



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

FROM CONCEPT TO CONSTRUCTION

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Date: November 10, 2014
To: Interested Person
From: Brandon Rogers, Land Use Services
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NOTICE OF A TYPE IX DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 14-167671 LDP

GENERAL INFORMATION

Applicant: Mike Coyle / Faster Permits
14334 NW Eagleridge Lane / Portland, OR 97229

Owner: Everett Custom Homes Inc
735 SW 158th Ave #180 / Beaverton, OR 97006-4952

Site Address: Vacant lot to the west of 26 NE Cook Street

Legal Description: BLOCK 8 LOT 24, WILLIAMS AVE ADD
Tax Account No.: R308688
State ID No.: 1N1E27AA 11700
Quarter Section: 2730
Neighborhood: Eliot, contact Mike Warwick at 503-284-7010.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.

District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.

Plan District: Albina Community
Conservation District: Eliot
Zoning: Residential, 2,000 (R2) with the "a" Alternative Design Density overlay zone.

Case Type: Land Division Partition
Procedure: Type IX, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant has proposed to partition the 5,000 square foot site into two 2,500 square foot parcels for development of detached homes. Water and sanitary sewer services will be

provided by existing utility mains located within NE Cook Street. The applicant has proposed tree mitigation instead of tree preservation. Stormwater will be managed with on-site drywells. Grading is proposed at the east property line, as is a retaining wall. Internal side yard setbacks are proposed to be 3-feet, as allowed by 33.120.270.D.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create 2 units of land. Therefore this land division is considered a partition.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The site is vacant and is positioned below the adjacent lots to the south and east. The site is level, with exception of the south and east property lines where the elevation abruptly rises by 4-feet. The site contains two trees that are subject to tree preservation requirements. The applicant proposes tree mitigation instead of tree preservation. The surrounding neighborhood is characterized by a mix of newer and older single family dwellings, with commercial uses along N Williams Ave. Dawson Park and Boise-Eliot Elementary school are located nearby.

Infrastructure:

- **Streets** – The site has approximately 50 feet of frontage on NE Cook Street. At this location NE Cook Street is classified as a Local Service Street for all modes. The frontage is improved with a 15-ft wide sidewalk corridor that has a 7-6-2 configuration that exceeds minimum City standards. No dedications or frontage improvements will be required other than repairing any damaged sidewalk sections and installing street trees if needed.
- **Water Service** – There is an existing 6-inch water main in NE Cook Street. Future homes will be serviced from this main.
- **Sanitary Service** - There is an existing 12-inch public combination sewer line in NE Cook Street. Future homes will be serviced from this main.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. Stormwater will be managed by individual, on-site drywells.

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.

The “a” overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the “a” overlay.

The Albina Community plan district is intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. None of the provisions of the Albina Community Plan are applicable to the proposal. However, new

development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to historic design review. The applicant has submitted preliminary elevations and site plans (Exhibits E5, E3) and has addressed the Community Design Standards in the narrative (Exhibit A.1) that show future development can meet the Community Design Standards of Section 33.218.110 *Standards for Primary and Attached Accessory Structures in R3, R2 and R1 Zones* at the time of development.

The Eliot Conservation District denotes an area with common historic values significant to the neighborhood and seeks to contribute to the preservation of significant features of Portland's development history. The site is vacant and undeveloped. Section 33.445.420 requires historic resource review in order to build a new structure.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits "E" contain the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 24, 2014**. A second Notice of Proposal in Your Neighborhood was mailed on **October 1, 2014** to correct an error in the address of the site. Two written responses have been received; one from the Neighborhood Association and one from notified property owners in response to the proposal.

Neighborhood Response: The Land Use Committee of the Eliot Neighborhood Association has responded that they are not opposed to the proposal.

Neighbor Response: A neighbor located at 19 NE Fargo Street, abutting the site to the south, commented about the five-foot rear yard setback of the R2 zone and commented about the address listed in the notice mailed September 24, 2014.

BDS Response: Setbacks are not relevant to the Land Division Approval Criteria of 33.660.120, but are instead implemented at the time of development. The Residential 2,000 (R2) zone sets the development standards for all properties within the R2 zone. Table 120-4 of Chapter 33.120 lists the side and rear setbacks for the zone. The setbacks are dependent upon the area of the plane of the building wall and increase as the area of the building wall increases. For example, where the area of the plane of the building wall is 1,000 square feet or less, the required minimum setback is 5-feet.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	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.
	33.654.110.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. The applicant is proposing two single family parcels. Single-dwelling or duplex development is proposed for some or the entire site, therefore the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3.

