



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: December 10, 2015
To: Interested Person
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 15-141208 LDP

GENERAL INFORMATION

Applicant: Kevin Partain, Urban Visions
223 NE 56th Ave / Portland, OR 97213 / 503-421-2967

Owner: Roman Ozeruga, 810 Palestine Lofts LLC
Po Box 11930 / Portland, OR 97211

Site Address: 810 SW Palatine St

Legal Description: TL 3500 0.57 ACRES, SECTION 33 1S 1E
Tax Account No.: R331519
State ID No.: 1S1E33AB 3500
Quarter Section: 4128
Neighborhood: Arnold Creek, contact Liz Marantz at 503-823-3161.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Plan District: None
Other Designations: Potential Landslide Hazard Area
Zoning: R10 (Single Family Residential 10,000 square feet).
Case Type: LDP (Land Division Partition).
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing a 3-parcel partition for single family housing for this 24,636 square foot corner lot. The existing home on the site was recently demolished. Parcel 1 will be 7,957 square feet with a detached home. Parcels 2 and 3 will be 6,719 and 8,862 square feet each with attached homes. This proposal utilizes the added density provision of 1 extra unit available for attached housing on corner lots in the R10 zone (see PZC 33.110.240.E). Frontage improvements are required along the site for SW Palatine Road and SW Boones Ferry Road, including a sidewalk and stormwater facilities. At the time of the land division application there were 16 trees on the site. The applicant is proposing to preserve 6 trees in the SE corner of the site.

This partition proposal is reviewed through a Type IIX procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (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 3 units of land (3 parcels). 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 approval criteria found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

FACTS

Site and Vicinity: This 24,636 sf site is a corner lot that is currently vacant. There is one curb cut from SW Palatine Road that served the house that was recently removed. The surrounding area is zoned for single family development. Tryon Creek State Park is located just to the east of the site.

Infrastructure:

- **Streets** – The site has approximately 255 feet of frontage on SW Palatine Rd and approximately 102 feet of frontage on SW Boones Ferry Road. There is one driveway entering the site from SW Palatine Rd that served the existing house on the site. At this location, the City's Transportation System Plan classifies SW Boones Ferry Rd as a District Collector, Transit Access Street, City Bikeway, City Walkway & a Community Corridor. According to City GIS, SW Boones Ferry Rd is improved with approx 30-ft of center-strip paving (no curb or sidewalk) within a 60-ft Right of Way (r.o.w.). SW Palatine is classified as a Local Service street for all modes. SW Palatine is improved with approx 18-20 ft of paving (no curb or sidewalk) within a variable width r.o.w. Tri-Met provides transit service adjacent to the site at the corner of SW Palatine and SW Boones Ferry Rd via Bus #38.
- **Water Service** – There is an existing 6-inch CI water main in SW Palatine Street. There is an existing 4-inch CI water main in SW Boones Ferry Road.
- **Sanitary Service** - There is an existing 8-inch concrete public sanitary sewer line in SW Palatine Street and an 8-inch concrete public sanitary sewer line in SW Boones Ferry Road.
- **Stormwater Disposal** – There are open channel ditch systems located in SW Palatine Road and SW Boones Ferry Road.
- **Zoning:** The R10 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 6,000 square feet, with minimum width and depth dimensions of 50 and 60 feet, respectively. Maximum density is 1 unit per 10,000 square feet of site area.

