



Hearings Office

City of Portland

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DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File Number: LU 21-056921 PD (Hearings Office 4220005)

Applicant: Andrea Wallace, Ink Built Design (503) 740-8328
2808 NE M L King Blvd Suite G / Portland, OR 97212

Owner: Tonino Pacifico, Habitat For Humanity Portland/Metro East
1478 NE Killingsworth St. / Portland OR 97211

Hearings Officer: William Guzman

Bureau of Development Services (BDS) Staff Representative: Diana Hale

Site Address: 2401 SW TAYLORS FERRY RD

Legal Description: FIR LODGE TR, LOT 3-5, TL 6200, TL 6300

Tax Account No.: R281500210, R281500310

State ID No.: 1S1E28BB 06200, 1S1E28BB 06300

Quarter Section: 3927

Neighborhood: Markham, contact John Gibbon at 503-708-6708.

Business District: NONE

District Coalition: Office of Community & Civic Life, contact Leah Fisher at
leah.fisher@portlandoregon.gov

Plan District: NONE

Other Designations: Regulatory Landslide Hazard

Zoning: R5 – single dwelling residential, 5,000

Land Use Review: Type III, Planned Development

BDS Staff Recommendation to Hearings Officer: Approval with modifications and conditions

Public Hearing: The hearing was opened at 1:30 pm on June 1, 2022 in the third floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, also via Zoom meeting platform and was closed at 3:09 pm. The record was closed at the end of the hearing and Applicant waived any right to submit final argument.

Testified at the Hearing:

Diane Hale
Andrea Wallace
John Gibbon
Sarah Jo Truninger
Chris Boullet
Emma Kohlsmith

II. ANALYSIS

Proposal:

The applicant has requested a Planned Development review to allow multi-family development on a 1.98 acre site in the R5 zone, per Zoning Code section 33.270.100.G. The existing church on the site will be removed. The development that is sought will consist of 17 detached homes with attached garages and private outdoor spaces. The applicant is proposing a set of development standards that will apply to the new homes at the time of permit review.

Three private driveways will serve the proposed homes from SW 25th Avenue. Thirty-four parking spaces will be provided to serve the proposed development, including parking spaces within attached garages of the new homes. A common outdoor area with paths and a play area will be located on the NE portion of the site. The applicant is proposing to preserve many of the regulated trees on the site, including all of the large trees in the NE portion of the site, and the large Douglas fir trees near SW 25th Avenue

at the north end of the site. Frontage improvements will be required along SW Taylors Ferry Rd, including widening the shoulder by 4 feet to accommodate bicycles, installing a 6-foot wide concrete sidewalk, and stormwater management improvements. A new sidewalk will also be required along the site's SW 25th Avenue frontage.

The applicant is requesting 7 modifications to development standards through the Planned Development Review (33.854.320). Modifications include requests to increase the proposed building coverage, allow the required outdoor area and taller fences to be located in the setback along SW Taylors Ferry Rd., alter requirements related to landscaping and parking area layouts to better preserve several trees on site, and waive two standards related to bicycle parking.

Relevant Approval Criteria

Title 33.854.010 explains that the purpose of the Planned Development Review criteria is to "ensure that innovative and creative development is encouraged when it is well designed and integrated into the neighborhood." Title 33.854.200.C.2.a. identifies this proposal as a Type III land use case because it is a Planned Development that is not in conjunction with a land division.

Title 33.854.300 requires that all Planned Developments in all zones must meet the criteria in Section 33.854.310. The Hearings Officer finds that this matter must additionally meet the criteria in Section 33.854.320 because the proposal seeks to modify site-related development standards. Lastly, because this proposal does not seek a land division, pursuant to Title 33.854.300.C, the proposal must meet the criteria in Section 33.854.340.

33.854.310 Approval Criteria for Planned Developments in All Zones

Title 33.854.310 states the following:

"Criteria A through E apply to proposals for additional height or FAR in the CM2, CM3, CE, and CX zones that are taking advantage of 33.270.100.I. If the Planned Development is not proposing additional height or FAR as allowed by 33.270.100.I, then only criteria E through H apply."

The Hearings Officer finds that the Applicant does not propose additional height or FAR as allowed by 33.270.100.I, therefore, only criteria E through H apply.

Title 33.854.310.E requires the Applicant's proposal to "[c]onfigure the site and development to visually integrate both the natural and built features of the site and the

natural and built features of the surrounding area.” Five of the six considerations are applicable to this proposal and each of these five aspects will be considered below (Note: the site does not have any City-designated scenic resources to preserve so Title 33.854.310.E.6 is not applicable).

The Hearings Officer finds that Title 33.854.310.E.1 is met. This criterion requires “[o]rienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm. Public realm includes adjacent streets as well as plazas and common open areas that are accessible from the street[.]”

As explained in the Staff Report:¹

Three shared driveways will access the site from SW 25th Avenue, as shown on Exhibit C.1. The two southern driveways will be scored concrete and will contain several tree wells, which will make the vehicle access to the site more plaza-like and calm traffic. The northern driveway will utilize the existing shared access with the property to the north, and will retain the existing asphalt surface for the easternmost 46 feet of the driveway to minimize impacts to the giant redwood tree just to the north of the driveway. The driveway will extend to the east to serve units 1 and 2 and the new portion of the driveway will be concrete. The location and orientation of the shared driveways allow views into the site toward the community outdoor space and shared patios, which increases the connection between the proposed development and public realm along SW 25th. To ensure that the driveways remain open for vehicle traffic, no parking is allowed within the shared driveways; no parking signs will be installed at the entrances of the driveways to provide clarity for future users. The area in front of the garages for units 4 and 5 is only 13 feet deep, which is not deep enough to accommodate a typical car; to clarify that no parking is allowed in this area, a sign will be required in this location as well.

Garages will be located on the ground level of the units and will face the shared driveways rather than the public realm. Street trees along SW 25th Avenue and landscaping between the new homes and SW 25th will contribute to a more interesting and pleasant pedestrian experience along SW 25th Avenue and soften the impacts of the proposed development on the public realm.

Houses will face the driveways with a minimum 15% windows and doors on the shared driveway-facing facades. To better orient toward the public realm, the facades facing SW

¹ Throughout this decision the Hearings Officer borrows heavily from the case file including the exceptionally thorough Staff Report, in many instances copy/pasting the text rather than attempting to craft new language.

25th Ave and SW Taylors Ferry Rd will have a minimum of 17% glazing, which slightly exceeds the zoning code standard. To maximize the visual connection between the westernmost homes and SW 25th Avenue, the only fence that will be allowed in this area (west of unit 10) will be limited to 4 feet tall and will be decorative metal. A 6-foot tall cedar fence is proposed to enclose the yards along SW Taylors Ferry Road. In this location the SW Taylors Ferry Rd right-of-way is not fully improved; there is ~ 20 feet between the site's south lot line and the location of the future sidewalk. The site slopes up from the road as well; the homes will be ~5 to 7 feet above the grade of the road. While the fence will slightly diminish the connection between the public realm and the proposed homes, given the context of the site topography and distance between SW Taylors Ferry Road and the proposed homes, it would be difficult to create a strong connection between the homes and the public realm on SW Taylors Ferry Road, and allowing a 6-foot tall fence to be located in this area will ensure that the future homes have some private recreation area.