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 5,000 square feet. The site has a minimum required density of 2 units and a maximum density of 2 units.

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

R2	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Detached Houses	1,600	25	none	25
Parcel 1	2,500	25	100	25
Parcel 2	2,500	25	100	25

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

The findings above show that the applicable density and lot dimension standards are met. Therefore this criterion is met.

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

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter. The applicant has provided an arborist report which inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.3). The site contains two trees, a 19 inch Red Oak and a 26 inch Tibetan Whitebeam. The total non-exempt tree diameter on the site is 45 inches. The proposal does not meet any of the tree preservation options in 66.630.100. The applicant proposes, instead, to use the mitigation options of 33.630.300.

The trees are located on the eastern boundary of the site where the topography rises four feet to the adjacent property. The applicant's arborist has stated that grading and site preparation for the future residence on Parcel 2 would damage the root systems of the trees and cause the trees to die. The arborist has stated that it is not practicable under any reasonable scenario to preserve the trees. Therefore, the applicant has met Criterion A.

The location of the existing trees on the site would prevent a land division that would result in a practicable arrangement of lots that could each contain a reasonable building area and still be able to meet the development standards of the R2 zone. The applicant wishes to divide the site for detached housing, which is an allowed housing type in the R2 zone. The site is less than 15,000 square feet in area. Therefore, the applicant has met Criterion C.

The applicant has submitted an offsite tree mitigation plan that proposes payment into the Tree Fund, which will contribute to the general beauty and natural heritage of the City, if not directly on the site. Onsite mitigation is not feasible for this site due to other onsite tree planting standards of the zoning ordinance. Section 33.248.020.H, known as the T1 tree planting standard, requires trees to be planted on new lots as part of the approval of future building permits. The T1 tree standard requires the planting of at least 3 inches on lots that are 3,000 square feet or smaller, which would result in 3 inches of new trees planted for each of the proposed parcels. Because of the small size of the parcels it is not practical for additional trees beyond the T1 standard to be planted without jeopardizing the overall health of all of the trees on the site. Therefore, offsite mitigation in the form of payment into the City Tree Fund is more appropriate for this proposal.

Criterion B is met with a condition of approval requiring a payment into the City Tree Fund the amount equivalent to 16 inches of trees prior to final plat approval. This is equal to 35 percent of the non-exempt tree diameter at the site, which is consistent with Option 1 of the Tree Preservation Standards of Section 66.630.100.

Therefore, with the conditions noted above for mitigation, 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:

Clearing and Grading

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

The applicant has submitted a preliminary grading plan. The site is primarily flat, with the exception of the area adjacent to the east property line. The site is not located within the Potential Landslide Hazard Area. Minor grading is required to create a building area for Parcel 2, including constructing a retaining wall at the east property line. Topsoil will be preserved on site. In addition, because the applicant has proposed off-site tree mitigation,

there are no trees required to be preserved in the areas where new development on the site is anticipated. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. 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. Both of the proposed lots are on the south side of an east-west oriented street, and are considered interior lots (not on a corner). In this context there is no preference that any one lot be wider or narrower than the other lots. This criterion is therefore met.

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

Findings: The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. The Development Review Section of the Portland Bureau of Transportation has reviewed the application and the traffic study prepared by Lancaster Engineering submitted by the applicant. PBOT has considered the project's potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services.

Section 33.641.020 of the City of Portland's Zoning Code specifies evaluation factors which must be addressed for land divisions in all zones. They are: 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. These evaluation factors are each addressed below:

Street Capacity and Level-of-Service

As detailed in the operational analysis section in the TIA on page 4, the surrounding transportation system with planned improvements is projected to be capable of safely accommodating the additional site trips from the proposed partition. The area streets and intersections are planned to undergo significant improvements to greatly improve the safety of the current facilities and are expected to safely serve the proposed use in addition to the existing uses in the site vicinity. No further mitigations are needed or recommended.

