



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

FROM CONCEPT TO CONSTRUCTION

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Date: April 18, 2016
To: Interested Person
From: Kate Green, 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 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 15-270045 LDP

GENERAL INFORMATION

Applicant: Sarah Radelet / Strata Land Use Planning
PO Box 90833 / Portland OR 97290

Property Owner: Vlad Rudnitsky / Structure Redevelopment LLC
PO Box 3026 / Clackamas OR 97015

Site Address: vacant corner property west of 1217 NE Mason Street

Legal Description: BLOCK 19 LOT 7&8 TL 12101, NORTH IRVINGTON
Tax Account No.: R611503220
State ID No.: 1N1E23CA 12101
Quarter Section: 2631
Neighborhood: Sabin Community Association / Rachel Lee / 503-964-8417
Business District: North-Northeast Business Association / Joice Taylor / 503-841-5032
District Coalition: Northeast Coalition of Neighborhoods / Zena Rockowitz / 503-388-5070
Zoning: Single Dwelling Residential 5,000 (R5)
Alternative Design Density (a) overlay
Aircraft (h) overlay

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

Proposal: The applicant requests a **Land Division-Partition** to divide an approximately 5,000 square foot property into 2 parcels using a provision that allows for attached houses on corner lots (33.110.240.E). Each parcel is proposed to be approximately 2,500 square feet in area.

Water and sewer services are proposed from service lines in NE Mason Street for Parcel 1 and from services lines in NE 12th Avenue for Parcel 2. Stormwater management is proposed via an onsite drywell on each parcel.

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 (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 (2 parcels). 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 5,005 square foot site is situated on the northeast corner of the intersection of NE Mason Street and NE 12th Avenue. Based on city records, the property appears to have been in use as the side yard for the abutting residence (1217 NE Mason Street). The site is situated approximately 5 or more feet above the abutting sidewalks, so the south and west boundaries are bordered by retaining walls, except where a driveway enters the property, near the northwest corner of the site. Overall, the majority of the site has a moderate 12-percent slope from the north down to the south. There is one 20-inch diameter Walnut tree on the property.

Within 500 feet of the site, the surrounding properties are also in the R5 zone. A religious institution is located on several properties on NE 12th Avenue, a few properties to the north and west of the subject site; otherwise, most of the nearby properties are 2,500 to 5,000 square feet in size and developed with single dwelling homes. Due to the sloped terrain in the area, many of the nearby properties also have retaining walls along the street frontages.

Infrastructure:

- **Streets** – The site is a corner lot with approximately 50 feet of frontage along NE Mason Street and approximately 100 feet of frontage along NE 12th Avenue. At this location, both streets are classified as a Local Service Street for all modes in the Transportation System Plan (TSP). According to City GIS data, the property frontages have a 3-6-1 pedestrian corridor configuration which includes a 6-inch curb, 2.5-foot furnishing zone, 6-foot sidewalk and a 1-foot frontage zone. There is one driveway entering the site that previously served the neighboring house (1217 NE Mason). Parking is allowed on each street.

There is a well developed street grid in the surrounding area. Tri-Met provides transit service approximately 800 feet east of the site along NE 15th Avenue via Bus Line #8.

- **Water Service** – No existing water service is provided to the site. There is a 4-inch CI water main in NE Mason Street and a 6-inch CI water main in NE 12th Avenue that could serve proposed Parcel 1. The water main in NE 12th could serve proposed Parcel 2. The estimated static water pressure for this location is 58-73 psi at the elevation of 193 feet. All new water services must meet Title 21 requirements for location and sizing.

- **Sanitary Service** - There is an 8-inch VSP public combination gravity main in NE 12th Avenue and an 8-inch combined gravity main in NE Mason Street. The combined sewer in NE 12th Avenue can serve the proposed parcels. Connection to public sewers must meet the standards of the City of Portland’s [Sewer and Drainage Facilities Design Manual](#), and must be constructed to the public main at the developer’s expense during site development.

