



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

FROM CONCEPT TO CONSTRUCTION

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Date: June 4, 2015
To: Interested Person
From: Sean Williams, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 14-254244 LDP

GENERAL INFORMATION

Applicant: Randall Palazzo / Metro Homes NW LLC
211 NE Weidler St / Portland OR 97232

Representative: Bruce Vincent / Bedsaul Vincent Consulting LLC
416 Laurel Ave #3 / Tillamook OR 97141

Site Address: North of 4134 N Michigan Avenue

Legal Description: BLOCK 11 LOT 8, MULTNOMAH
Tax Account No.: R591901636
State ID No.: 1N1E22CA 05802
Quarter Section: 2629
Neighborhood: Boise, contact Stephen Gomez at 503-819-8268.
Business District: Historic Mississippi, contact Trevin Miller at 503-708-7763 & North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.

District Coalition: Northeast Coalition of Neighborhoods, contact info@necoalition.org
Plan District: None
Other Designations: Mississippi Conservation District
Zoning: Residential 2,000 (R2) w/ Alternative Design Desnity Overlay (a)
Case Type: Land Division Partition (LDP)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing to partition the subject property into two 2,500 square foot parcels for attached houses.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or

services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or 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 found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The subject property is located on the east side of N Michigan Street approximately 150 feet south of N Skidmore Street. A lot confirmation and property line adjustment (13-191191 PR) separated the site from property addressed 4134 N Michigan Avenue. The site is void of any improvements. 6 mature Western Red cedar trees are located within the site, which is relatively flat with a grade of approximately 4-feet above that of the sidewalk/street. The N Mississippi Avenue commercial corridor is located one block to the east and I-5 is located approximately 400-feet west.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on N Michigan Avenue. At this location, N Michigan Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). The site is located within the Boise pedestrian district. Tri-Met provides *frequent* transit service approximately 115 feet east of the site on N Mississippi Avenue via Bus #4. At this location, N Michigan Avenue is improved with a 36 foot paved roadway surface and pedestrian corridor that consists of a curb, 4 foot planter strip, 6 foot sidewalk, and 2 foot setback to private property (4-6-2 configuration) all within a 60 foot wide right-of-way.
- **Water Service** – There is an existing 8-inch CI water main in N Michigan Avenue.
- **Sanitary Service** - There is an existing 8-inch VSP public combination sewer main in N Michigan Avenue.

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 Mississippi Conservation District denotes an area with common historic values significant to the neighborhood and seeks to contribute to the preservation of significant features of Portland’s development history. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to historic resource review.

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 13, 2015**. One written response has been received from the Neighborhood Association regarding this proposal (Exhibit F.1). The Neighborhood Association requested that 2 of the Western Red cedar trees located within the land division site be preserved and suggested alternative trees to be planted on the new lots at time of development as opposed to ornamentals identified on site plans. Per the findings associated with Criterion B, Trees, the applicant has demonstrated that it will not be feasible to retain any of the trees within the site and provide for a practicable arrangement of lots that could each contain a reasonable building area and still be able to meet the development standards of the R2 zone. Mitigation for the loss of these trees will be in the form of payment into the City Tree Fund and planting native species at the time of development.

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:
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.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes and all the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the 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 two attached housing parcels. Single-dwelling or duplex development is proposed for some or the entire site, 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 5,000 square feet. Therefore, the site has a minimum required and maximum allowed density of 2 units.

The required and proposed lot dimensions are shown in the following table:

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
Parcel 1	2,500	25	100	25
Parcel 2	2,500	25	100	25

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

The findings above show that the applicable density and lot dimension standards are met. Therefore this criterion is met.