The Hearings Officer finds that Title 33.854.310.E.2 is met. This criterion requires “[p]reservation of natural features on the site, such as stands of trees, water features or topographical elements. As explained in the Staff Report:

As noted below in section 33.854.340.B. Trees, and shown on Exhibit C.3, the applicant is preserving several large native trees on the site, and the preservation proposal meets Option 3 of the tree preservation standards in 33.630.100. The site has roughly 48 feet of elevation change from north to south and roughly 19 feet of elevation change from east to west, sloping downhill from the Northeast corner of the site to the Southwest corner of the site. The proposed development has been designed to minimize grading and preserve the existing topography; rather than carving large sections of the site to create terraces, the homes to the south of the shared driveways integrate into the hillside with walk-out basement levels, which also reduces the appearance of their height and limits the shading of the homes to the north. The design has implemented smaller more residential scale stormwater planters throughout the site to manage all of its stormwater on site. This approach avoids the need to construct large retaining walls associated with one larger facility.

The Hearings Officer finds that Title 33.854.310.E.3 is met. This criterion requires the “[i]nclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping[.]” With the condition that the proposed homes meet the proposed development standards at the time of development (Exhibit A.8), and the site layout matches the proposed site plan and landscaping plan (Exhibit C.1 and C.6), this criterion is met.

The majority of the homes in the neighborhood are 1-2 story single family homes. The proposed plans and development standards include elements that match the typical features of the surrounding development, including building scale (1 to 2 story homes, see Exhibit C.1), pitched roofs, porches, siding materials, windows, trim and eaves. Most homes in the neighborhood have attached garages, with a few lots also having enough space for additional off-street parking. Vertical windows are typical in the neighborhood. Homes in the neighborhood typically sit back from the streets with lawns and some landscaping and fencing within the setbacks. The development is clustered closer together to allow several large trees to be preserved on the site. The clustering also facilitates the provision of larger, more usable community outdoor spaces to serve the proposed development and buffer the new development from the surrounding single-family homes to the north and east of the site. The development, as viewed from SW 25th, has a similar scale with four homes along the site's frontage, similar to the west side of SW 25th Avenue.

The Hearings Officer finds that Title 33.854.310.E.4 is met. This criterion requires “[m]itigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features[.]”

The primary difference between this proposal and surrounding development is the scale of the proposed development. The homes have slightly smaller setbacks between structures than would otherwise be required. In this case the development is clustered closer together to allow several large trees to be preserved on the site. The clustering also facilitates the provision of larger, more usable community outdoor spaces to serve the proposed development and buffer the new development from the surrounding single dwelling development to the north and east of the site.

The proposed development is meeting all zoning code setbacks from lot lines, and as noted previously, a large open area (>10k sq feet) in the NE part of the site, and large setbacks along the eastern lot line (20 to 40 feet), will help buffer adjacent residential properties to the north and east from the proposed development. Large trees will be preserved in these areas to further screen and soften the impacts of the proposed development. Several trees are also being preserved on the site near SW 25th Avenue, which will help screen and buffer the impacts of the new development from the west. Additional street trees, and on-site landscaping including trees, shrubs and groundcover plants, will be installed along the frontages of the site and between the streets and the proposed homes. The proposed homes include architectural features seen in surrounding development, which will help the new homes blend into the surrounding neighborhood.

The Hearings Officer finds that Title 33.854.310.E.5 is met. This criterion requires the proposal to minimize "potential negative effects on surrounding residential uses[.]"

Potential negative impacts of the proposed development are increased traffic, noise and light, and loss of privacy. A transportation impact analysis was developed to identify potential traffic impacts (Exhibit A.10). Traffic counts for the proposed detached multi-dwelling development are typical of single-family houses and will have minimal impacts to three roadways near the site. No significant trends or crash patterns indicative of safety concerns were identified at any study intersections. Neighboring properties expressed concern about the inadequacy of SW 25th to provide parking for the site and the general pedestrian safety in the vicinity, as the roads in this area of Portland generally lack sidewalks and pedestrian facilities. The proposed on-site parking exceeds zoning code requirements and the anticipated demand on the site. The proposed homes will access the site through three shared driveways, limiting the amount of back-up traffic onto SW 25th as would be typical if the garages and homes oriented toward the street. Additional landscaping and screening will be provided to minimize the visual impact of the parking areas, yards, and non-active uses. New sidewalks will be installed along the site's frontage on both SW 25th Ave and SW Taylors Ferry Road.

This proposal orients the homes to the west side of the property to preserve as many existing trees as possible in the eastern portion of the site. This also creates a natural buffer of green space along the eastern property buffering the proposed development from the properties to the east. The proposed homes are also screened from adjacent properties by new landscaping, existing landscaping, site retaining walls, and new fencing. These features will also help protect privacy for adjacent homes.

Noise levels from this proposal will be comparable to other single-family uses typical in the area and therefore compatible with the existing single-family development near the site. Shared outdoor areas are provided in 3 general ways, private outdoor spaces at the individual home, shared common patios centrally located and buffered by site retaining walls, and a nature trail and nature play area located in NE and east part of the site. All of the shared common spaces are buffered by retaining walls or vegetation to lessen any noise impacts to the adjacent properties.

New site lighting will be provided at a pedestrian scale (20' poles with downlights that meet dark sky requirements) along the shared driveways. Each home will also have a porch light located at the front and the private patio of the home. These lights will be typical of single-family developments and will be buffered from the properties to the east and north by a vegetation buffer and retaining walls. These lights may be more visible

from SW 25th where there are existing street lights and the shared woonerf driveways connect at the street but will further the connection of the public realm and provide safe lighting levels at night for vehicles and pedestrians alike.

Title 33.854.310.F applies to sites zoned RF through R2.5 and it requires the following:

- “1. Where proposed development includes attached houses, duplexes, triplexes, fourplexes, multi-dwelling structures, or multi-dwelling development, adequate open area to accommodate the proposed development must be provided. Open area does not include vehicle areas.
2. Where multi-dwelling development with detached single dwelling units is proposed, 50 percent of the total number of dwelling units on the site must be oriented around a common outdoor area.”

The Staff Report reasons that “[t]he proposal is for multi-dwelling development; therefore, criterion F does not apply.” The site is zoned R5 which appears to be between RF and R2.5 zones. Title 33.110.020 provides the following list of zones RF through R2.5.

Full Name	Short Name/Map Symbol
Residential Farm/Forest	RF
Residential 20,000	R20
Residential 10,000	R10
Residential 7,000	R7
Residential 5,000	R5
Residential 2,500	R2.5

The Hearings Officer finds that Title 33.854.310.F does apply to this proposal. The Staff Report also does not contain any reference to, or explanation of, Title 33.854.310.G and H. Those provisions are set forth below in their entirety:

“G. Accessible connections. Provide one or more accessible routes that connect all buildings on the site to adjacent streets, common open areas, and parking areas. Use landscaping and site furnishings to ensure the accessible route provides a pleasant user experience.

H. Garbage and recycling areas. Garbage and recycling collection areas must be adequate in size to accommodate the proposed development, designed to encourage recycling, and located to facilitate pick-up service. Screening and buffering of garbage and recycling areas must be provided to maintain a clean and attractive development”

The Hearings Officer reasons that, to the extent these provisions apply and were not addressed by anyone in opposition to the proposal, in an abundance of caution the Hearings Officer will include an 8th modification to waive any requirements of Title 33.854.310.F and G and H.

