums
101 SW Main St #1100
Portland, OR 97204

Jeana Woolley, Chairperson
Vanport Condominiums Owners' Association
5006 NE Mallory Ave
Portland, OR 97211

Site Address: West of 5225 NE Martin Luther King Jr Blvd

Legal Description: LOT 1 TL 10001 SPLIT LEVY R589843 (R649865400), PARTITION PLAT 2006-136; LOT 1 TL 10002 SPLIT LEVY R589844 (R649865410) & SPLIT LEVY R589842 (R649865390), PARTITION PLAT 2006-136; LOT 1 TL 10003 SPLIT LEVY R589843 (R649865400), PARTITION PLAT 2006-136; GENERAL COMMON ELEMENTS SPLIT LEVY R610989 (R856600020), VANPORT SQUARE CONDOMINIUMS; VANPORT SQUARE CONDOMINIUMS, GENERAL COMMON ELEMENTS, SPLIT LEVY R610988 (R856600010)

Tax Account No.: R649865390, R649865400, R649865410, R856600010, R856600020

State ID No.: 1N1E22AA 10001, 1N1E22AA 10002, 1N1E22AA 10003, 1N1E22AA 80000, 1N1E22AA 80001

Quarter Section: 2530

Neighborhood: King, contact Trace Salmon at 503-460-2756.

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.

District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Zoning: EXdh – Central Employment Zone with Design (d) and Aircraft Landing (h) Overlay Zones

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

Procedure: Type IIX – an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes to subdivide the subject site into 10 lots for the future construction of detached, single-family homes. The proposed lot sizes range from 1,019 to 1,050 square feet in area. Access to the proposed lots will be via existing easement through the Vanport Square parking lot to the east, with the exception of Lots 1 and 10. Due to the location of existing structures on the Vanport Square lot, Lots 1 and 10 will take vehicle access from NE Emerson Street and NE Sumner Street respectively.

Private easements for access, sanitary sewer, and storm sewer were provided to this site through the adjacent Vanport Square lot during LU 05-181774 LDP which created the current site configuration. In addition, an encroachment easement has been recorded in favor of Parcel 1 (the subject site) on Parcel 2 (Vanport Square) in order to permit portions of the new homes to be built over the common property line. Minimal site improvements are proposed for the subdivision. These include some minor work to extend existing sanitary and storm sewer service laterals and water services to each of the lots. Street trees are proposed during construction of the future homes.

A Type II Adjustment is being requested for the developed Vanport Square site to allow a reduction in perimeter parking lot landscaping where the future driveways serving Lots 2-9 will cross the existing landscape strip.

This subdivision proposal is reviewed through a Type IIX procedure because: (1) the site is in an employment zone; (2) 10 or fewer lots are proposed; and (3) a concurrent review (Adjustment) is required (see 33.662.110).

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 10 lots. Therefore this land division is considered a subdivision.

Relevant Approval Criteria:

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

- Section 33.662.120, Approval Criteria for Land Divisions in Commercial, Employment, and Industrial zones.
- Section 33.805.040.A-F, Approval Criteria for Adjustments.

FACTS

Site and Vicinity: This 10,440 square foot site is bordered by three streets, NE Sumner and NE Emerson Streets and NE Garfield Avenue, and is on the back side of a block fronting NE Martin Luther King Jr. Boulevard. The site is currently vacant, but abuts the recently developed Vanport Square.

The areas north, south and west of the site are developed predominantly with older detached single family homes. To the northeast and southeast, along NE Martin Luther King Jr Boulevard, there is a variety of commercial development established or in transition.

Infrastructure:

- **Streets** – The site has approximately 348 feet of frontage on NE Garfield Avenue, 30 feet of frontage on NE Emerson and Sumner Streets. At this location, all three streets are classified as local service streets for all modes in the TSP. Tri-Met provides transit service approximately 200 feet from the site on NE Martin Luther King Jr Boulevard via Bus #6 and #72. Parking is currently allowed on the west side of NE Garfield Avenue and both sides of NE Emerson and Sumner Streets.

At this location, *according to City records*, NE Emerson is improved with 41-feet of off-set paving section within a 62-foot right-of-way (ROW). This site frontage is also improved with a 6-6-0 sidewalk configuration. Garfield Avenue is improved with 24-feet of paving in a 60-foot ROW. This site frontage is also improved with a 9-6-3 sidewalk configuration. Sumner Street is improved with 24-feet of paving in a 60-foot ROW. This site frontage is also improved with a 12-6-0 sidewalk configuration.