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The applicant has submitted an arborist report that inventories the trees within the land division site and evaluates their condition (Exhibit A.2). The arborist report identifies 6 non-exempt Western Red cedar trees within the land division site that comprise a total of 169-inches in total diameter. The proposal does not meet any of the tree preservation options in 66.630.100. The applicant proposes, instead, to use the mitigation options of 33.630.300, per the following response:

According to Table 120-3, the maximum density in this zone is one unit/2000 square feet of site area; the minimum density is one unit/2500 square feet of site area. The site is 5,000 square feet in size, therefore its maximum density is two dwelling units, and its minimum

density is two dwelling units. Under the current request, the applicant is proposing two units, and the following paragraph will demonstrate that there is no way to provide a practicable arrangement of lots, tracts, and streets within the site that would allow for the division of the site with enough room for a reasonable building site on each lot, even if the applicant attempts to preserve the tree which is the farthest away from the dwelling's footprints and that has preservation value. All other trees are of similar or larger diameter and are closer to the proposed building footprints; therefore attempting to save those trees with the correct RPZ would remove even more buildable land area than proposed.

Upon further review in April, 2015, BDS staff asked that the applicant provide more evidence to support the conclusion that code-required density cannot be met if a 22" Western Red Cedar was preserved in the SW corner of Parcel 2. Already in the file record is a 4/3/15 Site Plan that shows the subject 22" Western Red Cedar with a 15' reduced RPZ, and an arborist report which provides expert witness testimony determining that all on-site trees, (including the referenced 22" Western Red Cedar), must be removed. As stated previously in this narrative, BDS staff asked that the applicant provide more evidence to support the conclusion that code-required density cannot be met if a 22" Western Red Cedar in the SW corner of Parcel 2 was preserved with a Root Protection Zone. (RPZ) The applicant provides the following arguments in favor of removing the 22" Western Red Cedar in the SW corner of Parcel 2 and thus, preserving R2a dwelling density:

1. The City of Portland has, by design and by policy, strongly promoted increased density within close-in Portland neighborhoods when they are close to shopping districts, easily accessible by transit, and have easy freeway access. The N. Mississippi area has all of the above-mentioned factors, and is a close-in neighborhood where higher density zoning, (such as the subject site's R2 zone) is within a four block wide by five block long area centered on N Mississippi Ave. (note that lots on both sides of N. Mississippi are zoned Commercial)
2. Within the N. Mississippi neighborhood, the City has further sanctioned increased density by assigning the "a" overlay to the R2 zoned area described above. By design and by regulatory authority, the "a" overlay effectively "doubles" density by permitting an accessory dwelling unit behind the primary unit. As applied here, the accessory dwelling unit has easy access via an alleyway, which is the only way that an accessory dwelling unit could even function on the proposed narrow "through" lot.
3. The above-mentioned factors promote affordable housing, by essentially lowering the dwelling construction costs on the high priced land in the N. Mississippi neighborhood. That is, the more dwellings that are constructed on high priced land, the lower the asking price/dwelling unit. The reverse of this argument is that one, single family dwelling on the subject site would not be, by any measure, "affordable", because the high land costs mandates a high asking price for one dwelling. To ignore this economic truism ignores the critical factor driving infill development within the City of Portland.
4. The Purpose section of 33.612.010 states that: *"This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses in accordance with the planned intensity of the zone."* (emphasis added) Therefore, based on the preceding Purpose statement, (and as applied to the subject site), the City has decided that the "planned intensity" of the R2a zone in this area means maximum dwelling density with accessory dwelling

units. None of the above-mentioned goals, policies or regulations can be fulfilled if the applicant attempts somehow to design an RPZ around the subject 22" Western Red Cedar.