Vehicle Access and Loading

Currently, vehicle access to/from the project site is well-connected by a grid network of streets in all directions surrounding the site. The primary north/south connections to numerous east/west thoroughfares consist of N Vancouver Avenue, N Williams Avenue, and NE MLK Boulevard which will remain as the primary connections to/from elsewhere. For long-distance trips, NE Cook Street connects to on/off-ramps leading to/from Interstate 405 approximately 900 feet west of the project site. Additionally, vehicles performing loading operations at the project site will be able to utilize on-street parking spaces to provide service for the proposed units. The proposed project site has adequate vehicle access and loading opportunities. No mitigations are recommended.

On-Street Parking Impacts

A site visit was conducted during the early morning hours (about 12:15 AM on a Wednesday morning) to observe existing parking demands and availability in the site vicinity during the time of peak residential parking demand. Under early morning peak conditions, there were 22 vehicles parked along NE Cook Street between N Williams Avenue and NE Rodney Avenue. 14 on-street spaces remained available along that segment of the street.

Based on data from the manual PARKING GENERATION, Fourth Edition, published by the Institute of Transportation Engineers, the proposed increase of two single-family dwellings is projected to result in demand for four additional parking spaces during the late-evening peak period. The proposed partition will not introduce any additional driveway curb cuts along NE Cook Street. Overall, it is anticipated that the peak parking demands in the site vicinity will increase by four spaces. Since there are currently 14 available on-street spaces within the immediate site vicinity along NE Cook Street, there is ample available parking in the site vicinity to meet the projected demands of the proposed partition in addition to the existing uses in the site vicinity. No parking mitigations are necessary or recommended.

Transit Availability

Tri-Met bus line #4, Division/Fessenden is one of the three closest bus lines to the project site and has a northbound stop along N Williams Avenue and a southbound stop along N Vancouver Avenue within 200 feet and 800 feet, respectively, from the homes within the subject property. This route is classified as a 'Frequent Service' route during the morning and afternoon rush hours with headways of 15 minutes or less during those times. Outside of the rush hours weekday headways are typically about 15-20 minutes for most of the day except during the late-night service which operates with headways of about 20-30 minutes. Saturday headways are typically about 15 minutes for most of the day except during the early-morning and evening service which operates with headways of about 20-30 minutes. Sunday headways are typically about 15-20 minutes for most of the day except during the early-morning and evening service which operates with headways of about 60 minutes and 40 minutes, respectively. Popular destinations along the route consist of St. Johns, Lombard/Interstate, N Vancouver/Williams, Rose Quarter, Downtown Portland, SE Division Street, Mt. Tabor, and Gresham Transit Center. Detailed bus schedules are provided in the appendix.

Tri-Met bus line #6, Martin Luther King Jr Blvd has a southbound and northbound stop along NE MLK Boulevard within 1,500 feet and 1,400 feet, respectively, from the homes within the subject property. This route is classified as a 'Frequent Service' route during the morning and afternoon rush hours with headways of 15 minutes or less during those times. Outside of the rush hours weekday headways are typically about 15-20 minutes for most of the day except during the late-night service which operates with headways of about 30 minutes. Saturday and Sunday headways are typically about 20 minutes for most of the day except during the early-morning and evening service which operates with headways of about 30 minutes. Popular destinations along the route consist of downtown Portland, SE/NE MLK Boulevard, SE/NE Grand Avenue, Rose Quarter, NE Alberta Street, Woodlawn Neighborhood, and Jantzen Beach. Detailed bus schedules are provided in the appendix.

Tri-Met bus line #24, Fremont is one of the three closest bus lines to the project site and has a northbound stop along N Williams Avenue and a southbound stop along N Vancouver Avenue within 200 feet and 800 feet, respectively, from the homes within the subject property. Weekday headways are typically about 30-40 minutes for most of the day. This route does not operate on Saturdays or Sundays. Popular destinations along the route consist of Legacy Emanuel Hospital, NE Fremont Street, Rocky Butte State Park, and Gateway/NE 99th Avenue Transit Center. Detailed bus schedules are provided in the appendix.

Tri-Met bus line #44, Capitol Hwy/Mocks Crest is one of the three closest bus lines to the project site and has a northbound stop along N Williams Avenue and a southbound stop along N Vancouver Avenue within 200 feet and 800 feet, respectively, from the homes within the subject property. Weekday headways are typically about 15 minutes during the morning and afternoon rush hours and about 20-30 minutes for most of the day outside of the rush hours. Saturday and Sunday headways are typically about 35 minutes for most of the day except during the evening service which operates with headways of about 60 minutes. Popular destinations along the route consist of Portland Community College – Sylvania, Hillsdale, SW Barbur Boulevard, PSU, Downtown Portland, Rose Quarter, N Vancouver/Williams, University of Portland, St. Johns, and Pier Park. Detailed bus

schedules are provided in the appendix. The available transit service is sufficient to meet the needs of the proposed site use in addition to the existing uses in the site vicinity.

