



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: June 26, 2019
To: Interested Person
From: Lois Jennings, 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 19-108041 LDP

GENERAL INFORMATION

Applicant: Sarah Radelet / Strata Land Use Planning
Po Box 90833 / Portland OR 97290
Phone#: 503-320-0273 or sarah@stratalanduse.com

Owners: Michael L. Gray & Sarah V. Gray
3434 NE Cesar E Chavez Blvd / Portland, OR 97212
Phone# 503-929-3777 or 503-869-7166

Site Address: 1606 NE HOLMAN ST

Legal Description: SOUTH BLOCK 2, LOT 1 and that part of LOT 2 lying east of the east line of NE 16TH AVE, COLUMBIA HTS

Tax Account No.: R173104940
State ID No.: 1N1E14DB 16600
Quarter Section: 2432

Neighborhood: Woodlawn, contact info@gowoodlawn.com; maijiaspencer@hotmail.com.

Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

Plan District: None

Zoning: R5- Single-Dwelling Residential -1 unit per 5,000 s.f. with an "h"- Aircraft Landing Zone 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 divide this corner property into two (2) parcels. The existing house will be removed from the site. The applicant is utilizing the corner lot alternative development option (33.110.240.E) to create attached housing lots for Parcels 1 and 2, which allows an extra unit of density. This provision requires attached housing lots to meet the minimum lot dimension standards of the R2.5 zone. Parcel 1 will be 2,925 s.f. in area and Parcel 2 will be 2,963 s.f. in area. The applicant's preliminary site and utility plan shows how services (sanitary, stormwater, and water) will be provided for each lot.

Portland Bureau of Transportation (PBOT) noted the site's frontages on NE Holman Street and NE 16th Avenue currently do not meet City Standards. The site plan reflects a 1-ft. street dedication along both street frontages. Improvement will be required at time of building permit.

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 two 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 site is a corner lot on the east side of NE 16th Avenue and NE Holman Street. Three Hawthorne street trees exist along the NE Holman frontage of this site. A single-story house exists on the site and main entrance faces NE Holman Street, which also provide vehicle access to site. The site is relatively flat with existing shrubs along the northeastern portion of the side that provides privacy from the NE Holman street. A chain link fence encloses this northeastern rear yard area. Neighboring properties directly adjacent to the site have some substantial large trees which abut this property.

The surrounding neighborhood is developed with single-dwelling development. R5 zoning is to north, south, west and east of this site, which reflects the development of single-family houses within this vicinity. The closest commercial business are located along NE Grand Avenue and NE Martin Luther King Blvd west of this site. Parks within the vicinity include an unnamed park at NE 13th and NE Holman Street to the west of the site; Woodlawn Park is to the northwest at NE 13th and NE Dekum; and Alberta Park is to the southeast at NE 19th Avenue and NE Ainsworth Street.

Infrastructure:

- **Streets** -The site has approximately 115-ft. of frontage on NE Holman Street and 51-ft. of frontage on NE 16th Avenue. There is one driveway entering the site from NE Holman Street that serves the existing house on the site. At this location, NE Holman Street is improved with 30-ft. wide paved roadway within a 50-ft. right-of-way and NE 16th Avenue is improved with a 36-ft. wide paved roadway within a 55-ft. right-of-way. At this location NE Holman Street is classified as a Major City Bikeway and a Local Service Street for all other modes per the Transportation System Plan (TSP). Per the City's Transportation System Plan (TSP) NE 16th Avenue is classified as a Local Service Street for all modes. Tri-Met provides transit service approximately 250-ft. from the site at NE 15th Avenue & NE Holman via Bus #8.

Along both frontages, NE Holman Street and NE 16th Avenue, the pedestrian corridor is improved with a curb, 3-ft. wide planter area, 6-ft. wide sidewalk and a 1-ft. wide buffer at the back of the sidewalk (3-6-1 configuration).

- **Water Service** – There is an existing 6-inch CI water main in NE Holman Street and in NE 16th Avenue. The existing house is served by a 5/8-inch metered service from this main in NE Holman Street.
- **Fire Hydrant Water Service**- The nearest fire hydrant to this site is located at the intersection of NE Holman Street and NE 17th Avenue. The fire hydrant flow at this location is 1,200 gpm at 20 psi residual pressure.
- **Sanitary Service** - There is an existing 21-inch VSP public combined sewer line in NE Holman Street (BES as-built #0484) and a 12-inch VSP public combined sewer line in NE 16th Avenue.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this private property. The applicant is proposing to manage stormwater runoff through drywell for the future development on the new lots, which is discussed later in this report under 33.653.