- **Water Service** – There is an existing 8-inch CI water main in NE Garfield Avenue. City records indicate two existing 5/8-inch metered services at the site.
- **Sanitary Service** - There is an existing 10-inch concrete public combination sewer line midblock in the vacated alley. Ten private sanitary laterals were already constructed during a previous phase of the Vanport Square development in anticipation of the current residential development.

Zoning: The EX zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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.

The Aircraft Landing (“h”) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. The allowed height limit for buildings and vegetation on the site per the “h” overlay is 380 feet above the lowest base point at Portland International Airport. The airport low base point is at an elevation of 18.3 feet. Therefore, the topographical elevation of the site PLUS the proposed building cannot exceed 398.3 feet. The highest ground elevation on the site is approximately 209 feet. Therefore, buildings and vegetation on the site cannot exceed 189.3 feet in height (398.3-foot height limit minus the 209-foot site elevation). On this site, the base zone (EX) height limit of 65 feet is more restrictive and cannot be exceeded without a future adjustment review.

Land Use History: City records indicate prior land use reviews for this site. Exhibit G.2 contains a complete list, only pertinent land use reviews are listed below:

- **LU 05-181774 LDP:** Approval of a 2-lot land division. Easements over Parcel 2, for the benefit of Parcel 1 (the subject site), were provided for private storm and private sanitary sewer connections.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits “E” contain additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 11, 2011**. 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 A COMMERCIAL, EMPLOYMENT, OR INDUSTRIAL ZONE

33.662.120 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.

The relevant criteria are found in Section **33.662.120 [A-K], Approval Criteria for Land Divisions in Commercial, Employment and Industrial Zones**. 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 applicability of each criterion.

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site.
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	A phased land division or staged final plat has not been proposed.
G	33.636 – Tracts and Easements	No tracts or easements are required or proposed on the subject site. Easements on the adjacent site benefiting the land division site are discussed under the services and utilities criteria.
I	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
J	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.
	33.654.120.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.D - Partial rights-of-way	No partial public streets are proposed or required
	33.654.130.B - Extension of existing public dead-end streets and pedestrian connections	There are no existing public dead-end streets or pedestrian connections to extend onto the site.
	33.654.130.C - Future extension of proposed dead-end streets and	No dead-end streets or pedestrian connections are proposed or required.

	pedestrian connections	
	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 33.613 through 33.615 must be met.

Findings: Chapter 33.614 contains the lot standards applicable in the employment zones. Each lot must have a front lot line that is at least 10 feet long. There are no other required minimum lot dimensions for lots in the EX zone. Lots 1-10 are each proposed to be approximately 35 feet wide by 30 feet deep. Therefore this criterion is met.

F. 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. This criterion is met.

Land Suitability

The site is currently vacant. Records indicate the previous use was residential. 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. 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.

In this case, the site fronts on NE Garfield Avenue, which is a north-south street.

All of the proposed lots are on the east side of a north-south oriented street and are the same width. This criterion is therefore met.

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

K. 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:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.

The water standards of 33.651 have been verified. Water is available to serve the proposed development from the water main in NE Garfield Avenue.

There are two existing water services which served the previous residential homes. These services are provided from the existing 8-inch main in NE Garfield. At the time of final plat review, the applicant must provide a supplemental survey showing the existing meter box locations to verify which lot(s) may be served by the existing lines. Backside service lines that served 5234 and 5246 NE Garfield will need to be disconnected from the existing meters if they are to be retained for future use by any of the proposed lots. A signed inspection report from a licensed plumber must be submitted to the Water Bureau to verify that the service lines crossing the proposed new lots are inactive or have been disconnected. If either of the existing services is to be terminated, this must be arranged for and payment submitted prior to final plat approval.

33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.

The sanitary sewer standards of 33.652 have been verified. There is an existing 10-inch concrete public sanitary sewer that runs from south to north in the vacated mid-block alley and located within a 15-foot easement granted to the City of Portland. This sewer can serve the sanitary disposal needs of this project (BES project # 0589) and 10 private sanitary laterals were already constructed during a previous phase of the Vanport Square development in anticipation of the current residential development.

