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

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Date: February 18, 2011

To: Interested Person

From: Lois Jennings, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-172235 LDP

GENERAL INFORMATION

Applicant/Owner: Habitat For Humanity
Carmen Schleiger, Director of Housing Development
Po Box 11527
Portland, OR 97211

Representative: Larry Porter
Porter Company, LLC
5510 SW Dover Loop
Portland, OR 97225

Site Address: 4337 N HAIGHT AVE

Legal Description: BLOCK 3 LOT 4, CENTRAL ALBINA
Tax Account No.: R146800320
State ID No.: 1N1E22DB 03500
Quarter Section: 2630

Neighborhood: Humboldt, contact Brian Murtagh at 503-962-9194.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.North Portland Business Assoc, contact Jim Schaller at 503-517-9915.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Zoning: R2.5-Single Dwelling Residential (one unit per 2,500 s.f.) with an "a"-Alternative Design Density Overlay
Case Type: Land Division Partition (LDP)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant proposes to divide a 5,000 square foot vacant lot into two "units of land" or "parcels" for single dwelling development, specifically attached housing. One parcel will be 2,499 square feet in area and the other parcel will be 2,498 square feet in area. The lot is currently vacant and does not contain any trees subject to the preservation standards. Utility services are proposed to be provided via sanitary sewer and water facilities in N. Haight Avenue; and stormwater management is proposed via drywells on each proposed parcel. Vehicle access for each parcel is from the existing alley.

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).

This partition is reviewed through a Type I 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).

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 vacant site is a relatively flat rectangular lot on west side of N. Haight Avenue. An existing driveway/curb-cut approach along N. Haight Avenue remains from when the site was developed with a single family residence. Properties surrounding the site are developed with single family residences and duplexes.

Infrastructure:

- **Streets –**The site has approximately 50 feet of frontage on N. Haight Avenue. There is an existing driveway approach entering the site that previously served a house at this site, which was demolished. At this location, N. Haight Avenue is classified as a local service street for all modes in the TSP. Tri-Met provides transit service approximately 534 feet from the site at N. Vancouver Avenue via Bus 44. Parking is currently allowed on both sides of N. Haight Avenue.

  North Haight Avenue has a 41-foot curb to curb paved surface within a 65-foot right-of-way with parking on both sides. Along the 50-foot wide site frontage the pedestrian corridor includes a 4-foot wide planter area, curb, 6-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (4-6-2 configuration).

- **Water Service –** There is an existing 5/8-inch metered service which provides water to this location from an existing 6-inch CI water main in N. Haight Avenue.

- **Sanitary Service -** There is an existing 12-inch VSP public combination sewer line in N. Haight Avenue.

Zoning: The site is located in a **Single-Dwelling Residential 2,500 (R2.5)** zone, which is one of the City's single-dwelling zones that is intended to preserve land for housing and to promote housing opportunities for individual households. The zone allows a mix of housing types with a single dwelling character while allowing attached houses and somewhat higher densities.

The site also has an **Alternative Design Density (a)** overlay designation. The purpose of the a-overlay is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The applicant has not proposed to use any of the a-overlay provisions.

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. Please see Exhibits "E" for details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 13, 2011. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN 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.

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
B	33.630 – Tree Preservation	No significant trees or trees in excess of 6 inches in diameter are located fully on the site or outside of the environmental zone on the site.
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
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	All of 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	There are no pedestrian connections proposed or

	Connections	required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required

Applicable Approval Criteria are:

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

Findings: Chapter 33. 611 contains the density and lot dimension requirements applicable in the R2.5 zone. The applicant is proposing two parcels for attached housing. The site is 4,997 square feet in area. The minimum density is 1 unit. The maximum density is calculated as follows: 4,997 ÷ 2,500 = 1.99 which is rounded up to 2.
The applicant is proposing two (2) parcels. The density standards are therefore met.

	Min. Lot Area (square feet)	**Max. Lot Area (square feet)**	**Min. Lot Width* (feet)**	**Min. Depth (feet)**	**Min. Front Lot Line (feet)**
R2.5 Zone	1,600	NA	36	40	30
Parcel 1	2,499 s.f.	NA	25	99.9	25
Parcel 2	2,498 s.f.	NA	25	99.9	25

* 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.

