



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

FROM CONCEPT TO CONSTRUCTION

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Date: September 18, 2012
To: Interested Person
From: Marisol Caron, 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 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 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 12-147016 LDP

GENERAL INFORMATION

Applicant: Vic Remmers / Everett Custom Homes
735 SW 158th Avenue, Suite 180 / Beaverton, OR 97008
Phone: 503-726-7060

Representative: Ryan O'Brien / Planning & Land Design LLC
1862 NE Estate Drive / Hillsboro, OR 97124
Phone: 503-780-4061

Site Address: 1604 N HOLMAN STREET

Legal Description: BLOCK 6, LOT 6, ROSALIND ADD
Tax Account No.: R721500810
State ID No.: 1N1E16DA 09700
Quarter Section: 2428
Neighborhood: Arbor Lodge, contact Chris Duffy at 971-506-0541.
Business District: Interstate Corridor BA, contact Aleksandra Johnson at 503-735-4420.
District Coalition: N Portland Neighborhood Serv, Mary Jaron Kelley at 503-823-4099.
Plan District: North Interstate
Zoning: R1d – Multi-Dwelling Residential with a Design (d) Overlay Zone
Case Type: LDP – Land Division (Partition)
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant proposes to divide a 50-foot wide, 4,460 square foot, lot into two parcels for future development of detached, single-family homes. Both parcels are proposed to be 2,230 square feet in area, with dimensions of 25-feet wide by 89.2-feet deep. The site currently contains an existing home that will be removed. The applicant also owns a vacant 25-foot wide lot of record, located immediately to the west of the proposed partition site, shown on the attached zoning map. The 25-foot wide lot of record is not part of the proposed land division.

Stormwater from the individual parcels will be treated and disposed of on-site through drywells. The applicant submitted an arborist-prepared tree report that evaluated the two trees on site and determined both trees to be exempt from the land division tree preservation standards, one due to poor health and the other is classified as a nuisance species.

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).

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 site is flat and is currently developed with a single family house. While the zoning on this block is a combination of medium and high density multi-dwelling residential zones, the surrounding area is primarily characterized by detached, single family homes. The site sits approximately 250-feet west of N Interstate Avenue, a major transit priority street and commercial corridor, and approximately 520-feet south of N Rosa Parks Way, a transit access street.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on N Holman Street. At this location, N Holman Street is classified as a Local Service Street for all modes in the City’s Transportation System Plan. Tri-Met provides transit service approximately 250 feet from the site at N Interstate Avenue via the MAX Light Rail Yellow Line.

N Holman Street has a 24-foot curb to curb paved surface within a 60-foot right-of-way with parking on both sides. Along the 50-foot wide site frontage, the pedestrian corridor includes an 11-foot wide planter area, curb, 5-foot sidewalk and a 2-foot wide buffer at the back of the sidewalk (11-5-2 configuration).

- **Water Service** – There is an existing 8-inch CI water main in N Holman Street. The existing house is served by a 5/8-inch metered service from the main.

- **Sanitary Service** - There is an existing 10-inch VSP public combination sewer line in N Holman Street.

Zoning: The R1 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 “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

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 **August 7, 2012**. Two written responses have been received from notified property owners in response to the proposal. Concerns expressed in those letters are summarized below, with a response from staff in *Italics*.

- One letter expressed concerns regarding the added traffic and parking congestion that new development without on-site parking will add to N Holman Street. The letter describes N Holman Street as very narrow and when cars are parked on street opposite the driveway, ingress and egress from the respondent's driveway is very difficult.

The Portland Bureau of Transportation (PBOT) has reviewed the proposal and provided comments regarding transportation impacts and safety for all modes and addressing the concerns expressed in the above described letter. The PBOT response is incorporated into the findings for Criterion K in the body of this report. The full response is included in the land use case file as Exhibit E.2.

- Another letter expressed concerns regarding the presence of a prolific and fast growing invasive tree species (ailanthus altissima, also known as Tree of Heaven) found on the site and in the surrounding area. The letter suggests conditions of approval that require removal of all of the existing ailanthus altissima, prevention of further proliferation and a fund for removal and replacement of nearby ailanthus altissima.