Zoning: The R5 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The Aircraft Landing (“h”) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

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 **April 25, 2019**. 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:
B	33.630 – Tree Preservation	No trees in excess of 6 inches in diameter are located fully or partially on the site, or the trees are nuisance species or exempt due to poor condition.
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, Seeps and Wetlands	No streams, springs, seeps or wetlands are evident on the site.
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.
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

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 RF through R5 zones. Based on the applicant's survey, the site area is 5,888 square feet. The maximum density in the R5 zone is one unit per 5,000 square feet. Minimum density is one unit per 5,000 square feet based on 80 percent of the site area. The maximum density is 1 unit and minimum density is 1 unit for this site area.

The applicant is proposing two parcels, which exceeds the maximum density normally allowed for the site. However, Parcels 1 and 2 are proposed for attached houses under the provision in 33.110.240.E, which allows one extra unit in conjunction with attached houses on corner lots. Therefore, an additional lot is allowed provided Parcels 1 and 2 are developed with attached houses. With a condition of approval limiting the development on Parcels 1 and 2 to attached houses, the density standards are met.

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

33.110.240.E. Attached Houses on Corners -required original lot before division in R5 zone to b 4,500 s.f. Original lot before division in R5 zone	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width* (feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
	4,500	NA	36 ft.	NA	NA
Original lot before division	5,888		51.72		
New attached housing lots meet R2.5 Zone dimensions	1,600	NA	36	40	30
Parcel 1	2,925		50	57.29	50.74
Parcel 2	2,963		57.3	52	57.30

* 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.

Attached Houses on Corner Lots (33.110.240.E):

As described above, Parcels 1 and 2 are being created through a provision that allows attached houses on corner lots. To use this code provision the original lot before the division must be at least 4,500 square feet. As shown in the table above, taken together (before the division), the required lot dimension requirements are met. Therefore, the corner lot may be divided to create, Parcels 1 and 2 for attached housing as proposed. The new lots created for attached house must meet the minimum lot dimension standards for lots in the R2.5 zone (33.611). Parcels 1 and 2 meet the lot dimension standards in an R2.5 zone for attached housing lots, as shown in the table above.

The findings above show that the applicable density and lot dimension standards are met. With the conditions noted above, this criterion is met.

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

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

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. The applicant may be required to make specific improvements to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading: 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. No trees exist on the land division site. However, the applicant's arborist report (Exhibit A.11) has identified two western red cedar trees on adjacent sites that are within 15-ft. of potential disturbance area on the proposed parcels. The arborist report concludes additional consideration will be required for the neighbor's Western Red Cedars during construction as follows: when sidewalk reconstruction occurs and if large roots are encountered, during construction on Parcel 1 a licensed arborist must be on-site to advise how to proceed in protecting these trees. At the time of construction, the trees on the adjacent properties within 15-ft. of disturbances areas must be protected as required by the recommendation of this arborist. Western Red Cedars are high priority native trees and therefore the applicant must follow the arborist recommendations to ensure these trees are protected to maintain their health during removal of the existing house, reconstruction of the sidewalk corridor and construction of attached houses on this site. Protecting these trees on adjacent properties assists in preserving native trees and in maintaining the overall City tree canopy which assists in air and water quality and natural habitat throughout the City. With this as a condition, the

impact of clearing and grading the site will limit the impact to neighbors' trees and retain tree canopy, 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. The applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval.

Site Development Section of BDS notes it may be determined at the time of development additional geotechnical information may be required during the building permit review process.

With this condition noted above, the new parcels can be considered suitable for development, and 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 supporting the proposed development in addition to the existing uses in the area.

Evaluation factors include: safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced and measures to mitigate impacts may be necessary.

The applicant provided a written narrative (Exhibit A.1) addressing the transportation approval criteria above.

The Development Review Section of the Portland Bureau of Transportation (PBOT) has reviewed the application against the evaluation factors and has provided the following findings (see Exhibit E.2):

The applicant proposes a 2-lot partition by demolishing the existing single-family residence. Based upon trip generation estimates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, each proposed parcel is projected to generate one additional morning and evening trip, for approximately ten daily trips for each new parcel. The net addition of one single-family residence added to the transportation system resulting from the development will not adversely impact the operations of area intersections and is consistent with the zoning of the property. Therefore, the transportation system is capable of safely supporting the proposed development in addition to existing uses in the area. The applicant is proposing a shared driveway for both parcels located on N Holman, which provides for approximately 5-6 on-street parking adjacent to the subject site. Therefore, the proposal is consistent with the established neighborhood pattern of the area, and the anticipated demand for additional on-street parking is expected to be minimal. The site is well served by transportation options to reduce impacts to the neighborhood and provide safety for all modes, including Tri-Met bus service #8- within 300 feet, and Line #75- within half mile. N Holman is an identified Bikeway, which provides safe routes to other areas in the City on surrounding low volume traffic streets. The proposed development will construct a new pedestrian corridor abutting the subject site to City standards, including a 6-ft wide sidewalk and a new ADA corner. Therefore, the resulting proposed development will not negatively impact transit access or other transportation modes and will enhance pedestrian environment and improve pedestrian safety.