Zoning: The site is located in the **Single Dwelling Residential 5,000 (R5)** zone. *The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households.*

The site is also within the **Alternative Design Density (a)** and the **Aircraft Landing (h)** overlay zones. *The purpose of the a-overlay zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The h-overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment. In the Residential and Commercial zones, structures are regulated by the base zone height limits rather than the height limits of this chapter.* The applicant has not elected to use or request any exceptions to these overlay provisions.

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 18, 2016**. Three written responses have been received. One from the Neighborhood Association is in support of the proposal. Another raised questions about tree replacement and the future development (including the outdoor area-noted as a 12 x 12 green space on the project plans, retaining walls, and house designs). The third noted concerns about safety and flooding at the intersection of NE Mason Street and NE 12th Avenue.

The tree requirements that apply to the proposal are addressed in the findings for Criterion B, Tree Preservation.

The future development on the sites will be required to comply with the attached house provisions in Section 33.110.240.E and with the R5 zone development standards in Chapter 33.110. These provisions include specific requirements for the orientation and configuration of the attached houses, as well as minimum required outdoor areas (green space) for each residence. No specific development or house designs are being evaluated or approved through this land use review.

Intersection safety and flooding concerns are addressed in the findings for Criterion K, Transportation Impacts and Criterion L, Services and Utilities/Stormwater Management), below, and in the responses from Portland Transportation (Exhibit E.2) and Environmental Services (Exhibit E.1).

The neighbors’ letters have also been forwarded to the applicant to foster communication between the project team and the neighbors and the neighbor association.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES
33.660.120 *The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met.*

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.

E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
I	33.639 - Solar Access	The proposed development is for something other than single-dwelling detached homes.
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	No pedestrian connections are 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 33.610 contains the density and lot dimension requirements applicable in the R5 zone.

Generally, in the R5 zone, the maximum density is one unit per 5,000 square feet, so only one unit of density would be allowed for this 5,005 square foot site. However, Parcels 1 and 2 are being created through a provision (33.110.240.E) that allows one extra unit on corner lots provided the original lot before the division is at least 4,500 square feet, and provided the new parcels are developed with attached houses.

As shown in the table below, the required dimensions for the original lot and for the parcels for the attached houses are met. With a condition, which limits the development on Parcels 1 and 2 to attached houses, this will ensure corner lot density standards are met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
Standard R5 zone dimensions	3,000	8,500	36	50	30
Original lot dimensions before division in R5 zone	4,500	NA	NA	NA	NA
Original lot before division	5,005		50	100	50
New attached housing lots must meet R2.5 zone dimensions	1,600	NA	36	40	30
Parcel 1	2,500		50	50	50
Parcel 2	2,505		50	50	50

* Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less.

Based on the foregoing and with the noted condition, the applicable density and lot dimension standards will be 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 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees.

In order to identify which trees are subject to these requirements, the applicant provided an Existing Conditions Plan (Exhibit C.2) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.1) that identifies each tree, its condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection measures for each tree to be preserved.

The survey indicates there are two trees on the site. The arborist report identifies two trees, one nuisance tree (English Holly), which appears to have already been removed from the site, and one tree (English Walnut), which is subject to the preservation requirements of this chapter.

The survey notes the regulated tree has a 19-inch diameter trunk and the arborist report indicates the regulated tree has a 20-inch diameter trunk. This evaluation will be based on the 20-inch tree diameter noted in the arborist report. The arborist has noted no defects with the tree, so the tree is assumed to be healthy and in good condition.

The applicant proposes to remove this tree, citing the 2,500 square foot size of the proposed lots and the location of the tree near the west retaining wall that must be rebuilt, as constraints to preserving the tree. Instead, the applicant has proposed to mitigate for the removal of the 20-inch diameter tree by providing a payment to the City's Tree Planting and Preservation Fund for 35 percent (7-inches) of the established tree diameter. The arborist also notes that the Title 11 tree density standards, which are applied at the time of building permit, will require that additional trees be planted on the parcels or that another payment be made into the City Tree Fund.