Private easements must be established over existing and proposed private sanitary laterals. The applicant has provided the private sanitary sewer easement and maintenance agreement documents (#2006-157753 and #2007-205118) that were recorded as part of the previous land division for this site (LU 05-181774 LDP). The document allows a 10-foot wide easement area centered over each sanitary sewer line serving this subject site (previously platted as "Parcel 1") to be located on the adjacent site to the east (previously platted as "Parcel 2"), with the exact location of the private sewer laterals to be determined at the time of development. Prior to final plat approval, documentation of private sanitary sewer easements must be provided as necessary, including over any new sanitary lateral extensions required in order to serve each building.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1

BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The applicant has proposed the following stormwater management methods:

- **Lots 1-10:** A stormwater management system that consists of a storm filter manhole (a cartridge system) and a drywell for managing roof runoff and a vegetated flow-through swale for reducing pollutants from non-roof surfaces prior to disposal to the drywell were constructed as part of the previous phase of the Vanport Square development. The existing storm system was designed to manage stormwater runoff from this entire block, including the residential development being reviewed under this land use review.

BES has reviewed the stormwater report from AKS dated February 2011 and the stormwater report from KPFF dated May 2006 (for LU 05-181774 LDP). The report from AKS includes a description of the project, methodology, and an analysis of the stormwater facilities on this site. The report from KPFF provides the necessary Presumptive Approach design information to demonstrate that the existing storm system that was installed was sized to accommodate the residential development. BES has no objections to the proposed stormwater management approach for the purposes of land use review.

Private storm lines with approximately five private storm connections were constructed in 2006 under permit #06-174890-PT. Additional storm connections must be constructed in

order to serve each proposed lot. In order to avoid conflicts with potential landscaping requirements and maintenance, BES recommends new private storm connections be constructed perpendicular to the storm line that runs from west to east behind the new lots, and under the proposed driveways. Documentation of any necessary private storm sewer easements must be provided prior to final plat approval. Revised private storm connection information must be provided on a supplemental plan prior to final plat approval.

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 spacing requirements for public through streets and pedestrian connections are met in this area. Additionally, no street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. PBOT has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition. This criterion is met.

33.654.110.B.4 Approval criterion for alleys in all zones.

33.654.130.E & 33.654.150.B Ownership of Alleys

Alleys may be required where the provision of an alley is appropriate to mitigate transportation or development impacts. Alleys may be appropriate to move garage access away from busy streets, reduce the number of driveways crossing sidewalks, provide alternative locations on the site for parking, limit the number of garage doors facing the street, and maintain on-street parking.

An alley is not required in this situation because the proposal includes vehicle access to the required parking space/rear loaded garage on Lots 2-8 b way of a private access easement across the existing parking aisle shared with the abutting Vanport Square project. The existing shared parking aisle mitigates transportation and development impacts and provides similar functionality to an alley because it:

- Limits the number of garages directly accessing the street;
- Allows for front entryways to be oriented towards the street, thus limiting the number of garage doors facing the street; and
- Reduces the number of driveway crossings of sidewalks and curb cuts on the street.

An easement granting vehicle access to Parcel 1 and all subsequent redevelopment of Parcel 1 was put in place at the time of final plat of LU 05-181774 LDP. Because the easement is already in place and is over property that is not part of the land division site, the ownership requirement of 33.654.150.B.7 does not apply.

These criterion are met with a condition that Lots 2-8 take vehicle access via the private access easement on the adjacent site to the east.

33.641 – Transportation Impacts – 33.641.020 and 33.641.030

33.654.120.B & C Width and elements of the street right-of-way

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.

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 applicant hired Lancaster Engineering to provide a Traffic Impact Study (TIS) using the evaluation factors listed above. Exhibit E.2 contains a detailed analysis of PBOT's review of the submitted TIS. PBOT accepts the methods, calculations, practices and conclusions made in the TIS. Therefore, PBOT concludes the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area.

The right-of-way elements for the existing streets are listed on Page 3 of this report. For a site located in the EX zone along a Local Service street, the City's Pedestrian Design Guide recommends an 11-foot wide sidewalk corridor comprised of a 0.5-foot curb, 4-foot planter, 6-foot sidewalk, and 0.5-foot setback to the property line. The site's frontages meet/exceed the recommended sidewalk corridor. No property dedication or frontage improvements will be triggered. Additional street trees and street lighting may be required at the time of Building Permit review for the new homes. If the sidewalks are damaged or destroyed during the course of construction of the homes, the applicant will be required to reconstruct said sidewalk corridors to City standards.

This criterion is met, with the condition that sidewalks be reconstructed if damaged during construction.

