



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** May 12, 2014  
**To:** Interested Person  
**From:** Kate Green, Land Use Services  
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## **NOTICE OF A TYPE II<sub>x</sub> 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. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 13-150845 LDS**

#### **GENERAL INFORMATION**

**Applicant:** Kevin Partain/Urban Visions  
223 NE 56th Avenue / Portland OR 97213

**Property Owner:** Exceptional Homes By Andre Inc  
14237 Bridge Court / Lake Oswego OR 97034

**Site Address:** 934 N Prescott Street

**Legal Description:** BLOCK 2 W 1/2 OF LOT 2 EXC PT IN ST W 1/2 OF LOT 4 LOT 6, MULTNOMAH

**Tax Account No.:** R591900230

**State ID No.:** 1N1E22CA 04300

**Quarter Section:** 2629

**Neighborhood:** Humboldt/ Brian Murtagh/ 503-962-9194

**Business District:** North-Northeast Business Assoc/ Joice Taylor/ 503-445-1321  
Historic Mississippi/ Trevin Miller/ 503-708-7763

**District Coalition:** Northeast Coalition of Neighborhoods/ Claire Adamsick/ 503-388-9030

**Zoning:** Multi-Dwelling Residential 1,000 (R1)

**Other Designations:** Mississippi Conservation District

**Case Type:** Land Division-Subdivision (LDS)

**Procedure:** Type II<sub>x</sub>, an administrative decision with appeal to the Hearings Officer.

**Proposal:** The applicant requests a **Land Division-Subdivision** to divide an 8,497 square foot property into 4 lots for attached houses, as follows:

Lot 1: 1,700 square feet                      Lot 3: 2,500 square feet  
Lot 2: 1,480 square feet                      Lot 4: 2,500 square feet

Additionally, a 6-foot right-of-way dedication will be required along the N Prescott Street frontage to provide for improvements to the street system. Lots 3 and 4 will take access from an alley that borders the east side of the site.

This subdivision proposal is reviewed through a Type II<sub>x</sub> procedure because: (1) the site is in a residential zone; (2) four to ten dwelling units are proposed, not including accessory dwelling units (see 33.660.110).

For purposes of State Law, this land division is considered a subdivision. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year, according to ORS 92.010. ORS 92.010 defines “lot” as a single unit of land created by a subdivision of land. The applicant’s proposal is to create 4 units of land (4 lots). Therefore this land division is considered a subdivision.

*Additionally, since the property is in the Mississippi Conservation District, new development on the lots must meet the Community Design Standards (33.218) or the proposal will be subject to Historic Resource Review. The applicant has indicated the lots will be development in accordance with the Community Design Standards, which will be evaluated at the time of building permit review.*

**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 8,497 square foot site is located on the corner of N Prescott Street and N Michigan Avenue. The site is currently vacant, but had been developed with a single dwelling house and outbuildings since approximately 1913. City records show the final inspection for the removal of the house occurred in 2012.

Nearby development includes an open space area and I-5 freeway ramp to the west, one and two story residential development to the north and east, and a religious institution on the abutting property to the south. Approximately one block to the east is a commercially zoned district along N Mississippi Avenue. The site and surrounding properties are within the boundaries of the Mississippi Conservation District.

### **Infrastructure:**

**Streets** – The site is located within a neighborhood made up of an established gridded street pattern. The site has approximately 50 feet of frontage on N Prescott Street and approximately 120 feet of frontage along N Michigan Avenue. At this location, N Michigan and N Prescott are classified as Local Service streets for all modes, per the City's Transportation System Plan. According to City GIS, N Michigan is improved with 36-feet of paving and a 4-6-2 sidewalk corridor within a 60-foot wide right-of-way. N Prescott is improved with 18-feet of paving and a 0-6-0 sidewalk corridor within a 30-foot wide right-of-way. In addition, the east lot line (approximately 50 feet) of the site abuts a public alley, which is named N Michigan Avenue-N Mississippi Avenue Alley. The alley surface is gravel.