Staff concurs that the proximity of the tree to the western boundary of the site where the grade difference between sidewalk and the site necessitate repairs to or replacement of the existing retaining wall, as well as the proposed configuration of the lots, do limit the options to retain the regulated tree in accordance with these regulations. Additionally, there is a 2-3 foot tall retaining wall within 7 feet of the north side of the tree that appears to have been installed for the existing driveway on the site. Given these factors, as noted in the arborist report, the long term health of the tree would likely be compromised, since the roots and stability of the tree could be further impacted by the new retaining wall and future development. Therefore, it is reasonable to consider mitigation options that will replace the functions of the trees to be removed.

However, the applicant's proposal to mitigate for only 35 percent of the tree diameter will not adequately replace the functions of the large healthy tree. Additionally, the trees and/or mitigation that will be required through Title 11 at the time of the building permit review must be provided in addition to and do not substitute for any mitigation required through this review. Further, though staff is supportive of trees being replanted on the site, as suggested in a letter from the neighbor, in this case, given the relatively small size of the proposed parcels, staff finds providing a payment to the tree fund will allow for the installation of trees in areas that will afford more long term benefits for the neighborhood and the city as a whole. This does not preclude the installation of trees on the parcels to satisfy the Title 11 requirements or the owner's preferences.

In any event, to afford a comparable level of tree value to the existing 20-inch diameter Walnut tree, the mitigation should provide for the replacement of at least 50 percent of the established tree diameter. This greater level of mitigation will be consistent with the purpose of the tree

preservation regulations, as it will provide for the installation of additional trees that will contribute to the general beauty and natural heritage of the City, help to absorb air pollutants and contamination, and filter stormwater runoff and the reduce the possibility for erosion.

Therefore, with a condition that a payment equivalent to 10 inches must be paid to the City Tree Fund prior to final plat approval, the tree removal will be adequately mitigated, and this criterion will be met.

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

Findings: The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limits the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development.

Clearing and Grading: The site is situated 3-feet or more above the abutting sidewalk grades where retaining walls flank the south and west property boundaries. Otherwise, the balance of the site has a moderate 12-percent slope from the north down to the south. The site is not located in a designated landslide hazard area, and, in this situation, no tree preservation measures are required.

The project plans show excavations will be made to accommodate below grade garages, the house foundations, and the driveway connections to the street grades. The plans also show new retaining walls will be installed along the western lot lines and for the new driveway connections, and along sections of the north and east lot lines to match adjacent grades. Other minor grading will be conducted to install utilities. The plans show construction access will be provided where each new driveway is proposed, and that silt fencing is to be installed around the perimeter of the site to help control erosion.

Generally, the project plans appear to demonstrate that the conceptual development could be accommodated as indicated on the grading plan. Since no specific development concept is being approved as part of this land use review, the final grading and erosion control measures will be evaluated as part of the permits for the new houses, and must be installed prior to starting any grading work.

Overall, the clearing and grading appears reasonable given the site conditions, and the erosion control measures will help to limit the impacts of erosion and sedimentation and help to protect water quality and aquatic habitat.

Land Suitability: The site appears to have most recently been in use as the side yard for the adjacent home (1217 NE Mason Street). There is no record of any other use in the past. The site does not have any known geological hazards. As such, there are no anticipated land suitability issues and the new lots can be considered suitable for new development.

Based on the foregoing, 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 service, and provided the following (see Exhibit E.2):

The applicant is proposing this partition in order to develop the subject site with attached housing. The subject lot is currently vacant. Accordingly, the proposed project will result in a net increase of two new single-family homes. Based upon trip generation estimates obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, the project is projected to generate two additional trips during both the morning and evening peak hours (20 additional trips in total each day). The small number of trips that will be added into the transportation system as a result of the proposed development will not adversely impact the operations of area intersections.