5. Already in the file record is a 4/3/15 Site Plan that shows the subject 22" Western Red Cedar with a 15' radius reduced RPZ, and an arborist report which provides expert witness testimony determining that all on-site trees, (including the referenced 22" Western Red Cedar), must be removed. Note that in the ideal world, and by recognized arborist practices, (see page 3 of arborist report), an RPZ is calculated as 1' of RPZ for every 1" of tree DBH. As applied here, that would result in a 22' radius RPZ. The attached site plan shows a 15' radius RPZ, which is 32% less than required.
6. Even with a reduced RPZ, the proposed Parcel 2 dwelling would have to be set back further into the lot by approximately 15' from its current location, which in turn would wipe all of the rear yard-required outdoor area, patio area, (making the development non-compliant), which in turn would provide no setback in between the dwelling and the ADU, thus, eliminating the ADU. Assigning an arborist-recommended 22' RPZ, would result in a greater reduction in Parcel 2 building footprint. Note also that the northerly portion of the 15' radius RPZ encroaches onto the Parcel 1 front facade, thereby requiring a reduced Parcel 1 footprint.

All of the preceding evidence supports the conclusion that the City policy and practice of promoted higher density R2a density cannot be met if a 22" Western Red Cedar in the SW corner of Parcel 2 is preserved with a Root Protection Zone. (RPZ)

As shown in the attached arborist report, (See Attachment "A"), tree #1 is a 30" dbh Western Red Cedar that has moderate preservation status, is the farthest away from the proposed dwellings, and is the closest to the property line of any significant tree. Therefore, based on the above, tree #1 is the most logical choice for tree preservation. As stated in the arborist report, Root Protection Zones, (RPZ) are a radius measurement calculated at a rate of 1' of RPZ for each 1" of tree diameter. If 100% of the RPZ was applied to tree #1, it would require a 30' wide RPZ, which would effectively eliminate any practicable arrangement of parcels and dwellings on the 50' wide lot. Effectively, at least ½ of the proposed dwellings on Parcels 1 and 2 would be eliminated, leaving 525 square feet of lot area to construct a dwelling. Narrowing the building footprint to 525 square feet removes the first floor great living room and part of the kitchen, second floor master bedroom and part of the master bath, and third floor storage. Based on the above, a three bedroom attached dwelling would be reduced to a cramped, apartment with a small bedroom and bonus room, similar in size to the ADU in the rear yard. Based on the above, the owner would be left with two ADU-sized dwellings on each lot, which is not in keeping with the neighborhood character, and is contrary to the purpose of providing an ADU that is accessory to a larger, single family dwelling. As stated above, all other trees are of similar or larger diameter and are closer to the proposed building footprints; therefore attempting to save those trees with the correct RPZ would remove even more buildable land area than proposed. All told, the subject could not be developed in a practicable arrangement of lots, tracts, and streets within the site that would allow for the division of the site with enough room for a reasonable building site on each lot.

BDS Staff concurs with the applicant's assessment that the existing trees on site would prevent a land division that would result in a practicable arrangement of lots that could

each contain a reasonable building area and still be able to meet the development standards of the R2 zone. Therefore, Criterion A and C.4 are met.

To mitigate for the loss of trees within the land division site, the applicant has chosen to contribute to the City Tree Fund the amount equivalent to compliance with Option 1 of the Tree Preservation Chapter (33.630.100.A.1), which is 35% or 60 caliper inches. This option was chosen as there isn't enough land area to plant additional trees within the site beyond that required by the On-Site Tree Density Standards of Title 11 that are applicable to new development. In addition to payment into the City Tree Fund, BDS Staff requires that trees planted to meet On-Site Tree Density Standards of Title 11 be native species, selected from the Portland Plant List, to compensate for the mature native Western Red cedar trees being removed. In this circumstance, the payment in lieu of planting option may not be used at the time of development. The required mitigation is consistent with the purpose of Chapter 33.630, Tree Preservation, as payment into the Tree Fund will contribute to the general beauty and natural heritage of the City, if not directly on the site, and requiring native species, chosen from the Portland Plant List, to be planted at the time of development will help to foster and maintain the City's natural heritage.

Therefore, with the conditions noted above for mitigation, the criteria can be 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, the applicant is proposing to remove all of the trees within the site. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. 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.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services. PBOT has provided the following findings (see Exhibit E.2):

Street Capacity and Levels of Service

The proposal will result in an increase of 2 single-family residences. These residences can be expected to generate 20 daily vehicle trips with 2 trips occurring in each of the AM and PM Peak Hours. This small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed.