Title 33.854.320 Modifications

Applicant seeks seven site-related development standard modifications. Title 33.854.320 states the following:

“The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. Modifications to development standards for which adjustments are prohibited may not be considered. The modification will be approved if the following approval criteria are met:

- A. Better meets approval criteria. The resulting development will better meet the applicable approval criteria of Section 33.854.310; and
- B. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.”

Applicant seeks modifications of development standards including requests to increase the proposed building coverage, allow the required outdoor area and taller fences to be located in the setback along SW Taylors Ferry Rd., alter requirements related to landscaping and parking area layouts to better preserve several trees on site, and waive two standards related to bicycle parking. Unless specifically required in the approval criteria, this proposal does not have to meet the development standards in order 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. The site-related development standards of Title 33.110.200 through 33.110.295 apply.

The Staff Report reasons that “[g]ranteeing these modifications contributes to the overall site design flexibility that is inherent to a Planned Development review and will contribute toward meeting the Planned Development approval criteria by giving the development more of a single dwelling appearance, thereby mitigating differences between the proposed multi-dwelling development and nearby single dwelling homes.” The Hearings Officer finds that the resulting development will better meet the

applicable approval criteria of Title 33.854.310. Additionally, the Hearings Officer finds that, on balance, the proposal is consistent with the purpose of the standards sought to be modified.

Modification 1

The applicant is requesting a modification to exceed the building coverage limits for the site. Title 33.110.225 governs building coverage. The stated purpose is set forth below in its entirety:

“The building coverage standards limit the footprint of buildings and work together with the height, setback, and floor area ratio standards to control the overall bulk of structures. They are intended to ensure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.”

The primary reason for exceeding the maximum building coverage standards on this site is related to the existing lot size, not the density or “bulk” of the proposed development, because the building coverage standards help define the character of single-dwelling zones by decreasing relative building coverage as lot sizes increase. For example, the building coverage limit for a 5,000 sq. ft. parcel in the R5 zone is 45%, whereas the limit for a 7,000 sq. ft. parcel is 36.4%. On this site the allowed building coverage is 9,361 square feet, or 11% of the site area. Exhibit C.1 shows the proposed development footprints for the site, which will not change at the time of permit; the proposed building coverage is 29.4% (25,000 sq feet of buildings; site area after dedication is 84,816 sq feet). Therefore, the proposed building coverage is generally consistent with expected building coverage limits in the R5 and R7 zones for the site as a whole.

The proposed number of homes meets the maximum density for the site (17 units). The lot could arguably be divided into 15 lots for single family development (a new street would be required which reduces maximum density to 15 lots), and if divided equally, each lot could hypothetically be 4,650 sq feet after a reasonable amount of site area is removed for a new street. This would result in 2,118 sq feet of allowed building coverage per lot, with a total limit of 31,770 sq feet of buildings on the site total. The proposed building coverage is well below this amount.

The proposed buildings will meet or be below the standard height limit of the R5 zone (30 feet). The proposed development is also generally consistent with the character of

neighboring single-family houses in the vicinity, as described above in the findings addressing 33.854.310. The proposed setbacks from the lot boundaries exceed the code standards in most locations; a large open area (10k sq feet) in the NE part of the site, and large setbacks along the eastern lot line (20 to 40 feet), will help buffer adjacent residential properties to the north and east from the proposed development.

The proposed modification to building coverage will result in development that better meets the Approval Criteria for Planned Developments (33.665.310) as the proposed units will present less building coverage than could be allowed on an accumulation of lots that could be created through a land division. In addition, the proposed modification is, on balance, consistent with the purpose of building coverage standards because the proposed height fits the character of the zone, the setbacks exceed zoning code standards in most locations, and in general the proposed development is in scale with typical development of the R5 zone.

Modifications 2 and 3

The applicant is requesting a modification to allow the required outdoor area for units 14 to 17 and a 6-foot tall fence to be located within the front setback of the lot, which is the first 10 feet of the site abutting SW Taylors Ferry Road.

The purpose of Title 33.110.240's required outdoor area is set forth as follows:

"The required outdoor areas standards ensure opportunities in the single-dwelling zones for outdoor relaxation or recreation. The standards work with the maximum building coverage standards to ensure that some of the land not covered by buildings is of an adequate size and shape to be usable for outdoor recreation or relaxation. The location requirements provide options for private or semiprivate areas. The requirement of a required outdoor area serves in lieu of a large rear setback requirement and is an important aspect in addressing the livability of a residential structure."

The purpose of Title 33.110.275 guidance on fences is set forth as follows:

"The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of

property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.”

Units 14 to 17 are located on the south side of the lot adjacent to SW Taylors Ferry Road. As described above in the findings addressing 33.854.310.E.1, while the front lot line for the property abuts SW Taylors Ferry Rd, due to the existing site conditions, slope, and distance from the property line to the developed portion of SW Taylors Ferry Rd, this site frontage is relatively disconnected from the street. These homes orient instead towards the shared driveway (main entrances face the shared driveway), and their rear covered porches overlook SW Taylors Ferry Rd, effectively making this part of the site function more as a back yard than a front yard for the individual homes. In addition to the private outdoor spaces provided for each home, the proposal is also providing ~21,000 sf of nature trail and outdoor common area to serve the development, and over 500 sf of common patio space at the east end of the 2 central woonerf streets.

In order to provide private outdoor area and additional security for the homes, the applicant is requesting to enclose the yards south of units 14 to 17 with a 6-foot-tall fence. The zoning code requires fences to be limited to 3.5 feet tall within the front setback. As noted previously, these yard areas do not function like typical front yards. The distance between the future sidewalk on Taylors Ferry Rd and the proposed fence ranges from ~18 feet at the closest point near unit 14, and ~30 feet in adjacent to units 16 and 17, so there will effectively still be a large “setback” between the public realm and the fence. The applicant proposes a wood fence with the “good” side facing SW Taylors Ferry Rd, which will help ensure that the fence has an attractive appearance.

As described above, the proposal will be consistent with the purpose statements of both standards. Granting the modifications will contribute toward meeting the Planned Development approval criteria by allowing a more flexible site design that will accommodate preservation of several large trees along the north and east portions of the site, and also allows the proposal to provide more usable large open spaces to serve the future residents.

Modifications 4 and 5

The applicant is requesting a modification to the parking area layout standards and perimeter landscaping requirement for driveways in 33.266.130.F and G. Title 33.260.110 explains the purpose of the parking area layout standards as follows:

“The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution”

The layout standard requires a 20-ft drive aisle (driveway) for multi-dwelling development when 2-way traffic is needed. For the northern driveway serving buildings 1 and 2, the applicant is proposing a variable-width driveway that is ~11 feet at the west lot line, expanding to ~12.5 feet wide for the remainder of the driveway. The landscaping standard requires 5 feet of L3 landscaping along the north lot line to screen the northern driveway from the abutting property to the north. The applicant is requesting to waive the standard for the western ~75 feet of the driveway (groundcover plants will still be installed). The driveway is ~135 feet long. The applicant is also requesting to vary the standard in the areas east of the other two shared driveways where the L3 plantings are required, to not require trees as part of the required plantings. A 74-inch diameter Giant Sequoia tree is located on the neighboring property to the north, ~6 feet north of the shared lot line and ~40 east of SW 25th Avenue (see Exhibit C.7). Two large Douglas Fir trees are located on the subject site near SW 25th Avenue, ~35 feet south of the north lot line. An existing shared driveway serves this property and the property to the north and is located between these trees. In order to better protect the trees and minimize access disruptions for the neighbor to the north, the applicant is proposing to retain the existing shared driveway, and extend it to the east to serve units 1 and 2.