There is one large Tree of Heaven located close to the sidewalk, however it is located on an adjacent property that, while in the same ownership, is not part of the land division proposal site. There is another Tree of Heaven at the rear of the land division site. Because it is a nuisance species, the tree is exempt from the tree preservation requirements. It is beyond the authority of the land division approval criteria to require removal of the nuisance trees, however the submitted arborist report notes that all trees will be removed from the site.

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	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 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 dead-end streets and pedestrian connections	There are no existing dead-end streets or pedestrian connections adjacent to the site that must be extended onto the site.
	33.654.130.D – Future dead-end streets and pedestrian connections	No dead-end streets 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 2 parcels for detached single-dwelling homes.

Single-dwelling or duplex development is proposed for some or the entire site, therefore the proposed lots can must meet minimum density and not exceed the maximum density stated in Table 120-3.

Minimum density in the R1 zone is one unit per 2,000 square feet (for sites under 10,000 square feet before the land division) and the maximum density is one unit per 1,000 square feet. The total site area shown on the applicant’s survey is 4,460 square feet. The site has a minimum required density of 2 units and a maximum density of 4 units.

In this zone, there are no minimum lot area requirements for lots designated for attached houses, detached houses, or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division, to avoid further division of lots in the future that could result in non-compliance with the overall density requirements of the site as it exists in this proposal. Minimum density is conditioned as 2 units (one on each parcel) and maximum density is 2 units for each parcel.

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

Required Lot Size and Dimensions				
R1	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Multi Dwelling	10,000	70	70	70
Attached Houses	none	15	none	15
Detached Houses	none	25	none	25
Duplexes	2,000	none	none	10

Proposed Lot Size and Dimensions				
	Lot area (square feet)	Lot width (feet)	Lot depth (feet)	Front lot line (feet)
Parcel 1-detached	2,230	25	89.2	25
Parcel 2-detached	2,230	25	89.2	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.

An arborist report has been provided (Exhibit A.2) that inventories the trees within the land division site and evaluates their condition. Two trees over 6-inches in diameter were identified on site (shown as Tree #2 and Tree #3) on the arborist report. Both trees have been exempted because they are either listed as a nuisance species (tree #3) or are diseased in a manner that threatens their continued viability.

Criterion B is not applicable because all trees on site are exempt from the land division tree preservation standards.

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, there are no trees required to be preserved on 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,

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. Water is available to serve the proposed development from the water main in N Holman Street.

33.652 Sanitary Sewer Disposal Service standards - See Exhibits E.1 and E.5 for detailed comments.

The sanitary sewer standards of 33.652 have been verified. There is an existing 10-inch VSP public sanitary sewer located in N Holman Street that can serve the sanitary needs of the proposed parcels.

According to the BDS Site Development review group, records indicate that the site was converted from cesspool to sewer in 1934. However, it is not clear that the cesspool was decommissioned. A condition of approval will be required to locate and obtain final approval of a decommissioning permit prior to final plat approval.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibit E.1 for detailed bureau comments.

BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The applicant has proposed that stormwater from the two parcels will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each parcel 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 (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 block on which the subject property is located meets the noted spacing requirements. Therefore, 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 – See Exhibit E.2 for detailed bureau comments

Transportation Impacts:

The applicant submitted a Traffic Impact Analysis, prepared by a transportation engineer to address each of the Transportation Impacts evaluation factors. 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. Based on the available evidence, PBOT estimates that the increase in daily trips will be 10 total trips per day, with the majority of trips occurring during non-peak hours (according to *Institute of Transportation Engineers – Trip Generation Manual*, 8th ed.). PBOT staff has determined that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area (see Exhibit E.2 for a detailed analysis).

PBOT Response to Submitted Correspondence:

During the course of the public notice period for this project, a single letter noting concerns with the proposed partition was submitted by neighbors located directly across the street from the subject site. The concerns included transportation-related matters and although PBOT has provided a thorough analysis above relative to the applicable transportation-related approval criteria, said interested party's concerns will be addressed below.

