



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

FROM CONCEPT TO CONSTRUCTION

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Date: April 3, 2015
To: Interested Person
From: Leah Dawkins, 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 14-223905 LDP

GENERAL INFORMATION

Applicant: Rob Humphrey, Faster Permits
14334 NW Eagleridge Lane / Portland OR 97229

Owner: Eden Enterprises, LLC
5505 SW Delker Rd / Tualatin OR 97062-9710

Surveyor: James Burton Brown, Emerio Design
6107 SW Murray Blvd Suite 147 / Beaverton OR 97008

Site Address: Vacant lot adjacent to 1532 N HOLMAN ST

Legal Description: BLOCK 6 LOT 3, ROSALIND ADD
Tax Account No.: R721500780
State ID No.: 1N1E16DA 09501
Quarter Section: 2428
Neighborhood: Arbor Lodge, contact Nate Young at 503-679-9929.
Business District: None
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.
Plan District: North Interstate
Zoning: RHd-Multi-Dwelling Residential with "d" Design Overlay Overlay
Case Type: LDP-Land Division Partition
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing to partition the subject property into two single-dwelling parcels. Parcel 1 will be 2,230 square feet and Parcel 2 will be 2,230 square feet. Each parcel will be 25 feet wide and 89.20 feet in depth. In order to meet density requirements, there is a single dwelling residence with an attached accessory dwelling unit proposed for each parcel. There

is an existing garage on the site which will be removed. There are two trees on the site, both of which are proposed to be removed. Trees will be mitigated through planting or payment into the City Tree Fund. The applicant has elected to comply with Community Design Standards in the development of the new homes. There is an existing house under the same ownership adjacent to this parcel which will be retained.

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 and general vicinity are relatively flat. There are two trees on the site and one street tree in front of the site. There is a single family residence adjacent to the land division site that is under the same ownership. The surrounding area to the west is generally detached single family homes. The housing styles are mixed, with some older Cape Cod style homes mixed with newer construction. To the east, there are more multi-dwelling structures along the light rail corridor. The street pattern has good connectivity and the site is within walking distance of a light rail station.

Infrastructure:

- **Streets** –The site has approximately 50 feet of frontage on N. Holman Street. There are currently no driveways accessing this site. At this location, N. Holman Street is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). Tri-Met provides transit service approximately 500 feet from the site at N. Interstate Avenue via the MAX Yellow Line Train.

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

- **Water Service** – There is an existing 8-inch CI water main in SE Holman Street.
- **Sanitary Service** - There is an existing 10-inch VSP public combination sewer line in N. Holman Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: The RH zone is a high-density multi-dwelling residential zone. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities.

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

The North Interstate plan district provides for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 13, 2015**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

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.
I	33.639 - Solar Access	All of the proposed parcels are interior lots (not on a corner). In this context, solar access standards express no lot configuration preference.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required

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

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 2 single family parcels. Each parcel will have a single family dwelling with an attached accessory dwelling unit for a total of 4 units.

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 RH zone is one unit per 1000 square feet and the maximum density is a floor area ratio (FAR) of 2 to 1 or 4 to 1. The maximum FAR is dependent on the geographical location of the proposal site. For this subject site, the FAR is 2 to 1. The total site area shown on the applicant's survey is 4,460 square feet. The site has a minimum required density of 4 units. The maximum density is set at 4 because the proposed lots do not meet the minimum lot dimension requirements for the development of multi-dwelling structures in the RH zone.

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

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

RH	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Detached Houses/Duplexes	none	none	none	10
Parcel 1	2,230	25	25	89.20
Parcel 2	2,230	25	25	89.20

* 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 arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A.2). 1 tree has been exempted

because it is a nuisance species. 1 tree, a flowering dogwood, is subject to the preservation requirements of this chapter.

The total non-exempt tree diameter on the site is 9 inches. The applicant is proposing to remove the non-exempt Flowering Dogwood tree from the site. 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 site is less than 15,000 square feet in area. The applicant wishes to divide the site for detached housing, which is an allowed housing type in the RH zone. 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 RH zone. Criterion C.4 is met.