The site is also located within the Boise Pedestrian District. The City's Pedestrian Design Guide recommends a 12-ft wide sidewalk corridor (0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, 1.5-ft wide frontage zone) for Local Service street along R2 zoned sites within a pedestrian district. The existing sidewalk corridor along the site’s N Michigan frontage satisfies said standard. The existing 6-ft wide curb-tight sidewalk along the site’s N Prescott frontage does not satisfy the above referenced 12-ft wide standard. The applicant filed a Public Works Appeal (13-172016 PW) in July of last year seeking relief of the above referenced frontage improvement and property dedication requirements. The City’s Public Works Administrative Appeal Committee denied said appeal.

Tri-Met provides transit service approximately 200 feet east of the site along N Mississippi Avenue via Bus Line 4.

**Water Service** – There is an existing 8-inch cast iron (CI) water main in N Prescott Street and an existing 8-inch CI water main in N Michigan Avenue.

**Sanitary Service** - There is a public 8-inch combined sewer in N Michigan, south of the site; a public 8 to 10-inch combined sewer in N Prescott and in the ODOT parcel west of N Michigan; and a public 12 to 14-inch clay combined sewer in N Mississippi and N Prescott.

**Stormwater Disposal** – There is no public storm-only sewer currently available to this property. Bureau of Environmental Services (BES) has indicated that onsite infiltration is feasible for the proposed development on the new lots. BES has also noted that existing sidewalks, which will be required to be reconstructed, will need to be sloped toward a vegetated area and/or street trees will be need to be planted as a viable alternative to constructing stormwater management facilities. Vegetated facilities will not be required for the alley paving.

**Zoning:** The property is located in the **Multi-Dwelling Residential 1,000 (R1)** zone. The major type of new housing development in this zone is anticipated to be multi-dwelling structures, duplexes, townhouses, and rowhouses. Generally, R1 zoning is applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The site is also located within the **Mississippi Conservation District**. This is a collection of individual resources that are of historical or cultural significance at the local or neighborhood level. As noted above, since the site is located in the conservation district, new development on the lots must meet the Community Design Standards (33.218) or the proposal will be subject to Historic Resource Review (33.846).

**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 **March 10, 2014**. No written responses have been received.

## 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.

<b>Criterion</b>	<b>Code Chapter/Section and Topic</b>	<b>Findings: Not applicable because:</b>
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	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
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.
	33.654.120.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.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. In the R1 zone, the maximum density is 1 unit per 1,000 square feet (33.120.205/Table 120-3), and, where a site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet (33.120.205.C.2). The total site area shown on the survey is 8,179 square feet. Therefore, the maximum density for property is 8 units and the minimum density is 4 units.

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

R1	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
<b>Attached Houses</b>	none	15	none	15
<b>Detached Houses</b>	none	25	none	25
Lot 1	1,700	34	80	34
Lot 2	1,480	29	80	29
Lot 3	2,500	25	100	25
Lot 4	2,500	25	100	25

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

The applicant is proposing 4 lots for attached dwelling development. As shown in the table above, there are no minimum lot area requirements for lots designated for attached houses or detached houses, and the proposed lots meet the minimum lot width and front lot line for attached and detached houses. Since the service demands and impacts for attached and detached houses are typically very comparable, either housing type is acceptable, and would not change the density. Therefore, either housing type will be allowed.

Based on these factors, the lot dimension and density standards are 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 not located within the Potential Landslide Hazard Area and no trees are located on the site. Across most of the site there is a minor up hill slope from the north to the south, then near the south lot line the slope rises up steeply. Across the south end of the site, the grade is about 3 to 5 feet higher than the balance of the site and the adjacent rights-of-way. To accommodate the grade difference between the site and the abutting property, the Grading Plan (Exhibit C.3) shows a 4-foot tall retaining wall to be installed along the south lot line. In addition, some grading will be needed for the proposed houses, driveways, and utilities. However, based on the information provided, no extensive clearing or grading will be required to make the new lots developable. The applicant will be required to provide grading and erosion control plans for the development at the time of permit review.

