



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

FROM CONCEPT TO CONSTRUCTION

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Date: May 21, 2013
To: Interested Person
From: Shawn Burgett, 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 13-102783 LDP

GENERAL INFORMATION

Applicant: Mike Coyle / Faster Permits
14334 NW Eagleridge Lane / Portland, OR 97229
503-680-5497

Owner: Mark Wilde / Wilde Properties, Inc
3735 SE Clay St / Portland OR 97214
503-593-1529

Site Address: 214 NE 57TH AVE

Legal Description: BLOCK 8 LOT 22-24, CAPITAN ADD
Tax Account No.: R133400120
State ID No.: 1N2E31DB 01500
Quarter Section: 3036
Neighborhood: North Tabor, contact Nicole Davenport at 661-965-9602.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Zoning: R2 (Multi-Family Residential 2,000 square feet per unit)
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 is proposing a 3-lot land division on the 8,850 square foot site for detached homes. The existing home on the site will be demolished. Proposed Parcels 1-3 measure between 2,871 square feet and 2,867 square feet. In addition, the applicant is currently proposing Accessory Dwelling Units on the lower floor of the future dwelling units on proposed Parcels 2 and 3. In order to meet the Zoning Codes tree preservation requirements (Zoning Code section 33.630), the applicant is proposing to protect a 20" diameter Shore Pine in rear of Parcel 1.

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 currently has one single family home built in 1924 located on it along with several mature trees. The area surrounding the site is made up of predominantly single family homes of various architectural styles built in different eras.

Zoning: The R2 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

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 February 28, 2013. Two written responses (Exhibit F-3 and F-4) have been received from notified property owners in response to the proposal. In addition, several e-mails (Exhibits F-1 and F-2) were received prior to the public notice being sent out.

Neighborhood Response:

One of the e-mails received expressed concern about air quality, nature conservation for birds, loss of green space, privacy concerns, and historic integrity (exhibit F-1). Another e-mail expressed concern regarding parking, design, and vegetation removal on the site (exhibit F-2). In addition, another neighbor expressed concern about the loss of on street parking (exhibit F-3) and a desire for the City to regulate on street parking. Last, a neighbor expressed concern about the fate of a large cedar tree which was partially located on his property and the subject site.

BDS response: *Many of the concerns are addressed in the findings below. In addition, planning staff sent neighbors who sent in e-mail correspondence prior to the public notice detailed responses regarding the Zoning Code requirements (see exhibits F-1 and F-2) related to the issues that were brought up. Staff also forwarded the applicant (exhibit G-4) the concerns regarding the cedar tree located on the common property boundary, which is a private property matter since this tree is exempt from the Zoning Code's tree preservation requirements (see findings under criterion B below). In regard to on street parking concerns, the City does not regulate on street parking, please see criterion K in the findings below for more information regarding the transportation impact analysis.*

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	The site is not within the potential landslide

	Landslide Hazard Area	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 public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. Minimum density in the R2 zone is one unit per 2,500 square feet and the maximum density is one unit per 2,000 square feet. The total site area shown on the applicant's survey is 8,850 square feet. Transportation (PBOT) has requested a 3.25 ft. dedication along the sites frontage which reduced total site area to 8,607 sq. ft. The site has a minimum required density of 3 units and a maximum density of 4 units.

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

R2	Minimum Lot Area (square feet)	Minimum Lot Width (square feet)	Minimum Lot Depth (square feet)	Minimum Front Lot Line (square feet)
Detached Houses	1,600	25	none	25
Parcel 1	2,867	25	114	25
Parcel 2	2,869	25	114	25
Parcel 3	2,871	25	114	25

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

The applicant is proposing 3 parcels for detached housing, which will meet the noted density and dimensional standards. The proposed parcels are also of sufficient size to allow for three detached houses. Based on these factors, the applicable density and lot dimension standards are met, so this criterion is met.

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

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

The arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.3). One tree has been exempted because it is located partially off the property. Two trees are subject to the preservation requirements of this chapter.