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.

APPROVAL CRITERIA FOR ADJUSTMENTS

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

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: The proposed development is for 10 new detached single-family homes on a block that has already been redeveloped with a mixed-use building containing ground-level retail and condominiums on upper floors. The site also contains a parking lot which was always intended to serve future residential development on the site subject to the land division portion of this review. When the developer decided to take advantage of the existing access easement through the parking area and designed houses with rear-loaded garages, they had two options for addressing the existing parking lot landscaping separating the two sites:

1. Request an Adjustment to reduce the amount of required landscaping equal to the width of the proposed driveways; or

2. Extend the existing access easement onto the new lots and pave the entire area for use as a shared driveway (as allowed under 33.266.130.G.B.1).

The applicant chose to request the Adjustment and meet the L2 landscape requirements for the portions of the site that will not be occupied by driveway area for the new homes.

Purpose: The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of these zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- *Provide a pedestrian access that is protected from auto traffic; and*
- *Create an environment that is inviting to pedestrians and transit users.*

The Adjustment is to an existing parking area. These particular purpose statements only apply to citing a new parking area.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

The proposed individual driveways with interspersed landscaped setback areas between the existing parking area and the proposed homes will soften the appearance of the parking area in a superior manner than expanding the shared parking aisle on-site and paving the entire area. And while the existing parking area will be primarily shielded from abutting residential zones by the new homes in the EX zone, the landscaped areas visible between the homes will continue to reduce the impact of the parking lot. The proposed individual driveways with interspersed landscaping will also more clearly delineate the access points to the future homes than would a shared parking aisle.

Maintaining 60 percent of the L2 perimeter parking lot landscaping will continue to shade and cool the existing parking area, as well as provide these functions for the new driveway area. Maintaining landscaping will also reduce stormwater and waterborne pollution in the areas better than the code allowed alternative of a fully paved shared drive aisle.

For all of the reasons stated above, the requested adjustment will continue to meet the purpose statements of the regulation being modified. 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: The site is located in the EX zone and abuts three streets – NE Garfield Avenue, NE Emerson Street, and NE Sumner Street. At this location, all three streets are classified as local service streets for all modes in the Transportation System Plan. Local Service Traffic Streets provide local circulation for traffic, pedestrians, and bicyclists and should provide on-street

parking. The requested adjustment is between an existing parking area and new homes, therefore it will have no impact on traffic circulation. By allowing the new homes to access from the parking area, pedestrian and bicycle circulation will be better off than if eight new driveways were accessing NE Garfield.

The site is located within the Albina Community Plan area, which helps define the desired character of the area. The Plan is focused on creating attractive and diverse residential neighborhoods with a wide choice of housing types and prices. Higher density housing should be developed near major institutions and other multi-dwelling housing along major streets that are well served by public transit. The design overlay zone ensures that new development is compatible with existing development in the area.

The proposed development is for 10 new detached single-family homes on a block that already includes a mixed-use development with condominiums. The homes will be located on smaller than standard residential lots, keeping the development more affordable. The applicant has proposed housing designs that comply with the Community Design Standards. The use of rear-loaded garages was used to meet the Community Design Standards as well as maintain an attractive street appearance along NE Garfield. Reducing the required parking lot landscaping where the driveways will cross for the new garages is required to achieve this design.

For these reasons, 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 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: As the applicant could have extended the existing drive aisle across the entirety of the proposed lots to act as a shared driveway, the retention of over 60 percent of the existing landscaped area is preferred. There are no discernible impacts that would result from granting the requested adjustment. 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 an environmental zone. 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 the **Community Design Standards**. Preliminary site, landscape, and building plans indicate that building can be designed that will meet these standards. Should the applicant choose to not meet the Community Design Standards at the time of development, buildings will be subject to the Type II Design Review process.

Existing development that will remain after the land division. The site is vacant, so the division of the property will not cause any structures to move out of conformance or further out of conformance with any development standard applicable in the EX zone. Therefore, 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	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation
Development Services	Titles 24 -27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 www.portlandonline.com/bds

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 ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement and aerial fire department access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to the proposed parcels at the time of development. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 10-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: ensuring the existing utility connections line up with the proposed lots and are covered by the appropriate easements. The proposal also required an adjustment to an existing parking lot in order to allow future development to access through the perimeter landscaping. The reduced landscaping for the future driveways is not expected to impact surrounding development.