Connectivity

Existing development patterns of lots that cannot be further divided to the east of the site prevent the opportunity to obtain either road or pedestrian connections to N Mississippi Avenue from N Michigan Avenue.

Vehicle Access/Loading

The new lots will have driveways from the existing 15-ft wide improved alley to provide access to parking and loading. In order to ensure 20-ft of back up distance is provide for the on-site parking, a 5-ft garage entrance or parking pad setback will be conditions of building permit approval.

On-Street Parking Impacts

The new lots will have at least one on-site parking space with potentially an additional space in front of the garage. Impacts to the on-street parking supply should be minimal.

Availability of Transit

Tri Met Max line is available 1/3 mile away at the N Prescott Max Station.

Neighborhood Impacts

The site is being developed with 2 new single-family residences in compliance with the existing R2 zoning. In addition, existing frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles.

Safety for All Modes

Sidewalks along the site frontage will provide adequate pedestrian facilities. Given the low vehicle speeds and volumes on N Michigan Ave, cyclists can safely share the roadway.

PBOT has reviewed and concurs with the information supplied and available evidence. As noted above, a 5-foot garage entrance or parking pad setback will be required from the rear property line abutting the alley at the time of development. Subject to this condition, the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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:

33.651 Water Service standard – See Exhibit E.3
The Water Bureau has indicated that service is available to the site from the 8-inch CI water main in N Michigan Avenue, as noted on page 2 of this report. The water service standards of 33.651 have been verified. This criterion is met.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1
The Bureau of Environmental Services has indicated that service is available to the site from the 8-inch VSP public combination sewer main in N Michigan Avenue, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified. This criterion is met.

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

No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has submitted a Simplified Approach Stormwater Report (Exhibit A.3) to address this criterion and has proposed the following stormwater management methods:

- **Parcels 1 & 2:** 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 Portland Bureau of Transportation has provided the following evaluation of connectivity for this proposal (Exhibit E.2):

Existing development patterns of lots that cannot be further divided to the east of the site prevent the opportunity to obtain either road or pedestrian connections to N Mississippi Avenue from N Michigan Avenue.

For the reasons described above 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**

In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. The site's frontage is improved with a 4-6-2 configuration, as noted on page 2 of this report, which is very close to City standards in a pedestrian district. The applicant was granted approval of a Public Works Alternative Review (15-118676 PW) to leave the existing sidewalk corridor configuration. Portland Transportation has not identified or been made aware of any other factors related to this proposal that lead to a conclusion that two dwellings can be safely served by this existing street without having any significant impact on the level of service provided. This criterion is 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.

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:

- **Mississippi Conservation District:** The land division site is located within the Mississippi conservation District. Therefore, new development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to historic design review.

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.

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 fire flow/water supply, addressing of structures, and aerial fire department access roads. These requirements are based on the technical standards of Title 31 and Oregon Fire Code (Exhibit E.4).
- The applicant must meet the requirements of Urban Forestry for removing the existing street trees adjacent to the sites N Michigan Avenue frontage and replanting at the time of development. This requirement is based on the standards of Title 20 (Exhibit E.6).

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plans (Exhibits C.1-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: tree preservation. 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 2 lots for attached houses, as illustrated with Exhibits C.1-C.3, subject to the following conditions:

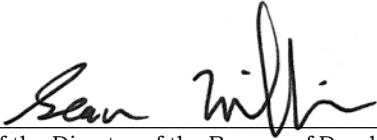
A. The following must occur prior to Final Plat approval:

1. 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.
2. The applicant must pay into the City Tree Fund the amount equivalent to 60 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

1. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
2. Trees required to be planted for compliance with On-Site Tree Density Standards (11.50.050) must be native species selected from the Portland Plant List. Payment in lieu of planting (11.50.050.C.3.c) may not be used.
3. The applicant will be required to setback the garage entrances or parking pads 5-ft from the rear property line abutting the alley to ensure there is 20-ft of back up distance.