Narrow Lots
Parcels 1 and 2 are only 25 feet wide, which are narrower than the minimum width for the R2.5 zone, as shown in the table above. The Zoning Code, however, allows narrower lots if the future development can meet the regulations 33.611.200.C.

Consistent with the Purpose of Lot Dimension Regulations
The purpose of Lot dimension regulations are as follows:
The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized attached or detached house; (2) lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are wide enough to allow development to orient toward the street;
(6) each lot has access for utilities and services; (7) lots are not landlocked; (8) lots don't narrow to an unworkable width close to the street; and (9) lots are compatible with existing lots while also considering the purpose of this chapter.

The applicant has demonstrated that the proposed Parcels 1 and 2 are consistent with the purpose of lot dimension regulations for the following reasons:

- The applicant has provided an example of a building footprint that meets all applicable setback requirements and is oriented towards the street. Therefore they have demonstrated that the proposed lot(s) can accommodate a reasonably sized house and required parking space while meeting the development standards of the zoning code.
- The applicant has provided a preliminary utility plan that demonstrates that each lot has access for utilities and services
- The proposed lots are compatible with existing lots because there are existing attached houses in the surrounding neighborhood. Parcels 1 and 2 are narrower than the standard in R2.5 zone but can meet the additional standards for new narrow lots.

- The proposed lots are not landlocked nor do they narrow to an unbuildable width close to the street

The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet

- The lots will be developed with attached houses; therefore, this standard does not apply.

If the lot abuts an alley, then vehicle access is allowed only from the alley

- The site abuts an improved alley, and the applicant has proposed and will be required to provide vehicle access to all the lots from the alley. There is a current driveway/curb cut along the site's N. Haight Avenue frontage that will need to be closed off at the time of development on the site. Removal of the existing driveway/curb-cur along N. Haight Avenue will provide additional on-street parking opportunities**.**

Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.E at the time of development.

- The proposed parcels will have access to detached garages or a required parking space from the existing alley. This criterion is not applicable.

60 percent landscaping requirement for attached houses

- Parcels 1 and 2 can meet the narrow lot standards because the applicant proposes access via the alley and the required parking space will be to the rear of the lots. If in the future the applicant proposed a detached garage, the vehicle access will be from the alley to the rear of the lots. Because there will be no paved vehicle areas at the front of the lots, the applicant can landscape at least 60 percent of the area between the front lot line and the front building line.

Lot width standards can be met, with the condition that vehicle access (driveway) is from the alley and the existing driveway/curb-cut approach along N. Haight Avenue is closed prior to issuance of any building permits.

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

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

In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. 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. (See Exhibit E-5 for further details). This criterion is met.

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

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

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

33.651 Water Service standard - See Exhibit E-3 for detailed bureau comments.
The water standards of 33.651 have been verified. The estimated static water pressure range for this location is 58 psi to 73 psi at the existing service elevation of 193 feet. Water is available to serve the proposed development from the water main in N. Haight Ave. There is an existing 5/8-inch metered service which provides water to this location from the existing 6-inch CI water main in N. Haight Ave. This service may potentially be used to provide water to Parcel 2, once the appropriate service and meter size is determined. For Parcel 1, City Code Title 21, Section 21.12.010 will require that any new building or construction that will need water to have a water service and meter installed within the public right-of-way and within the specific property boundary/frontage for which it will serve. A Water Bureau review for fixture count will need to be completed at the time of submittal of building permit for Parcel 1 and Parcel 2 to appropriately size the water service and meter for this location. All applicable costs will be the responsibility of the applicant. This criterion is met.
33.652 Sanitary Sewer Disposal Service standards - See Exhibit E-1 for detailed comments.
The sanitary sewer standards of 33.652 have been verified. There is an existing 12-inch VSP combination sewer located in N. Haight Avenue that can serve the sanitary needs of the proposed lots. According to City Plumbing records and BES as-built records, there is an existing lateral 265 feet north of the manhole at the intersection of N. Haight and N. Skidmore. This lateral is available for the proposed Parcel 2. A new service branch to the main line in N. Haight will be required to constructed to serve Parcel 1 at the applicant's or owner's expense at the time of development. This criterion is met.
33.653.020 & .030 Stormwater Management criteria and standards– See Exhibits E.1
There is no public storm line available for this site. The applicant has proposed an on-site infiltration by the means of a drywell fore each of the proposed lots and submitted a stormwater infiltration test report by Alder Geotechnical Services. The Alder Geotechnical Services report indicates that onsite infiltration is feasible for this site. BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. • No stormwater tract is proposed or required. Therefore, criterion A is not applicable. • **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. Bureau of Environmental Services has indicated conceptual approval of the drywells. This criterion is met.
33.641 – Transportation Impacts – 33.641.020 and 33.641.030 **33.654.120.B & C Width and elements of the street right-of-way** **33.654.130.D Partial Rights of way** **(See Exhibit E.2 for further details)**

Portland Bureau of Transportation/Development Review (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

A. Street Classification

At this location, N Haight Ave is classified as a Local Service street for all modes in the City's Transportation System Plan (TSP).