The existing frontage on NE Holman Street and NE 16th Avenue does not meet City standards for a sidewalk corridor. Right-of-way dedication and the reconstruction of the existing sidewalk and corner along NE Holman Street and NE 16th Avenue to meet City

standards will improve conditions for pedestrians, including residents of the site. These improvements are further discussed under Criterion L. 33.654.

As such, with the required dedications and improvements along this frontage, PBOT concludes the transportation system will be capable of supporting the proposed development, in addition to the existing uses in the area. Therefore, 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 & E.4 for detailed bureau comments.
<p>The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. Water service is available to Parcel 1 from main in either NE Holman Street or NE 16th Avenue. Parcel 2 may use the existing 5/8-inch metered domestic service.</p> <p>Fire Bureau has reviewed fire flow information (Exhibit A.7), and notes the following: One and two-family dwellings: The minimum fire flow requirements for one-and two-family dwellings having a fire flow calculation area, which does not exceed 3,600 s.f., shall be 1,000 gallons per minute. Fire flow and flow duration for dwellings having a fire flow calculation area more than 3,600 square feet shall not be less than specified in Table B105.1 of the Fire Code. An exception to this code, allows a reduction in required fire flow of 50 percent is allowed when the building is provided with an approved automatic sprinkler system.</p> <p>At this time the nearest fire hydrant has adequate flow and capacity for a one-two dwelling of less than 3600 s.f. However, if at the time of development, the calculated area of the new house exceeds 3,600 s.f. in area calculation, the Fire Bureau requirements must be met prior to approval of the building permit. Fire Bureau has no objections to this land division proposal, with the noted condition.</p> <p>With this condition, the water service standards of 33.651 have been verified.</p>
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
<p>The Bureau of Environmental Services (BES) has indicated that service is available to the site, as noted on page 3 of this report.</p> <ul style="list-style-type: none"> • The applicant’s site utility plan (Exhibit C.1) shows Parcels 1 and 2 will receive sanitary service from the public sanitary sewer in NE Holman Street. <p>BES provided the following information: According to City records, the existing structure is currently connected to the combined sewer in NE Holman St via a lateral located approximately 80 feet from the manhole in NE 16th Ave. This places the sanitary service lateral close to the proposed new property line and it is unclear whether it will be within the frontage of Parcel 1 or Parcel 2. BES understands the existing structure will be removed. The sanitary service lateral must be capped with the demolition and the existing lateral will be available for future use on the property that it is within the frontage. Proposed Parcel 1 will be served by a new connection to the combined sewer in NE Holman St or NE 16th Ave within its frontage. If the existing capped service lateral is within the frontage of proposed Parcel 1, then it will be available for use on Parcel 1. Parcel 2 will receive service within its frontage from the combined sewer in NE Holman Street.</p> <p>BES finds the applicant’s proposal for sanitary service acceptable for reviewing the land division application against the sanitary sewer disposal standard and approval criteria.</p> <p>The sanitary sewer service standards of 33.652 have been verified.</p>

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:

Parcels 1 and 2 (Future Attached Houses): Stormwater from these parcels will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. The applicant's site utility plan shows the drywell location less than 5-ft. to the property line adjacent to the right-of-way (NE Holman Street).

BES noted the following in regards to Private Property Stormwater Management Infiltration Facility Setback Requirements: *Note that* infiltration facilities must be set back 5 feet from property lines and 10 feet from structures, as measured to the low point of vegetated facilities, the middle of drywells, and the edge of soakage trenches. Other required minimum setback distances that should be taken into account are summarized in Table 2-1 of the SWMM. BES will enforce these setbacks unless an alternative is allowed per the [BDS Drywell Location Code Guide](#) or is approved through the [BDS plumbing code appeal process](#). Note that the BDS code guide may allow drywells to be located closer than 5 feet from a property line if the property line is adjacent to a right of way (including streets, alleys and public or private pedestrian tracts). The code guide also includes criteria for reducing drywell setbacks to buildings.

Each of these lots has enough area for a stormwater facility that can be adequately sized and located to meet setback standards and accommodate water from a reasonably-sized home.