Staff Planner: Sean Williams

Decision rendered by:  **on June 2, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 4, 2015

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 December 29, 2014, and was determined to be complete on **April 7, 2015**.

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 December 29, 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 5, 2015**.

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 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.portlandonline.com.

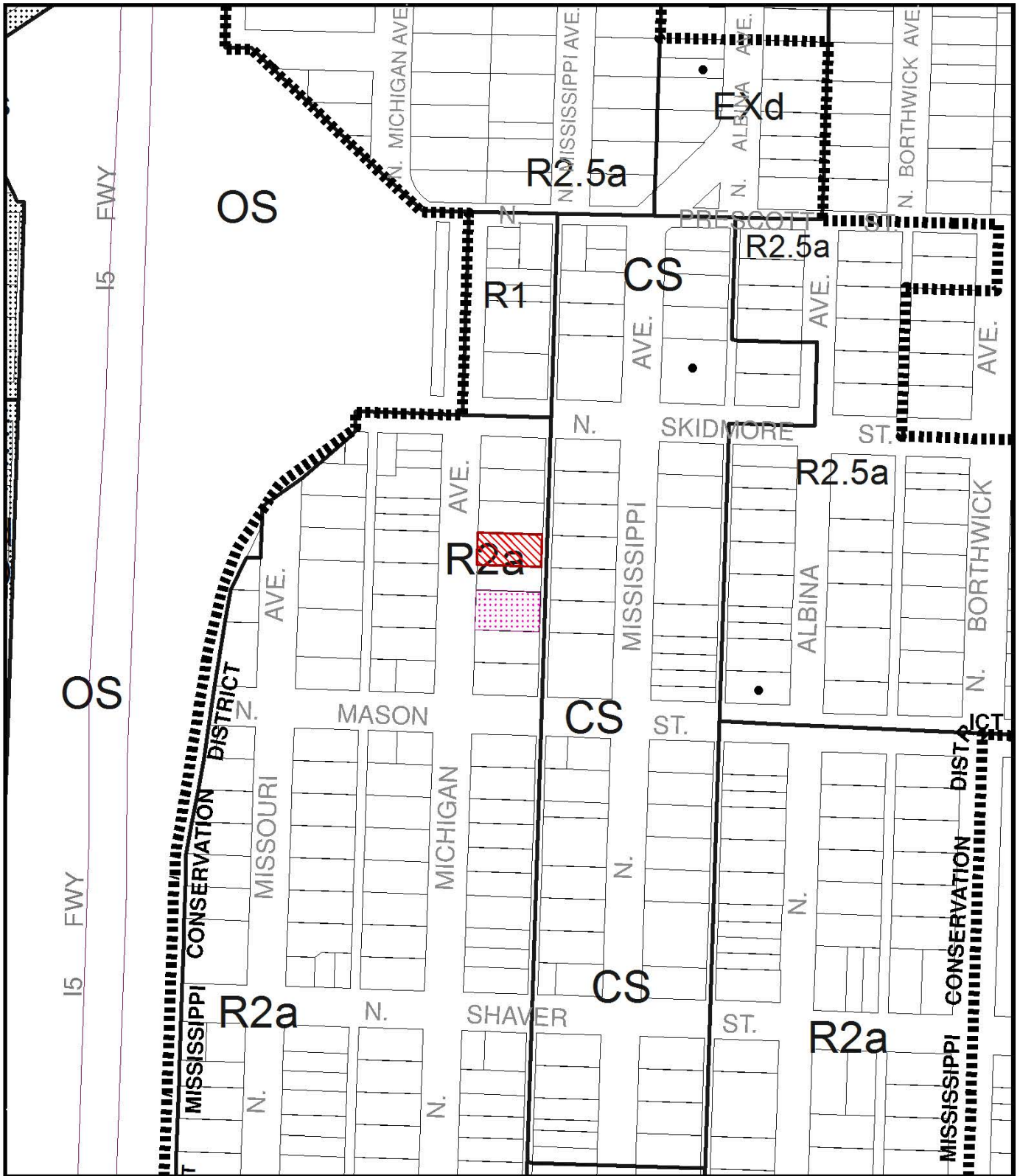
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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.**