B. Approval Criteria

The following discussion includes the transportation related approval criteria in Title 33 for this land use review:

1. Transportation Impacts (33.641.020)

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

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

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.

2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

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

Findings: Using the evaluation factors listed in this code section, the applicant should provide a narrative and all necessary plans and documentation to demonstrate that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area. The following discussion is based on Portland Transportation's assessment of the transportation impacts for this proposal:

The proposed land division will create two parcels for development with two attached homes. The site had been developed with a detached single-family residential home before it was demolished several years ago. The proposed land division is therefore expected to generate 10 new daily vehicle trips (and 1 new trip in the AM and PM Peak Hours of Operation) into the surrounding transportation system. Current site trip distribution throughout the robust grid pattern that makes up the transportation system will not be altered. The transportation system, in this case, is identified as the stop controlled intersection of N Haight/N Skidmore. This intersection *is not expected to drop below the City's performance standards* as a result of the proposed partition given that there will be minimal new vehicle trip generation associated with the proposed partition.

No significant negative impacts are expected to occur in relation to any of the other evaluation factors. It should be noted that the submitted plans indicate that access to the proposed parcels will be via the abutting alley at the rear of the site. There is a current driveway/curb cut along the site's N Haight frontage that will need to be closed off, on-street parking opportunities should actually be enhanced as a result of the proposed partition.

Given the area in which the site is located, the minimal number of additional vehicle trips that will be generated by the proposed partition, and the classification of the streets within the transportation system, PBOT expects that the transportation system will be able to support the existing development in the area as well as the proposed development.

2. Connectivity and Locations of Rights (33.654.110)
This section requires street and pedestrian connections where appropriate and practical, taking a number of factors into consideration. The following discussion is based on Portland Transportation's assessment of the connectivity potential in the area. The City's spacing requirements for public through streets and public pedestrian connections is a maximum of 530-ft and 330-ft, respectively.

Findings: No street connections have been identified in the vicinity of this property in the Portland Master Street Plan document. The 530-ft spacing goal for public through streets and the 330-ft spacing goal for pedestrian connections are satisfied on the subject block. Portland Transportation has no concerns relative to connectivity or locations of rights-of-way associates with the proposed land division partition.

3. Design of Rights-of-Way (33.654.120)
This section requires approval by the Portland Office of Transportation of the elements within the right-of-way.

Findings: Frontage improvements will not be required along of the site's frontages.

4. Additional Approval Criteria for Partial Rights-of-Way or Extensions (33.654.130.B-D)
This section requires approval by the Portland Bureau of Transportation for the extension of existing public streets and pedestrian connections, provision of future extensions and/or of partial rights-of-way and improvements.

Findings: There are no partial rights-of-way nor are there any configurations that allow for future extensions of streets or pedestrians connections in the area. This approval criterion is not applicable.

C. Code/Title 17 Requirements

Transportation System Development Charges (17.15)
System Development Charges (SDCs) may be assessed for development on the lots in this subdivision. The applicant can receive an estimate of the SDC amount, prior to submission of building permits by contacting Rich Eisenhauer at (503) 823-6108.

Driveways and Curb Cuts (17.28.110)
Curb cuts and driveway construction must meet the requirements in Title 17. Title 17 driveway requirements will be enforced during building permit review. NOTE: The applicant will be required to close off the existing driveway/curb cut along the site's N Haight frontage prior to issuance of any Building Permits for development on the site.

Based on City GIS database resources, which are not verified by a survey, at this location, N Haight is improved with 41-ft of paving and a 4-6-2 sidewalk corridor, within a 65-ft right-of-way. The existing frontage conditions satisfy the City's Pedestrian Design Guide, therefore there will be no property dedication or frontage improvements (other than the aforementioned driveway/curb cut closure) associated with the proposed partition.