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 **September 11, 2015**. Seven (7) written responses have been received from the Neighborhood Association or notified property owners in response to the proposal. Neighbor comments included the following concerns (staff responses noted below each concern):

- Too many trees were cut down in relation to the demolition of the existing house and more trees should not be allowed to be removed. Mitigation planting with large native trees should be required.
Staff response: In 2014, the City did not review trees that were removed as part of a demolition permit, because based on the code at that time they were not subject to preservation regulations. All trees that were on the site at the time of the land division application are subject to the Tree Preservation regulations in 33.630. Mitigation planting is required. Please see section B., Trees, below for a detailed discussion of trees.
- 3 houses should not be built at this site – the lots are too small and it is out of character for the neighborhood.
Staff response: Please see Lots, below, for a detailed discussion of how the proposal meets the lot dimension requirements of the zoning code. All of the lots meet the minimum lot size requirements for lots in the R10 zone. The applicant is using the “corner lot provision” because the overall site size yields a maximum density of 2 units.
- The applicant did not protect the neighbors from asbestos when the house was torn down.
Staff response: Please see Ex. A.7 provided by the applicant demonstrating that materials were tested for asbestos prior to the demolition. No asbestos was found.
- TriMet requested specific design features for the frontage improvements on SW Boones Ferry Road.
Staff response: Please see section L. Services and Utilities, below for a detailed discussion of the frontage improvements.
- The frontage improvements are not needed and are not desired along SW Palatine Street, but the sidewalk on Boones Ferry Rd is great. The improvements along Palatine are a waste of money and will negatively alter the less-urbanized feel of that street.
Staff response: Please see section L. Services and Utilities, below for a detailed discussion of the frontage improvements.

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.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed 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.
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 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. In the R10 zone, the maximum density is one unit per 10,000 square feet. Minimum density is one unit per 10,000 square feet based on 80 percent of the site area. Because the site is within the potential landslide hazard area the site has a minimum required density of 0 units and a maximum density of 2 units. The applicant is proposing 3 single dwelling parcels.

The applicant is proposing 3 parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 2 and 3 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit when attached houses are proposed on corner lots. Therefore, an additional parcel is allowed provided Parcels 2 and 3 are developed with attached houses.

With a condition of approval limiting the development on Parcels 2 and 3 to attached houses, the density standards are met.

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

Detached Housing

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R10 Zone	6,000	17,000	50	60	30
Parcel 1	7,915		82.47	95.98	82.47

Attached Housing

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R10 Zone	6,000	17,000	50	60	30
Original lot before division must meet base zone	15,581		94.5	154	94.5
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Parcel 2	6,719		70	95.98	70
Parcel 3	8,862		94.5	84.5	94.01

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

Attached Houses on Corner Lots

Parcels 2 and 3 are being created through a provision that allows attached houses on corner lots. To use this code provision the original lot before the division must meet the minimum lot dimension standards for new parcels in the base zone. As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Therefore, the corner lot may be divided to create Parcels 2 and 3 as proposed.

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 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees.

To satisfy these requirements, the applicant must provide a tree plan that demonstrates, to the greatest extent practicable, the trees to be preserved provide the greatest environmental and aesthetic benefits for the site and the surrounding area. The tree plan must also show that trees are suitable for preservation, considering the health and condition of the tree and development impacts anticipated. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and in tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites.

Some trees are exempt from the requirements of this chapter, if they are unhealthy, a nuisance species, within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.3) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.5) that identifies each tree, its condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection measures for each tree to be preserved.

There are 16 trees on the site. 1 tree is exempt due to its condition as dangerous/dying. 15 trees are subject to the tree preservation requirements of this chapter, with a total of 283

inches of tree diameter (note that the arborist report incorrectly notes additional trees as exempt).

In this case, 9 of the regulated trees are located near the northeast corner of the site within or very near property that will be dedication to the City as r.o.w. for frontage improvements. The applicant appealed this requirement and was denied (see section L. Service and Utilities for more information on the r.o.w. requirements). Because of the required r.o.w. improvements, these trees are not suitable for preservation because they would likely not survive the construction impacts.

The applicant is proposing to preserve the remaining 6 trees (trees #135, 136, 137, 138, 139, and 140) with a total of 123 inches of tree diameter. The preservation proposal preserves 1 of 2 tree groves on the site, 3 of 7 trees that are over 20 inches in diameter (43%) and 43% of the total tree diameter on the site. This preservation proposal does not meet one of the preservation standards listed in 33.630.100. Because the required r.o.w. improvements cause the removal of the remaining trees on the site that are not proposed to be preserved, it is reasonable to consider mitigation options that will replace the functions of the trees to be removed.

