



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: August 13, 2010
To: Interested Person
From: Lois Jennings and Sue Donaldson, Land Use Services
Lois.Jennings@portlandoregon.gov 503-823-2877 or
Sue.Donaldson@portlandoregon.gov 503-823-7618.

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-116559 LOT VALIDATION

GENERAL INFORMATION

Applicant: Bahram Rostamian,
3830 SW Caldw St
Portland, OR 97209

Site Address: 3705 SW POMONA ST

Legal Description: BLOCK 29 The Easterly 75 feet of Lots 22, 23, 24, 25 and 26 and the Easterly 75 feet of South 8 feet of Lot 21, WEST PORTLAND

Tax Account No.: R894605470
State ID No.: 1S1E32BA 06600
Quarter Section: 4125

Neighborhood: West Portland Park, contact Rob Shirley at 503-293-1010.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Zoning: R7
Case Type: Unassigned –Lot Validation Review
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The subject property is a unit of land which is 9,984 square feet in area with an existing house on it. In March of 2004 this unit of land was sold in its current lot configuration. The current owner purchased the property in February of 2009. The applicant submitted for a land division and during that land use review process the applicant was notified that the subject property was created unlawfully. In other words, the subject property includes land that was not properly partitioned from its parent parcel in accordance with applicable land division standards and property line adjustment standards. Development is prohibited on units of land that have not been legally created. The applicant has withdrawn the land division proposal (LU 2009-139067 LDP). To recognize this unit of land this lot validation review is required.

Oregon Revised Statue 99.176 provides a specific pathway to remedy unlawful division of lands that occurred prior to January 1, 2007. The applicant has made a request to validate a unit of land that is within the jurisdiction of the City of Portland.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the requirements of **ORS 92.176 Validation of unit of land not lawfully established and the City of Portland Title 33 rules for partitions in effect in March of 2004.**

This application was submitted on March 5, 2010 and determined to be complete on March 19, 2010.

ANALYSIS

Site and Vicinity: This is 9,984 square feet unit of land which currently has an existing one story house and accessory structures on it. The property has a moderate slope downward from west to east. Properties surrounding the site are developed with single story or two story single family residences.

This unit of land abuts SW Pomona Street and SW 37th Avenue. Southwest Pomona Street is a neighbor collector traffic street and is designated as a community transit street. Southwest Pomona is a paved street, which has no curb or sidewalk along this frontage. There is no curb or sidewalk along the SW 37th Avenue frontage, which is a paved public street.

Zoning: The R7 zone is a medium density single dwelling zone. The R7 zone allows single-dwelling residential development with a maximum density of one dwelling unit per 7,000 square feet of site area.

Land Use History: City records indicate there is no prior land use reviews for this site. An application for a land division was submitted under LU Case file number 2009-139067 LDP, but was later withdrawn by the applicant.

Neighborhood and Agency Review: A Notice of Proposal in Your Neighborhood was mailed on March 24, 2010. One written response has been received from the Neighborhood Association in response to the proposal. The West Portland Park Neighborhood Association voted to support this lot validation review. Several Bureaus and agencies have responded to this proposal. Their comments are addressed under the appropriate criteria for review of the proposal (See Exhibit E for details).

ZONING CODE APPROVAL CRITERIA

LOT VALIDATION

ORS 92.176 Validation of unit of land not lawfully established.

- (1) A County or city may approve an application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land:**
 - (a) Is not a lawfully established unit of land; and**
 - (b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.**

Findings: The subject property is a unit of land which is 9,984 square feet in area with an existing house on it. In March of 2004 this unit of land was sold in its current lot configuration. This unit of land that is not a lawfully established and under this Lot Validation review (see criterion listed below) will show it could have complied with the 2004 –Title 33 land division approval criteria when this unit of land was sold in 2004.

APPLICABLE 2004 LAND DIVISION APPROVAL CRITERIA FOR LOT VALIDATION REVIEW

THE FOLLOWING CRITERIA ARE RELATED TO THE UNIT OF LAND BEING VALIDATED AS SHOWN ON EXHIBIT B.

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.

The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential Zones**. 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 applicability of each criterion.

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The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential Zones**. 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 applicability of each criterion.