With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the required parking lot landscaping where the driveways

serving Lots 2-8 will be located, as illustrated with Exhibit C.7, and

Approval of a Preliminary Plan for a 10-lot subdivision, as illustrated with Exhibit C.3, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Water Bureau, Land Use Review, and BES, 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:

- The existing water meter box locations that previously served 5234 and 5246 NE Garfield Avenue;
- Storm facilities that meet the Storm Water Management Manual and setback requirements. Show entire system, including connections, pollution reduction/detention facilities, and disposal point.
- Proposed and existing sanitary laterals;
- Existing and proposed building locations (show approximate building footprints if no specific development plan is proposed). Locations of buildings on adjacent properties are relevant to determining whether stormwater facilities meet setback requirements.
- Existing and proposed easements, both public and private;
- Topography;
- Property lines;
- Trees to be protected on-site, with root protection zones; and
- Any other information specifically noted in the conditions listed below.

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

Utilities

1. Private sanitary sewer easements and maintenance agreements must be in place for each sanitary lateral crossing adjacent private property and serving any of the future lots.
2. Private storm sewer easements and maintenance agreements must be in place for each storm lateral crossing adjacent private property and serving any of the future lots.
3. The applicant shall meet the requirements of the Water Bureau concerning the disconnection of backside service lines or the termination of existing water services at the site.
4. The applicant shall meet the requirements of the Fire Bureau for fire hydrant spacing. If a new hydrant is required, the applicant must contact the Water Bureau, Development Services Department at 503-823-7368, for fee installation information related to the purchase and installation of fire hydrants. The applicant must purchase the hydrant and provide verification to the Fire Bureau that the Water Bureau will be installing the required fire hydrant, with the required fire flow and pressure.
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 final plat approval.

Required Legal Documents


6. Maintenance Agreements shall be executed for the private sanitary and storm sewer easements described in Conditions B.1 & 2 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.

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

1. Vehicle access to Lots 2-8 must be from the private access easement over the adjacent site to the east.
2. Prior to occupancy of any structure on Lots 1-10, the applicant must obtain and final a permit for modifying the parking lot landscaping on the Vanport Square property in substantial conformance with Exhibit C.7.
3. If the sidewalks are damaged or destroyed during the course of construction of the homes, the applicant will be required to reconstruct said sidewalk corridors to City standards.
4. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal, which may include installing residential sprinklers in the new dwelling units. Please refer to the final plat approval report for details on whether or not this requirement applies.
5. 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.
6. Street trees will be required along all public frontages and will be reviewed during building permit application.

Staff Planner: Rachel Whiteside

Decision rendered by:  **on April 29, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 3, 2011

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 16, 2011, and was determined to be complete on **March 9, 2011**.

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 16, 2011.

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: July 7, 2011.**

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 May 17, 2011** at 1900 SW Fourth Ave. Appeals may be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301 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 review. 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 an 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.

The following approvals were necessary for the land division to be approved: an Adjustment to reduce the required parking lot landscaping where the driveways serving Lots 2-8 will be located. 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.