The applicant has submitted a tree mitigation plan the proposes to mitigate for the removal of the Flowering Dogwood by planting 4 inches of new tree diameter on the site. Title 11, Trees, requires trees to be planted on new lots as part of the approval of future building permits. Tree Density Standards under Section 11.20.050 requires a certain density of trees be planted based on the size of a specific site. For this site, meeting Tree Density Standards will result in one or two trees being planted on each proposed parcel, depending on the size and species of the new tree. Because of the small size of the parcels it is not practical for additional trees to be planted beyond the Tree Density standard without jeopardizing the overall health of all of the trees on the site. Therefore, offsite mitigation for Parcels 1 and 2 in the form of payment into the City Tree Fund along with planting trees to meet Tree Density Standards is more appropriate for this proposal.

The mitigation plan provides for approximately the same caliper inches as Option 1 of the Tree Preservation Chapter. Option 1 would require that 35% or 4 inches of the existing non-exempt tree diameter on site be preserved. 4 inches paid into the tree fund is roughly equivalent to the 4 inches that would be required to be preserved. Payment into the Tree Fund will contribute to the general beauty and natural heritage of the City, if not directly on the site.

Criterion B is met with a condition of approval requiring trees to be planted on Parcel 1 and Parcel 2 in order to meet Tree Density Standards and payment into the City Tree Fund the amount equivalent to 4 inches of trees prior to final plat approval. Trees are to be planted on Parcels 1 and 2 prior to final building permit approval for new houses on these lots.

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.

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

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is 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 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.

PBOT has provided the following findings (see Exhibit E.2):

Street Capacity and Level-of-Service

As detailed in the operational analysis section is included on page 10 of the TIA, the surrounding transportation system is projected to meet the City of Portland's operational standards with the addition of site trips from the proposed development.

The area streets and intersections have sufficient capacity to safely serve the proposed use in addition to the existing uses in the site vicinity while maintaining acceptable levels of service. No mitigations are needed or recommended.

Vehicle Access and Loading

Vehicle access to/from the site will be maintained with the development of the proposed project site. Currently, vehicle access to/from the project site is connected by a network of collector streets and local streets in the general vicinity of the project site. The primary east/west connections to numerous north/south thoroughfares consist of N Ainsworth Street and N Rosa Parks Way. The primary north/south connections to numerous east/west thoroughfares consist of N Interstate Avenue and N Concord Avenue. The aforementioned roadways will remain as the primary routes serving the site.

Vehicles performing loading operations at the proposed development will be able to utilize proposed driveway access points. Larger delivery vehicles will utilize on-street parking to provide service for the proposed development.

The proposed project site has adequate vehicle access and loading opportunities. No mitigations are recommended.

On-Street Parking Impacts

The applicant's traffic engineer conducted a site visit during the early morning hours (specifically 12:30 AM on a Tuesday morning) to observe existing parking demands and availability in the site vicinity during the time of peak residential parking demand.

Under early morning peak parking conditions, there were ten vehicles parked along N Holman Street between N Interstate Avenue and N Concord Avenue and zero vehicles parked along N Interstate Avenue between N Holman Street and N Colfax Street. It was calculated that approximately 13 and 4 on-street spaces remained available along the study segments of N Holman Street and N Interstate Avenue, respectively, assuming 20 feet per parked vehicle with a 4-foot buffer area for every two parked vehicles.

Based on data from the manual *PARKING GENERATION, Fourth Edition*, published by the Institute of Transportation Engineers, the proposed development is projected to result in demand for six additional parking spaces during the early morning peak period.

The proposed development will provide one new site access point for each of the additional single-family homes. As one site access point currently exists at the subject site, construction of the additional site access point would eliminate one on-street parking space available in the site vicinity. Each proposed driveway associated with each site access point are assumed to provide one available off-street parking space, for a total of two available off-street parking spaces.