RECOMMENDATION
PBOT has no objections to the proposed partition, subject to the following condition of approval:

1. The applicant shall obtain an over-the-counter permit from PBOT staff located in the

Development Service Center of the City's 1900 SW 4th Ave Building for the closure of the existing driveway/curb cut along the site's N Haight frontage, prior to the issuance of any Building Permits.
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:

- Narrow Lots-- development on Parcels 1 and 2 will be subject to the following standards at the time of development permitting:
  - Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2; and
  - Vehicle access is allowed only from the alley.
  - 60 percent landscaping requirement must be shown to be met at the time of development as required by 33.110.240.C.2.d (landscape standards).

The site is currently vacant, except in that there is a current driveway/curb cut approach along N. Haight Avenue to ensure that all vehicle access for future development is from the alley, the existing driveway approach must be closed. An over the counter permit from Transportation for closure of the existing driveway approach must be obtained prior to issuance of any building permits.

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

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation

Bureau	Code Authority and Topic	Contact Information
Development Services	Titles 24 –27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 www.portlandonline.com/bds

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

- If Urban Forestry has required that street tree(s) within the pubic right-of-way to be protected and preserved. There is a large cherry tree located in the public right-of-way adjacent to this property. Any excavation into the root zone will have to be approved by an Urban Forestry inspector prior to any digging or root cutting. Transportation is requiring the existing curb cut to be closed prior to issuance of building permits associated to this project. The applicant must meet the requirements of Urban Forestry. This requirement is based on the standards of Title 20 (see Exhibit E.6 for further details)
- **Transportation: Driveways and Curb Cuts (17.28.110)**
  Curb cuts and driveway construction must meet the requirements in Title 17. Title 17 driveway requirements will be enforced during building permit review. NOTE: The applicant will be required to close off the existing driveway/curb cut along the site's N Haight frontage prior to issuance of any Building Permits for development on the site.

  The applicant shall obtain an over-the-counter permit from PBOT staff located in the Development Service Center of the City's 1900 SW 4th Ave Building for the closure of the existing driveway/curb cut along the site's N Haight frontage, prior to the issuance of any Building Permits (see Exhibit E.2).

CONCLUSIONS

The applicant has proposed a two lot minor partition to be developed with attached housing on narrow lots as shown on the attached preliminary plan (C.1 and C.2). The primary issues identified with this proposal are required alley access for vehicles, narrow lot standards and closing the existing driveway/curb-cut approach along N. Haight Avenue. 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 two lot minor partition that will result in two attached housing units on narrow lots as illustrated with Exhibit C.1, subject to the following conditions:

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

1. Parcels 1 and 2 must be developed with attached dwelling units.

2. Vehicular access to Parcels 1 and 2 must be from the abutting public alley. Vehicle access/curb-cuts are not permitted from North Haight Avenue.

3. Sixty-percent (60%) of the area between the front lot line and the front building line will be landscaped as required by 33.110.240.2.d.

4. Height of the structures will be limited to 1.5 times the width of the structure, per 33.110.215.B.2;

5. All existing street tree(s) within the public-right of way of this property will be protected and preserved unless otherwise determined by the City Forester. The applicant must contact the City Nature/Urban Forestry (503) 823-4489 to discuss street tree issues prior to excavation into the root zone of existing street trees

6. The applicant shall obtain an over-the-counter permit from PBOT staff located in the Development Service Center of the City's 1900 SW 4th Ave Building for the closure of the existing driveway/curb cut approach along the site's N Haight frontage, prior to the issuance of any Building Permits for development on the site.

Staff Planner: Lois Jennings

Decision rendered by: _____ **on February 16, 2011**
By authority of the Director of the Bureau of Development Services

Decision mailed February 18, 2011

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on September 1, 2010, and was determined to be complete on **January 10, 2011**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on September 1, 2010.

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: May 10, 2011**

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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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.