As proposed, each lot will be developed with a single-car garage and there is sufficient space in front of each garage door to accommodate another parked vehicle for a total of 2 on-site parking spaces per lot. The surrounding area has an established residential development pattern that includes single-family homes on lots that accommodate one or, in many cases, multiple on-site parking spaces thereby reducing the demand for on-street parking in this area. Given the on-site parking opportunities that will be provided with the new development, on-street parking in the area will not be adversely impacted by two new dwelling units.

There are existing transit facilities in the vicinity and the nearest bus stop is located at NE 15th & NE Mason approximately 795-ft from the site. Access to transit facilities is accommodated via fully improved sidewalk corridors that meet City standards. The proposed partition will not have any effect on transit service or any other mode of travel. The transportation system is capable of safely supporting the proposed development in addition to existing uses in the area.

Currently, NE Mason is stop controlled and there has been citizen inquiry regarding the possibility of converting this intersection into an all-way stop. PBOT’s traffic engineer has reviewed the intersection and found that the location does not meet federally mandated criteria for all-way stop control based upon traffic volumes and crash history. City data reveals that there has been one motorist-related incident at this intersection from 2004-2013. There were no reported incidents concerning pedestrians or bicycles. PBOT has no safety concerns relative to the addition of one driveway on NE Mason and one on NE 12th as proposed. The proposed driveway locations meet PBOT’s distance requirements from the corner and any trips to/from the site would be slowing to park or accelerating from a parked position. Therefore, any potential speeding in this area will not be aggravated by the proposed development. Additionally, stop signs are not a device used to control speed. If area residents would like to report speeding concerns and request enforcement or information on traffic calming they are directed to contact PBOT’s Traffic Investigations Section (503-823-7738).

Based on these factors, Portland Transportation has noted that 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. As such, this criterion is 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, so 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, so 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. The Bureau of Environmental Services (BES) reviewed the proposal and the neighborhood comments and provided the following:

Public Street Improvements: *There are no public right-of-way improvements that will trigger BES public stormwater drainage improvements.*

Response to Public Comments: BES received a comment regarding inadequate stormwater drainage and flooding issues in the intersection of NE 12th and Mason. PBOT is not requiring improvements in the right-of-way that will trigger public stormwater facilities, therefore a new facility will not be installed as a part of this project. However, BES has passed on the neighbor's concerns to BES maintenance. In addition, concerned neighbors could consider applying for BES % for Green funding to install a stormwater facility in this area. More information on this program can be found at <http://www.portlandoregon.gov/bes/article/341452>.

Parcels 1 and 2: *[BES] staff reviewed the project's stormwater report that describes Simplified Approach infiltration test results of 5 inches per hour on this site. The applicant proposes to infiltrate runoff from the development onsite via drywells that appear to meet minimum setbacks as established in the facility design standards and Exhibit 2-1 of the SWMM. Note that the proposed drywells will need to be installed so that the tops of the drywells will be below the bottom of the adjacent retaining walls.*

[BES] staff find the applicant's proposed stormwater management plan acceptable for the purpose of reviewing the preliminary land division application against the stormwater management approval criterion.

Based on the foregoing, this criterion is met.

33.654.110.B.1 Through streets and pedestrian connections

Generally, through street should be between 200 and 530 feet apart and pedestrian connections should be between 200 and 330 feet apart. The subject property is on a corner in an area with a developed street grid and no additional through street or pedestrian connections are warranted at this location. As such, this criterion is met.

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment

Portland Transportation reviewed the proposal and determined that frontage improvements will not be required in relation to the proposed development, based on the following:

Both NE Mason and NE 12th are classified as a Local Service Street for all modes in the Transportation System Plan (TSP). For a Local Service Street, abutting an R5 Lot, the City's Pedestrian Design Guide recommends an 11-foot wide sidewalk corridor consisting of a 0.5-foot curb, 4-foot furnishing zoned, 6-foot sidewalk, and 0.5-foot frontage zone.