The parking area layout standards are intended to ensure that driveways accommodate safe circulation, convenient entry and exit, and allow for stormwater management.

Requiring the driveway be expanded to 20 feet would certainly disturb the existing trees in the vicinity and could lead to the removal of one or more of the trees. The driveway will serve 2 units, which will generate a very low volume of traffic that can function adequately without 2-way movement. The driveway is fairly straight and perpendicular to SW 25th Avenue, which will allow drivers to see if cars are entering and exiting the site and make adjustments to allow them to pass, in the few instances where conflicts could occur. Stormwater from the driveway will drain to an inlet on the south side of the driveway and flow through pipes to a stormwater planter located west of unit 1. BES and PBOT have reviewed the proposal and have no concerns.

The landscaping standard requires that the 5-foot setback area be landscaped to the L3 standard, which requires evergreen high shrubs to form a continuous screen 6 feet high, one tree for every 30 linear feet of required landscaped area, and groundcover plants. The existing Giant Sequoia tree located ~6 feet north of the shared lot line is in good condition (see Exhibit A.7) and provides significant tree canopy for the neighborhood. Requiring trees and tall shrubs to be planted within the inner root protection zone of this tree could damage the root system of the tree. There is an existing tall bamboo hedge east of the tree on the neighboring property to the north, which will continue to provide screening and privacy between the two properties in this area. The applicant will plant groundcover plants in this area, which will help with erosion control and stormwater runoff, and beautify and soften the visual impacts of the vehicle area. The full requirements of the standard will be met for the eastern 60 feet of the new/extended driveway, as shown on the landscape plan (Exhibit C.6).

The L3 requirements for the areas at the east end of the other shared driveways will be modified to not require trees as part of plantings, for the same reason as described above (Exhibit C.6). There are several trees to be preserved on the site that could be damaged with the disturbance of planting the required trees, and these existing trees screen and buffer the driveways from the adjacent residential areas to the east.

Granting the modifications will contribute toward meeting the Planned Development approval criteria by allowing a more flexible site design that will accommodate preservation of 2 significant on-site trees and better protect the off-site Giant Sequoia tree to the north. The northern driveway will serve the proposed development (2 homes) adequately and the full landscaping requirements will be installed in the eastern 60 feet of the proposed northern driveway, and the existing vegetation on the neighboring property to the north and east will continue to provide screening from the proposed vehicle areas on the subject site. The proposal is consistent with the intent of the purpose of the parking layout and landscaping standards.

Modifications 6 and 7

Applicant requests the following modifications to the bicycle parking development standards: (1) Waive the requirement for signage at the main entrance of each dwelling unit indicating the location of bicycle parking within the unit (33.266.210.C.5); and (2) Allow long-term bicycle parking spaces to be located within the garage of each unit, rather than a dedicated bike parking room within each unit (33.266.210.D.2.a.1).

Title 33.266.210 provides the purpose of these provisions:

"These standards ensure that required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without undue inconvenience. Bicycle parking is in areas that are reasonably safeguarded from theft and accidental damage. The standards allow for a variety of bicycle types, including but not limited to standard bicycles, tricycles, hand cycles, tandems, electric motor assisted cycles and cargo bicycles. Long-term bicycle parking is in secure, weather protected facilities and is intended for building and site occupants, and others who need bicycle parking for several hours or longer. Short-term bicycle parking is located in publicly accessible, highly visible locations that serve the main entrance of a building. Short-term bicycle parking is visible to pedestrians and bicyclists on the street and is intended for building and site visitors."

Broadly, the purpose of the bicycle parking development standards is to provide a clearly-defined, secure and sheltered location for residents of all ages and abilities to park a variety of types of bicycles. The standards apply to Household Living uses with 5 or more units. The proposed development is subject to these standards because the specific housing type proposed by the applicant is multi-dwelling development, and more than 5 units will be located on the site. However, the proposed development has been designed and will function more like typical, detached single-family homes, which would not be subject to these standards. The requested modifications alter or waive standards that are directly related to typical apartment-style communities, such as the requirement to have a permanent sign at the main entrance of the dwelling unit noting where the bicycle parking is located (33.266.210.C.5).

Each unit will have a private garage attached to the dwelling unit, and at least one rack will be installed in each garage. By providing bicycle parking in individual garages, the requested modifications will be consistent with the purpose of bicycle parking standards because:

- *All spaces will be easily accessible for residents because they will be located within the ground floor garage areas of each unit. The customizable nature of each unit and the bicycle parking spaces will allow people of all ages and abilities to access the proposed bicycle parking.*
- *The long-term bicycle parking is proposed in a secure, lockable garage, and weather protected. Providing the parking in individual unit's garages will prevent theft and accidental damage that may occur from other site users or weather events.*
- *Future owners can design their personal long-term bicycle parking areas within the garages to serve a variety of bike types, including cargo bikes and electric bikes.*

The proposed bicycle parking racks within the garages will meet the dimensional requirements of the zoning code, and as noted above, will meet the security and locational intent of the standards. Granting these modifications contributes to the overall site design flexibility that is inherent to a Planned Development review and will contribute toward meeting the Planned Development approval criteria by giving the development more of a single dwelling appearance, thereby mitigating differences between the proposed multi-dwelling development and nearby single-dwelling homes.

Modification 8

The Hearings Officer waives any requirements of Title 33.854.310.F and G and H as either inapplicable or unnecessary because the resulting development will better meet the applicable approval criteria of Section 33.854.310 and, on balance, the proposal will be consistent with the purpose of the standards waived by the Hearings Officer.

Title 33.854.340 Proposals Without a Land Division

The approval criteria of Title 33.854.340 A through G apply to Planned Developments that do not include a land division. The Hearings Officer finds that the site is not within a flood zone, so Criteria C does not apply. Similarly, the Hearings Officer finds that the site does not contain any streams, springs, seeps or wetlands, so Criterion F does not apply. The following are the criteria that do apply.

A.1 Services

The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;

The Portland Bureau of Transportation (PBOT) reviewed the application and submitted the following response (Exhibit E.2):

"The proposal is for residential development. SW Taylors Ferry Rd is a Neighborhood Collector, and the traffic generated by this proposal is consistent with this classification. The development will only generate local traffic. The proposed residential use of the site is also consistent with the Local Traffic Street classification of SW 25th."

The Hearings Officer finds that the proposed project will be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan.

A.2 Services

The approval criteria of Section 33.654.110, Connectivity and Location of Rights-of-Way, must be met;

The purpose of this Rights-of-Way section is stated as follows:

"The regulations of this section ensure provision of efficient access to as many lots as possible, and enhance direct movement by pedestrians, bicycles, and motor vehicles between destinations. * * * The specific location of rights-of-way is influenced by a variety of conditions, including existing development, streets and lot patterns, and environmental features."