The inventory identifies the following trees on the site:

Tree #	Species	Diameter (inches)	Exempt? (per 33.630.030)	To be retained?	RPZ (Root Protection Zone)
1	Shore Pine	20"	No	Yes	10'
2	Magnolia	25"	No	No	
3	Western Red Cedar	33"	Yes-on property line	No	N/A

The total non-exempt tree diameter on the site is 45 inches. The applicant proposes to preserve tree 1, which comprises of 20 inches of diameter, or 44 percent of the total non-exempt tree diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total non-exempt tree diameter on the site to be preserved. The trees to be preserved and the required root protection zones are shown on the applicant's Tree Preservation Plan/Preliminary Land Division Plan (Exhibits A-3 and C-1).

In order to ensure that future owners of the lots are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Requirements at the time of final plat.

This criterion is met, subject to the condition that development on Parcel 1 be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.3) and an Acknowledgement of Tree Preservation Requirements is recorded with the final plat.

Therefore, with the conditions noted above, the criteria can be met.

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

Findings: 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.

Clearing and Grading: 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.

Land Suitability: The site is currently in residential use, and there is no record of any other use in the past. The applicant has proposed to remove the existing house and redevelop the

site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site.

With the implementation of the condition listed above, the new parcels can be considered suitable for development, and this criterion will be 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:

<p>33.651 Water Service standard - See Exhibit E-3 for detailed bureau comments.</p> <p>The water standards of 33.651 have been verified. Water is available to serve the proposed development from the water main in NE 57th Avenue. There is an existing water service from that main that may potentially be used to provide water to Parcel 2; however, the required size of the water service will be determined at the time of development. A new water service connection and meter will be required for Parcels 1 and 3, at the time of development.</p>
<p>33.652 Sanitary Sewer Disposal Service standards - See Exhibit E-1 for detailed comments.</p> <p>The sanitary sewer standards of 33.652 have been verified. There is an existing 84-inch public combined sewer located in NE 57th Avenue that can serve the sanitary needs of the proposed parcels. The applicant has indicated the sanitary lateral for the existing house will be abandoned, which will occur at the time the existing house is demolished (prior to final plat approval). New sanitary laterals are proposed for the three proposed structures on each parcel.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards– See Exhibits E.1 & E.5</p> <p>BES has verified that the stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. The applicant has proposed the following stormwater management methods:</p> <p>Parcels 1-3: Stormwater from these parcels will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. BES has indicated conceptual approval of the drywells.</p>
<p>33.654.110.B.1 Through streets and pedestrian connections</p> <p>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 spacing requirements on the north-south streets, and between east-west streets. The subject block is representative of the block pattern in the general area in terms of orientation and length. Portland Transportation has noted no concerns relative to connectivity or additional locations of rights-of-way associated with the proposal.</p>
<p>33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment</p> <p>The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services.</p> <p>At this location, NE 57th Avenue is classified as a Local Service Street for all modes. It is improved with curbs and sidewalks along both sides. The sidewalk corridor has a 5-ft</p>

sidewalk with a 1.75-ft planting strip with 1-ft between the back of the sidewalk and the property line.

For sites zoned R2 and abutting a Local Service (classified) 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 0.5-ft wide frontage zone. The site's existing 7.75-ft wide sidewalk corridor does not comply with the referenced sidewalk corridor width recommendation. Accordingly, the existing sidewalk corridor will need to be re-constructed to the 11-ft wide standard. To accommodate the above referenced frontage improvement requirements along the site's frontage, a 3.25-ft wide dedication (to be confirmed by the applicant with a survey) of property for right-of-way purposes will be necessary. The dedication can be processed in relation to the Final Plat stage of the subject land division proposal

As a condition of Final Plat approval, property dedication will be required as outlined above. In addition, prior to Final Plat approval, the required frontage improvements must be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit which is issued through PBOT, separate from the Building Permit process. A performance guarantee (for the estimated value of the improvement) and contract must be in place with the PBOT as a condition of Final Plat approval. The applicant is encouraged to provide Public Works with the required design information in order to expedite a final summation of performance guarantee requirements. Frontage improvements in association with the proposed partition shall be constructed to the satisfaction of the City Engineer. The improvements do not need to be built prior to final plat.