According to City GIS data, the property frontages have a 3-6-1 pedestrian corridor configuration which does not meet the standards of the Pedestrian Design Guide. However, the site does qualify for an exemption under Administrative Rule 1.22 "Infill Development on Streets with an Existing Sidewalk Corridor". Accordingly, the existing sidewalk corridor configurations will be accepted as the standard sidewalk configuration for the block lengths. No ROW improvements or property dedication will be required in relation to the proposed partition request. The applicant will only be required to make repairs to the existing sidewalk as necessary. Minor Improvement Permits (MIP) from the Bureau of Transportation will be required in relation to the proposed driveways.

Accordingly, the established widths and elements of the rights-of-way are acceptable and this criterion is 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. As such, 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:

- Attached Houses on Corner Lots - Special requirements apply to development on new lots created using the provisions of Section 33.110.240.E.
 - The address and main entrance of each house must be oriented to a separate street frontage.
 - Development on Parcel 1 must be oriented toward NE Mason Street and development on Parcel 2 must be oriented toward NE 12th Avenue.
 - The height of the two units must be within 4 feet of each other
 - The exterior finish material must be the same, or visually match in type, size and placement.
 - The predominant roof pitch must be the same.
 - Roof eaves must project the same distance from the building wall.
 - Trim must be the same in type, size and location.
 - Windows must match in proportion and orientation.

- Accessory Dwelling Units - Accessory Dwelling Units (ADUs) are not allowed to be added to attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.

Existing Development: With the exception of retaining walls along the south and west property boundaries and a retaining wall bordering a paved driveway near the northwest corner of the property, the subject site is currently vacant. Therefore, the division of the property will not cause any structures to move out of conformance or further out of conformance with any development standard applicable in the R5 zone. Therefore, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
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	Title 11 –Trees

www.portlandonline.com/parks	
Water Bureau/503-823-7404	Title 21 – Water availability
www.portlandonline.com/water	

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

- Fire Bureau: The applicant must meet the requirements of the Fire Bureau in regards to addressing of structures and aerial fire department access. These requirements are based on the technical standards of the 2014 Oregon Fire Code, Title 31 and Fire Bureau Policy B-1.

Additionally, the following agencies have provided information about requirements that will apply at the time of development on the parcels:

- Urban Forestry: The applicant must meet the requirements of Urban Forestry for street tree planting along the site frontages and the street trees must be identified on the building permits. These requirements are based on the standards of Title 11.
- Life Safety: Attached dwellings must be constructed as rowhouses, per Oregon Residential Specialty Code R302.2; and a maintenance agreement approved by BDS must be recorded on each property prior to issuance of building permits.
- Portland Transportation: Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

CONCLUSIONS

The applicant has proposed a 2-parcel partition for attached houses, as shown on the attached preliminary plan (Exhibit C.1). The primary issues identified with this proposal are:

- Density and attached houses on a corner
- Tree mitigation
- Fire Bureau requirements

As discussed in this report, with conditions to address these issues, the relevant standards and approval criteria can be met.

The neighbor’s comments regarding trees have been addressed in the findings for Criterion B, Tree Preservation. As noted previously, this review does not evaluate or approve any specific development proposal or house designs and any future development on the parcels must comply with the attached house provisions in Section 33.110.240.E and with the R5 zone development standards in Chapter 33.110.

In regard to the neighbor’s concerns about safety and flooding at the intersection of NE Mason and NE 12th Avenue, Portland Transportation and Bureau of Environmental Services (BES) responded to these issues in their comments for Criterion K, Transportation Impacts, and Criterion L, Services and Utilities/Stormwater Management. Portland Transportation noted the intersection is operating at an acceptable level and no changes are warranted due to this project. BES noted that since no street improvements are triggered by the project, similarly no changes will be triggered to the existing stormwater system in the rights-of-way. Both agencies provided details about city programs that the neighbors could contact to follow up on these concerns.