In addition to preserving trees #135 to 140, the applicant has proposed to plant 1 large native tree each on Parcels 1 and 3, in addition to the tree planting requirements of Title 11. The trees planted to meet Title 11 will also be required to be native species. Parcels 1 and 3 are large enough to allow additional planting beyond the Title 11 requirements. Parcel 2 is somewhat smaller, and reasonably-sized development may not allow additional plantings beyond the Title 11 requirements. Given that the proposal to preserve trees #135 to 140 is very close to meeting several preservation standard options, the additional planting of 2 large native trees on the site and the requirement that all Title 11 plantings are native species is reasonable mitigation for the tree removal.

In order to ensure that future owners of Parcel 3 are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions, at the time of final plat. The acknowledgement must identify that development on Parcel 3 must be carried out in conformance with the Proposed Conditions Plan (Exhibit C.1) and the Arborist Report (Exhibit A.5).

This mitigation will be consistent with the purpose of the tree preservation regulations, since it will provide for the preservation of 43% of the existing tree diameter on site and the installation of other trees that will contribute to the general beauty and natural heritage of the City, if not directly on the site; help to absorb air pollutants and contamination; provide buffering from noise and wind; provide visual screening from the adjacent properties; filter stormwater runoff and the reduce the possibility for erosion; help with slope stabilization; and the native trees will provide habitat to support wildlife.

The applicant must plant 1 large tree on Parcel 1 and 1 large native tree on Parcel 3 at the time of development, in addition to the Title 11 planting requirements. Trees planted to meet Title 11 must be native species.

At the time of development, the individual parcels must also meet the Title 11 planting requirements. The trees to be retained on Parcel 3 as part of this review may be applied toward meeting those Title 11 requirements.

With the conditions noted above, the approval criteria are met.

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.

Findings: The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on parts of the site

that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

In order to evaluate the proposal against this criteria, the applicant has submitted a geotechnical evaluation of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A.6). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability.

The applicant's geotechnical evaluation indicates the proposed land division will result in lots, buildings, services, and utilities that will not significantly increase the risk of landslide potential on the site or other properties in the vicinity of the site. In addition, the geotechnical evaluation has concurred that the applicant's proposed method of stormwater disposal at the site will not have a significant detrimental impact on the slope stability on or around the site.

Site Development has concurred with the findings of the applicant's geotechnical report. This criterion is met.

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

Findings:

Clearing and Grading

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

In this case, the site is located in the Potential Landslide Hazard area. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

A Preliminary Clearing and Grading Plan (Exhibit C.2) and a Landslide Hazard Report (Exhibit A.6) were submitted that describe how clearing and grading should occur on the site to minimize erosion risks. The applicant also noted on the Proposed Development Conditions Plan (Exhibit C.1) areas on the site where grading should not occur in order to protect the roots of the trees on the site that will be preserved, and an arborist report (Exhibit A.5) that further discusses grading on the site.

It is anticipated that the grading will primarily involve excavating for the foundations of the new houses and trenching for the utilities, but will not include mass grading of the site. Stormwater runoff from the lots will be appropriately managed by flow-thru planters that discharge to open channel ditch systems located in SW Palatine Road and SW Boones Ferry Road to assure that the runoff will not adversely impact adjacent properties (see detailed discussion of stormwater management later in this report). In addition, the arborist report notes a root protection zone where no clearing and grading will be permitted (combined rpz 21' north and 15' west of Tree #140, and 28' west of tree #135, and 15' north of southern property line). The arborist report also notes that the contract arborist should be onsite during excavation of the southern foundation wall for the house on Parcel 3, and six inches of wood chips should be placed over geo-tech fabric between the rpz and the foundation wall, as discussed in the arborist report (Exhibit A.5) and on the Clearing and Grading Plan (Ex. C.2). Preserving these trees will help limit erosion by assuring that the tree roots will help to hold the soil in place. The site and proposed development is such that there is room for stockpiling on the site. Topsoil storage and general stockpiling on the site should only occur if it will not create any additional erosion concerns.