As noted above, 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.

Level of Service

Findings: 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.

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. In relation to this project and to address the transportation related approval criteria, the applicant had a Traffic Impact Study prepared by a professional traffic consultant (Exhibit A-6).

To estimate the trips generated by the proposed partition and construction of two additional single-family homes, trip rates from the manual *TRIP GENERATION*, 9th Edition, published by the Institute of Transportation Engineers (ITE) were used. Since the subject property currently contains one single-family home, the result of the proposed partition will be the

construction of two additional single-family dwellings. The trip generation calculations show that future development within the subject property will generate a net increase of 2 trips during each of the morning and evening peak hours. A weekday total of 20 additional trips are expected to be generated by the proposed development.

The applicant's traffic consultant conducted observations and measured average delays at several nearby intersections in relation to the proposed development including NE 57th/E Burnside, NE 57th/NE Flanders and NE 57th /NE Glisan; each of these intersections are stop-controlled. The intersection of NE 57th/E Burnside Street currently operates at LOS C during the morning and evening peak hours. Traffic volumes on the stop-controlled approach were relatively low, and there were typically no vehicles waiting in queue at the intersection. No queues in excess of two vehicles were observed during the peak hours.

The intersection of NE 57th/NE Flanders currently operates at level of service A during the morning and evening peak hours. Traffic volumes were very low on all approaches, and no conflicts between vehicles were observed during the peak hours. Accordingly, the sole source of observed delay was the control delay induced by the requirement to stop on the northbound and southbound approaches.

The intersection of NE 57th/NE Glisan Street currently operates at level of service B during the morning and evening peak hours. Traffic volumes on the stop-controlled approach were again observed to be relatively low, and there were typically no vehicles waiting in queue at the intersection. No queues in excess of two vehicles were observed during the peak hours.

Since average queue lengths are less than one vehicle during the peak hours for all stop-controlled approaches and the proposed development will not add significant traffic, it is anticipated that the levels of service will be unchanged upon full occupancy of the subject property. Intersection operation will continue to be acceptable at all area intersections.

Vehicle Access & Loading

Vehicles will access the subject property via NE 57th Ave. On-street parking is available on both sides of the street in the site vicinity; however most site trips are expected to utilize the three site access driveways for access and loading.

On-street parking impacts

The applicant's traffic consultant conducted a site visit during the late evening hours (after 12:00 AM) to observe existing parking demands and availability in the site vicinity during the time of peak residential parking demand. Parking observations were also conducted during the morning and evening peak travel hours.

Under late evening peak conditions, there were four vehicles parked along NE 57th Avenue between NE Davis and NE Everett. Eight on-street spaces remained available along the west side of the street, and six spaces were available along the east side of the street. Parking demand and availability was similar along the segment of NE 57th Avenue between NE Everett Street and NE Flanders Street. Parking demands were somewhat higher on the segment of NE 57th Avenue between NE Davis Street and NE Couch Street, with only six on-street spaces available.

During the morning and evening peak travel hours, on-street parking demands were observed to be lower than during the late-evening hours. One vehicle was parked along NE 57th Avenue between NE Davis Street and NE Everett Street during the morning peak hour, and three vehicles were parked along this street segment during the evening peak hour.

Based on data from the manual *PARKING GENERATION, Fourth Edition*, published by the ITE, the proposed increase of two single-family dwellings is projected to demand for four additional parking spaces during the late-evening peak period. The proposed development will add two new driveways which will serve the additional homes on the subject property. However, construction of these driveways will also eliminate some existing on-street parking. It is anticipated that two existing on-street parking spaces will become unavailable with

completion of the proposed development. These spaces will be offset by the new off-street spaces provided within the driveways.

Overall, it is anticipated that the peak parking demands in the site vicinity will increase by four spaces, and the available parking supply will be essentially unchanged. Since there are currently 14 available on-street spaces within the segment of NE 57th Avenue between NE Davis Street and NE Everett Street, there is ample available parking in the site vicinity to meet the projected demands of the proposed development in addition to the existing uses in the site vicinity.