Overall, the applicable approval criteria have been met or can be met with conditions. Therefore, this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition that will result in 2 parcels for attached houses on a corner, as illustrated with Exhibit C.1, subject to the following conditions:

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


Other requirements

- 1. The applicant must pay into the City Tree Fund the amount equivalent to 10 inches of tree diameter. The payment must be made to the Bureau of Development Services, which administers the fund for the Parks Bureau.

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

- 1. Parcels 1 and 2 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.
- 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.

Staff Planner: Kate Green

Decision rendered by:  **on April 14, 2016**
 By authority of the Director of the Bureau of Development Services

Decision mailed April 18, 2016

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 November 25, 2015, and was determined to be complete on February 11, 2016.

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 November 25, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 30 days (Exhibit A.3). Unless further extended by the applicant, **the 120 days will expire on: July 10, 2016.**

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.**

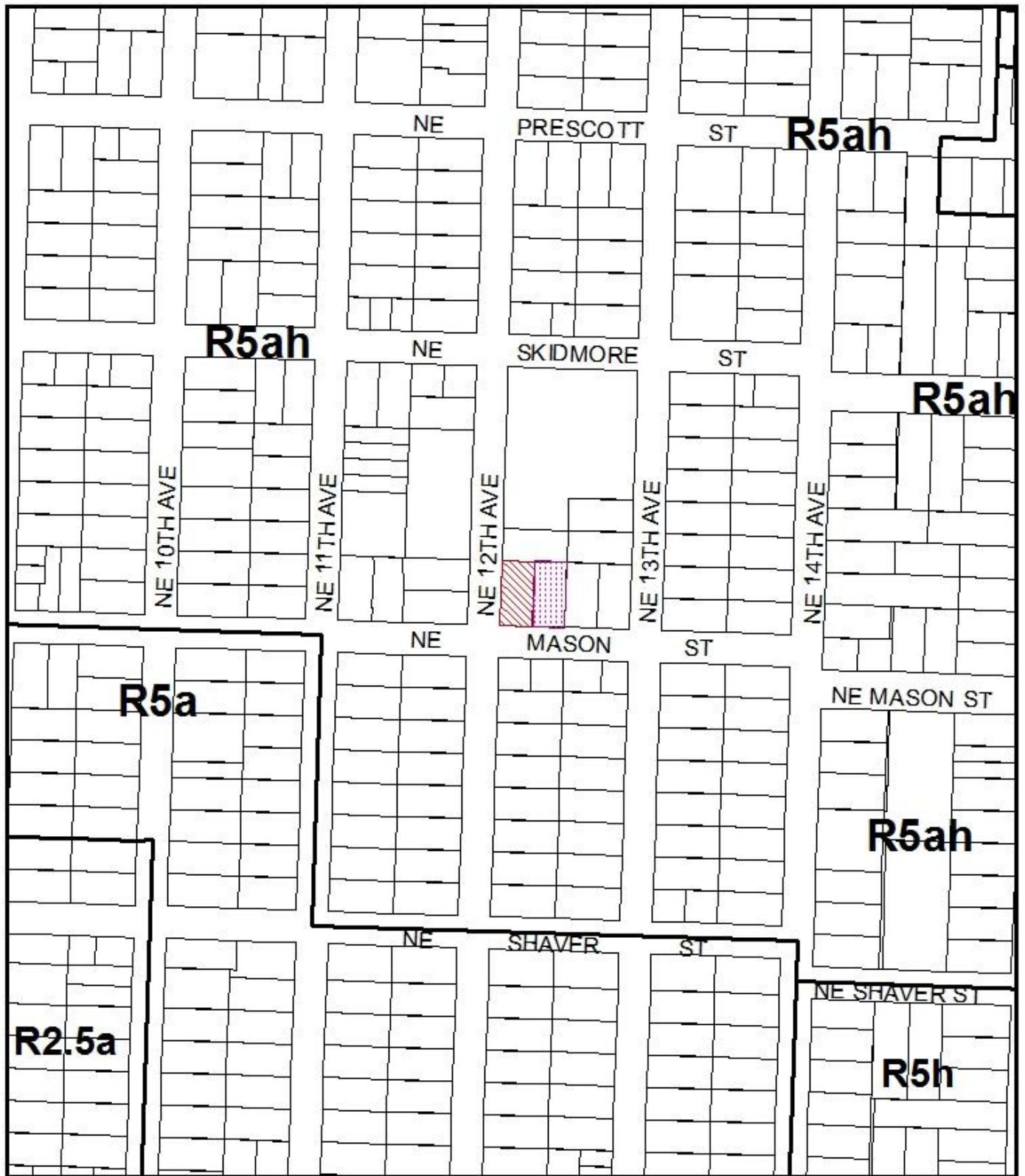
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Initial Submittal
 - 2. Revised Narrative
 - 3. Timeline Extension (30 days)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Plan (attached)
 - 2. Existing Condition Plan
 - 3. Storm Plan
 - 4. Building Plans
 - 5. 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. Urban Forestry
 - 7. Life Safety/BDS
- F. Correspondence:
 - 1. Claire Bollinger and Shayan Rohani, March 12, 2016, re: safety and flooding at the intersection of NE Mason Street and NE 12th Avenue
 - 2. Genna Golden, March 14, 2016, re: trees, outdoor area, retaining walls, future development
 - 3. Rachel Lee/Sabin Community Action/Land Use and Transportation Committee, March 18, 2016, re: support for the proposal