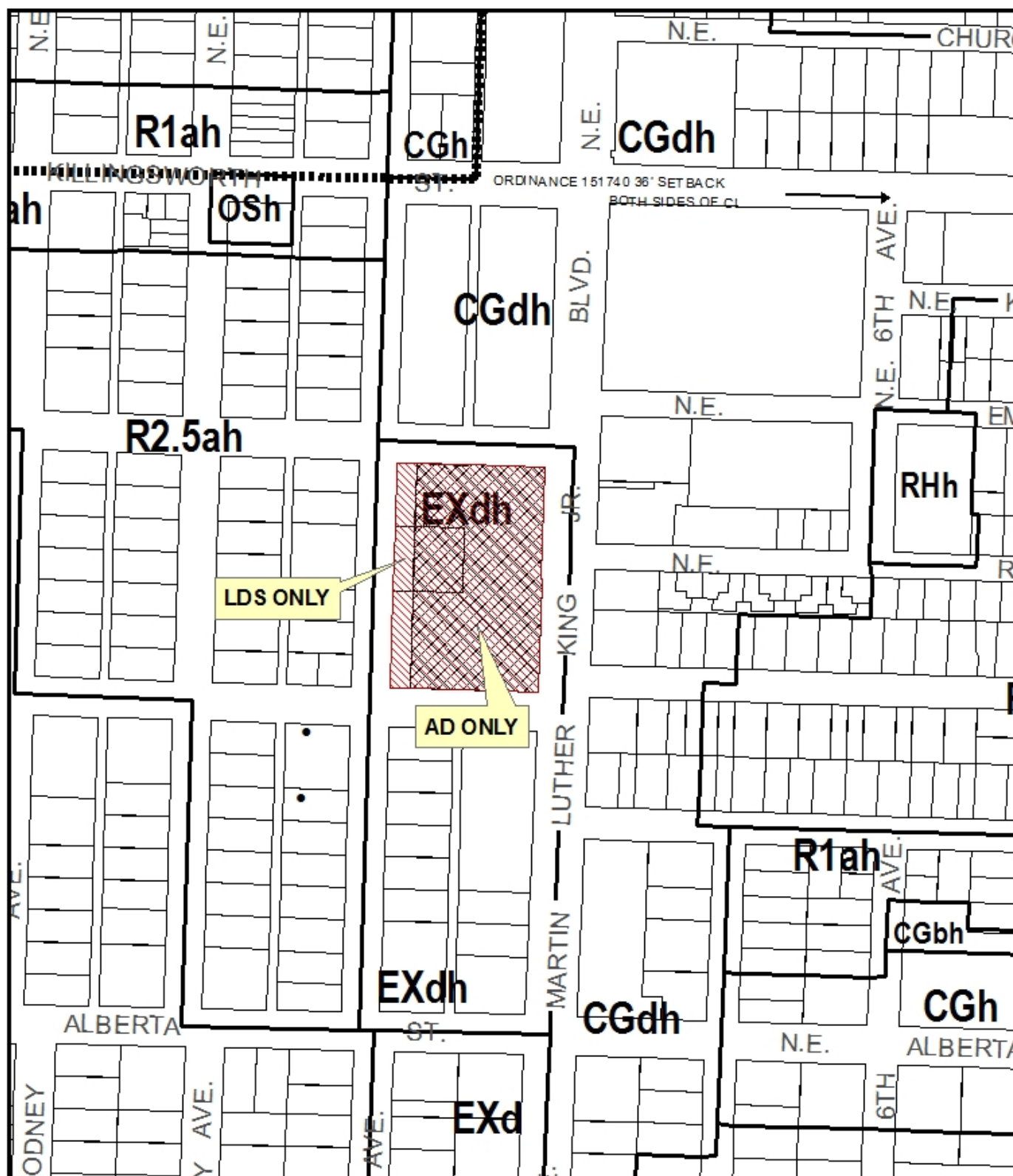
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Narrative (includes written narrative, EA summary, neighborhood contact, Traffic Impact Analysis, and title documents)
 - 2. Preliminary Stormwater Report
 - 3. Response to request for additional information
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Vicinity Plan
 - 2. Existing Conditions Plan
 - 3. Preliminary Land Division Plan (attached)
 - 4. Preliminary Improvements Plan (attached)
 - 5. Preliminary Improvements Plan with Aerial Photo
 - 6. Preliminary Clearing and Grading Plan

7. Parking Lot Landscape Plan for Vanport Square (attached)
 8. Preliminary Landscape Plan
 9. Architect's Site Plan
 10. Elevations & Floor Plans (6 sheets) documenting compliance with Community Design Standards
- 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 Plans Examiner
- F. Correspondence: None Received
- G. Other:
1. Original LU Application
 2. Site History Research
 3. Request for additional information, dated March 9, 2011
 4. Letter of intent to provide future sanitary and storm sewer easements