**Land Suitability:** The site was most recently in residential use and contains no known geological hazards, and there is no record of any other use in the past. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development.

Based on these factors, this criterion is met.

**I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.**

**Findings:** The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

As noted above the lots, the lots are proposed to be developed with attached houses; however, the lots also could be developed with detached houses, so the proposal must comply with the solar standards.

Three of the proposed lots (Lots 2, 3 and 4) are on the east side of a north-south oriented street (N Michigan Avenue), and are considered interior lots (not on a corner). In this context there is no preference that any one of these lots be wider or narrower than the other lots. The other lot (Lot 1) is on the corner and, as required by these provisions, it is wider than the other lots. Based on these factors, this criterion is met.

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

**Findings:** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Portland 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, and provided the following (See Exhibit E.2 for complete details):

Street capacity and level-of-service

*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. The applicant included a professionally prepared Traffic Impact Study (TIS) to adequately address the above referenced approval criterion. The following discussion is based on PBOT's assessment of the submitted TIS and transportation impacts for this proposal.*

*The proposed land division will create 4 parcels from the current lot in order to accommodate 4 new attached single-dwelling homes (two pairs of attached homes/the existing single-family*

detached house on the site will be raised). Referring to the ITE Trip Generation Manual, 9<sup>th</sup> Edition, there will be 2 new AM peak hour trip and 3 additional PM peak hour trip (28 additional total new daily trips) that may result from the development proposal on the site.

The applicant's traffic consultant conducted observations at the following several nearby intersections during the evening peak hour and during the Sunday morning services of the nearby Greater Faith Baptist Church to determine existing levels of service and to project the capacity of the intersections in relation to the proposed development (**NOTE:** as referenced previously, the industry standard critical period for analyses of intersections is during the morning or evening peak hour of travel. Given the proximity of the Greater Faith Baptist Church to the subject site, PBOT directed the applicant's traffic consultant to also consider a timeframe during which patrons from the church might impact the studied intersections, for reference only):

<u>Intersection</u>	<u>Weekday/PM Peak Hr Existing LOS</u>	<u>Weekday/PM Peak Hr Projected LOS</u>	<u>Sunday/AM Existing LOS</u>	<u>Sunday/AM Projected LOS</u>
N Skidmore/N Mississippi	B/C	B/C	A/B	A/B
N Skidmore/N Michigan	B/C	B/C	A/B	A/B
N Prescott/N Michigan	A/B	A/B	A	A
N Prescott/N Mississippi	A/B	A/B	A	A

Aside from the conducted observations that showed minimal-to-no delays at the referenced intersections, the site is located within a neighborhood made up of a robust and gridded street pattern that allows for broader connectivity to the transportation system. This is important to note because residents of the proposed new homes will have a variety of direction of travel (trip distribution) in which to access the broader transportation network (even though it is estimated that most trips will be through the N Skidmore/ N Michigan intersection). Therefore, as demonstrated by the results of the TIS, site generated vehicle trips will have negligible impacts to the capacity of nearby intersections.

#### Vehicle access and loading

N Skidmore St, located south of the subject site, is classified as a Neighborhood Collector and connects to several major routes including I-5 (via N Going St) N Interstate Ave, and N Martin Luther King Jr. Blvd. Since an I-5 crossing is located in close proximity to the site via N Skidmore St, the freeway does not present a barrier to access at this location as it does in locations more distant from a crossing. East of the subject site, the streets adhere neatly to Portland's grid system.

The intersection of N Mississippi Ave/N Prescott St is a "right-in, right-out" intersection, with left turns prohibited for traffic on both streets. This access restriction is easily bypassed by using N Skidmore St to the south.