The transportation-related concerns can be summed up as follows:

- N Holman is a narrow street and if cars are parked directly across the street (along the subject site's frontage), navigating the concerned parties' driveway is difficult. Other noted obstacles include high curbs, parked cars on the north side of N Holman and a nearby telephone pole.

- With no on-site parking proposed in relation to the proposed partition, additional traffic and congestion will result in additional impacts.
- Access to the concerned parties' lot will be further restricted and the safety and quality of the neighborhood will be compromised.

In response to these assertions, the applicant's traffic consultant provided additional testimony into the record (Exhibit A.6).

The on-street parking configuration that is expressed by the neighbors as a concern is an existing condition (parking is already permitted opposite the neighbors' driveway). The parking analysis shows a total demand of 8-9 spaces at peak (including post-development of the proposed partition), out of 25 total spaces in this block along Holman. It is possible that if on-street parking was restricted to only on one side of the entire street, that there would still remain an excess of available parking supply even under peak parking demand conditions.

Further, evidence submitted by the neighbors to support the claim of parked cars on the north side of N Holman (along or near their property frontage) appears to have been modified from the source (Google Aerial photography) to make it look like there is more parking demand than is actually present. The two cars on the north side of the street immediately east of the driveway are not present in the original photo (in Google Aerial photography; confirmed by PBOT staff). As noted previously in this response, at least the site visit performed by City staff and the existing imagery in Google Street (and Aerial) views, consistently reveal that there were no vehicles parked along the north side of N Holman near the neighbors' home.

With regard to possible reasons why the neighbors believe there is more parking occurring along N Holman than observed by the applicant's traffic consultant and/or City staff (or, as shown by Google imagery), the nearby MAX line might explain a higher number of cars parked along the street. However, commuters using the Interstate MAX line would not find parking near the concerned neighbors' driveway as most convenient. N Highland St (1 block to the north) is adjacent to the south side of the transit station, and would likely fill up with cars before commuters start parking along N Holman. Looking at Google Earth Street and Aerial imageries, N Highland has a higher parking demand than N Holman, but it is not nearly saturated with parked vehicles. The fact that most of the demand appears to be on the east side of the block indicates that there are some people using N Highland as a park-and-ride facility, but there are not very many of them. In order to reach the concerned neighbors' driveway, N Highland would need to be filled with parked cars on both sides of the street, and the east end of N Holman would need to be full as well. Based on observations made, this is not happening. It is not apparent to the applicant's traffic consultant or to City staff that there are people parking at or near the concerned neighbors' driveway to ride the MAX.

The neighbors' letter lists several obstacles in the vicinity of their driveway that make maneuvering difficult. One of these items is "high curbs". A reference again to Google Street View, showing the curbs in question, suggest that the remaining curb heights wouldn't meet current City standards because of overlays of the asphalt paving in the street. Such lower curbs are typically not considered to be significant obstacles to maneuvering vehicles onto/off of driveways. Further, the power pole in the vicinity of the concerned neighbor's driveway is far less of an obstruction than typical street trees that are found along residential streets, similar to those along N Holman. Again, this is an existing condition that the concerned neighbors are citing as difficulties to their maneuvering onto/from their lot.

Though the neighbors have expressed concerns related to the proposed partition, respectfully, PBOT staff would agree with the applicant's traffic consultant that the neighbors' complaints are unfounded based on the evidence in the record and that many of the conditions described are existing and won't be exacerbated by the proposed partition. N Holman has the same width along the entire block and along the longer block between N Campbell Avenue and N Concord Avenue immediately to the west. It is intended to be

narrow, and it is functional in that configuration. Sufficient travel width remains even when cars are parked on both sides of the roadway to accommodate a travel lane in the middle, and the fact that two travel lanes are not simultaneously accommodated is by design; it reduces speeds and cut-through traffic, thereby increasing neighborhood livability.

Width and elements of the street right-of-way:

It is typical Portland Transportation procedure to review existing roadway configurations by referring to City GIS database resources in order to determine the necessary dedications and/or improvements related to proposed land use cases. City staff *may* receive different information from the applicant's engineer with regard to the existing condition of the subject roadways based on the actual survey of the site.