Title 33.654.110 B.1 Rights-of-Way

Through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration

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 vicinity of the site does not meet the spacing requirements for connections, and the site contains sufficient width to allow the creation of a public connection. Although the properties directly abutting the site to the north and east are large enough to be further divided, the properties beyond that are fully developed and not large enough to be divided. There are also significant groups of trees on the eastern portion of the site and the site to the east. Therefore, there is no practicable opportunity to provide them with this proposal and it is very unlikely that a street or pedestrian connection could be extended through adjacent sites to form a useful connection.

The Hearings Officer finds this criterion is met because meeting the street spacing is not practicable given the considerations of Title 33.654.110.B.1.c. 2 & 5 (tree groves and nearby lots cannot be further divided).

Title 33.654.110 B.2 Rights-of-Way (Dead End Streets)

There are no dead-end streets being created as part of this proposal only shared-driveways. Deficiencies in adjacent streets (example 25th avenue) are preexisting conditions that are not specific to the site or the proposed development. This criterion doesn't apply.

Title 33.654.110B.3 Rights-of-Way (Pedestrian connections in I Zones)

This criterion does not apply because the site is not an I Zone.

Title 33.654.110B.4 Rights-of-Way (Alleys)

This criterion does not apply because the proposal does not include any alleys.

A.3 Services

The standards of Section 33.651.020, Water Service Standards, must be met; this section states the following:

“Water service must meet the standard of this section. Adjustments are prohibited. The Water Bureau or District and the Fire Bureau have verified that water facilities with adequate capacity and pressure are available to serve the proposed development.”

The Hearings Officer finds that the standards of 33.651.020 are met because the Water Bureau has verified that adequate water is available to serve this site from the 8" water main in SW Taylors Ferry Road and the 6" water main in SW 25th Avenue. See Exhibit E.3.

A.4 Services

The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met;

Title 33.652.020 Sanitary sewer disposal service must meet the standards of this section. Adjustments are prohibited. Title 33.652.020.A.1 applies to this proposal: The Bureau of Environmental Services has verified that sewer facilities are available to serve the proposed development[.]” Title 33.652.020.B applies to this proposal: “Where public

sewer facilities are available to serve the proposed development, the Bureau of Environmental Services has preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system.”

The Bureau of Environmental Services has indicated that service is available to the site. The applicant proposes to discharge sewer from the new homes to the existing sanitary sewer line in SW 25th Avenue. BES determined the applicant’s proposal for sanitary service acceptable for the purpose of reviewing the preliminary land division application against the sanitary sewer disposal standard and approval criterion.

The Hearings Officer finds that the standards of 33.652.020 are met.

A.5 Services

The standard of Section 33.655.100, School District Enrollment Capacity Standard, does not need to be met because the proposal is not within a school district with an adopted school facility plan acknowledged by the City.

A.6. Services

The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater. Neighbor Chris Boulet expressed concern about stormwater runoff. John Gibbon on behalf of the Markham Neighborhood testified that the proposed stormwater management system (a new storm sewer extended up SW Lancaster Road to SW Taylors Ferry Road) is a critical condition that must be imposed if the proposal is to improve the current situation and not exacerbate an already difficult situation. Sarah Jo Truninger testified that the runoff from 25th ends up in a ditch by her home that she needs access to in order to remove debris buildup. Sarah Jo Truninger recommends a No-Parking sign(s) be installed on the West Side of 25th prohibiting parking between the two power poles identified as No. 2501 and 9211. The Hearings Officer finds that this is an appropriate and commonsense approach to stormwater management conditions that pre-exist on the site. Sarah Jo Truninger reasons that there will be an increase in Vehicles parked on the public right of way in front of her house caused by the increase in residents. The Hearings Officer orders the Applicant to contact the appropriate City departments to discuss the feasibility and appropriateness of adding the No-Parking sign(s) to the West Side of 25th prohibiting parking between the two power poles identified as No. 2501 and 9211 if the City is amenable to that solution.

BES reviewed the applicant’s proposed utility plan (Exhibit C.4) and stormwater report (Exhibit A.9) against the stormwater management approval criteria and standards, and

determined that a stormwater management system can be designed that will provide adequate capacity and disposal for the expected amount of stormwater, as summarized below:

Proposed on-site development: Stormwater from the new homes and driveways will be directed into lined stormwater planters that meet pollution reduction and flow control requirements. The water will drain from the planters to a new storm sewer extended up SW Lancaster Road to SW Taylors Ferry Road. The Bureau of Environmental Services has indicated conceptual approval of the proposed management approach. In order to accommodate the proposed stormwater management system, an extension of public storm sewer is required. Under Public Works Permit (PWP) # EP657 (BES SEPARATE), BES Development Engineering approved the Concept Development plans (i.e. 30% design) for the sewer extension on 11/29/21; therefore, BES finds that an offsite discharge location can be made available to the site as shown.

Public street improvements: PBOT requires the construction of public frontage improvements along SW Taylors Ferry Road and SW 25th Avenue, which trigger public stormwater management improvements per the standards of the SWMM and the Sewer and Drainage Facilities Design Manual. Per Public Works Permit (PWP) # TH1164/EP657, stormwater from the SW Taylors Ferry right-of-way will be managed with the installation of vegetated storm facilities. Stormwater from the SW 25th Avenue right-of-way will be managed with street trees and payment of an offsite management fee. BES Development Engineering approved the Concept Development plans (i.e. 30% design) for the right-of-way stormwater improvements on 3/4/22; therefore, BES finds that public stormwater facilities can be constructed as shown on the Planned Development plans.

The Hearings Officer adopts of the finding of BES and therefore, finds that this criteria is met so long as the stormwater management system (a new storm sewer extended up SW Lancaster Road to SW Taylors Ferry Road) is implemented. See Exhibits A.9 and C.4.

B. Tree preservation

The proposal must meet the requirements of Chapter 33.630, Tree Preservation.

The purpose of Title 33.630 is stated, in part, as follows:

“The regulations of this chapter require that trees be considered early in the design process with the goal of preserving high value trees and mitigating for the loss of trees.”

D. Landslide hazard areas (Title 33.854.340.D)

Buildings, services and utilities should be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited. Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level. The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

Applicant submitted a Landslide Hazard Study of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A.12). Site Development, the division of Development Services that makes determinations regarding soil stability, has evaluated the Landslide Hazard Study and concurred with the recommendations. Site Development notes that further geotechnical evaluation may be required for specific building plans at the time of construction plan review.

The Hearings Officer finds that the site is suitable for development and the proposal reasonably limit the risk of landslide potential on the site and other properties in the vicinity given the soil composition, topography, and other risk factors, provided the recommendations in the report are implemented. This criterion is met.

E.1 Clearing, grading, and land suitability (Title 33.854.340.E)

Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;

E.2 Clearing, grading, and land suitability

Clearing and grading should be sufficient for construction of development shown on the Clearing and Grading Plan;

E.3 Clearing, grading, and land suitability

Clearing and grading should be limited to areas of the site that are reasonably

necessary for construction of development shown on the Clearing and Grading Plan;

E.4 Clearing, grading, and land suitability

Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;

E.5 Clearing, grading, and land suitability

Soil stockpiles must be on the site and located in areas designated for clearing and grading, if practicable;

E.6 Clearing, grading, and land suitability

The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees shown to be retained on the tree preservation plan; and

E.7 Clearing, grading, and land suitability

Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the site suitable for the intended uses and the provision of services and utilities.