Loading is expected to take place using both private driveways for individual homes and on-street parking. Loading activities associated with residential land uses are typically light and infrequent, and there is ample space for these activities to occur. Vehicles will access proposed Lots 1 and 2 directly via N Michigan. Vehicles will access proposed Lots 3 and 4 via the abutting alley at the rear of the lots (accessing the alley from N Prescott). On-street parking is available along both sides of the N Michigan. Loading can occur along the street or within the individual driveways that will serve each of the proposed lots

The subject site can be easily accessed by motor vehicles as well as other modes. Vehicle access and loading space at this location are able to sufficient accommodate the existing uses as well as the proposed land division.

#### On-street parking impacts

PBOT staff expressed initial concerns related to the proposed subdivision request in association with this specific evaluation factor. Accordingly, the applicant's traffic consultant was directed to focus his efforts on supplying a thorough parking analysis for PBOT's consideration.

To determine the existing supply/ demand of available on-street parking in vicinity of the subject site, parking observations were made by the applicant's traffic consultant during several different periods corresponding to expected peak demand periods of the variety of land uses in the immediate site vicinity. Parking demand was observed during the late evening/ early morning weeknight period to determine parking availability during the expected peak period for residences, and mid-weekday during the expected peak period for nearby commercial uses. Additionally, since Greater Faith Baptist Church is located in close proximity to the subject site, parking demand was observed in conjunction with Sunday morning services.

Parking was observed for two street segments in close proximity to the site:

- (1) N Michigan Ave between N Skidmore and N Prescott;
- (2) N Skidmore St between N Mississippi Avenue and the N Michigan Ave-N Missouri Ave Alley

Note that parking is prohibited on N Prescott St in the vicinity of the project site. Additionally, a parking restriction along the northeastern frontage of the segment of N Skidmore St limits parking here to ten minutes or less. West of the intersection of N Skidmore St/N Michigan Ave, parking is also prohibited for several hundred feet as this segment is on an I-5 overpass. The parking supply reported is based on an assumed 20-ft vehicle length, with a 4-ft buffer included for every 2 spaces. Reductions in available frontage were taken for all curb cuts (including planned new curb cuts at the project site), hydrants and bus stops. Accordingly, there are approximately 23 on-street parking spaces along N Michigan and 22 on-street parking spaces along N Skidmore, which represent the current supply for consideration.

The following table includes data from the multiple observation periods that were made by the applicant's traffic consultant:

Location	Parking Supply	Afternoon Demand	Afternoon Availability	Overnight Demand	Overnight Availability	Sunday Demand	Sunday Availability
N Michigan Ave	23	6	17	3	20	10	13
N Skidmore St	22	17	5	6	16	19	3

The parking demand that will be generated as a result of the proposed project was estimated using rates from Parking Generation. The data utilized to determine the parking demand for the three single family dwellings were for land use #210, Single-Family Detached Housing. Based upon this data, the 85<sup>th</sup> percentile peak parking demand for the 3 new homes is 7 parking spaces.

As shown in the above referenced table, there is ample available parking to accommodate the demand generated by the proposed project during all times of the day. While each residence will include at least one off-street parking space, sufficient on-street parking is available at all times of the day even if no new residents utilize off-street parking. Parking demand in the area is relatively light during the overnight peak period when the new development is anticipated to generate the most parking demand. During the peak demand periods of the church and commercial land uses in the vicinity, there is little available parking on N Skidmore St, however ample on-street parking is available on N Michigan Ave during these periods. The available parking supply along N Michigan Ave is closer to the subject site than other on-street parking, it is therefore expected that any new demand generated by the proposed residential project will utilize these spaces. Accordingly, the requested land division will have a minimal impact to the on-street parking supply/ demand available to congregants of the neighboring church or patrons of nearby businesses.