Overall, when the development is fully built-out it is anticipated that the on-street peak parking demands in the site vicinity will increase by up to four spaces and the available on-

street parking supply will decrease by one space. Since there are currently 17 available on-street spaces within the immediate site vicinity along N Holman Street and N Interstate Avenue, there is ample available parking in the site vicinity to meet the projected demands of the proposed development in addition to the existing uses in the site vicinity. No parking mitigations are necessary or recommended.

Transit Availability

Four transit lines are accessible within a half-mile walking/biking path of the project site:

MAX Yellow Line: TriMet's *MAX Yellow Line* runs along N Interstate Avenue in the vicinity of the project site. The stop closest to the site is at the intersection of N Interstate Avenue at N Rosa Parks Way, approximately 500 feet from the project site. This route is classified as a 'Frequent Service' route.

#4: TriMet's bus line #4-*Division/Fessenden* route runs along N Lombard Street and N Albina Avenue in the vicinity of the project site. The stop closest to the site is at the intersection of N Rosa Parks Way at N Albina Avenue, approximately just less than a half-mile from the project site. This route is classified as a 'Frequent Service' route.

#44: TriMet's bus line #44-*Capitol Hwy/Mocks Crest* route runs along N Rosa Parks Way in the vicinity of the project site. The stop closest to the site is at the intersection of N Interstate Avenue at N Rosa Parks Way, approximately 800 feet from the project site.

#72: TriMet's bus line #72-*Killingsworth/82nd Ave* route runs along N Killingsworth Street in the vicinity of the project site. The stop closest to the site is at the intersection of N Killingsworth Street at N Interstate Avenue, approximately 2,300 feet from the project site. This route is classified as a 'Frequent Service' route.

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 development are expected to minimally impact the local neighborhood. The operational analysis of nearby major intersections during the AM and PM peak periods and the on-street parking study during a peak parking period indicate that the surrounding neighborhood is capable of absorbing the growth associated with the proposed development.

Since the proposed development is residential in nature and surrounded by other residential uses, the proposed use will not substantially alter travel patterns or vehicle types in the site vicinity.

Based on the detailed analysis, projected impacts to the surrounding neighborhood are minimal and acceptable. No mitigations are recommended.

Safety for All Modes

Bike routes for travel in all directions are provided in the vicinity of the project site. The primary north/south route options consist of N Concord Avenue, N Interstate Avenue, N Denver Avenue, and N Delaware Avenue. N Concord Avenue and N Delaware Avenue are low-stress neighborhood roads. N Interstate Avenue and N Denver Avenue contain bike lanes, except for a short segment along N Interstate Avenue between N Ainsworth Street and N Dekum Street. The aforementioned north/south routes connect to numerous east/west routes such as N Rosa Parks Way, N Ainsworth Street, and N Bryant Street. N Ainsworth Street and N Bryant Street are low-stress neighborhood roads. N Rosa Parks Way contains bike lanes.

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.

The closest transit stops are near the corners of the intersections of N Interstate Avenue at N Highland Street and N Interstate Avenue at N Rosa Parks Way. Pedestrians accessing southbound transit service along N Interstate Avenue are able to use a marked crosswalk across the southern leg of the intersection of N Interstate Avenue at N Highland Street to safely cross N Interstate Avenue. Pedestrians accessing east- and westbound transit service along N Rosa Parks Way are able to use signalized crossings at the intersection of N Interstate Avenue at Rosa Parks Way to safely cross both streets.

Based on the analysis, the transportation system is capable of safely supporting the proposed development in addition to the existing uses 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:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
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.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
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.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant has proposed the following stormwater management methods
<ul style="list-style-type: none"> • Parcels: 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.
33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment
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 has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that four additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.
At this location N Holman is classified as a Local Service Street for all modes. It is improved with an 11-5-2 sidewalk. The sidewalk is substandard by 1-ft in width. The applicant will not be required to widen the sidewalk because it meets the exemptions in the temporary administrative rule TRN 1.22
This criterion is met.
33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

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

DEVELOPMENT STANDARDS

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

Future Development

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

- Detached Houses- Section 33.120.270.D of the Zoning Code allows reduced side setbacks (3-feet from property lines) for detached houses in the multi-dwelling zones on lots that are at least 25 feet wide. This allowance only applies to the setbacks that are interior to the site. The setbacks around the perimeter of the land division site are that of the base zone. This proposal is eligible to use these provisions. **To take advantage of this allowance the reduced side setbacks must be shown on a supplemental survey for the land division at the time of final plat approval.**
- Community Design Standards- New development must meet the Community Design Standards (Chapter 33.218) or is subject to design review.