Availability of transit service and facilities and connections to transit

Tri-Met has bus stops in place along NE Glisan Street, E Burnside Street and NE 60th Avenue. Bus Route 19 (*Woodstock/Glisan*) serves eastbound and westbound stops along NE Glisan Street within one block of NE 57th Ave. Bus Route 20 (*Burnside/ Stark*) serves stops at the intersection of NE 60th Ave/NE Everett St. Bus Route 71 (*60th Ave/ 122nd Ave*) serves stops near the intersection of NE 58th Avenue and E Burnside Street. Tri-Met's NE 60th Avenue MAX Station is also located within one-half mile of the subject property, providing access to the MAX Blue, Green, and Red lines. Access to transit is sufficient for the proposed development in addition to the existing uses in the site vicinity.

Impacts on the immediate and adjacent neighborhoods

The impact of site generated traffic on the neighborhood, on area intersections, along area streets in the site vicinity and on on-street parking is projected to be minimal as previously analyzed.

Safety for all modes

Traffic volumes along area streets within the immediate site vicinity were observed to be very low and travel speeds are limited by a statutory residential speed limit of 25 mph as well as by the narrow roadways. Bicycles can safely share the roads with other vehicles throughout the general area. PBOT designates NE Everett (north of the site) as a "Neighborhood Greenway/sign & marked route", NE 55th Ave (west of the site) as a "shared roadway" and NE 58th Ave (east of the site) as a "Neighborhood Greenway/sign & marked route". Existing sidewalks are in place along all streets in the site vicinity, providing adequate facilities for pedestrians.

Based on the information supplied, the methodology, assumptions and conclusions made by the applicant's traffic consultant, which PBOT concurs with, the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area.

PBOT Development Review finds the transportation system can safely support the proposed 3 lot land division in addition to existing uses in the area. With the conditions of approval described above, this criterion is met.

33.654.120.E. Approval criterion for the width of pedestrian connections.

Findings: As indicated above, a sidewalk provides a straight line pedestrian connection in front of the subject site. This criterion is met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Future Development: The proposal is to create lots for detached houses:

- **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: 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 R2 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

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

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.

- **Fire Bureau:** The applicant must meet the requirements of the Fire Bureau in regards to fire flow/water supply, hydrant spacing, addressing, and aerial fire department access roads. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- **Urban Forestry:** At the time of development, street trees will be required along all public street frontages. The removal of an existing street tree requires a permit from Urban Forestry. These requirements are based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 3 lot partition for detached houses, as shown on the attached preliminary plan (Exhibit C.1). 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:

- Demolition of the existing house, including capping of the sanitary sewer connection
- Fire Bureau requirements for fire flow/water supply, hydrant spacing, addressing, and aerial fire department access roads.

- Tree Preservation requirements.
- Right-of-Way improvements within the existing sidewalk corridor.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-lot partition that will result in three lots for detached houses, 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 NE 57th Avenue. The required right-of-way dedication must be shown on the final plat.

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

Utilities

1. The applicant shall meet the requirements of the City Engineer for Right-of -Way improvements along the site's street frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation.
2. The applicant shall meet the requirements for ensuring adequate hydrant spacing and hydrant flow from the nearest hydrant to the satisfaction of the Fire Bureau.

Existing Development

3. A finalized permit must be obtained for demolition of the existing residence on the site. The demolition permit must also include capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on Exhibit C-1. All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A-3).

Required Legal Documents

4. The applicant shall execute an Acknowledgement of Tree Preservation Requirements that notes tree preservation requirements that apply to Parcel 1. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be recorded with Multnomah County and referenced on the final plat.
5. If required per condition B.2 above. The applicant shall execute an Acknowledgement of Special Land Use conditions, requiring residential development on Parcels 1-3 to contain internal fire suppression sprinklers, per Fire Bureau Appeal no *. The acknowledgment shall be recorded with Multnomah County, and referenced on the final plat.