Neighborhood Impacts

The daily activities as a result of the trips generated from the proposed partition are expected to minimally impact the local neighborhood. The operational analysis of nearby major intersections during the AM and PM peak-hours and the on-street parking study during a peak-parking period indicate that the surrounding neighborhood is capable of safely absorbing the growth associated with the proposed partition. The residential nature of the proposed development is also in keeping with the existing neighborhood housing stock. Based on the detailed analysis, projected impacts to the surrounding neighborhood are minimal and acceptable. No mitigations are recommended.

Safety for All Modes

Designated as well as popular low-stress bike routes for travel in all directions are provided in the vicinity of the project site. East/west options consist of NE Knott Street and the NE Morris Street / NE Siskiyou Street neighborhood greenway. Immediately adjacent to the project site is N Vancouver Avenue, N Williams Avenue, and NE Rodney Avenue, all of which connect users to the east/west routes mentioned above. NE Rodney Avenue travels north/south and is planned to be upgraded to a neighborhood greenway within the next year. Immediately west of NE Rodney Avenue lies N Williams Avenue, which is the northbound couplet of one-way streets and provides bike lanes along the commercial corridor for direct access to destinations north. N Williams Avenue is also planned to be upgraded within the next three months to better accommodate people biking. Immediately west of N Williams Avenue lies N Vancouver Avenue, which is the southbound couplet of one-way streets and provides bike lanes along the commercial corridor for direct access to destinations south.

Sidewalks exist along both sides of the roadway for all streets in the vicinity of the project site. The proposed development will ensure that the quality of the sidewalks within the project site are not significantly degraded during construction. Pedestrian safety and connectivity in the immediate vicinity will be maintained.

For people accessing the northbound transit services along the eastern side of NE MLK Boulevard, there is a safe option to cross NE MLK Boulevard by foot in the immediate vicinity. Pedestrians crossing NE MLK Boulevard at NE Cook Street are able to utilize a marked and signed crosswalk along the northern leg of the intersection. For people accessing the southbound transit services along the western side of N Vancouver Avenue, there is a safe option to cross both N Williams Avenue and N Vancouver Avenue by foot in the immediate vicinity. Pedestrians crossing both N Williams Avenue and N Vancouver Avenue are able to utilize marked and signed crosswalks along the southern legs of each intersection. For people accessing the northbound transit services along the eastern side of N Williams Avenue, there is no need to cross any roadways.

Based on the analysis, the transportation system is capable of safely supporting the proposed development in addition to the existing use in the area for all travel modes. PBOT has reviewed and concurs with the information supplied and the methodology, assumptions and conclusions made by the applicant's traffic consultant. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

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

Findings: Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

<p>33.651 Water Service standard – 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>33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.</p> <p>The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.</p>
<p>33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1</p> <p>No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods: Parcels 1 and 2: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. 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 is approximately 600 feet long and does not meet the noted spacing requirements. The site is not located in an area conducive to providing a through street or pedestrian connection. The site is located approximately 100 feet to the east of the end of the block, which is less than the minimum 200-foot spacing for through streets. Further, the surrounding parcels are developed in a way that does not contribute to development of a through street. PBOT has indicated that further connectivity is not required as part of this project. In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply. For the reasons described above, this criterion is met.</p>
<p>33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment</p> <p>In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. Portland Transportation Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.</p> <p>NE Cook Street operates under the jurisdiction of the City of Portland and is classified as a Local Service Traffic Street, Local Service Transit Street, Local Service Bikeway, Local Service Walkway within the Eliot Pedestrian District, Local Service Truck Street, and a Minor Emergency Response Route. It is an un-striped, paved road allowing for two-way traffic and has a statutory residential speed limit of 25 mph. There are curbs and sidewalks on both sides of the roadway. On-street parking is allowed on both sides of the roadway.</p> <p>At this location NE Cook Street is improved with a 15-ft wide sidewalk corridor that has a 7-6-2 configuration that exceeds minimum City standards. No dedications or frontage improvements will be required other than repairing any damaged sidewalk sections and installing street trees if needed.</p> <p>The trip generation calculations show that the proposed partition is projected to result in a total of two additional trips during the morning peak hour and two additional trips during the evening peak hour.</p> <p>The applicant has provided a traffic study prepared by Lancaster Engineering. PBOT staff</p>

has reviewed the study and concurs with the findings that the transportation system is capable of safely serving the proposed development in addition to existing uses in the area. Please see Exhibit E.2 for a full analysis. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that two dwellings can be safely served by this existing street without having any significant impact on the level of service provided. No mitigation is necessary or recommended for the proposed partition. This criterion is met.