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 RH zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
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; and fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Parcels 1 and 2 prior to final plat approval. This requirement is based on the standards of Title 11.
- The applicant must meet the requirements of Building Code Appeal 14-120711 BD and its associated covenant for the no-build easement on Parcel 1. There is a 6-foot wide no-build easement on the adjacent lot (Lot 3) to provide adequate spacing between the existing dwelling and any future building on Parcel 1.

CONCLUSIONS

The applicant has proposed a 2 parcel partition, as shown on the attached preliminary plan (Exhibit C.3). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issue identified with this proposal is tree mitigation.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition, that will result in 2 single dwelling or duplex lots, as illustrated with Exhibit C.3, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- The reduced side setbacks allowed under 33.120.270.D.
- The proposed no-build easement on Parcel 1.
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- Any other information specifically noted in the conditions listed below.

B. 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 final plat approval.

Other requirements

2. The applicant must pay into the City Tree Fund the amount equivalent to 4 inches of tree diameter. Payment must be made to the Bureau of Development Services, who administer the fund for the Parks Bureau.

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

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

Lot	Minimum Density	Maximum Density
1	2	2
2	2	2

2. 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 from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.
3. Prior to final approval of building permits for Parcels 1 and 2, trees shall be planted on each parcel per requirements of 11.20.050. Payment in lieu of planting cannot be used to meet this condition.
4. Street tree planting must be shown on site plans for Parcels 1 and 2 during development permit.

Staff Planner: Leah Dawkins

Decision rendered by: Leah M. Dawkins **on April 1, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed April 3, 2015

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 October 10, 2014, and was determined to be complete on **February 4, 2015**.

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 October 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: June 4, 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.