Criterion	Code Chapter	Topic	Applicability Findings
A	33.610	Lots	Applicable - See findings below
B	33.630	Trees	Applicable - See findings below.
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Applicable - See findings below.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units.
G	33.635 .100	Clearing and Grading	Applicable - See findings below.
G	33.635 .200	Land Suitability	Applicable - See findings below.
H	33.636	Tracts and Easements	Not applicable - No tracts or easements have been proposed or will be required.
I	33.639	Solar Access	Not Applicable - This is an existing configured parcel of land, which abuts SW 37 th Avenue and SW Pomona Street.

Criterion	Code Chapter	Topic	Applicability Findings
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and Utilities	Applicable - See findings below

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. These density and lot dimension requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

The method used to calculate density depends on whether a street is created as part of the land division, and whether the site is subject to certain environmental constraints.

In this case, a street is not proposed or required, and the site is not within the environmental zone, or flood hazard area. This site is within the potential landslide hazard area. Therefore, the maximum and minimum density for this site is as follows:

Maximum = $9,984 \div 7,000$ square feet = 1.4 (which rounds down to a maximum of 1 lot per 33.930.020.B)

Minimum = $(9,984 \times .80) \div 7,000$ square feet = 1.14 (which rounds down to a minimum of 1 lots, per 33.930.020.A)

If the minimum and maximum density is one (1) lot and one (1) lot with an existing house is proposed.

The applicant is proposing one (1) lot. The density standards are therefore met.

Lot Dimensions

The lot dimension requirements ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

The dimensions of the proposed lots as compared to the required lot dimension requirements are shown in the following table (this information is found in Table 610-2 of the Zoning Code):

	R7 Zone Requirement	Proposed Validation Lot
Minimum Lot Area	4,200 sq. ft.	9,985 sq. ft.
Maximum Lot Area	12,000 sq. ft.	
Minimum Lot Width*	40 ft.	75 ft.
Minimum Lot Depth	55 ft.	133 ft.
Minimum Front Lot Line	30 ft.	75 ft.

The findings above describe how the applicable lot standards are met. This criterion is therefore met.

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

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter.

The applicant has submitted an arborist report that inventories the trees within the land division, in this case it is for the lot validation site. The arborist report evaluates their condition and specifies root protection zones (Exhibit A.2). Some trees have been exempted by the arborist because they are either too small, unhealthy, a nuisance species, located partially off the property or located within 10 feet of an existing structure to remain on the property. Please refer tree inventory within the table in Arborist report dated March 31, 2010.

The total non-exempt tree diameter on the site is 149.5 inches. Option 1 of the Tree Preservation Chapter would require that 35% of the total caliper inches or 53 inches of the existing tree diameter on site be preserved. The applicant proposes to preserve trees #8, #9, #10 and #11, which comprise of 41 caliper inches of diameter, or 27.4 percent of the total non-exempt tree diameter. The applicant has provided a Tree Preservation Plan showing the preserved trees and the required root protection zones (Exhibit C.2 & A.8). This proposal does not meet any of the tree preservation options in 66.630.100. The applicant proposes instead to use the mitigation options of 33.630.300:

33.630.300 Mitigation Option

As an alternative to meeting Section 33.630.100, approval of a mitigation plan may be requested. The review body will approve the mitigation plan where the applicant has shown that the applicant has met criteria A. and B. and one of the criteria in C., below:

- A. As many trees as possible are preserved; and**
- B. The applicant has submitted a mitigation plan that adequately mitigates for the loss of trees, and shows how the mitigation plan equally or better meets the purpose of this chapter. Mitigation can include tree planting, preservation of groups of smaller trees, eco-roof, porous paving, or pervious surface permanently preserved in a tract.**
- C. It is not possible under any reasonable scenario to meet Section 33.630.100 and meet one of the following:**
 - 1. Minimum density;**
 - 2. All service requirements of Chapters 33.651 through 33.654, including connectivity;**
 - 3. Implementation of an adopted street plan;**

- 4. On sites 15,000 square feet or less in area, a practicable arrangement of lots, tracts, and streets within the site that would allow for the division of the site with enough room for a reasonable building site on each lot;**
- 5. In E and I zones, provide a practicable arrangement of lots, tracts, and streets within the site that would allow for the division of the site with enough room for a reasonable building site on each lot, considering the uses and development allowed in the zone; or**
- 6. Preserve the trees within the environmental zones on site while providing a practicable arrangement of building sites and disturbance area.**