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

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

DEVELOPMENT STANDARDS

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

Future Development

Among the various development standards that will be applicable to this lot, the applicant should take note of:

- **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 project proposes 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.**
- **Albina Community Plan District-** Proposed development must meet the Community Design Standards of Chapter 33.218, or is subject to a Design Review as set out in Chapter 33.825. The applicant has submitted preliminary elevations and site plans (Exhibits E5, E3) and has addressed the Community Design Standards in the narrative (Exhibit A.1) that show future development can meet the Community Design Standards of Section 33.218.110 *Standards for Primary and Attached Accessory Structures in R3, R2 and R1 Zones* at the time of development. The site qualifies for the parking requirement reduction allowed by section 33.505.220 of the Albina Community Plan, which will be reviewed at the time of development in compliance with the Community Design Standards and at as part of the required historic resource review.
- **Eliot Conservation District-** Building a new structure within a conservation district requires Historic Resource Review, per Chapter 33.445.420 of the Zoning Code. The applicant has addressed the historic resources standards in the narrative (Exhibit A.1) showing that the standards can be met at the time of development.
- **Eliot Pedestrian District-** Building setbacks and the street facing façades of future buildings must meet the standards of 33.120.220, which require a maximum setback of 20-feet. The applicant has submitted preliminary elevations and site plans (Exhibit E.5, E.3) that show future development can meet these standards at the time of development.

Existing development that will remain after the land division. The site is currently vacant, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R2 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

Therefore, with the conditions of approval noted above, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcels 1 and 2, fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a two parcel partition, 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: tree mitigation and grading.

The applicant has proposed tree mitigation because the existing trees are not able to be preserved at the site. The site requires grading to create a suitable building area for parcel 2, which would disturb the root zones of the existing trees. Condition of approval C.2 requires the applicant to pay into the City Tree Fund for mitigation.

With conditions of approval that address tree mitigation, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two-parcel partition that will result in two single dwelling lots, as illustrated with Exhibit C.1, subject to the following conditions:

A. Supplemental Plan. If the reduced internal 3-foot setbacks allowed by section 33.120.270.D, then three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review section review and approval.

B. The final plat must show the following:

1. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C2 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "An Acknowledgement of Special Land Use Conditions for residential fire sprinklers has been recorded as document no. _____, Multnomah County Deed Records."

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

1. 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 to final plat approval.

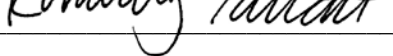
Other requirements

2. The applicant must pay into the City Tree Fund the amount equivalent to 16 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

1. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
2. If required, the applicant will be required to meet any requirements identified through a Fire Code Appeal/install residential sprinklers in the new dwelling unit on Parcels 1 and 2. Please refer to the final plat approval report for details on whether or not this requirement applies.

Staff Planner: Brandon Rogers

Decision rendered by:  **on November 6, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed November 10, 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 June 10, 2014, and was determined to be complete on September 16, 2014.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 10, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: January 14, 2015.**

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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