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Arborist report
 - 3. Simplified approach stormwater report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Partition plat (attached)
 - 2. Site Plan (attached)
 - 3. Survey w/ trees
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services w/ Addendum
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS; Life Safety Plans Examiner
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Stephen Gomez, Boise Neighborhood Association (5/12/15)
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete letter w/ RFC responses

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
-  Also Owned
-  Historic Landmark



This site lies within the:
MISSISSIPPI CONSERVATION DISTRICT

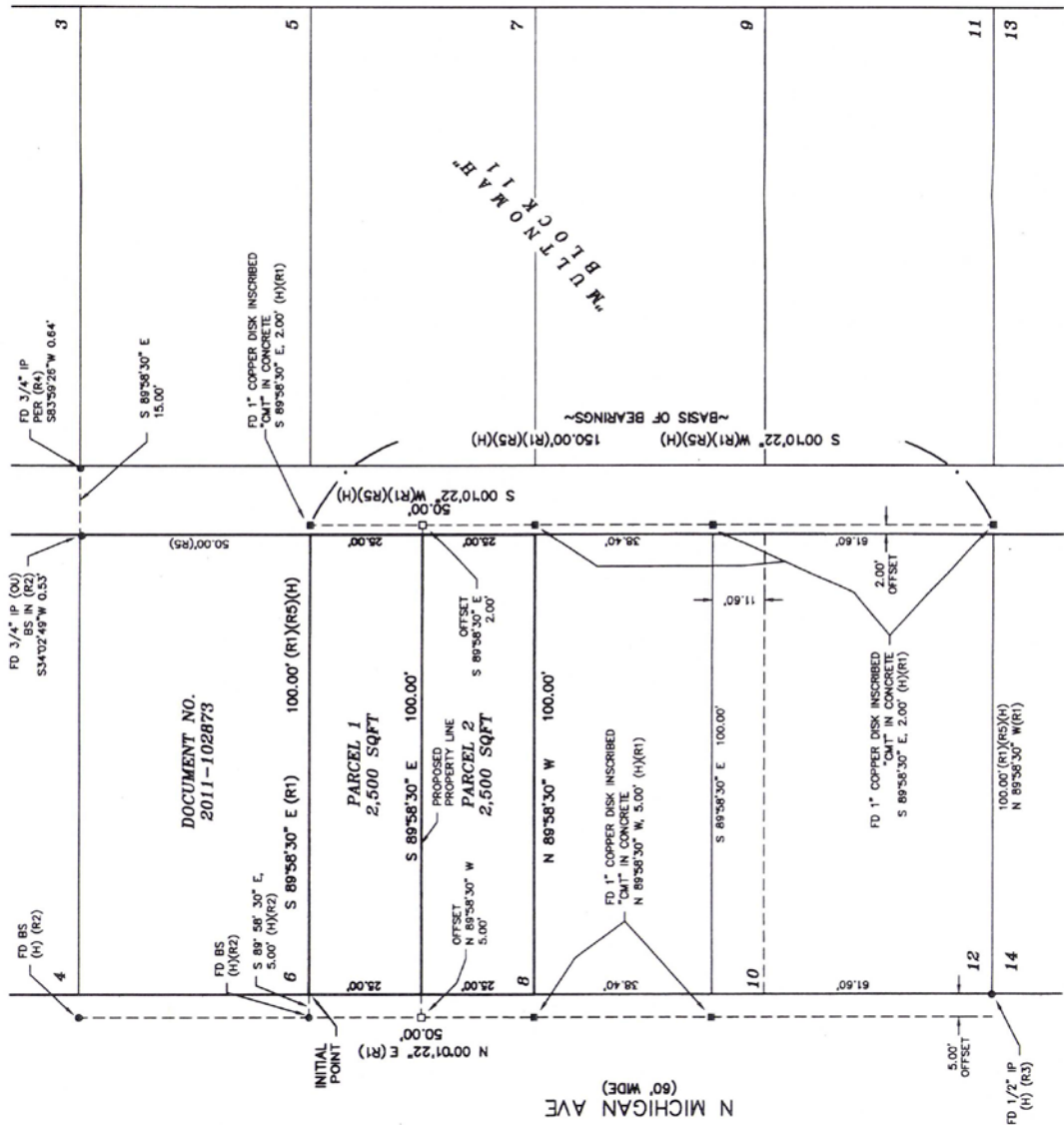
File No. LU 14-254244 LDP
 1/4 Section 2629
 Scale 1 inch = 200 feet
 State_Id 1N1E22CA 5802
 Exhibit B (Dec 30, 2014)