According to City database sources, N Holman is improved with 24-ft of paving and an 11-5-2 sidewalk corridor within a 60-ft right-of-way. For an R1 zoned lot along a Local Service street, the City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and a 0.5-ft frontage zone. Though the existing sidewalk corridor exceeds the recommended overall width, it does not satisfy the 6-ft wide sidewalk requirement. Accordingly, in relation to the Building Permits for the new homes on the partitioned lots, the existing sidewalk will need to be widened to 6-ft. Said sidewalk widening may be accomplished with an over-the-counter permit from PBOT staff in relation to the review of the Building Permits.

This criterion is met, with the condition that sidewalk improvements are made at the time of development of the parcels.

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:

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance, the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, 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 R1 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical

expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this preliminary partition proposal.

Bureau	Code Authority and Topic	Contact Information
Water Bureau	Title 21 - Water availability	503-823-7404 www.portlandonline.com/water
Environmental Services	Title 17; 2008 Stormwater Manual Sewer availability & Stormwater Management	503-823-7740 www.portlandonline.com/bes
Fire Bureau	Title 31 Policy B-1 - Emergency Access	503-823-3700 www.portlandonline.com/fire
Transportation	Title 17, Transportation System Plan Design of public street	503-823-5185 www.portlandonline.com/transportation
Development Services	Titles 24 -27, Admin Rules for Private Rights of Way Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 www.portlandonline.com/bds

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

- The applicant must meet the requirements of the Fire Bureau in regards to ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement, addressing of structures and aerial fire department access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.2). 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 transportation improvements and hydrant flow.

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, as illustrated with Exhibit C.2, subject to the following conditions:

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

Utilities

1. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.
2. 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.

Existing Development

- 3. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures.

Required Legal Documents

- 4. If an appeal or exception is used to meet Condition A.2 above, the applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on affected parcels to contain internal fire suppression sprinklers. The acknowledgement shall be recorded with Multnomah County and referenced on the final plat.

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

- 1. The minimum and maximum density for the lots in this land division are as follows:

Lot	Minimum Density	Maximum Density
1	1	2
2	1	2

- 2. The applicant shall meet the requirements of the City Engineer for right of way improvements along the site’s street frontage. The applicant must obtain an approved Right Of Way permit from the Portland Bureau of Transportation to install the required sidewalk corridor in conjunction with development on each lot as per the City Engineer’s discretion.
- 3. The applicant must meet the addressing requirements of the Fire Bureau for Parcels 1 and 2. The location of the sign must be shown on the building permit.
- 4. If required by Condition A.2, the applicant will be required to meet any requirements identified through a Fire Code Appeal or exception to install residential sprinklers in the new dwelling unit on Parcels 1 and 2. Please refer to the final plat approval report for details on whether or not this requirement applies.
- 5. The applicant must provide a fire access way that meets the Fire Bureau requirements related to aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Marisol Caron

Decision rendered by: Marisol Caron **on September 10, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 18, 2012

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 June 5, 2012, and was determined to be complete on **July 24, 2012**.

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 June 5, 2012.