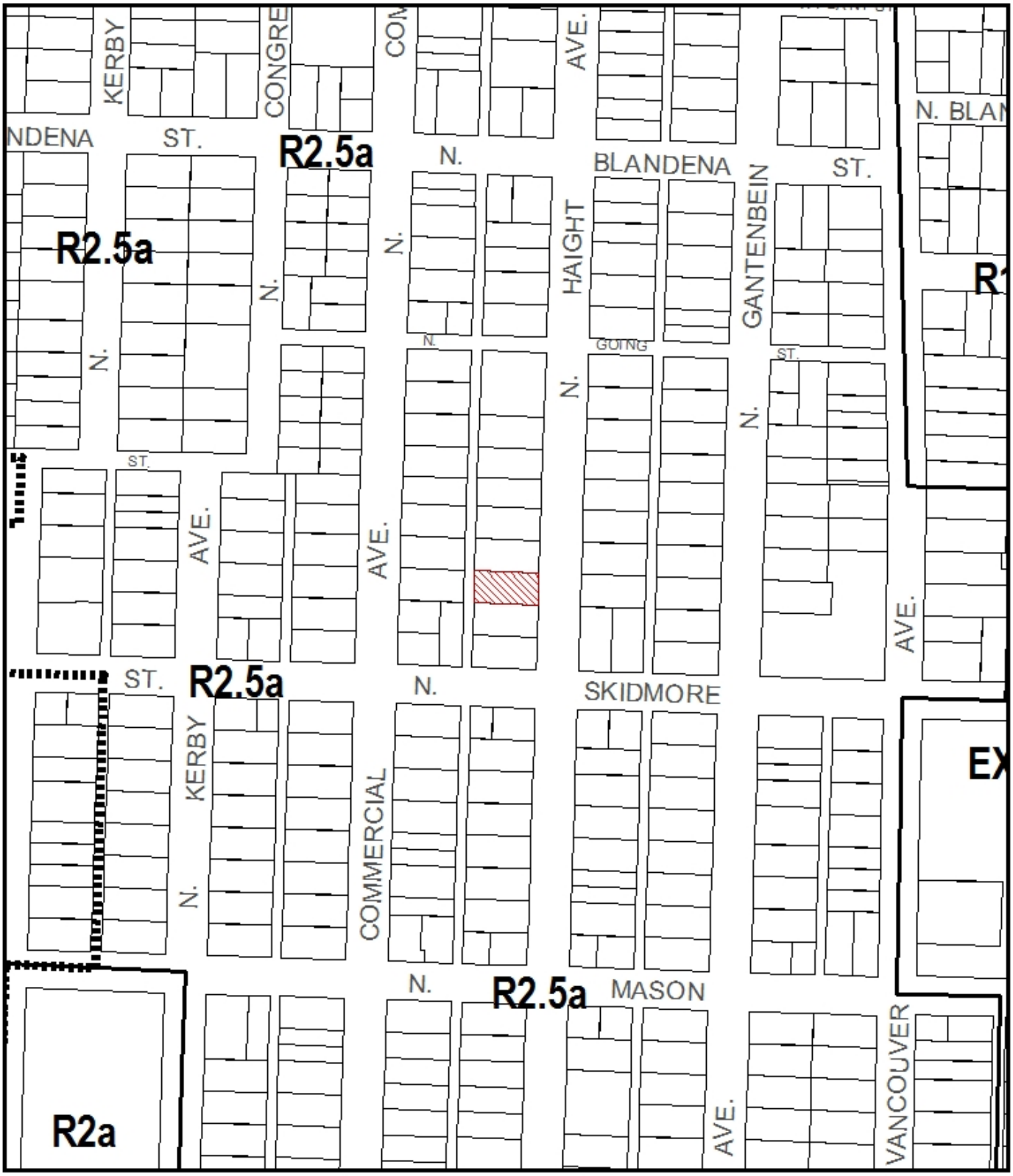
Recording the land division. The final land division plat must be submitted to the City within three years of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director or delegate, 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 Submittal Information
   1. Narrative addressing approval criterion
   2. Original Full size Survey & Existing Conditions plan
   3. 1 Copy of Building Plans to show Narrow Lot Standards can be met (see C.2)
   4. Geotechnical Report from Alder Geotechnical Services dated October 21, 2010
   5. Bylaws of Habitat for Humanity (signature authority to sign legal documents)
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Site Utility Plans with Building footprints
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation Engineering and Development Review
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Bureau of Parks, Forestry Division
   7. Life Safety Section of BDS
F. Other:
   1. Original LU Application
   2. Incomplete Letter dated September 22, 2010
   3. Memorandum to Larry Porter

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 10-172235 LDP
1/4 Section	2630
Scale	1 inch = 200 feet
State_Id	1N1E22DB 3500
Exhibit	B (Sep 09,2010)