PARTITION PLAT NO.

A REPLAT OF LOT 8, BLOCK 11, OF THE PLAT OF "MULTNOMAH" LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

DATE: JULY 2, 2014

SURVEYED FOR: METRO HOMES NW, LLC
211 NE MEDLER ST
PORTLAND, OR 97232



REFERENCE SURVEYS
 (R1) RECORD DATA PER SN 83735
 (R2) RECORD DATA PER SN 46350
 (R3) RECORD DATA PER SN 16565
 (R4) RECORD DATA PER SN 3538
 (R5) RECORD DATA PER PLAT OF "MULTNOMAH"

LEGEND
 □ SET 1" COPPER DISK INSCRIBED "CMT" IN CONCRETE SET ON:
 ● FOUND MONUMENT AS NOTED
 ■ FOUND 1" COPPER DISK INSCRIBED "CMT" IN CONCRETE
 SN - MULTNOMAH COUNTY SURVEY #
 IR - IRON ROD
 IP - IRON PIPE
 BS - BRASS SCREW
 (H) - HELD
 (OU) - ORIGIN UNKNOWN
 SQFT - SQUARE FEET

NARRATIVE

1. THE PURPOSE OF THIS SURVEY IS TO PARTITION LOT 8, BLOCK 11, "MULTNOMAH", MULTNOMAH COUNTY PLAT RECORDS.
2. THE BASIS OF BEARINGS AND BOUNDARY FOR THIS SURVEY ARE PER SN 83735 (R1).
3. THE PROPOSED NEW PROPERTY LINE WAS ESTABLISHED PER CLIENT INSTRUCTION AND PER CITY OF PORTLAND CASE FILE NO. _____

REGISTERED PROFESSIONAL LAND SURVEYOR
 SHAUN P. FIDLER
 OREGON
 JULY 12, 2009
 30333

RENEWAL DATE DECEMBER 31, 2015
 THIS SURVEY WAS PREPARED USING NEWLETT PLOTTING
 PRODUCT NO. 48444 ON MILANO MYLAR, PLOTTED
 I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

CMT SURVEYING AND CONSULTING
 9136 SE ST HELENS ST, SUITE J
 PORTLAND, OR 97215
 PHONE (503) 850-4672 FAX (503) 850-4590
 T:\198-005\Gens\198005PART1.dwg