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

1. The applicant must meet the addressing and aerial fire department access road requirements to the satisfaction of the Fire Bureau
2. Development on Parcel 1 shall be in conformance with the Tree Preservation Plan (Exhibit C-1) and the applicant's arborist report (Exhibit A-3). Specifically, trees number 1 is required to be preserved, with the root protection zones indicated on Exhibit C-1. 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 supervision.

3. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling units. Please refer to the final plat approval report for details on whether or not this requirement applies.

Staff Planner: Shawn Burgett

Decision rendered by:  **on May 17, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed May 21, 2013

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 January 9, 2013, and was determined to be complete on February 22, 2013.

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 January 9, 2013.

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 35 days (Exhibits A-4 and A-5).

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.**

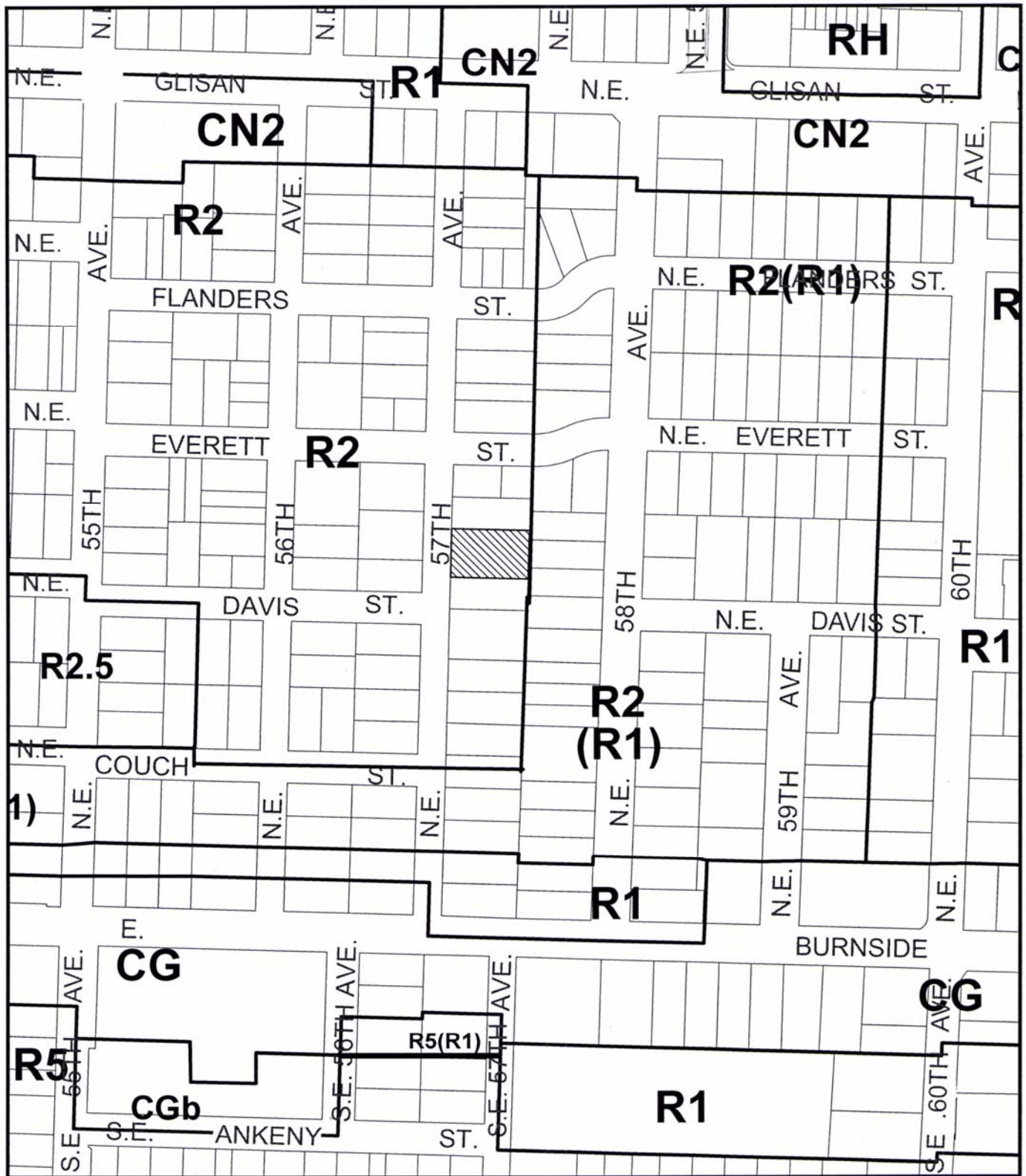
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicants narrative
 - 2. Submittal dated 2/13/13, includes stormwater calculations
 - 3. Arborist report/Tree Preservation Plan dated 1/3/13
 - 4. 21 day extension to 120 day clock dated 4/10/13
 - 5. 14 day extension to 120 day clock dated 5/2/13
 - 6. Transportation Analysis Letter dated 4/10/13
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Survey of site and existing conditions
- 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
- F. Correspondence:
 - E-mails received prior to public notice going out:
 - 1. Denise Cousineau, e-mails dated 2/4/13-2/12/13
 - 2. Jacob Wollner, e-mail dated 1/23/13
 - Correspondence received after public notice was sent out:
 - 3. Dula Baker, 203 NE 57th Ave, letter received 4/2/13
 - 4. Derik & Sarah Spires, 224 NE 57th Ave, e-mail received 3/22/13
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter dated 1/31/13
 - 4. E-mail to applicant regarding tree located on north property boundary dated 3/27/13