Availability of transit service and facilities and connections to transit

The site and area are served by nearby frequently served transit via Tri-Met route #4 (Division/ Fessenden) which travels along N Mississippi/ N Albina, east of the subject site. An

*existing and well connected system of sidewalk facilities provides excellent access to this bus line. Additionally, MAX Yellow Line (light rail) service is available about one quarter mile west of the site. There are continuous sidewalks between the subject site and the train station.*

*Impacts on the immediate/ adjacent neighborhoods*

*As analyzed above, the impact of the proposed project's generated vehicle trips on area intersections and streets will be minimal and the operations of the transportation system will continue to be acceptable. Currently, there is sufficient on-street parking to serve the demand of the existing uses in the area. As demonstrated above, adequate on-street parking opportunities will remain after the construction of the proposed new attached homes. From a transportation perspective, these noted areas (transportation system and parking impacts) are impacts that can adversely affect neighborhoods. These issues are not expected to negatively impact the immediate or adjacent neighborhoods.*

*Safety for all modes*

*Crash data was examined for the intersections at N Michigan Ave/N Skidmore Str, N Mississippi Ave/N Skidmore St, N Michigan Ave/N Prescott St, and N Mississippi Ave/N Prescott St for the most recent available five years (2007-2011).*

*Multiple crashes were reported at these intersections, however, all of the crash rates were calculated at below 1.0 CMEV, which indicates normal, safe performance of an intersection. Crash rates and patterns are below a level indicative of potential safety concerns and there were no apparent safety deficiencies noted during a site visit by the applicant's traffic consultant. Accordingly, the vicinity of the site is safe for motor vehicles.*

*Regarding bicycles, the area around the subject site features some of the better bicycling conditions in the city, as a number of recent improvements to the bike infrastructure have taken place in the area. N Michigan Ave was recently improved as a Neighborhood Greenway with shared road markings, speed humps, and a 20 mph speed limit. Additionally, a new buffered bike lane has recently been installed along N Skidmore St. Additional residential streets in the area provide safe and comfortable connections to the nearby Vancouver Ave/ Williams Ave bikeways.*

*Pedestrian travel is also safe and comfortable in the vicinity of the project site. Continuous sidewalks are available for all key pedestrian routes near the project site, and a number of marked crosswalks are available in the surrounding area. As a Neighborhood Greenway, the 20 mph speed limit and traffic calming features on N Michigan Ave provide a comfortable walking environment.*

*The vicinity of the proposed residential subdivision is currently safe for all modes and will not be adversely affected by the proposed new residences. No mitigations are needed or recommended.*

*As demonstrated above, and as evidenced by the thorough and professionally prepared TIS, which PBOT supports (all analysis, methodology, findings and conclusions), the applicant has clearly demonstrated that the transportation system is capable of safely supporting the proposed development in addition to the existing uses in the area.*

Based on the foregoing, these criteria are met.

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

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



<p><b>33.651 Water Service standard</b> – See Exhibit E.3 for detailed bureau comments.</p>
<p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified.</p>
<p><b>33.652 Sanitary Sewer Disposal Service standards</b> – See Exhibit E.1 for detailed comments.</p>
<p>The Bureau of Environmental Services has indicated that though there are several public sewer systems in the vicinity, there is no public sanitary sewer available to service all four proposed lots. To address this service standard, the applicant has proposed to extend a sanitary sewer from an existing system west of the site. This system is described as a public combined sewer in N Prescott Street and in the ODOT parcel across N Michigan.</p> <p>The applicant has submitted a public works permit (13-174841 WE, project #EP9381) and has completed 90 percent plans. BES staff has indicated the plans demonstrate that it is feasible to provide sanitary service to each of the proposed lots. With conditions that the final engineered plans, financial guarantees and fees are provided for the sewer extension, this criterion will be met.</p>
<p><b>33.653.020 &amp; .030 Stormwater Management criteria and standards</b> – See Exhibits E.1</p>
<p>No stormwater tract is proposed or required. The applicant has proposed the following stormwater management methods:</p> <p><b>Public Alley:</b> BES has noted that no stormwater management is required for the alley, based on the limited amount of paving required by Portland Transportation.</p> <p><b>Public Street Improvements:</b> BES has indicated that the sidewalk reconstruction must be installed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which will meet the requirements of the Stormwater Management Manual.</p> <p><b>Lots 1-4:</b> Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells.</p>
<p><b>33.654.110.B.1 Through streets and pedestrian connections</b></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 already meets the noted spacing requirements. Therefore, no additional connections are warranted. As such, this criterion is met.</p>
<p><b>33.654.110.B.4 Approval criterion for alleys in all zones.</b></p>
<p><b>33.654.130.E Ownership of Alleys</b></p>
<p>As noted in the response from Portland Transportation, the applicant will be required to make improvements to the existing alley, in order to accommodate vehicular access to serve proposed Lots 3 and 4. No other alleys are proposed or required. With a condition that the applicant must pave (concrete, no asphalt) the 499 square feet of the alley from the back of the sidewalk to the south, and also grade and gravel the portion of the alley between the new pavement and the south property line of Lot 4, this criterion will be met.</p>
<p><b>33.654.120.B &amp; C Width &amp; elements of the right-of-way</b> – See Exhibit E.2 for bureau comment</p>
<p>Portland Transportation has noted the following requirements regarding the width and elements of the right-of-way:</p> <p><i>The City's Pedestrian Design Guide recommends a 12-ft wide sidewalk corridor (0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, 1.5-ft wide frontage zone) for Local Service street along R2 zoned sites within a pedestrian district. The existing sidewalk corridor along the site's N Michigan frontage satisfies said standard. The existing 6-ft wide curb-tight sidewalk along the site's N Prescott frontage does not satisfy the above referenced 12-ft wide standard.</i></p>