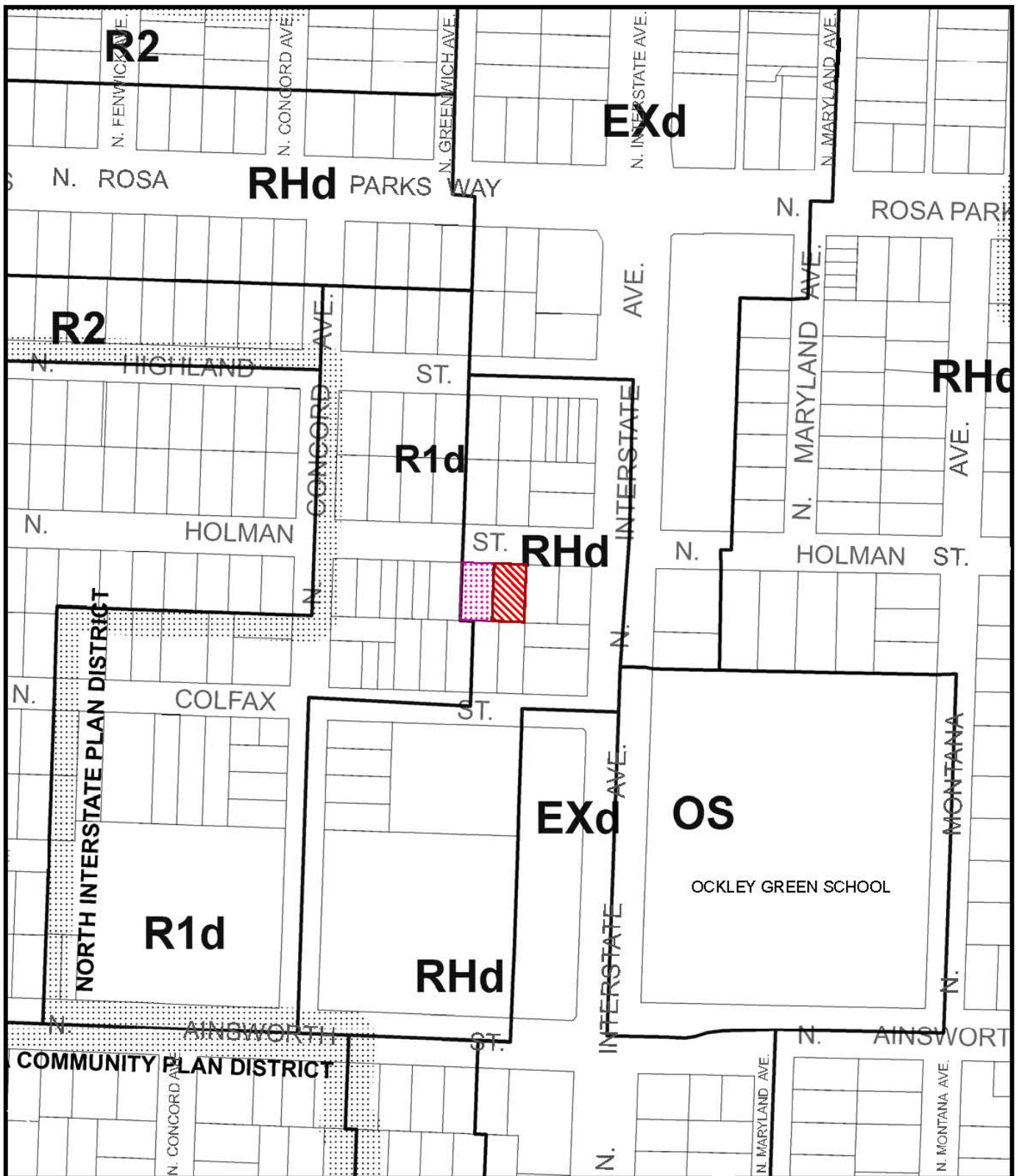
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessor’s Office after it is signed by the Planning Director 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

- | | |
|--|---|
| <p>A. Applicant’s Statement</p> <ol style="list-style-type: none"> 1. 10/10/2014, Original Application Narrative 2. Arborist Report 3. Transportation Impact Study 4. Simplified Approach Form 5. Neighborhood Notification Letter and Receipt 6. 2/2/2015, Resubmittal Memo 7. Original Site Plan Submittal 8. House Elevations <p>B. Zoning Map (attached)</p> <p>C. Plans/Drawings:</p> <ol style="list-style-type: none"> 1. Cover Sheet 2. Existing Conditions 3. Preliminary Plat (attached) 4. Preliminary Site/Utility Plan 5. Preliminary Grading and Erosion Control Plan | <p>D. Notification information:</p> <ol style="list-style-type: none"> 1. Mailing list 2. Mailed notice, dated 1/5/15 <p>E. Agency Responses:</p> <ol style="list-style-type: none"> 1. Bureau of Environmental Services 2. Bureau of Transportation Engineering and Development Review 3. Water Bureau 4. Fire Bureau 5. Bureau of Development Services Site Development Section 6. Bureau of Parks, Forestry Division 7. Life Safety Review Section of BDS <p>F. Correspondence: None Received</p> <p>G. Other:</p> <ol style="list-style-type: none"> 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
-  Also Owned



This site lies within the:
NORTH INTERSTATE PLAN DISTRICT

File No. LU 14-223905 LDP
 1/4 Section 2428
 Scale 1 inch = 200 feet
 State_Id 1N1E16DA 9501
 Exhibit B (Mar 31, 2015)