As shown above, the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted to the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the

applicant's Landslide Hazard Study as well as any additional geotechnical information required at the time of permit submittal to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan and arborist report. 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. 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.

PBOT has provided the following findings (see Exhibit E.2):

The minimal expected added vehicle trips (2 AM peak hour trip/2 PM peak hour trip/20 total new daily trips) will not adversely impact the operations of area intersections. On-street parking demand appears to be minimal along SW Palatine given the make-up of the existing r.o.w. with no curbs/sidewalks and minimal gravel shoulders. The lots along the street are served by lengthy driveways sufficient to accommodate multiple vehicles. The proposed development on each lot will also be served by driveways/garages. The proposed partition will not have any effect to transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area. PBOT has reviewed and concurs with the information supplied and available evidence. No mitigation is necessary for the transportation system to be 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: 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 Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5
No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The applicant has proposed the following stormwater management methods:

- **Public Street Improvements:** The applicant is required to extend the existing 6-ft sidewalk located behind the existing drainage ditch along SW Boones Ferry Rd, and to install a 5-ft sidewalk behind the drainage ditch along SW Palatine. Stormwater from these new impervious areas will be directed into the existing drainage ditches. BES is reviewing any necessary modifications to the existing ditch through the Public Works permit process (15-193638 WT), including any additional property dedication along the frontage of the site that must be provided on the final plat. The applicant must provide engineered designs and financial guarantees of performance prior to final plat approval.
- **Parcels 1, 2 and 3:** Stormwater from these lots will be directed into flow-through planters that remove pollutants and suspended solids. The water will drain from the planters to the existing open channel ditch systems located in SW Palatine Road and SW Boones Ferry Road maintained by BES. Each lot has sufficient size for individual planter boxes, and the Bureau of Environmental Services has indicated that the treated water can be directed to the existing drainage ditch at the frontage of the site.

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. Pedestrian connections should be provided no more than 330 feet apart. The site is a corner lot. Boones Ferry Rd, the nearest n-s road, is ~ 250 feet from the western edge of the site. SW Palatine, the nearest e-w street, is ~100 feet from the southern edge of the site. Although the block on which the subject property is located does not meet the noted spacing requirements, the location of the subject site within the block is not a desirable location to provide a new public street or pedestrian connection through the block. It is not feasible without eliminating existing development on abutting lots, to provide any additional connectivity. These impacts do not make further connectivity through the subject site or block feasible. No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document.

For the reasons described above, this criterion is met.

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

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. In this case Portland Transportation has determined that curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development.

At this location, the City's Transportation System Plan classifies SW Boones Ferry Rd as a District Collector, Transit Access street, City Bikeway, City Walkway & a Community Corridor. SW Boones Ferry Rd is improved with approx 30-ft of center-strip paving (only, no curb or sidewalk) within a 60-ft wide r.o.w. [this is supported by the applicant's submitted survey which shows between 14-16 ft of paving from the centerline of the r.o.w.]. There is approx 15-ft of r.o.w. between the current edge of pavement and the site's property line.

For City Walkway classified streets (SW Boones Ferry Rd) abutting R10-zoned sites, the City's Pedestrian Design Guide requires a 12-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide frontage zone, 6-ft wide sidewalk and 1.5-ft wide frontage zone.

SW Palatine is classified as a Local Service street for all modes. SW Palatine is improved with approx 18-20 ft of paving (only, no curb or sidewalk) within a variable width r.o.w. [the r.o.w. width is approx 40-ft along the western 1/3 length of this frontage and approx 45-ft wide along the eastern 2/3 of this frontage].