Findings: The applicant is proposing to preserve four (4) of the existing trees (#8-Big Leaf Maple, #9-Red Alder, #10-Big Leaf Maple and #11-Big Leaf Maple) which totals 41 caliper inches of the 53 caliper inches of trees required to be preserved. These trees chosen to be preserved are adjacent the west property line and will be the least impacted by redevelopment of this property due to their location on the site. The shed adjacent to them will be removed by hand and then tree protection fencing will be installed per the arborist report. Therefore, the applicant has met Criteria A, because as many trees as possible will be preserved.

The mitigation option proposed by the applicant's arborist suggests planting additional trees on the site and paying the remainder into the tree fund. The mitigation plan provides for approximately the same caliper inches as Option 1 of the Tree Preservation Chapter. Option 1 would require that 35% or 53 inches of the existing tree diameter on site be preserved. The addition of six (6) trees at 2-caliper inches each, or eight (8) trees at 1.5 caliper inches each tree or the applicant may contribute to the tree fund if he decides not to plant these additional trees then at least the dollar amount which is equivalent to 12 inches of trees is required to be paid in to the City's tree fund. The applicant may also do a combination of paying into the tree fund and planting as long as the total is equivalent to 12 caliper inches. Requiring the replacement trees to be native species, chosen from the Portland Plant List, will help to foster and maintain the City's natural heritage. The new trees that will be planted as part of the mitigation plan will help absorb air pollutants and contamination, provide buffering from noise and wind, and provide visual screening from the adjacent properties. The dispersion of the mitigation trees allows more areas of the site to reap the benefits of trees that are described in the purpose statement for the Tree Preservation Chapter. In addition, the trees will grow over time to provide additional benefits. Payment into the Tree Fund will contribute to the general beauty and natural heritage of the City, if not directly on the site. Section 33.248.020.H, known as the T1 tree planting standard, requires trees to be planted on new lots as part of the approval of future building permits. The T1 tree standard requires the planting of at least 2 inches of tree caliper per 1,000 square feet of site area, which would result in 20 caliper inches of new trees planted for each of the proposed lots. Therefore, the mitigation trees may be counted toward meeting the T1 requirement on the new lots. Criteria B is met with a condition of approval requiring 12 caliper inches of trees to be planted on the lot at the time of redevelopment (demolition of existing house, addition on to existing house, new house developed or duplex developed on the lot) on the lot or the applicant contributes into the Tree Fund prior to building permit approval.

The Office of Transportation has required public street improvements to the frontage of this site. Two significant trees, a 20-caliper inch Douglas Fir and a 21 caliper inch Big Leaf Maple tree will be within the public right-of-way and no longer be part of the site after the street dedication. Therefore these significant trees cannot be counted toward tree preservation. These two trees will also be impacted by a stormwater swale being created as part of the street frontage improvements along SW Pomona Street. Without these trees available for preservation, the applicant cannot meet any of the tree preservation options in 33.630.100. Therefore, the applicant cannot meet the stormwater requirements and connectivity requirements of 33.654 and still preserve the required number of tree inches. Criterion C.2 above is met.

The site is less than 15,000 square feet in area. The applicant wishes to redevelop the site in the future either with an new single family residence or taking advantage of the corner lot

provision 33.110 to develop a duplex on a corner lot or possibly dividing the lot in the future to develop attached housing. Planning considered the location of certain existing trees on the site to be preserved and what the arborist provided in his report and determined that Trees #2, #3, #13 and #14 could add a constraint to a reasonable building area and still meet development standards of the R7 zone. Criterion C.4 above is met

With conditions noted above this criterion is met.

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met.

33.632.100 Landslide Hazard Area Approval Criterion

The following approval criterion must be met: Locate the lots, buildings, services and utilities 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.

Findings: 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 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.

In order to evaluate the proposal against these criteria, the applicant has submitted a geotechnical evaluation of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A.3). That report was evaluated by the Site Development Division of the Bureau of Development Services, the City agency that makes determinations regarding soil stability.