In this case, the site has steep grades (over 20%) in some areas and is located in the Potential Landslide Hazard area. Therefore, the clearing and grading associated with site preparation must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

The applicant submitted a Preliminary Clearing and Grading Plan (Exhibit C.5) that depicts the proposed work, including existing and proposed elevation contours, undisturbed areas consistent with the root protection zones of trees to be preserved per the applicant's arborist report, and the overall limits of disturbed area. Additionally, the applicant submitted a landslide hazard study and geotechnical report (Exhibit A.12) that describes how clearing and grading should occur on the site to minimize erosion risks. The applicant also provided an arborist report (Exhibit A.7) that addresses how to protect the roots of the trees on the site that will be preserved.

The limits of disturbance shown on the applicant's plan will allow the applicant to conduct the majority of the clearing and grading on the site at one time. This will help manage erosion and sedimentation concerns, assure that the necessary tree protection measures are in place before the grading begins and limit the disturbance on the adjacent

properties. The limits of disturbance will also allow for the existing church and accessory structures on the site to be demolished and any debris associated with these buildings to be removed.

The clearing and grading proposed is sufficient for the construction of the new homes without being excessive. The contour changes proposed should not increase runoff or erosion because all of the erosion control measures shown on the grading plan must be installed prior to starting the grading work. The geotechnical report notes that topsoil should only be stockpiled in designated locations, which are shown on the applicant's erosion control plan for clearing and grading (Exhibit C.5).

The Hearings Officer finds that the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal, a clearing, grading and erosion control plan will be submitted for review by the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the applicant's Landslide Hazard Study as well as any additional geotechnical information required at the time of permit submittal to assure that the grading will not create any erosion risks. A permit must be obtained and finalized for demolition of all structures on the site and sewer capping.

G.1 Transportation impacts (Title 33.854.340.G)

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 should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.2. Neighbor Chris Boulet testified that the lines of sight at the intersection are poor. This is a safety concern, it is valid and important, and the Hearings Officer finds that some sight distance mitigation is recommended to address existing deficiencies (See below for details) at the Taylor's Ferry and 25th intersection.

Safety

While the existing system has infrastructure deficiencies, the proposed development will either maintain conditions or slightly improve the safety of the system. Based on a review of the crash history, existing infrastructure and planned improvements, the transportation

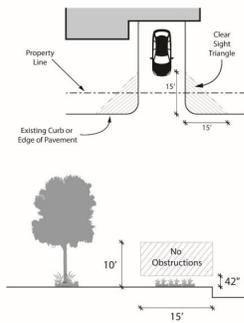
system is capable of safely supporting the proposed development. Safety for each travel mode is reviewed below.

Motor Vehicle Safety

As described in the Crash Data Analysis section, a review of the most recent five years of available crash history at the study intersections was conducted using data obtained from ODOT's Crash Data System. Based on the analysis results, no significant safety hazards were identified at any of the study intersections.

Although a slight offset is present where SW 25th Avenue and SW Lancaster Road intersection SW Taylors Ferry Road, sight lines are clear, and the offset does not create a conflicting travel path between vehicles turning left. The proposed project is not anticipated to add traffic traveling across SW Taylors Ferry Road between the offset roadways. Adequate sight distances are available at the proposed site access intersections for two of the proposed access on SW 25th Avenue and looking west on SW Taylors Ferry Road from SW 25th Avenue. However, some sight distance mitigation is recommended to address existing deficiencies:

- To improve sight lines for the north access, the hedge at the north end of the street would need to be trimmed substantially and may need to be removed entirely. This change would improve the safety of residents of the existing homes along the unpaved lane, the existing residence that would share the north access, and the proposed development.*
- To improve sight line for SW 25th Avenue looking west on SW Taylors Ferry Road, removal of some of the shrubs along SW Taylors Ferry Road and possibly trimming some of the tree branches hang to within 6-7 feet above the roadway surface is recommended. This change would improve the safety of all existing residents on the street as well as the proposed development.*
- The proposal includes retaining walls and plantings at the entrances to the private driveways. In order to provide adequate site distance at these entrances, the applicant must provide a clear 15-ft site triangle at all driveway entrances to SW 25th in conformance to the drawings below.*



e. Within the clear sight triangle, vegetation and structures shall provide unobstructed visibility between 42 inches above the ground to 10 feet above the ground. Authorized utility structures (i.e., streetlight, signal cabinet) are exempt.

(i) References: Vegetation and structure dimensions shall comply with vision clearance standards of Title 16, Vehicles and Traffic; Section 33.248, Landscaping and Screening, including maintenance activities per Chapter 29.20, Property Nuisances; and Title 32, Signs and Related Regulations.

Bicyclist Safety

The roadway facilities in the study area are shared bikeways with the following characteristics designations on the PBOT map Portland by Bicycle:5

- *SW Taylors Ferry Road is a shared roadway that serves moderate to high volumes of vehicular traffic traveling at low speeds (posted speed of 25 mph). From SW 26th Avenue to SW 17th Avenue, it is identified as a Difficult Connection, which are "in areas with higher speeds and/or volumes, combined with narrow lane widths or other problems for cyclist."*
- *SW Lancaster Road is a shared roadway that serves low volumes of vehicular traffic traveling at low speeds (posted speed of 25 mph). It is identified as a Neighborhood Greenway, which are "lower traffic streets with pavement markings and directional signs to guide cyclists."*
- *SW 26th Avenue to the north is a shared roadway (with a wider outside lane or shoulder) that serves moderate volumes of vehicular traffic traveling at low speeds (posted speed of 25 mph). It is identified as a Shared Roadway with Wider Outside Lane.*
- *SW 26th Avenue to the south (SW Stanley Court) a shared roadway that serves low volumes of vehicular traffic traveling at low speeds (posted speed of 20 mph). It is also identified as a Neighborhood Greenway*

Additionally, neighborhood streets not listed as bicycle routes in the immediate site vicinity are typically low stress roadways that provide alternative routes to these and other nearby bicycle paths. The project will include a 4-foot shoulder widening on along the SW Taylors Ferry Road which was approved through a Public Works Alternative Review (PWAR) dated September 30, 2020. This improvement would increase the safety of the bicycle system.

Pedestrian Safety

Sidewalks are not provided along the nearby area roadways, SW Taylors Ferry Road, SW 25th Avenue, and SW 26th Avenue and walking designations on the Southwest Portland Walking Map6 are like those identified for cycling. For area intersections/roadways that do not provide marked crossings, these transportation facilities typically serve low volumes of traffic with posted/ statutory speeds of 20 to 25 mph. In addition, SW 25th Avenue is a dead-end residential street. The proposed development includes a 6-foot sidewalk along the SW Taylors Ferry Road frontage and a 5-foot sidewalk along the SW 25th Avenue frontage. These improvements would increase the safety of the pedestrian system. Within the proposed development, the site accesses are modeled on a "Woonerf" that allows pedestrians and motor vehicles to share common driveway areas. The accesses are very low volume, with the busiest estimate to carry approximately 76 vehicles per day and 8 vehicles during the busiest hour. The accesses include areas primarily for pedestrian passage and areas primarily for vehicular passage with a 1-foot flush divider delineating the two areas; however, as these areas are shared, some mixing between pedestrians and vehicles will occur. The accesses include planters that maintain a clear pedestrian path of 5 feet while helping to keep vehicles speeds slow within the access by reducing the travelway to a single through lane. With the low traffic demand, and slow speeds, these accesses are expected to function safely for pedestrians.