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 November 21, 2012.**

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.**

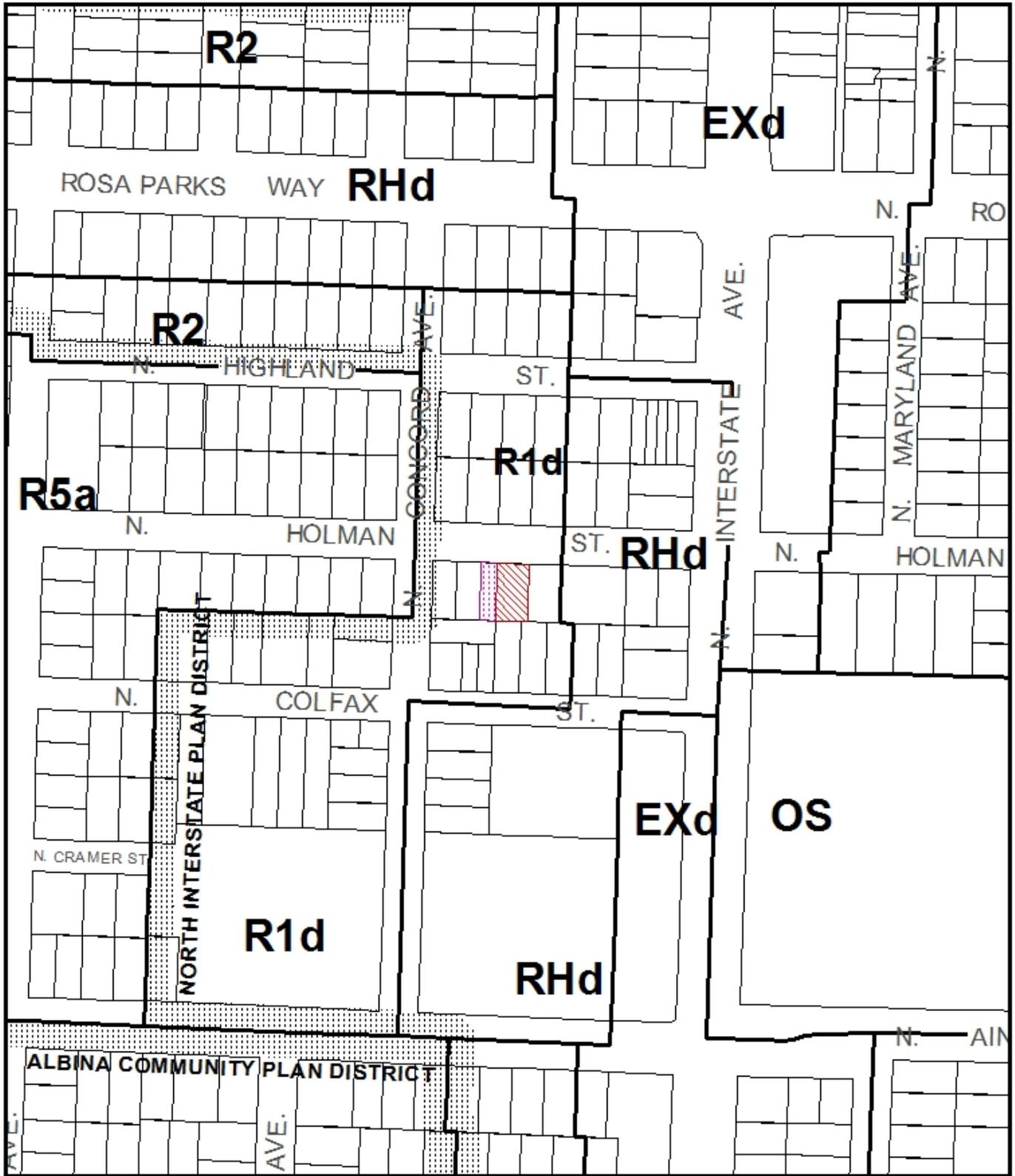
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Land Division Narrative and Plans
 - 2. Arborist Report
 - 3. Stormwater Report

4. Traffic Impact Analysis
 5. Applicant's Response to Incomplete Letter
 6. September 7, 2012 Additional Information
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Existing Conditions Plan
 2. Preliminary Plan (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
 3. Revised mailing list
 4. Revised 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. Life Safety Plans Examiner
 7. Bureau of Parks, Forestry Division
- F. Correspondence:
1. Tim and Amy Rap, received August 28, 2012. Comments with concerns regarding added traffic and parking congestion.
 2. Christopher Dennis, received August 31, 2012. Comments with concerns regarding an invasive species of tree found on site and in the surrounding area.
- G. Other:
1. Original LU Application
 2. Site History Research
 3. Incomplete Letter

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



This site lies within the:
NORTH INTERSTATE PLAN DISTRICT

File No.	LU 12-147016 LDP
1/4 Section	2428
Scale	1 inch = 417 feet
State_Id	1N1E16DA 9700
Exhibit	B (Aug 03,2012)