Bureau of Environmental Services (BES) reviewed the applicant's stormwater management plan and Simplified Approach Form (Exhibit A.6) and determined the proposed stormwater management plan (Exhibit C.1) is acceptable for reviewing the land division against the stormwater management approval criterion.

Stormwater Management in relationship to Public Rights-of-Way:

As a condition of this land use approval, PBOT requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.

Based on the foregoing, the stormwater management criteria and standard is met.

33.654.110.B.1 Through streets and pedestrian connections - See Exhibit E.2 for bureau

Generally, through streets should be provided no more than 530 feet apart and pedestrian connections should be provided no more than 330 feet apart. Through streets and pedestrian connections should generally be at least 200 feet apart.

The block on which the subject property is located meets the noted spacing requirements.

PBOT provides the following comments: The site is located within a well-connected neighborhood with many redundant connections surrounding the property. The subject site is located at an intersection of established rights-of-way, therefore additional connections are not practical at this location.

For the reasons described above, this criterion is met.

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

In reviewing this land division, PBOT 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 Bureau of Transportation (PBOT) comments are summarized below:

At this location, the City's Transportation System Plan (TSP) classifies NE Holman as a *Major City Bikeway*, and *Local Service* for all remaining modes; whereas NE 16th Ave is classified as *Local Service* for all modes.

At this location, NE Holman is improved with a 30-ft wide paved roadway within a 50-ft ROW; in which the pedestrian corridor is presently improved in an approximate 3-6-1 configuration. For *Local Service* pedestrian streets within the R-5 zone, the City's *Pedestrian Design Guide* requires a 11-ft sidewalk corridor consisting of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, and a 0.5-ft frontage zone. The existing 10-ft. pedestrian corridor does not meet City standards currently.

At this location, NE 16th Ave is improved with a 36-ft wide paved roadway within a 55-ft ROW. The existing pedestrian corridor improved in an 3-6-1 configuration. For *Local Service* pedestrian streets within the R-5 zone, the City's *Pedestrian Design Guide* requires a 11-ft sidewalk corridor consisting of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk, and a 0.5-ft frontage zone. The existing 10-ft pedestrian corridor does not meet City standards currently.

Right-of-Way Improvements:

- NE Holman Street: To accommodate meeting City Standards a 1-ft. street dedication will be required and reconstruction of the pedestrian corridor, which includes the corner to meet ADA standards. A public works permit will be required to be completed for the reconstruction the sidewalk and corner for Parcel 1 prior to final plat approval.
- NE 16th Avenue: To accommodate meeting City Standards a 1-ft. street dedication will be required of the pedestrian corridor at the time of development of Parcel 2. At time of building permit for Parcel 2, reconstruction the abutting frontage through a Minor Improvement Permit. If the proposed scope extends beyond the abutting frontage of Parcel 2, then a Public Works Permit will be required.

The applicant is proposing a single curb-cut accessing both lots located off N Holman. Curb cuts and driveways must meet the requirement in Title 17. Title 17, specifically Section 17.28 driveway and curb cut requirements will be enforced during the review of building permits.

With the required street dedication and frontage improvements, the width of the right-of-way will be sufficient to accommodate the expected users, including residents of this site and their guests and other users passing through this area. PBOT has no objections to this land division proposal and has approved the elements within this right-of-way. With the conditions noted above, this criterion is met.

33.654.120.H- Street Trees

The City Forester reviews this land division proposal for its impact on existing trees, heritage trees, street tree requirements and related mitigation, in accordance with Title 11, Tree Code.

Existing Street Conditions:

- NE Holman Street: The site has approximately 115 ft. of street frontage. The right-of-way is improved with pavement, curbs, and sidewalks. There are overhead high voltage power lines. There are three street trees. The trees are hawthorns, 10 to 12-inches in good condition.
- NE 16th Avenue: The site has approximately 50 ft. of street frontage. The right-of-way is improved with pavement only. There are no overhead voltage power lines. There are no street trees.

Street Tree Planting (11.50.060.C):

One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum of 1.5 caliper inches and be a species chosen from an approved street tree list. Street tree planting may be exempt under 11.50.0060.B when existing above or below utilities prevent planting street trees or when the existing planting strip is less than 3-feet wide. Street trees are required to be planted through building permit

The applicant did not provide a conceptual street tree planting plan, but on the future proposed improvement plan (Exhibit C.1) shows removal of a street tree (Hawthorn) to provide the shared driveway for the future development at this site.