PROPOSED PARTITION PLAT

FOR HABITAT FOR HUMANITY
IN NW 1/4 OF SECTION 22, T 1 N, R 1 E, W.M.,
MULTNOMAH CO., OREGON
DATE: AUGUST 12, 2010

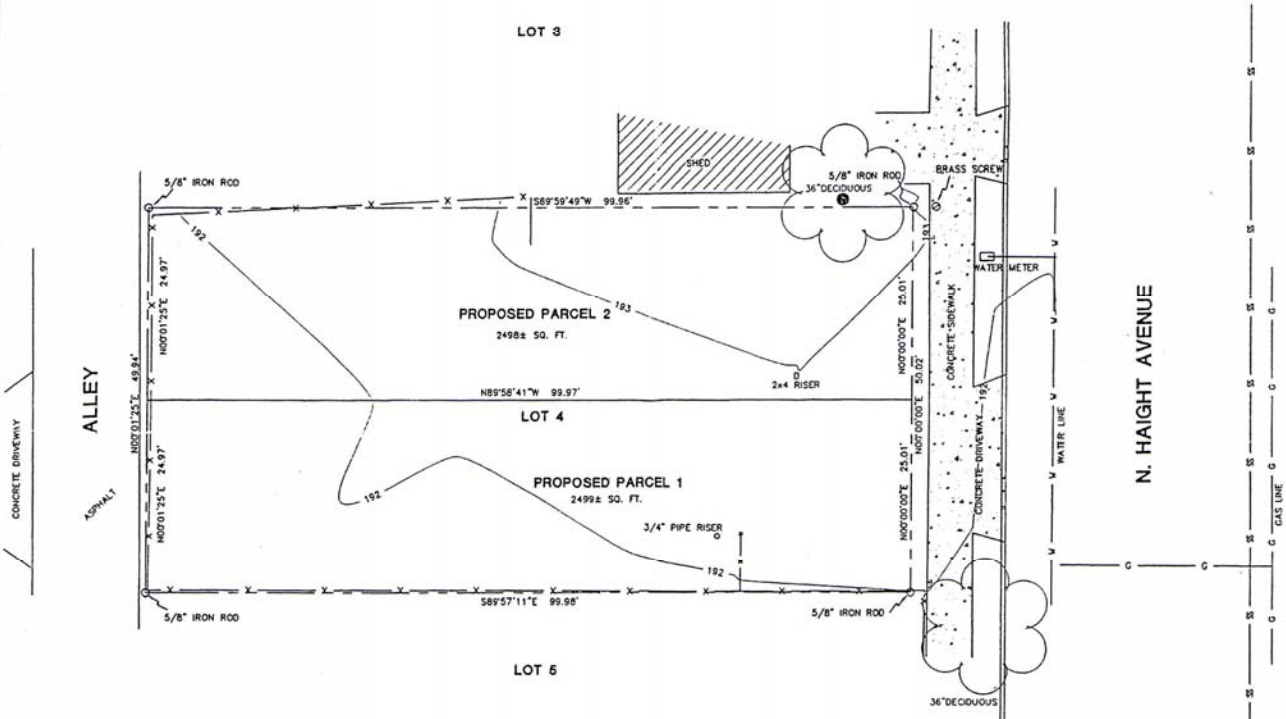
CASWELL/ HERTEL
SURVEYORS INC.
6150 S.W. 124th AVE.
BEAVERTON, OREGON 97008
(503) 644-3179

REGISTERED PROFESSIONAL LAND SURVEYOR
Albert Hertel 10/1/10
OREGON
JULY 16, 1990
ALBERT HERTEL
1896
EXPIRES 6/30/2011

N

0 5 10 15 20
SCALE: 1"=10'

RECEIVED
JAN 10 2011



"Approved"
City of Portland - Bureau of Development Services
Planner: Dunning Date 2/18/2011
This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

NOTES:

1. VERTICAL DATUM: ELEVATION OBTAINED USING CITY OF PORTLAND BENCHMARK #421 AT THE CORNER OF GANTENBIEN AND GOING ST. ELEVATION=197.13'
2. CONTOURS AT ONE FOOT INTERVALS

REVISIONS:

CASE NO. 10-172235 LDP
EXHIBIT C.1

DRAWN BY: BOB WHITE	CHECKED BY:	JOB NUMBER 7577