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

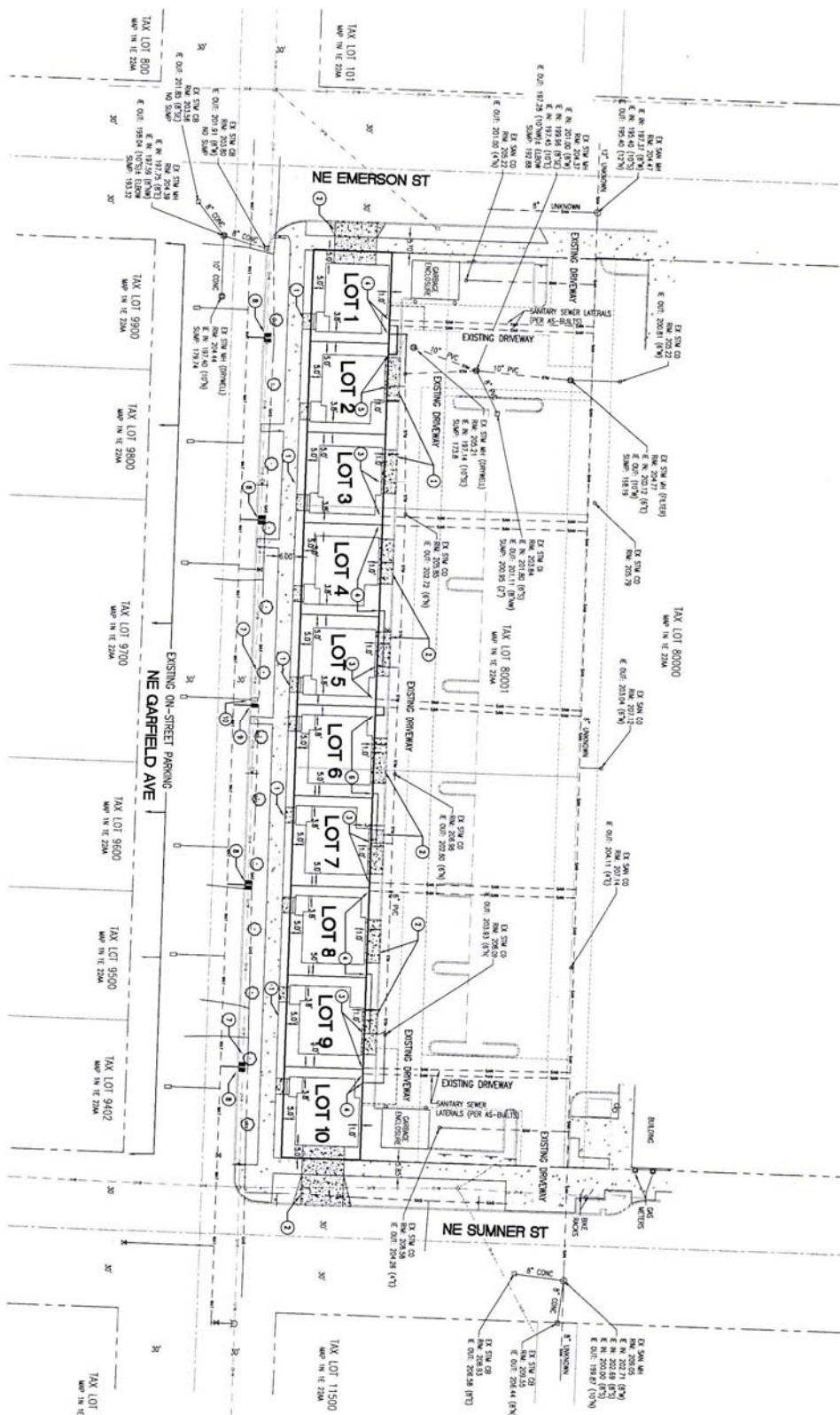


Historic Landmark



NORTH

File No. LU 11-113722 LDS AD
 1/4 Section 2530,2531
 Scale 1 inch = 200 feet
 State_Id 1N1E22AA 80000
 Exhibit B (Mar 10,2011)



- [illegible]