Site Development has concurred with the findings of the applicant's geotechnical report, but notes that further geotechnical evaluation may be required for specific building plans at the time of construction plan review. 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.

The approval criteria of Chapter 33.635 are found in two groups – clearing and grading, and land suitability.

33.635.100 – Clearing and Grading

- A. 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;**
- B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;**
- C. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;**
- D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and**

E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable.

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.

There is no significant clearing or grading required on the site to make this lot developable. If the existing house is retained, then no clearing and grading will occur on the site. Otherwise if the applicant does redevelop the site, then currently the submitted site plan does not indicate topsoil storage area, however there is ample room on the site to locate topsoil storage area and a staging area. The limits of disturbance will also allow for the existing house and accessory structures on the site to be demolished and any debris associated with these buildings to be removed. In addition, no clearing and grading is proposed within the root protection zones of the trees on the site that are required to be preserved. The arborist's report has addressed the removal of the shed, which is within the root protection zone of the trees required to be preserved. As a condition of approval the applicant will be to provide a more specific erosion control plan to meet Title 10-Erosion and Sediment Control regulations at the time the house is demolished and when the site is redeveloped.

As shown above the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on this lot a more specific clearing, grading and erosion control plan will be submitted to 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. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan and arborist report. With the conditions noted above requiring that the building permits for this validated lot will comply with the recommendations of Landslide Hazard Study and/or arborist report this criteria is met.

33.635.200 – Land Suitability

Where geologic conditions or historic uses of the site indicate 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 in order to make the lots suitable for their intended uses and the provision of services and utilities.

The site is currently in residential use, and there is no record of any other use in the past. As indicated above, the site is moderately sloped. The applicant submitted a landslide hazard report and the conclusion is there is no indications of significant slope instability and residential development could occur on the site. Therefore, there are no anticipated land suitability issues. Site Development has concurred with the findings of the applicant's geotechnical report, but notes that further geotechnical evaluation may be required for specific building plans at the time of construction plan review. The applicant is proposing to redevelop the property in the future, which would require removal of the existing house and accessory structures. Removal of these existing structures will require a building permit to be obtained and finalized for all structures on the site and a plumbing permit to cap the existing sanitary line. Once all permits are final the vacant lot would be considered suitable for development. This criterion is met.

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

The relevant approval criteria of Chapter 33.641 are found in the two paragraphs below.

33.641.020. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

33.641.030. The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required).

The site has approximately 75 feet of frontage on SW Pomona Street and approximately 133 feet of frontage along SW 37th Avenue. The City's Transportation System Plan designates SW Pomona Street as Neighborhood Collector; Community Transit Access Street; City Bikeway; and a City Walkway. Southwest Pomona is classified as a community transit street and SW 37th Avenue is a local service street for all modes in the Transportation Element of the Comprehensive Plan. Tri-Met provides transit service approximately 3,000 feet from the site on SW Capitol Highway via bus #44. Parking is currently allowed on SW Pomona Street and SW 37th Avenue. There is one driveway entering the site that provides access to off-street parking for the existing house.

Southwest Pomona is improved with a paved 22 foot roadway within a 60-foot wide right-of-way. The recommended City Standard for roadway width supporting parking in both directions is a 32-foot overall width (16-feet for each side of the centerline is typical). Additionally five feet is the minimum recommended width for a bike lane provision. Currently there is no existing pedestrian corridor improvements along this frontage, with the exception of the curb radius located at the northwest corner of the subject's property's intersection. The recommended City Standard for pedestrian corridors provides a minimum width of 12 feet from the faced of curb to property line. This measurement does not include additional width that may be required for meeting Bureau of Environmental Services stormwater facility requirements. The Portland Pedestrian Design Guide recommends a pedestrian corridor sidewalk configuration supporting a 6 foot wide sidewalk separated from a .50 foot wide curb by a 4-foot wide planter and a 1.5 foot frontage buffer located at the back of the sidewalk (.5-8-6-1.5) It is generally anticipated that BES will require an 8 foot wide swale in lieu of the 4-foot wide planter, for an adjusted corridor width of 16 feet total from face of curb to property line (0.5-8-6-1.5 configuration). In reviewing this lot validation review with the 2004 land division approval criterion in mind, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. In this case Portland Transportation has determined that curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, as well as an associated stormwater facility discussed later in this report, additional right-of-way must be dedicated along the frontage of the site. With those improvements any new development (one or two dwelling units) can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the condition that curb and sidewalk improvements are made at the time of redevelopment for this lot, and the required right-of-way dedication is shown on the Final Plat survey. The applicant is advised that at the time of future proposals associated with

development, an additional assessment of the City of Portland Transportation conditions for approval will be required based on the Bureau's policies and practices at that time.