LEGEND

--- PRIORITY USE
--- ADJACENT/ADJOINING LOT USE
--- CENTER LINE ROW
--- SET BACK LINE

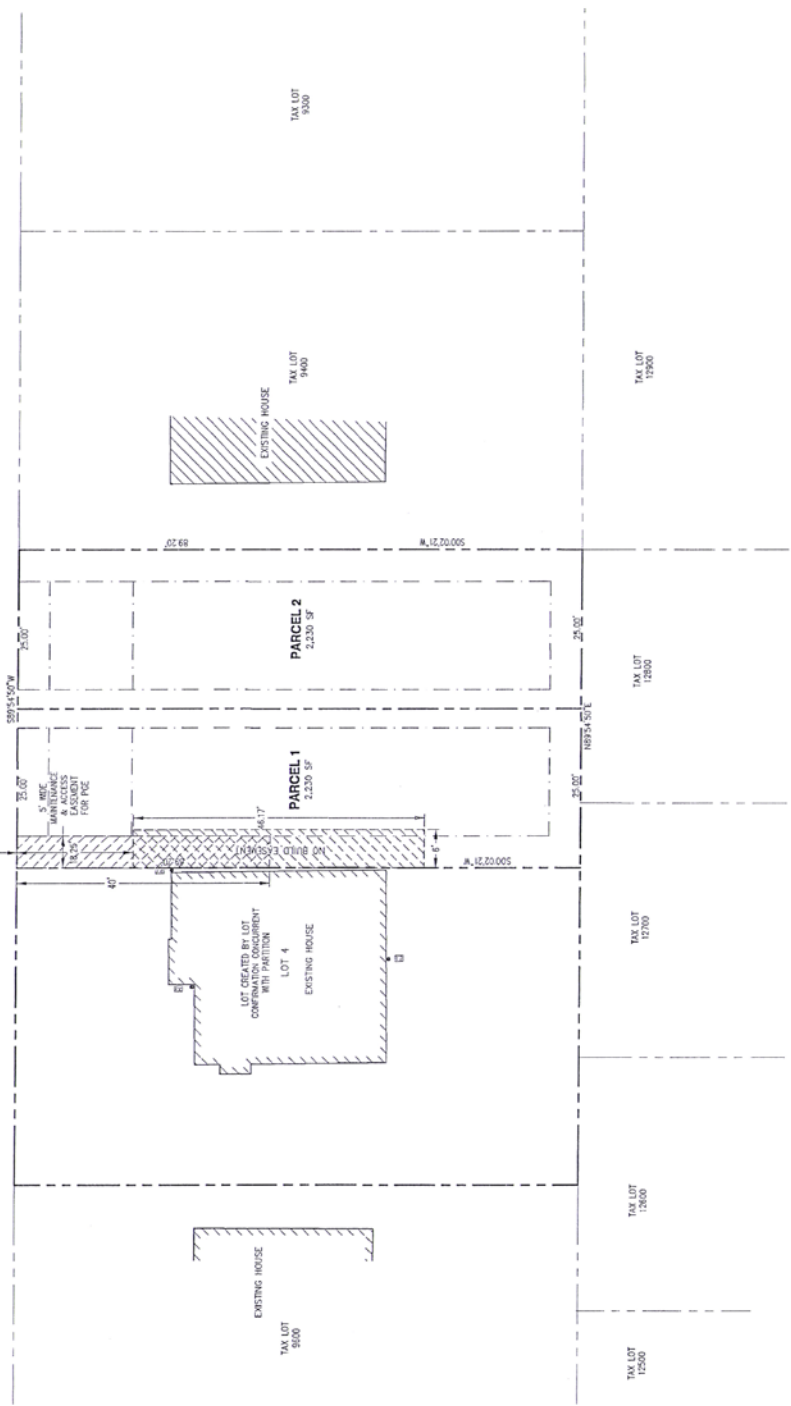
ZONE
RHd

SETBACKS
FRONT: 0 FT.
GARAGE: 5/18 FT.
REAR: 5 FT.
SIDE: 5 FT. (EXTERIOR)
3 FT. (INTERIOR)

SEAL NO. 2220015
REGISTERED PROFESSIONAL
LAND SURVEYOR
JAMES W. BROWN
NOVEMBER 2007
60379

VALID THROUGH DECEMBER 31, 2015

N. HOLMAN STREET



CASE NO. 14-223905

EXHIBIT C.3

REVISED 2/2/15