*The applicant will be required to construct the above referenced 12-ft wide standard sidewalk corridor along the site's N Prescott frontage. To accommodate said corridor, the applicant is also advised that a 6-ft property dedication will be required along the N Prescott frontage. The required dedication of property will occur with the Final Plat phase of this land division proposal.*

*The applicant filed a Public Works Appeal (13-172016 PW) in July of last year seeking relief of the above referenced frontage improvement and property dedication requirements. The City's Public Works Administrative Appeal Committee denied said appeal. (NOTE: It is more than likely that the existing sidewalk corridor along N Michigan will be damaged/compromised in relation to the numerous curb cut/driveways proposed. The applicant is also advised that if this sidewalk corridor is damaged during the course of construction, it will have to be reconstructed to the satisfaction of the City Engineer. Further, in association with the garage access (Lots 3 and 4) from the abutting alley, the applicant will be required to construct 499 sf of the alley (concrete, no asphalt) from the back of the sidewalk and grade/gravel the remaining portion of the alley to (at least) the southern property line of Lot 4).*

*The r.o.w. improvements will need to be designed by an Oregon licensed civil engineer and constructed under a Public Works Permit, which is separate from the Building Permit that will be necessary for construction of the proposed attached homes. The applicant has initiated this process via 13-174841 WE and 13-191408 WT.*

With conditions for right-of-way dedication and street and alley improvements, this criterion will be met.

**33.654.120.F. Approval criterion for the width of alleys. The width of the alley right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity such as existing street and pedestrian system improvements, existing structures, and natural features.**

As noted above, Portland Transportation will require improvements to the existing alley, in order to accommodate vehicular access to proposed Lots 3 and 4. With the implementation of the aforementioned condition for improvements to the alley, the alley will be sufficiently sized and improved to serve the expected uses. Accordingly, this criterion will be met.

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

At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. 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. 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. Among the various development standards that will be applicable to future development on the lots, the applicant should take note of the following:

Community Design Standards: The project site is in the Mississippi Conservation District, so new development on the lots must meet the Community Design Standards (33.218.110) or the proposal will be subject to Historic Resource Review (33.846). The applicant has indicated the lots will be development in accordance with the Community Design Standards. The conceptual development plans provided with the land division application show that a landscape buffer will be provided along the north lot line of Parcel 1, as required per Community Design Standard 33.218.110.C.2, and that vehicle access for Parcels 3 and 4 will be via the abutting alley, as required per Community Design Standard 33.218.110.H.1. All other Community Design Standards will be evaluated at the time of building permit review.

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.

## OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 <a href="http://www.portlandonline.com/bds">www.portlandonline.com/bds</a>	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 <a href="http://www.portlandonline.com/bes">www.portlandonline.com/bes</a>	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 <a href="http://www.portlandonline.com/fire">www.portlandonline.com/fire</a>	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 <a href="http://www.portlandonline.com/transportation">www.portlandonline.com/transportation</a>	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 <a href="http://www.portlandonline.com/parks">www.portlandonline.com/parks</a>	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 <a href="http://www.portlandonline.com/water">www.portlandonline.com/water</a>	Title 21 – Water availability

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

- **Fire Bureau** (Exhibit E.4): The applicant must meet the requirements of the Fire Bureau in regards to fire flow and water supply; addressing of structures; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- **Urban Forestry**: New street trees will be required at the time of future development on the lots, per the standards of Title 20.
- **Life Safety** (Exhibit E.6): Separate building permits are required for the proposed development on the lots.

## CONCLUSIONS

The applicant has proposed a 4-lot subdivision, 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:

- Right-of-way dedication and frontage improvements
- Alley improvements
- Allocation of density
- Sanitary sewer improvements
- Fire flow, addressing, and aerial fire department access

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

## ADMINISTRATIVE DECISION

**Approval** of a Preliminary Plan for a 4-lot subdivision, that will result in 4 lots for single dwelling attached or detached houses, as illustrated with Exhibit C.1, subject to the following conditions:

**A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for review and approval by Land Use Review, if the reduced side setback provisions for detached houses will be implemented per 33.120.270.D.

**B. The final plat must show the following:**

1. The applicant shall meet the street dedication requirements of the City Engineer for N Prescott Street. The required right-of-way dedication must be shown on the final plat.

**C. The following must occur prior to Final Plat approval:**

**Streets and Alleys**

1. The applicant shall meet the requirements of the City Engineer for right-of-way improvements along the site's N Prescott street frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of Portland Transportation.

**Utilities**

2. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main to serve the proposed lots, including providing the engineered plans, financial guarantee, and fees for the Public Works Permit.
3. 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.

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

1. The applicant must meet the addressing requirements of the Fire Bureau. The location of the address must be shown on the building permit.
2. 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.
3. Frontage improvements along the site's N Prescott frontage shall be constructed to the satisfaction of the City Engineer.
4. Alley improvements shall be constructed to the satisfaction of the City Engineer, at time of development on Lots 3 and 4. The alley improvements shall consist of 499 square feet of paving (concrete, no asphalt) from the back of the sidewalk to the south, and grading and gravel from the new pavement to the south property line of Lot 4.

**Staff Planner: Kate Green**

**Decision rendered by:** Kimberly Tallant **on May 8, 2014**

By authority of the Director of the Bureau of Development Services

**Decision mailed May 12, 2014**

**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 May 9, 2013, and the applicant requested the application be deemed complete on **November 5, 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 May 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 waived the 120-day review period (Exhibit G.3). **The 120 days will expire on November 4, 2014.**

**Note: Some of the information contained in this report was provided by the applicant.** As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 27, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any

further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 or phone 1-503-373-1265 for further information.