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 water standards of 33.651 have been verified. An existing 5/8 inch water metered service currently provides water service to this site from the existing 12-inch diameter main in SW 37th Avenue. There is also an existing 12-inch main in SW Pomona Street. The existing house is served from the 12-inch water main in SW 37th Avenue. Title 21 requires that the water service connection be located along the frontage of the lot to be served. Water service connections are not allowed by means of an easement.
- The sanitary sewer standards of 33.652 have been verified. There is an existing public 8-inch PVC sanitary sewer line located in SW Pomona Street. There is an existing CSP sanitary only sewer line in SW Pasadena. Bureau of Environmental Services records show there is an existing lateral 135 feet from the manhole east of the property. This lateral is being used by the existing house. Plumbing permit records # 505555 dated 4/17/1985 indicates that the existing house is connected to the public sanitary line within SW Pomona Street. See Exhibit E-1 for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.

33.653.020 Stormwater Management Approval Criteria

- A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and**
- B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.**

Findings: No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In order to meet this approval criterion, land division proposals must demonstrate an approved method of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

The Stormwater Management Manual contains a hierarchy of acceptable methods of stormwater treatment and disposal. The hierarchy requires that applicants first explore the use of methods that have a lower potential impact on groundwater, such as on-site surface infiltration swales and infiltration planters. If these methods are not feasible on a site, applicants may move lower on the hierarchy, to methods that inject water deeper into the ground through mechanical devices such as drywells or sumps, or carry it off of the site into storm sewers, drainageways, or other approved disposal points.

In addition to determining appropriate treatment and disposal methods by working through the hierarchy in the Stormwater Management Manual, stormwater facilities must be sized, through

engineering calculations, to accommodate the expected amounts of stormwater. In some cases, sizing a stormwater facility necessitates testing the infiltration rate of the soil at the site.

The applicant has proposed the following stormwater management methods (Exhibit A.4), and the Bureaus have responded as follows (Exhibits E-1 and E-5).

- **Public Street Improvements:** As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards, with curbs and sidewalks (discussed earlier in this report). Stormwater from these new impervious areas will be directed into a 8-foot wide infiltration swale located between the curb and the new sidewalk. BES has indicated that surface infiltration is the preferred method of public stormwater disposal at this site. The agency has confirmed that the proposed swale is of a size and proposed design that is adequate to provide infiltration for the quantity of water generated from the new impervious areas. To accommodate this stormwater facility within the public right-of-way, a 4-foot dedication along the frontage of the site of SW Pomona Street must be provided on the final plat survey.

BES requires a Public Works Permit for the construction of such a swale. The applicant must provide engineered designs and financial guarantees of performance at the time of building permit application/redevelopment of this lot. As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). Bureau of Environmental Services will coordinate with PBOT at the time of specific development is proposed for this site during the development review process. The applicant needs to be aware if a the time of development review for a specific project at this site, it is determined a stormwater facility is required along SW 37th Avenue, then additional street dedication will be required along SW 37th Avenue to accommodate the facility.

- **Validation Lot:** There is an existing 12-inch NCP storm only sewer line in SW Pasadena Street. The line is not directly accessible to the subject lot and the closest inlet is on SW 37th Avenue at the southeast corner of the intersection with SW Pasadena Street. The applicant is proposing to remove the existing house on this site in the future, therefore the lot will be vacant. Therefore looking at the possible redevelopment on this site, the Site Development Section does not recommend on-site infiltration of private stormwater, therefore offsite discharge is required. The applicant is proposing to direct roof runoff to a shared partial infiltration planter on the northern portion of this site. Discharge from the shared facility will be piped to a curb weephole on SW 37th Avenue, which has been approved by BES maintenance and Engineering staff. At the time that specific development is proposed for this site during the development review process, the Bureau of Environmental Services will review it for compliance with the current Stormwater Management requirements.