Transit User Safety

The nearest bus stops that could reasonably serve transit users of the proposed development and nearby existing land uses are located near the intersection of SW Taylors Ferry Road at SW 26th Avenue. Some of the unpaved shoulder along SW Taylors Ferry Road is wide enough to support walking along the north side of the road between SW 25th Avenue and SW 26th Avenue but landscaping on the residential properties does intrude so that areas north of the fog line narrow to less than three feet in some sections. Similar issues are present on the south side with landscaping intruding to the fog line on some sections. Street lighting is located on the north side of SW Taylors Ferry Road. The proposed development is unlikely to impact the transit user safety although frontage improvements would slightly enhance pedestrian access to transit.

Street Capacity/Level of Service

As described in the Operational Analysis section of the TIA (Exhibit A.10), the nearby study intersections are projected to operate acceptably per City of Portland standards. The system can accommodate the proposed development without mitigation.

Connectivity

See findings for section 33.854.340.A.2, above.

Transit Availability

The project site is located near one TriMet bus line (#43) which has a stop located less than a quarter mile walking/biking distance of the project site. The transit system has the capacity to accommodate increased demand from the proposed development

Availability of Pedestrian and Bicycle Networks

The area roadways that serve the site vicinity typically serve low volumes of traffic with posted/statutory speeds of 20-25 mph; however, none have existing sidewalks and bicyclists must share the roadway with vehicles.

The City of Portland's Transportation System Plan (TSP) Major Project List identifies several improvements to the pedestrian and bicycle systems that will improve the overall neighborhood connectivity in the vicinity of the project site:

- 26th Avenue Ped/Bike Improvements (90004): The project includes the design and implementation of pedestrian and bicycle facilities along SW 26th Avenue from SW Taylors Ferry Road to SW Spring Garden Street.*
- Outer SW 35th Avenue Ped/Bike Improvements (90007): The project includes the addition of bicycle facilities, sidewalks, crossing improvements, and median islands along SW Taylors Ferry Road from SW 26th Avenue to SW Stephenson Street.*
- SW Lancaster Road Ped/Bike Improvements (90043): The project includes the design and implementation of pedestrian and bicycle facilities along SW Lancaster Road from SW Taylors Ferry Road to SW Stephenson Street.*
- Inner Taylors Ferry Safety Improvements, Segment 3 (90065.3): The project includes widening the shoulder to provide bicycle a climbing lane and construction of a walkway for pedestrian travel and access to transit along SW Taylors Ferry Road from SW 26th Avenue to SW Spring Garden Street.*

At this time, these projects have no identified funding sources, and none are anticipated to occur in the next 10 years.

However, some frontage improvements will be required with the project that will improve the bicycle and pedestrian system. These improvements include a 6-foot concrete sidewalk and a 4-foot shoulder widening on along the SW Taylors Ferry Road and 5-foot sidewalk will be required along SW 25th Avenue.

On-Street Parking Impacts

The projected parking demand that will be generated by the proposed development was estimated using rates from the Parking Generation Manual 7. Data from land use code 210, Single-Family Detached Housing, was used to estimate parking generation of the proposed development based on the number of dwelling units. Based on the data from the Parking Generation Manual, the proposed development is expected to increase the average peak parking demand of the site by 31 vehicles. Table 8 shows the projected peak parking demand generated by the proposed subdivision relative to the current use of the site. Detailed parking generation calculations are included in Appendix A of the TIA (Exhibit A.10).

Most of the homes in the proposed development will provide off-street parking for two vehicles by way of individual garages and driveways, for a total of 34 spaces. Although this provision would exceed the 85th percentile parking demand, at times, some demand for on-street parking is anticipated. SW 25th Avenue will be maintained at a width of approximately 28 feet along the site frontage with the proposed development. On-street parking is permitted on both sides of the street. Based on the proposed shared drive layout, the site frontage can accommodate an estimated seven vehicles parked on the street. Given that the proposed development will include the construction of off-street parking, impacts to the existing on-street parking availability within the site vicinity are expected to be minimal.

Access Restrictions

The proposed development will be served by three shared accesses onto SW 25th Avenue. Two homes will share the northern access, seven homes will share the central access, and eight homes will share the southern access. As measured curb-to-curb, the access spacing will be approximately 90 feet between SW Taylors Ferry and the southern access, 110 feet between the southern and central accesses, and at 100 feet between the central and northern access, which will maintain the shared driveway with the residence to the north of the site.

The site has 327 feet of existing frontage along SW 25th Avenue. Per code section 17.28.110, the development would be permitted to have at least three driveways/accesses. The proposed development satisfies this code requirement as well as other requirements outlined in this code section. Therefore, no access restrictions are needed in conjunction with the proposed use.

Neighborhood Impacts

The impacts associated with the proposed development are expected to be low. A low increase in peak hour and daily traffic, 13 additional morning peak hour trips, 17 additional evening peak hour trips, and 160 additional weekday trips) is projected based on the total of 17 single-family homes being constructed. This estimate does not consider the existing impacts of the church that currently occupies the site.

In addition, the site is projected to generate an average parking demand of 31 vehicles; however, the proposed development will include the construction of off-street parking in the form of garages and driveways for each dwelling unit. Accordingly, impacts to the existing on-street parking availability within the site vicinity are expected to be minimal.

As described within the TIA, the nearby transportation system has sufficient capacity to accommodate added trips generated by the site, and the proposed development will not have a significant effect on the operation or safety of the nearby street system, nor will it have a significant impact on the available on-street parking in the neighborhood. The proposed development conforms with the residential character of the existing neighborhood and will have minimal impacts felt by the neighborhood.

Impacts on Pedestrian, Bicycle, and Transit Circulation

As described within the Safety and Availability of Pedestrian and Bicycle Networks sections, the proposed development will not create any new barriers to these travel modes and required frontage improvements will slightly improve conditions.

G.2 Transportation impacts

Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include: transportation improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit stop improvements;

The Hearings Officer finds that no additional mitigation measures are necessary.

G.3 Transportation impacts

Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

The Hearings Officer finds that, with a condition of approval requiring the proposed dedication and construction of noted improvements below, the impacts of the development will be balanced, and this criterion is met.

At this location, SW Taylors Ferry Blvd is classified as a Neighborhood Collector, Transit Access Street, City Bikeway, City Walkway, Major Emergency Response Street and a Local Service Street for all other modes. Based on City GIS, the right-of-way (ROW) is approximately 75-ft wide with 35-ft between the painted white fog line to the southern property line of the subject site. There are no curbs or sidewalks along the site's SW Taylors Ferry Rd frontage. Standard improvements would include a 9-ft protected bike lane measured from the inside edge of the fog line, an 8-ft public stormwater facility, a 6-ft sidewalk and the remaining ROW as frontage zone. The applicant received approval of an alternative set of frontage improvements for SW Taylors Ferry Road to include 4-ft shoulder widening and a 6-ft wide sidewalk.

SW 25th Ave is classified as a Local Service Street for all modes. Based on City GIS, it is an approximately 35-ft wide ROW improved with a 28-ft wide roadway with curbs along both sides with 6-ft from the curb to the western property line of the subject site. Standard improvements will be installed along the site's frontage, to include an 11-foot sidewalk corridor with a 5-ft sidewalk separated from the curb with a 4-ft furnishing zone with street trees and lighting as needed. A 4-ft dedication is required to accommodate the improvements. The Public Works Permits for the required work have received 30% Concept Approval (# TH1164/EP657).