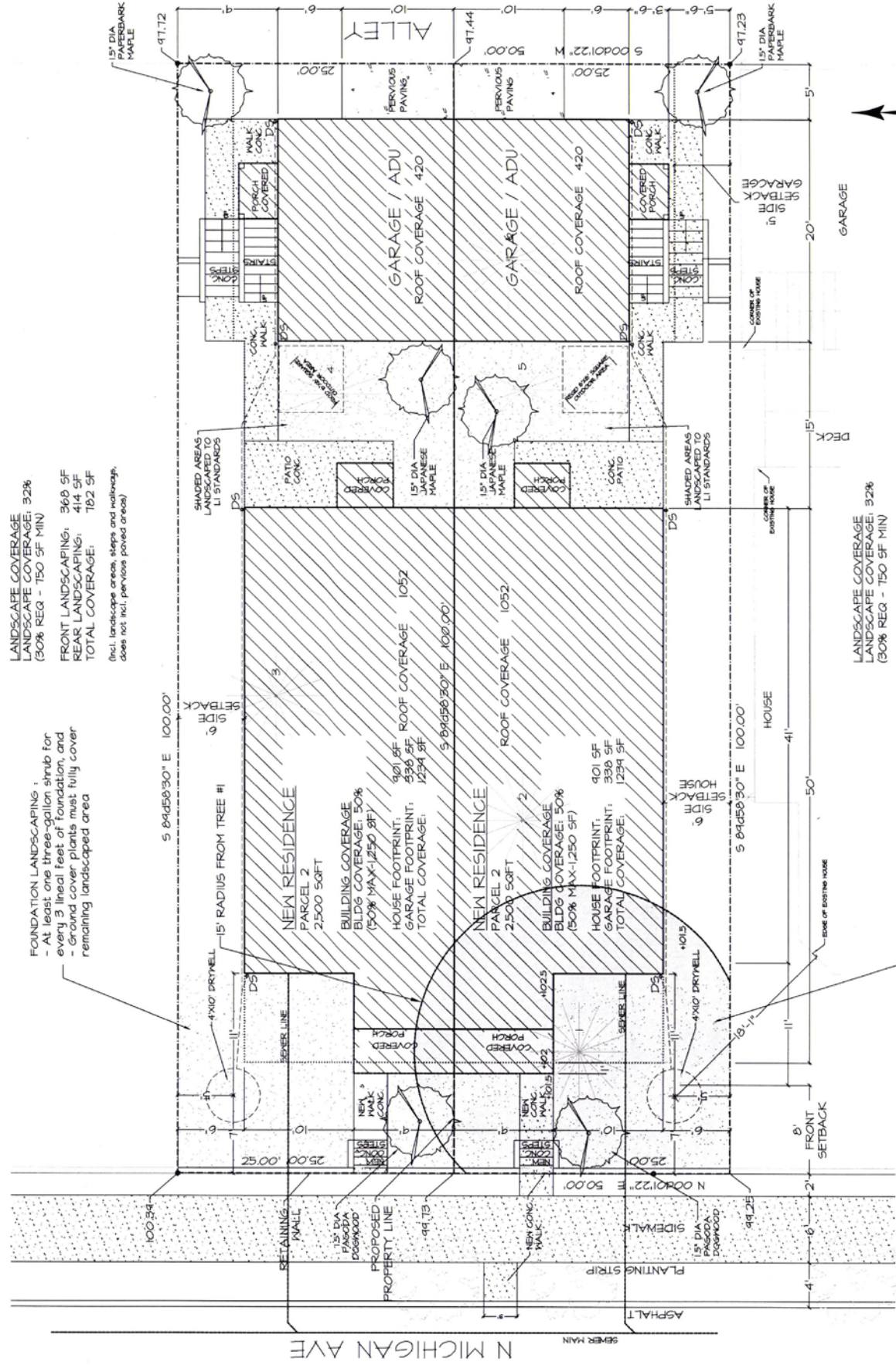


CASE NO. 14-2424

EXHIBIT 7.1

SITE PLAN

1/1



LANDSCAPE COVERAGE
 LANDSCAPE COVERAGE: 32%
 (30% REQ - 150 SF MIN)
 FRONT LANDSCAPING: 368 SF
 REAR LANDSCAPING: 414 SF
 TOTAL COVERAGE: 782 SF
 (Incl. landscape areas, steps and walkways, does not incl. pervious paved areas)

FOUNDATION LANDSCAPING:
 - At least one three-gallon shrub for every 3 lineal feet of foundation, and
 - Ground cover plants must fully cover remaining landscaped area

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