With the conditions of approval described above, the stormwater management criteria are met. As shown by the findings above, the Services and Utilities criteria are met.

Right of Way Approval Criteria

Chapter 33.654 contains standards and approval criteria for rights of way. Due to the location of this site, and the type of street that is proposed, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

Code Section	Topic	Applicability Findings
33.654.110.B.1	Through streets and pedestrian connections	Not Applicable – The site is a corner lot and meets the required distances between through streets.
33.654.110.B.2	Dead end streets	Not applicable - No dead end streets are proposed.
33.654.110.B.3	Pedestrian connections in the I zones	Not applicable - The site is not located within an I zone.
33.654.110.B.4	Alleys in all zones	Not applicable – No alleys are proposed or required.
33.654.120.C.1	Width of the street right-of-way	Applicable - See findings below.
33.654.120.C.3.c	Turnarounds	Not applicable – No turnarounds are proposed or required.
33.654.120.D	Common Greens	Not applicable – No common greens are proposed or required.
33.654.120.E	Pedestrian Connections	Not applicable – There are no pedestrian connections proposed or required.
33.654.120.F	Alleys	Not applicable – No alleys are proposed or required.
33.654.120.G	Shared Courts	Not applicable – No shared courts are proposed or required.
33.654.130.A	Utilities	Not Applicable – Utilities already are provided to this existing lot
33.654.130.B	Extension of existing public dead-end streets and pedestrian connections	Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site.
33.654.130.C	Future extension of proposed dead-end streets and pedestrian connections	Not applicable – No street extensions are required to serve abutting sites that are further dividable.
33.654.130.D	Partial rights-of-way	Not applicable – No partial public streets are proposed or required.

Applicable Approval Criteria are:

33.654.120.C.1 Approval criterion for width of the right-of-way. The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features.

Findings: Existing public streets will serve this validated lot. Future re-development on this lot would trigger improvements along SW 37th Avenue and SW Pomona Street. These street frontage improvements will be reviewed for compliance with Title 17 and the Portland Pedestrian Design Guidelines as discussed under approval criterion K-Transportation Impacts (33.641) when a specific development is proposed for this site under the building permit application review process. At the time of redevelopment of this validated lot, the applicant will be disposing of stormwater from the street in an infiltration swale located in the area where the standard planter strip would be located. As discussed previously in this report, the proposed planter strip has been sized to accommodate this future stormwater facility. The applicant has proposed a 4 foot wide right-of-way dedication that corresponds to this future improvement.

This 4-foot dedication along SW Pomona Street is reflected on the final plat survey; therefore Transportation has no objection to this proposed Lot Validation. Improvements along SW 37th and SW Pomona will be required at the time when specific development is proposed for this site and being reviewed under the development (building permit or land use) review process. This criterion is met.

DEVELOPMENT STANDARDS

General Information about Development Standards and Approval Criteria. The Zoning Code contains two types of regulations: Development standards and Approval criteria.

Approval criteria, such as those listed earlier in this report, are administered through a land use review process. Approval criteria are regulations where the decision-maker must exercise discretion to determine if the regulation is met. Public notice is provided and public comments received that address the approval criteria are addressed in the decision.

Development Standards: Development standards are clear and objective regulations (for example: building setbacks; number of required parking spaces; and maximum floor area). Compliance with development standards is reviewed as part of the administrative permitting process and are not considered to be discretionary reviews. Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

The applicant is proposing to remove all of the existing structures on the site. Therefore, this land division proposal can meet the requirements of 33.700.015. A demolition permit will be required to demolish the existing house from this site.

If the existing development remains after the lot validation review, the lot validation review for this property will not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R7 zone.

With the conditions noted above, this unit of land can meet the 2004 land division approval criterion and 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	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 http://www.water.ci.portland.or.us/
Environmental Services	Title 17; 2008 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 http://www.bes.ci.portland.or.us/
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 http://www.fire.ci.portland.or.us/
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 http://www.trans.ci.portland.or.us/

Bureau	Code Authority	Topic	Contact Information
Development Services	Titles 24 -27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 http://www.bds.ci.portland.or.us

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.