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

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

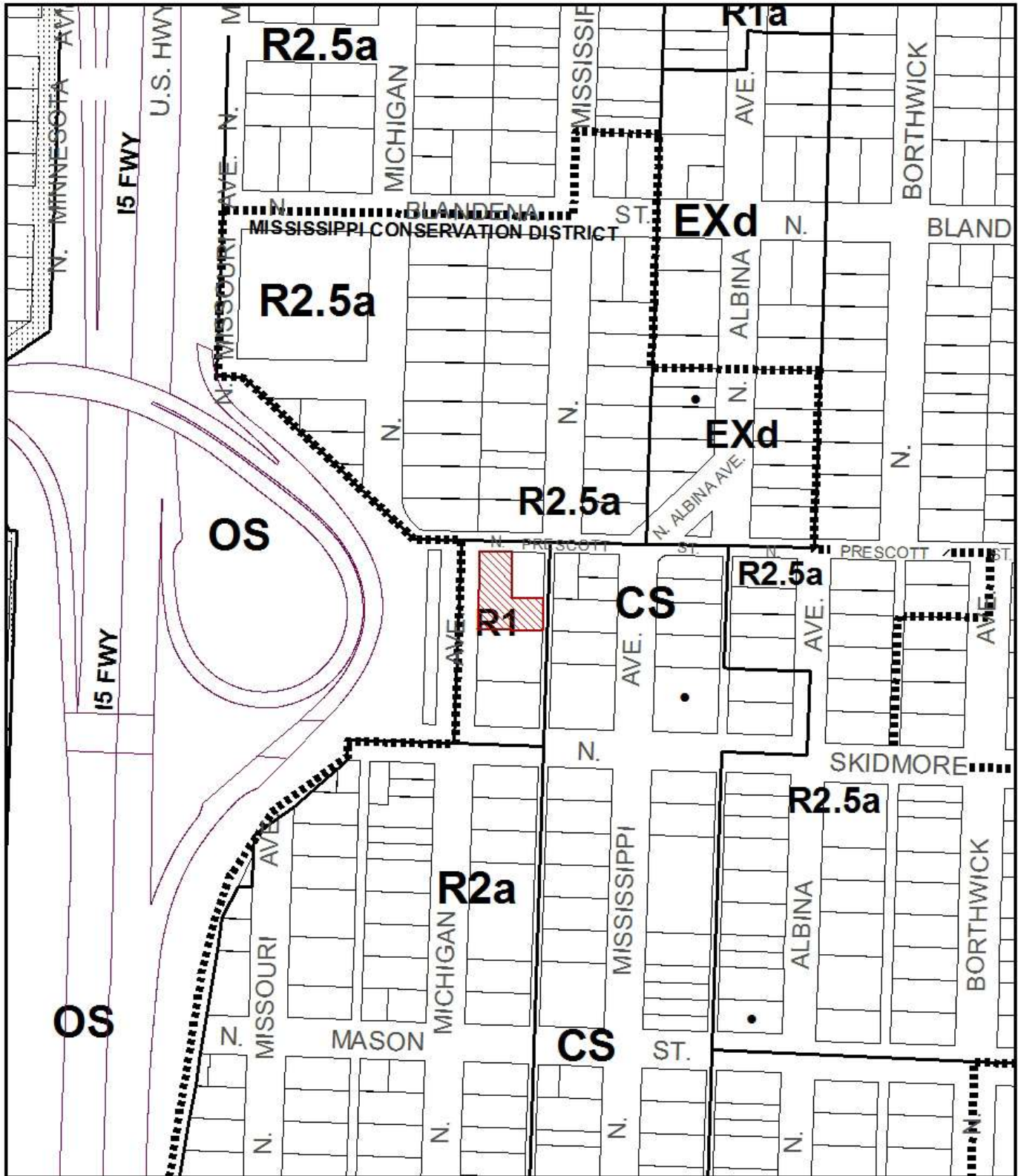
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. August 14, 2014-Supplemental Narrative
  - 2. August 27, 2013-Additional Narrative
  - 3. January 14, 2014-Revised Narrative
  - 4. Transportation Analysis
  - 5. March 4, 2014-Revised Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Tentative Plan (reduced copy attached)
  - 2. Conceptual Site Development Plan
  - 3. Grading Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Portland Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development/BDS
  - 6. Life Safety/BDS
  - 7. Urban Forestry/Parks
- F. Correspondence: [none received]
- G. Other:
  - 1. Original LU Application
  - 2. Letter to applicant re: incomplete application
  - 3. Timeline extensions
  - 4. Email to/from applicant

**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
-  Historic Landmark



This site lies within the:  
MISSISSIPPI CONSERVATION DISTRICT

File No.	LU 13-150845 LDS
1/4 Section	2629
Scale	1 inch = 200 feet
State_Id	1N1E22CA 4300
Exhibit	B (May 14, 2013)