5. E-mail correspondence with North Tabor Land Use chair dated 3/14/13

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



File No. LU 13-102783 LDP
 1/4 Section 3036
 Scale 1 inch = 200 feet
 State_Id 1N2E31DB 1500
 Exhibit B (Jan 11, 2013)

5
3
SHEET

EMERIS
Surveying
6107 SW MURRAY BLVD. SUITE 147
BEAVERTON, OREGON 97008
PH (503) 545-5208

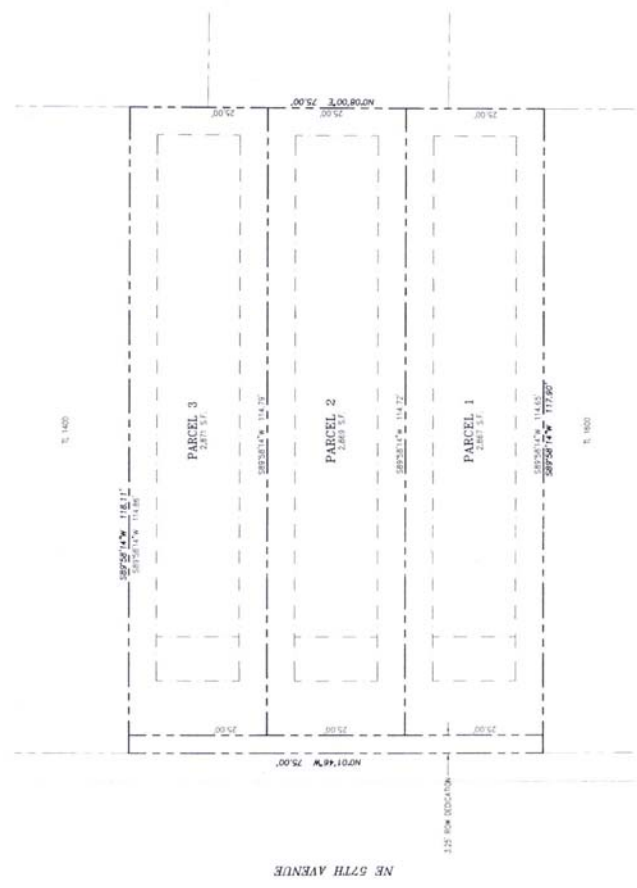
NO.	DATE	DESCRIPTION

PRELIMINARY PLAT

214 NE 57TH AVENUE
TAX MAP T1N R2E 31DB
MULTNOMAH COUNTY, OREGON

LEGEND

--- PROPERTY LINE
--- ADJACENT/NEIGHBORING LOT LINE
--- ST AND ALN



CASE NO. 13-102783
EXHIBIT C-1
(2 Pages)