For Local Service streets (SW Palatine) abutting R10-zoned sites, the City's public r.o.w.

standards document requires a 48-ft wide r.o.w. to accommodate a 20-ft wide roadway (which would allow parking along one side of the street [NOTE: a segment of the north side of SW Palatine Rd is already signed for “No Parking”] & two 14-ft wide sidewalk corridors (0.5-ft curb, 8-ft stormwater management facility, 5-ft sidewalk & 0.5-ft frontage zone)).

The applicant filed a Public Works Alternative Review request (15-176585 PW) seeking relief from the above referenced standard r.o.w. improvements. In lieu of the standard improvements, the applicant proposed to extend the existing 6-ft sidewalk located south of the site, along the subject site’s SW Boone’s Ferry Rd frontage. For SW Palatine Rd, the applicant initially suggested that no improvements were necessary, but also proffered to provide a 5-ft wide sidewalk behind the existing ditch. The decision rendered by the Public Works Alternative Review Committee approved the continuation of the 6-ft wide separated sidewalk along SW Boones Ferry Rd (matching the existing sidewalk south of the site) and to extend the separated sidewalk along the site’s SW Palatine Rd frontage (See Ex. E.2.b).

The applicant has initiated the frontage improvement review with the submittal of a Public Works Permit (15-193638 WT). Public Works permitting staff have conducted and approved the proposal’s concept (30%) plans; the Design (60%) phase of this review process has not yet begun. The submitted Public Works plans show property dedication varying between 3-7.7-ft along the site’s SW Palatine frontage. The property dedication will occur as part of the Final Plat process of this land use review.

Numerous public comments were submitted into the record for this proposal from neighboring property owners. Comments included support for the proposed sidewalk along SW Boones Ferry Rd and a desire to not have the proposed sidewalk along SW Palatine. PBOT’s requirements in this case, for less than standard sidewalk corridors along both site frontages, will facilitate pedestrian passage in the area and provide an improvement to accessing the existing Tri-Met bus stop at the corner of the site. Tri-Met also submitted a letter into the record supporting the proposed sidewalks and recommending some design features for the corner construction that will be considered with the Public Works Permit.

Frontage improvements to the satisfaction of the City Engineer will be required prior to Building Permit approval for each new home; construction of the required separated sidewalks along both site frontages shall be completed pursuant to 15-176585 PW and 15-193638 WT.

Property dedication necessary to accommodate the required frontage improvements along SW Palatine shall occur as part of Final Plat review.

With these improvements, two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

With the conditions of approval described above, 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.

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:

- Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Parcel 2 must be oriented toward the SW Palatine Road and development on Parcel 3 must be oriented toward SW Boones Ferry Road.
 3. The height of the two units must be within 4 feet of each other.
 4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.
 7. Trim must be the same in type, size and location.
 8. Windows must match in proportion and orientation.

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 R10 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 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcels 1, 2, and 3; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 3-parcel partition, as shown on the attached proposed development plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition, that will result in 1 parcel for detached single dwelling development and 2 parcels for attached housing as illustrated with Exhibit C.1, subject to the following conditions:

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SW Palatine Road and SW Boones Ferry Road (if necessary). The required right-of-way dedication must be shown on the final plat.
2. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Conditions B.1 and B.2 below. The recording blocks shall, at a minimum, include language substantially similar to the following example:
“An acknowledgement of tree preservation land use conditions has been recorded as document no. _____, Multnomah County Deed Records.”

“An acknowledgement of special land use conditions for sprinklers has been recorded as document no. _____, Multnomah County Deed Records.”

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

1. The applicant shall meet the requirements of City Engineer for r.o.w. improvements along the site's frontages. Prior to Final Plat approval, the applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of Public Works for the required street improvements.