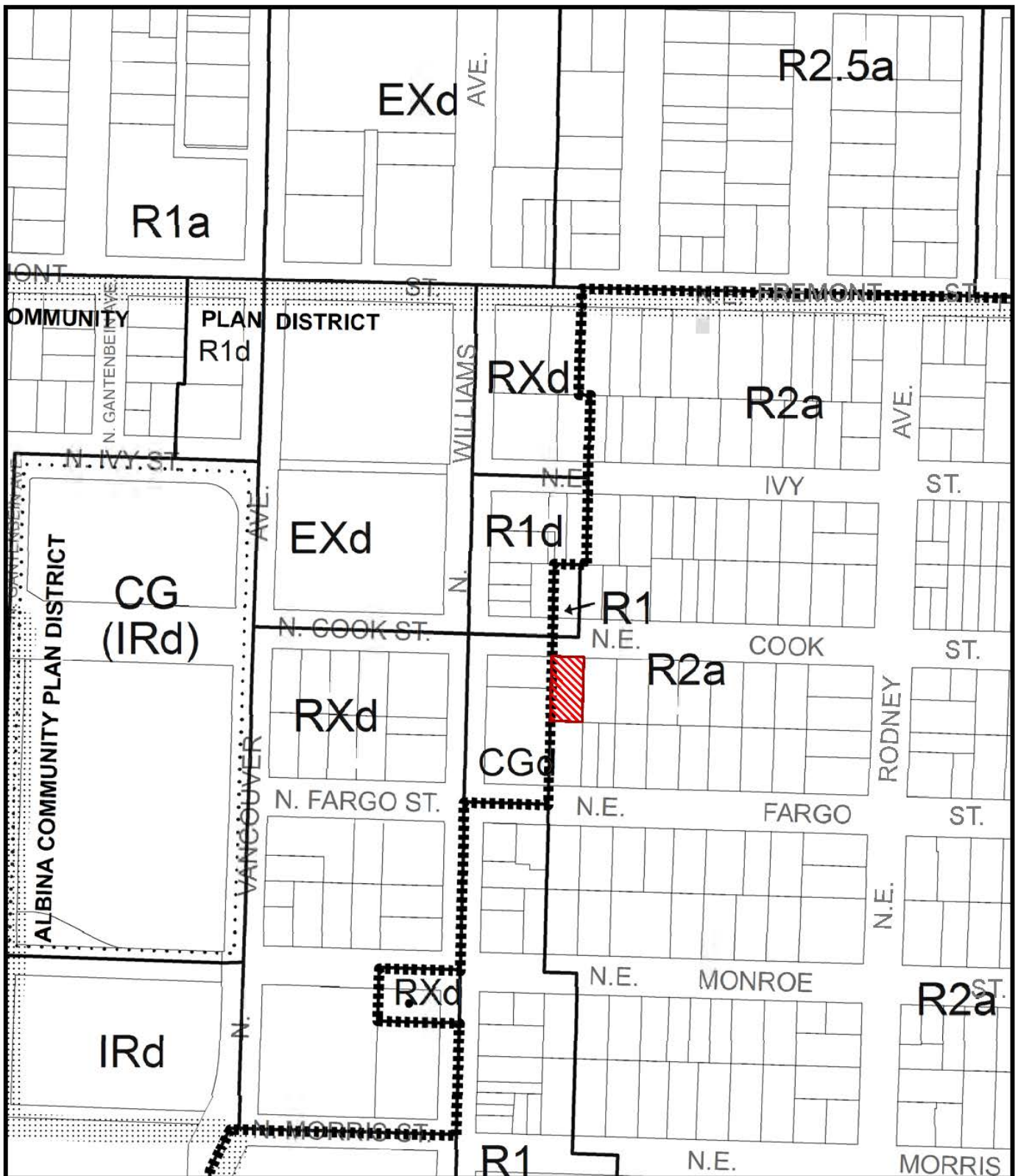
The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file 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. Original Submittal
 - 2. Revised Submittal
 - 3. Arborist Report
 - 4. Simplified Stormwater Approach Form
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Land Division Plan (attached)
 - 2. Existing Conditions Plan
 - 3. Preliminary Site Plan
 - 4. Preliminary Grading Plan
 - 5. Preliminary Building Elevations
- D. Notification information:
 - 1. Mailing list
 - 2. September 24, 2014 Mailed notice
 - 3. October 1, 2014 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 Section of Bureau of Development Services
- F. Correspondence:
 - 1. Eliot Neighborhood Land Use Committee, October 21, 2014, no opposition.
 - 2. Christoph Franklin, September 26, 2014, setbacks.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



This site lies within the:
**ALBINA COMMUNITY PLAN DISTRICT &
 ELIOT CONSERVATION DISTRICT**

File No. LU 14-167671 LDP
 1/4 Section 2730
 Scale 1 inch = 200 feet
 State_Id 1N1E27AA 11700
 Exhibit B (Jun 12, 2014)