III. CONCLUSIONS

The applicant has proposed a Planned Development review for 17 detached units of multi-dwelling development. In addition, 8 modifications related to development standards are proposed, as listed below.

As discussed in this decision, the relevant standards and approval criteria associated with the Planned Development have been met, or can be met with conditions. Therefore, the Hearings Officer approves this proposal with conditions and modifications as set forth in the decision section below.

IV. DECISION

Approval of a Planned Development Review that consists of 17 detached multi-dwelling units;

Approval of the following Planned Development Review Modifications:

1. Increase the proposed building coverage to 29.4% (33.110.225)
2. Allow the required outdoor area required for units 14 to 17 to be located in the front setback (33.110.235)
3. Allow a 6-foot-tall fence to be located in the front setback (33.110.255)
4. Modify the landscaping requirement related to perimeter landscaping for driveways as noted on Exhibit C.6 (33.266.130.G.2.d)
5. Reduce the northern driveway width to ~12 feet, as shown on Exhibit C.1 (33.266.130.F)
6. Waive the requirement for signage at the main entrance of each dwelling unit indicating the location of bicycle parking within the unit (33.266.210.C.5)
7. Allow long-term bicycle parking spaces to be located within the garage of each unit, rather than a dedicated bike parking room within each unit (33.266.210.D.2.a.1)
8. The Hearings Officer waives the requirements of Title 33.854.310.F and G and H

These approvals are illustrated with Exhibits C.1-C.6, A.7 and A.8 and are subject to the following conditions:

1. As part of the building permit application submittal for the new homes, the required site plans, landscaping, building elevations, and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1 to C.6 and A.8, and as conditioned below. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 21-056921 PD. No field changes allowed. The plans must include the following additional requirements:
 - a. Parking is not allowed within the shared driveways; no parking signs shall be installed near the entrance of each shared driveway, facing SW 25th Avenue. The location of the sign must be shown on the building permit plans.
 - b. Parking is not allowed within the driveways of units 4 and 5 unless the space meets zoning code standards. A no parking sign shall be installed in front of units 4 and 5 to indicate that parking is not allowed in the driveways in front of those units. The location of the sign must be shown on the building permit plans.

2. A finalized permit must be obtained to demolish the existing church on the site and cap the existing sanitary sewer connection. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on Exhibit C.2 (demo plan). All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A.7). The sheds on the site must be removed as well, but a building permit is not required for that removal as they are less than 200 sq feet in area.

3. Development on the site shall be in conformance with the Tree Preservation Plan (Exhibit C.3) and the applicant's arborist report (Exhibit A.7). The following trees are required to be preserved with the root protection zones indicated on Exhibit C.3.

Tree #	Species	Size (DBH in)
25167	Douglas Fir	27
11156	Douglas Fir	42.1
11155	Douglas Fir	45.1
11157	Douglas Fir	31
11147	Douglas Fir	48.5
11285	Douglas fir	43
	Total DBH Preserved - 236.7"	

Tree protection fencing is required along the root protection zone of the trees to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur if it meets the Tree Protection Specifications of 11.60.030.

4. After grading has been completed on the site, and prior to final inspection approval for the permit(s) for the new homes, the applicant shall submit an arborist report evaluating the health of tree #20015 (61" western red cedar) with a determination of whether or not it can remain on the site, to the satisfaction of Planning and Zoning. If it cannot remain on the site, it must be removed prior to final inspection approval.

5. The applicant must provide the recording numbers for PR 22-109650 PLA prior to any building permit approval.

6. The applicant must install residential sprinklers in units 1 to 17 to the satisfaction of the Fire Bureau.

7. Prior to building permit approval, the applicant shall meet the following requirements for right of way improvements along the site's frontages:
- The applicant shall meet the street dedication requirements of the City Engineer for SW 25th Avenue. The required right-of-way dedication must be shown on building permit site plans.
 - The building permit plans must show that all driveway entrances to SW 25th Avenue provide a clear sight distance triangle in conformance with the drawings and text in Exhibit E.2.
 - The applicant shall provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation and the Bureau of Environmental Services for required street frontage improvements.
 - The public works plans shall include the following sight distance mitigation measures:
 - To improve sight lines for the north access, the hedge at the north end of the street within the right-of-way must be trimmed substantially and may need to be removed entirely.
 - To improve sight line for SW 25th Avenue looking west on SW Taylors Ferry Road, removal of some of the shrubs along SW Taylors Ferry Road within the right-of-way and possibly trimming some of the tree branches that hang to within 6-7 feet above the roadway surface is required.

The Hearings Officer orders the Applicant to contact the appropriate City department (likely this is the Portland Bureau of Transportation) for a good faith discussion of the feasibility of adding No-Parking sign(s) to the West Side of 25th prohibiting parking between the two power poles identified as No. 2501 and 9211. The City's refusal or failure to authorize and post the No Parking signs does not negatively impact the remainder of this decision of approval with conditions. In other words, the only requirement of this condition is that the conversation take place in good faith. To the extent this condition is unenforceable it should be considered excised and the remainder of the decision remains intact.



William Guzman, Hearings Officer

June 17, 2022

Date

Application Determined Complete: December 6, 2021
Report to Hearings Officer: May 20, 2022
Decision Mailed: June 17, 2022
Last Date to Appeal: July 1, 2022 4:30 p.m.,
Effective Date (if no appeal): July 2, 2022

Conditions of Approval. 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.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE E-MAILED TO LANDUSEINTAKE@PORTLANDOREGON.GOV. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. If you do not have access to e-mail, please telephone (503) 823-7617 for assistance on how to submit the appeal; please allow one business day for staff to respond. **An appeal fee of \$2,494.00 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000.00).**

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

EXHIBITS RECEIVED IN THE HEARINGS OFFICE
(NOT ATTACHED UNLESS INDICATED)

The exhibits in the land use case file are all assigned a letter (example A-1). The Hearings Office accepts exhibits filed online in its case management system. These exhibits are marked in the lower right hand corner that identifies the exhibit as a "Portland Hearings Office" exhibit. All of these exhibits are designated "H Exhibits" (that is, Hearings Office Exhibits). See the BDS Staff Report for a list of exhibits prior to "H."



Hearing Office

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LU 21-056921 PD (4220005) Exhibits, Orders, and Other Attachments

Number	Title	Status
Exhibit 1	Land Use Hearing Intake Form	Accepted
Exhibit 2	Land Use Hearing Participation Information	Accepted
Exhibit 3	RESCHEDULE REQUEST	Accepted
Exhibit 4	Hybrid Zoom Participation Information	Accepted
Exhibit 5	(Rescheduled) Land Use Hearing scheduled	Accepted
Exhibit 6	STAFF REPORT	Accepted
Exhibit 7	Planner PowerPoint Presentation Pt. 1	Accepted
Exhibit 8	Planner PowerPoint Presentation Pt. 2	Accepted
Exhibit 9	Testimony from Sarah Jo Truninger at hearing	Accepted
Exhibit 10	John Gibbon Testimony at Hearing	Accepted
Exhibit 11	Record Closing Information	-----