Urban Forestry comments are summarized below:

Street Tree Planting (11.50.060.C) and Street Tree Preservation (11.50.040):

Two of the three street trees must be preserved. The middle tree can be removed to allow for development of the shared driveway. Tree protection is required in accordance with Title 11 Trees, Protection Methods (11.60.030). Tree protection shall follow either the Prescriptive or Performance path. Protection methods must be shown on the tree plan. If using the Performance path, the alternate tree protection plan must be prepared by an arborist who has visited the site

Street tree planting will occur as part of the Public Works Permit or Building Permit review process.

With the noted condition of approval, Urban Forestry has no objections to this land division proposal and 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 rights-of-way 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. Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 11 can be met, and those of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

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.
 1. The address and main entrance of each house must be oriented to a separate street frontage.
 2. Development on Parcel 1 must be oriented toward the NE 16th Avenue and development on Parcel 2 must be oriented toward NE Holman Street.
 3. The height of the two units must be within 4 feet of each other
 4. The exterior finish material must be the same, or visually match in type, size and placement.
 5. The predominant roof pitch must be the same.
 6. Roof eaves must project the same distance from the building wall.
 7. Trim must be the same in type, size and location.

8. 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 that will remain after the land division. The applicant is proposing to remove all of the existing structures on the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R5 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 11 –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 Life Safety Section of BDS reviewed this proposal for compliance with the Building Code (Oregon Residential Specialty Code-ORSC). A separate building permit is required for the demolition of the existing residence and the proposal must be designed to meet all applicable building codes and ordinances. The issuance of a permit to demolish a single-family residence in a Residential zone is subject to a 35-day demolition delay, beginning when the demolition permit application is received, and intake fees paid. Additional requirements may apply. City Portland Code 24.55.200. Prior to final plat approval the demolition permit must be approved, issued, receive all inspections and a final. With this as a condition of approval, Life Safety Plan Review does not object to this land division proposal (Exhibit E.7).
- The applicant at the time of development must meet the requirements of the Fire Bureau regarding addressing requirements; 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: Street dedication is required along this sites frontage to be able re-construct the pedestrian corridor to meet current City pedestrian standards. The existing house is required to be demolished through a building permit to make the site suitable for the future development. Protection measures for trees on neighboring properties. Preservation of two of the three existing street trees on NE Holman Street and planting of new street on NE 16th Avenues street frontage will be reviewed as part of the permitting review process. If the floor area of the future single-family house exceeds 3600 square feet additional Fire Bureau requirements will be required at the time of development on these new parcels.

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

ADMINISTRATIVE DECISION

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

A. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for NE Holman Street and NE 16th Avenue. The required right-of-way dedication must be shown on the final plan.

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

Existing Development

1. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources. The site plan for the demolition permit must show the trees on the adjacent properties, within 15-ft. of the disturbance area being protected per the Arborist Report (Exhibit A.11). All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A.11).

C. 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. The trees on adjacent property, within 15-ft. of disturbance areas, must be protected per the recommendation of the arborist report (Exhibit A.11).
2. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of Parcel 1 and 2. The trees on adjacent property, within 15-ft. of disturbance areas, must be protected per the recommendation of the arborist report (Exhibit A.11).
3. At the time of development the applicant must protect the street trees along frontage of NE Holman Street as required by Title 11 and to the satisfaction of Urban Forestry.
4. 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.

5. If the floor area of the new residential development on Parcels 1 and 2 exceeds 3,600 s.f. and the fire flow requirement are not met, then the new development will be required to install residential fire sprinklers or meet the Fire Code to the satisfaction of the Fire Bureau.

Staff Planner: Lois Jennings

Decision rendered by:  on **June 21, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 26, 2019

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 17, 2019, and was determined to be complete on April 22, 2019.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 17, 2019.

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 August 20, 2019.**

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. Narrative Addressing Land Division Approval Criteria
 - 2. First American Title Report
 - 3. Columbia Heights Subdivision Plat Map
 - 4. Existing Conditions survey map
 - 5. Preliminary Land Division Plan with improvements and utilities
 - 6. Simplified Approach Form for stormwater
 - 7. Fire Hydrant Water Service information
 - 8. April 22, 2019 Cover letter from applicant in response to incomplete letter
 - 9. Revised Existing Conditions survey
 - 10. Revised Preliminary Plan, improvements and utility site plan
 - 11. Arborist Report dated April 20, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Preliminary Site & Utility Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Expedited Land Division Acknowledgement form signed
 - 3. Incomplete Letter
 - 4. E-mail Communication with applicant

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



ZONING 
NORTH

 Site

File No.	LU 19-108041 LDP
1/4 Section	2432
Scale	1 inch = 200 feet
State ID	1N1E14DB 16600
Exhibit	B Jan 18, 2019