1604 N HOLMAN ST
 TAX MAP T1N R1E 16DA
 MULTNOMAH COUNTY, OREGON

2-LOT PARTITION PLAN
 AND UTILITY PLAN

NO.	DATE	DESCRIPTION
1	1/19/2012	EXISTING RECORD
2	1/19/2012	REVISIONS



R1 ZONE
 MULTIPLE FAMILY RESIDENTIAL ZONE
 B-DESIGN OVERLAY ZONE

PLAN DISTRICT
 NORTH INTERSTATE

CODE REQUIREMENTS FOR DETACHED HOUSES

- 25' - MINIMUM LOT WIDTH AND FRONTAGE
- 1600 SF - MINIMUM LOT AREA
- NONE - MINIMUM LOT DEPTH
- 40' - MAXIMUM HEIGHT
- 3' - MINIMUM FRONT YARD
- 5' - MINIMUM REAR YARD
- 5' - MINIMUM SIDE YARD (3' INTERIOR)
- 60% MAXIMUM BUILDING COVERAGE

PROPOSED USES
 SINGLE FAMILY DETACHED HOUSES
 WITHOUT ON-SITE PARKING

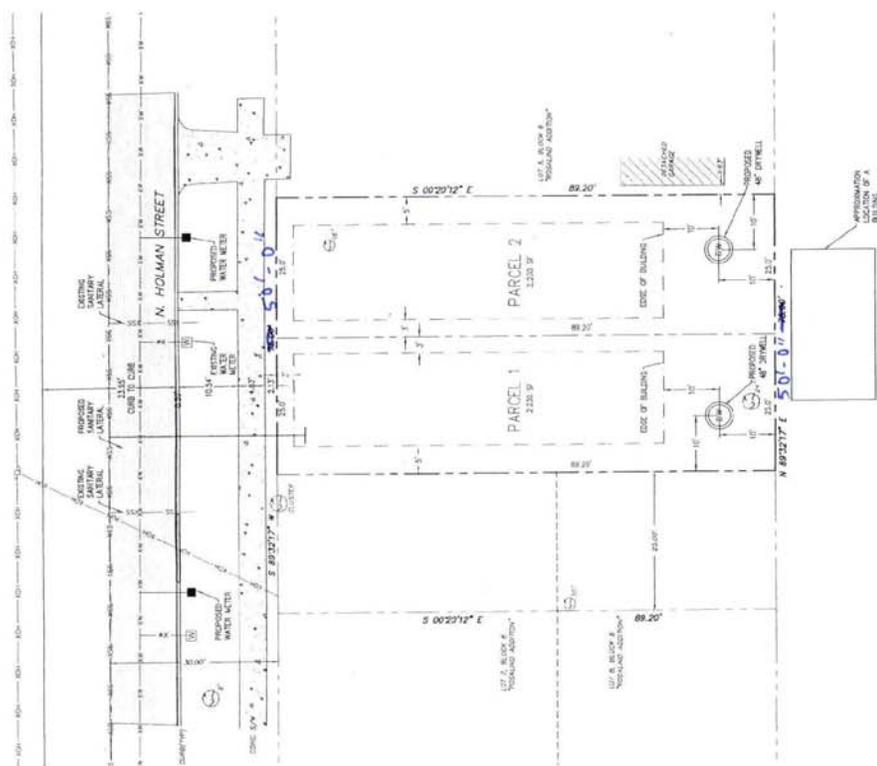
PROPERTY LEGAL DESCRIPTION
 ROSALIND ADD, BLOCK 6, LOT 6,
 CITY OF PORTLAND, MULTNOMAH COUNTY

PROPERTY ADDRESS
 1604 N HOLMAN ST

PROPERTY OWNER & DEVELOPER
 EVERETT CUSTOM HOMES, INC.
 735 SW 158TH AVENUE, SUITE 180
 BEAVERTON, OR 97006
 503-985-8422



DW - DRY WELLS
 48" DIAMETER
 5' DEEP



LU 12-147016 LDP
 Exhibit C.2