Required Legal Documents

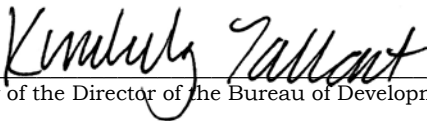
2. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcels 1, 2 and 3 to contain internal fire suppression sprinklers, per Fire Bureau Appeal no 15-63. The acknowledgement shall be referenced on and recorded with the final plat.
3. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 3. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

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

1. Development on Parcel 3 shall be in conformance with the Proposed Conditions Plan (Ex. C.1) and the applicant's arborist report (Exhibit A.5). Specifically, trees numbered 135, 136, 137, 138, 139, and 140 are required to be preserved, with the root protection zones indicated on Exhibit C.1 (combined rpz 21' north and 15' west of #140, 28' west of #135, and 15' north of the southern property line for Parcel 3). Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his/her supervision.

2. The applicant must plant 1 large native tree on Parcel 1 and 1 large native tree on Parcel 3 at the time of development, in addition to the Title 11 planting requirements. Trees planted to meet Title 11 must be native species.
3. Parcels 2 and 3 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
4. 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.
5. The applicant will be required to install residential sprinklers in the new houses on Parcels 1, 2, and 3 to the satisfaction of the Fire Bureau.

Staff Planner: Diane Hale

Decision rendered by:  **on December 7, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed December 10, 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 March 27, 2015, and was determined to be complete on **September 4, 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 March 27, 2015.

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 requested that the 120-day review period be extended by 60 days. Unless further extended by the applicant, **the 120 days will expire on: March 2, 2016.**

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 December 24th, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7617 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us.

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

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

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City’s approval of the preliminary plan.**

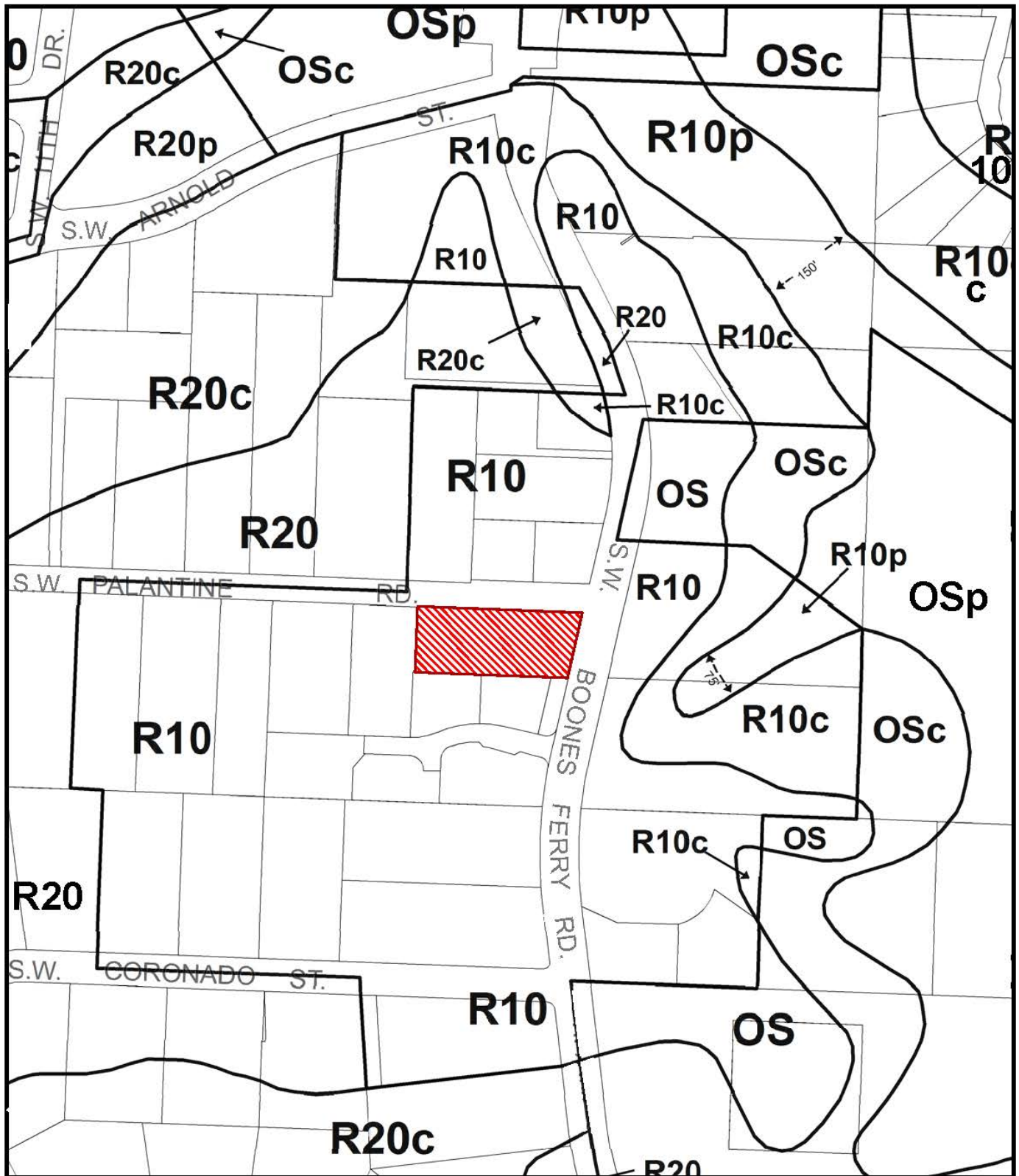
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Applicant’s original submittal and plans
 - 2. Applicant’s response, September 4, 2015
 - 3. Applicant’s response, October 28, 2015
 - 4. Neighborhood Contact Requirement Documentation
 - 5. Arborist Report and Supplemental Information, September 4 and October 29, 2015
 - 6. Landslide Hazard Report/ Stormwater Report and Form
 - 7. Asbestos Testing Results, October 14, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Site and Utility Plan (attached)
 - 2. Preliminary Grading Plan