214 NE 57TH AVENUE
 TAX MAP T1N R2E 31DB
 TAX LOT 1500
 MULTNOMAH COUNTY, OREGON

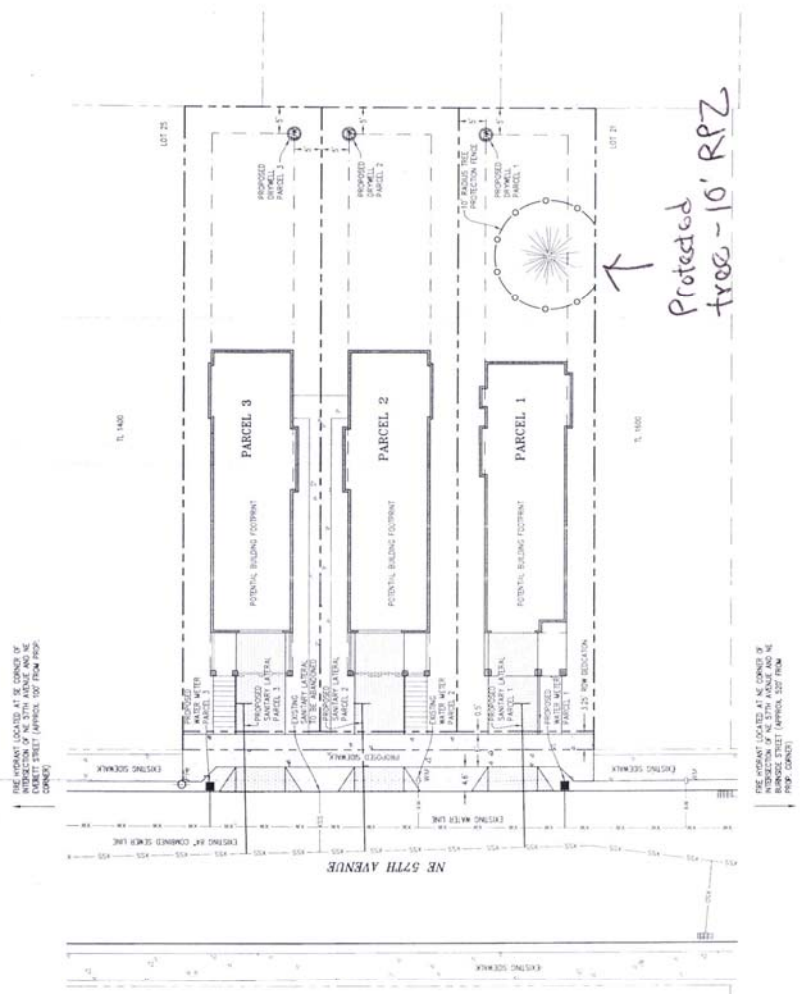
PRELIMINARY SITE/
 UTILITY PLAN

EMERSON
 6107 SW KURSKAY BLVD, SUITE 147
 BEAVERTON, OREGON 97008
 PH: (503) 913-3328

SHEET 4 5



- LEGEND
- BOUNDARY LINE
 - ADJACENT/ADJOINING LOT LINE
 - EXISTING WATER METER
 - EXISTING SANITARY LATERAL
 - EXISTING SANITARY JUMPS LINE
 - EXISTING WATER LINE
 - EXISTING SANITARY LATERAL
 - PROPOSED WATER METER
 - PROPOSED SANITARY LATERAL
 - SET BACK LINE



THE HOUSING LOCATED AT THE CORNER OF INTERSECTION OF NE 57TH AVENUE AND NE BURNSIDE STREET (APPROX. 550' FROM PROPERTY)

THE HOUSING LOCATED AT THE CORNER OF INTERSECTION OF NE 57TH AVENUE AND NE BURNSIDE STREET (APPROX. 550' FROM PROPERTY)

CASE NO. 13-102783
 EXHIBIT C-1
 (Page 2)