- G. Other:
1. Original LU Application
 2. Letter to applicant re: incomplete application
 3. Emails to/from applicant
- 1.

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

File No. LU 15-270045 LDP
 1/4 Section 2631
 Scale 1 inch = 200 feet
 State_Id 1N1E23CA 12101
 Exhibit B (Dec 04, 2015)

PRELIMINARY PLAN MAP

LOCATED IN THE
S.W. 1/4 SECTION 23, T.1N., R.1E., W.M.,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
OCTOBER 21, 2015 SCALE 1"=20'

SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON CITY OF PORTLAND BENCHMARK NO. 1032, BEING A STANDARD DISC AT THE INTERSECTION OF NE MASON STREET AND 147TH AVENUE, ELEVATION= 177.92', CIP DATA.
A TRIMBLE SF-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAPPISE.
THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER RECORDS OF RECORDS UNDER PRIVATE SURVEY NUMBER 03189, RECORDS OF MULTNOMAH COUNTY.
THE PURPOSE OF THIS SURVEY IS TO LOCATE AND DETERMINE THE PERMETER BOUNDARY OF THE SUBJECT PROPERTY TO SHOW ALL UTILITIES AND ENCUMBRANCES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.
NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUESCENCE, ETC.

LEGEND:

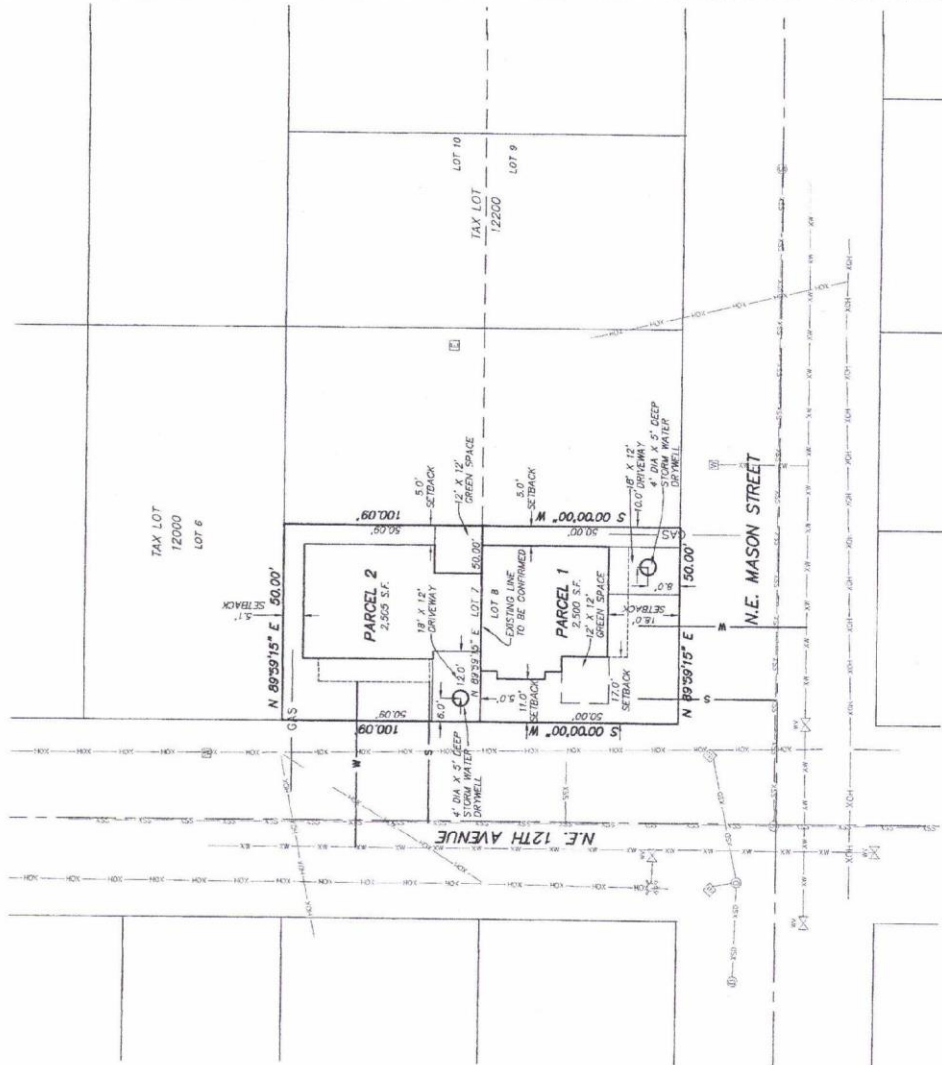
Some Symbols shown may not be used on map

- | | |
|-------------------------|---------------------------|
| DECIDUOUS TREE | UTILITY AND LIGHT POLE |
| EVERGREEN TREE | CITY WIRE |
| STORM SEWER MANHOLE | TRAFFIC SIGNAL POLE |
| SANITARY SEWER CLEANOUT | ELECTRICAL POWER PEDESTAL |
| CATCH BASIN | COMMUNICATIONS PEDESTAL |
| SANITARY SEWER MANHOLE | COMMUNICATIONS MANHOLE |
| WATER VALVE | OVERHEAD LINE |
| WATER METER | GAS LINE |
| FIRE HYDRANT | ELECTRICAL LINE |
| BOLLARD | COMMUNICATIONS LINE |
| GAS VALVE | SANITARY SEWER LINE |
| GAS METER | STORM DRAIN LINE |
| SKIN | WATER LINE |
| MAILBOX | FENCELINE |
| UTILITY POLE | ELECTRIC RISER |
| LIGHT POLE | UTILITY RISER |
| ELECTRIC METER | |
| | PROPOSED GAS LINE |
| | PROPOSED SEWER LINE |
| | PROPOSED SEWER LINE |



CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 McLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189
PROJECTS\STRUCTURE REDEVELOPMENT-MASON ST-NE-12171.dwg\PRELIMINARY SITE PLAN.dwg

SIGNED OK: JLF/ETL
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 13, 2004
TOSBY G. BOLDEN
8057715
RENEW: DECEMBER 31, 2017



15-270045

Exhibit C.1