STORMWATER MANAGEMENT

WL11-113722 LDS AD
Exhibit C.4

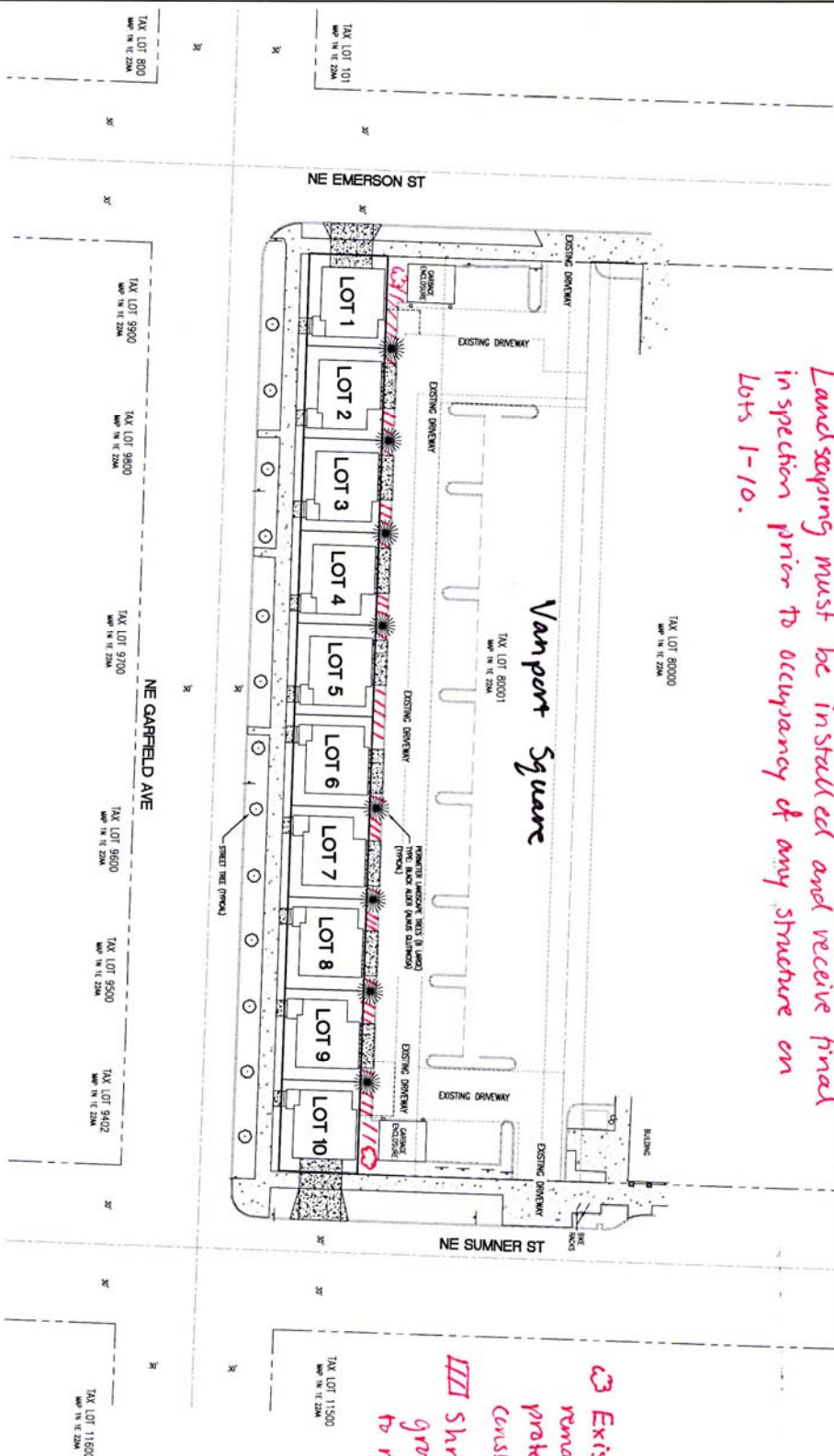
*BUILDING FOOTPRINTS PROVIDED BY PROJECT ARCHITECT AND ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

[illegible]

Date 4/28/11

Landscaping must be installed and receive final inspection prior to occupancy of any structure on lots 1-10.

Vanport Square



Existing tree to remain - must be protected during construction

*BUILDING FOOTPRINTS PROVIDED BY PROJECT ARCHITECT AND ARE CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY.

Parking Lot Landscape Plan

**SUPPLEMENTAL
PRELIMINARY
TREE PLAN**

ENGINEERING • PLANNING
LANDSCAPE ARCHITECTURE

13300 NE CALLEACHIN DR., SUITE 100
PORTLAND, OR 97224
PHONE: (503) 852-8799
FAX: (503) 852-8889

AKS
ENGINEERING & CONSTRUCTION

Offices located in:
SACRAMENTO, OREGON
RENO, OREGON
WILSON, WASHINGTON
P.O. BOX 35-0000

ADDRESS PT.	W81	STATIONING	STA. 0+00 TO 1+00.75
SECTION PT.	NEW	SCALE	AS NOTED
DRAWN BY	MB/CLS		

PREPARED FOR: LDC BROWNS CONSTRUCTION, INC.
P.O. BOX 2627
CLACKAMAS, OR 97115

VANPORT SQUARE
PORTLAND
OR
XK LOTS 10001, 10002, AND 10003
MULTI-MEDIA COUNTY ASSESSOR

REGISTERED PROFESSIONAL PHIL SANDER "NOT FOR CONSULTATION" 2004-05 2004-05	JOB NUMBER 2770 SHEET 1-SUPP
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