1-16-14 03/1/2014

5
3
SHEET

HMERIO

6107 SW MURRAY BLVD. SUITE 142
BEAVERTON, OREGON 97008
PH: (503)-746-8812

NO.	DATE	DESCRIPTION

PRELIMINARY PLAT

NE COOK STREET (R308688)
TAX MAP T1N R1E 27A
TAX LOT 11700
PORTLAND, OREGON

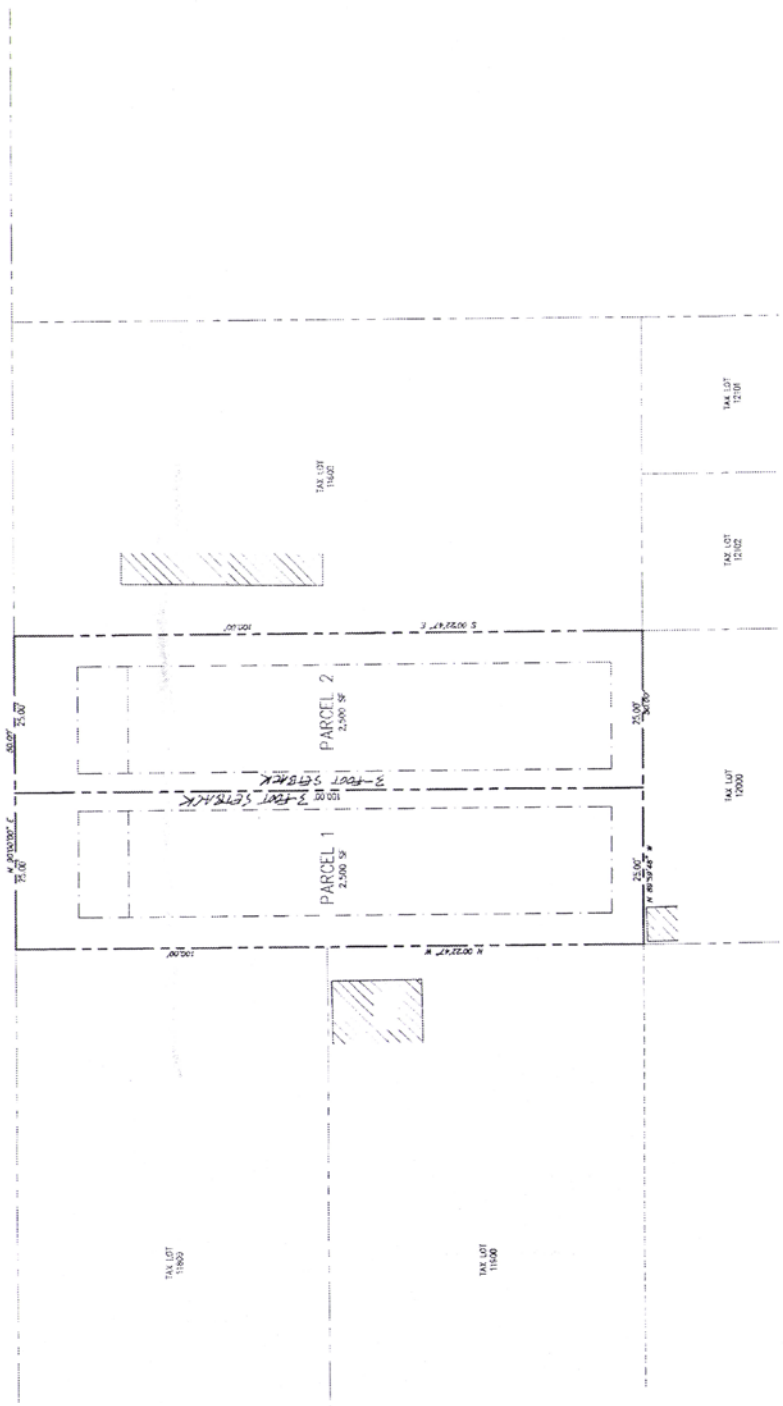
ISSUED ON: 9-9-2014
REGISTERED
PROFESSIONAL
LAND SURVEYOR
JAMES BRYAN BROWN
NO. 10000
VALID THROUGH DECEMBER 31, 2015

ZONE: R2a
SETBACKS:
FRONT: 10 FT.
GARAGE: 18 FT.
REAR: 5 FT.
SIDE: 5 FT. (EXTERIOR)
3 FT. (INTERIOR)

LEGEND
PROPERTY LINE
ADJACENT/ALIGNED LOT LINE
COURT-YARD WALL
SET BACK LINE



N.E. COOK STREET



Case No. LU 14-16767/CDP EXHIBIT C-1