3. Existing Conditions Survey
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 - a. LUR response
 - b. Public Works Alternative Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Section of BDS
 7. Parks Urban Forestry
- F. Correspondence:
 1. Dan Belica, 1035 SW Palatine St., October 5, 2015
 2. Sue Butcher, 11140 SW Boones Ferry Rd., October 5, 2015
 3. Grant O'Connell, 1800 SW 1st Ave Ste. 300, October 5, 2015
 4. Leslie Hamilton, 1109 SW Palatine St., October 10, 2015
 5. Neil Nathanson, 1109 SW Palatine St., October 12, 2015
 6. Carrie Wilton, 1116 SW Palatine St., October 12, 2015
 7. Elizabeth Marantz, 11941 SW 25th Ave., October 12, 2015
- G. Other:
 1. Original LU Application
 2. Incomplete Letter
 3. Extension Form (30 days)
 4. Extension Form (30 days)

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

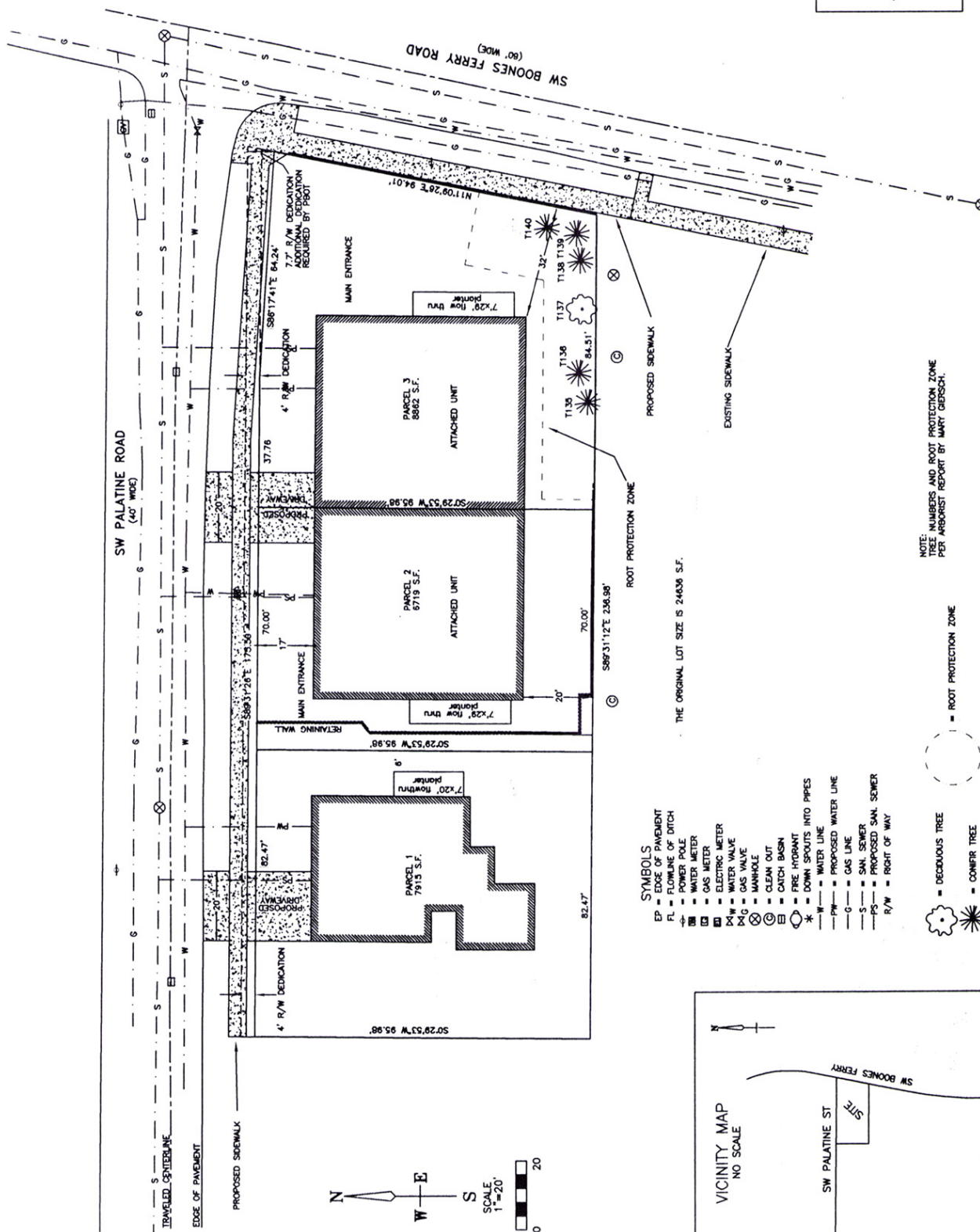


Site



NORTH

File No. LU 15-141208 LDP
 1/4 Section 4128
 Scale 1 inch = 200 feet
 State_Id 1S1E33AB 3500
 Exhibit B (Mar 31, 2015)



NOTE: TREE NUMBERS AND ROOT PROTECTION ZONE
FROM ARBORIST REPORT BY MARY GIERSCHE

- DECIDUOUS TREE

3381 BLINCOJ -

Ferguson Land Surveying, Inc.

646 SE 106TH AVE. PORTLAND, OR 97216
Phone (503) 408-0601 Fax (503) 408-0602
www.FergusonLandSurveying.com

PROPOSED CONDITIONS

A TRACT OF LAND SITUATED
IN THE NE 1/4, SECTION 33, T.1S., R.1E., W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

URBAN HOUSING DEVELOPMENT LLC

URBAN HOUSING DEVELOPMENT
ROMAN OZERUGA
810 SW PALATINE ST
PORTLAND, OR 97219

DATE: AUGUST 22, 2014

5106 • J. Neurosci., September 2, 2009 • 29(35):5100–5106

SEPTEMBER 1, 2015

SEPTEMBER 1, 2015

JOB NO. 14-111

DRAFTED 8.22.14

SHEET 1 OF 1

CASE NO. 15-141208 LOP

~~EXHIBIT~~