- Urban Forestry. Tree # 19-Douglas Fir will be within the public right-of-way after the street dedication. Prior to any grading or construction begins the builder and excavator must meet the City Forester on site to discuss tree protection measures to make every effort to preserve this tree. All tree protection measures described by the City Forester/Arborist must be met before any work, including demolition, can be started. The applicant must meet the requirements of Urban Forestry. This requirement is based on the standards of Title 20.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, 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 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.

CONCLUSIONS

The applicant proposes to validate a unit of land, which is 9,692 square feet in area, that is within the jurisdiction of the City of Portland per ORS 92.176.

As discussed above, the requested lot validation has been reviewed and shown to be able to meet all of the required standards for creation of a unit of land on the date the unit of land was sold. However, to be able to meet these standards of the 2004 land division approval criteria, trees are required to be preserved on the site and future streets improvements will be required at the time of redevelopment of this validated lot. Only 41 caliper inches of trees is being preserved, not meeting 35% of the total caliper inches of trees on the site, so to mitigate the difference either additional 12 caliper inches of native trees will be planted or a combination of planting trees or contributing into the tree fund will be required.

These conditions of approval will be placed on this validated lot as a requirement of approving this lot validation review.

ADMINISTRATIVE DECISION

Approval of an Unassigned Review for validation of a unit of land per ORS 92.176 as illustrated by Exhibit C.1, signed and dated August 12, 2010 and subject to the following conditions of approval:

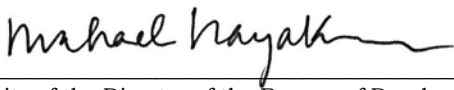
A. The following conditions are applicable to site preparation and the development of this validated lot:

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of SW Pomona and SW 37th Avenue. The applicant shall provide plans and financial assurances to the satisfaction of the Bureau of Transportation

Engineering and Development Review and the Bureau of Environmental Services for required street frontage improvements.

2. At the time of building permit application for removal of the existing house or new development (addition on to existing house, new house or new duplex) a complete erosion control plan must be submitted to show compliance with Title 10- Erosion. This erosion control plan must show stockpile areas, staging area, construction area and clearing and grading limits of disturbance to be in compliance with the tree preservation plan and arborist report.
3. A separate building permit is required to demolish the existing residential structure or accessory structures. Note that Title 24 requires a 35-day demolition delay period for most residential structures. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on Exhibit A.2. All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A.2).
4. Development on the lot shall be in conformance with the Tree Preservation Plan (Exhibit C.2) and the applicant's arborist report (Exhibit A.8). Specifically, trees numbered 8, 9, 10 and 11 are required to be preserved, with the root protection zones indicated on Exhibit C.2. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision. The report from an arborist and any revisions to permit plans reflecting new root protection zones must be submitted and approved by Planning and Zoning prior to any working occurring in the root protection zone. If work is conducted in the RPZ and Planning & Zoning approval is not obtained before the work begins and the tree subsequently falls, it may result in a violation.
5. Prior to any improvements (clearing/grading/construction/demolition of existing development) within the public right-of-way and on site the owner, builder/contractor, and excavator must meet the City Arborist on site to discuss tree protection measures for Tree #19-Douglas Fir. If during grading or construction it is determined by the City Arborist the tree cannot be preserved, then the City will issue a permit to remove it.
6. The applicant/owner is required to plant twelve (12) caliper inches of trees on the validated lot at the time of redevelopment (addition on to existing house, new house developed or duplex developed on the lot) on the validated lot or pay into the tree fund. These mitigation trees are required to be from the Portland Native Plant list and be a minimum of 1.5 caliper inches or the applicant shall contribute into the Tree Fund for 12-inches of tree diameter prior to building permit approval. If trees are planted, they must be shown on the building permit site plans.

Staff Planner: Lois Jennings & Sue Donaldson

Decision rendered by:  **on August 12, 2010**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 13, 2010

About this Decision. This land use decision is **not a permit** for development. 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 March 5, 2010, and was determined to be complete on March 19, 2010.

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 March 5, 2010.

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 waived the 120-day review period, as stated with Exhibit A.5.

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.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 27, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **August 30, 2010**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

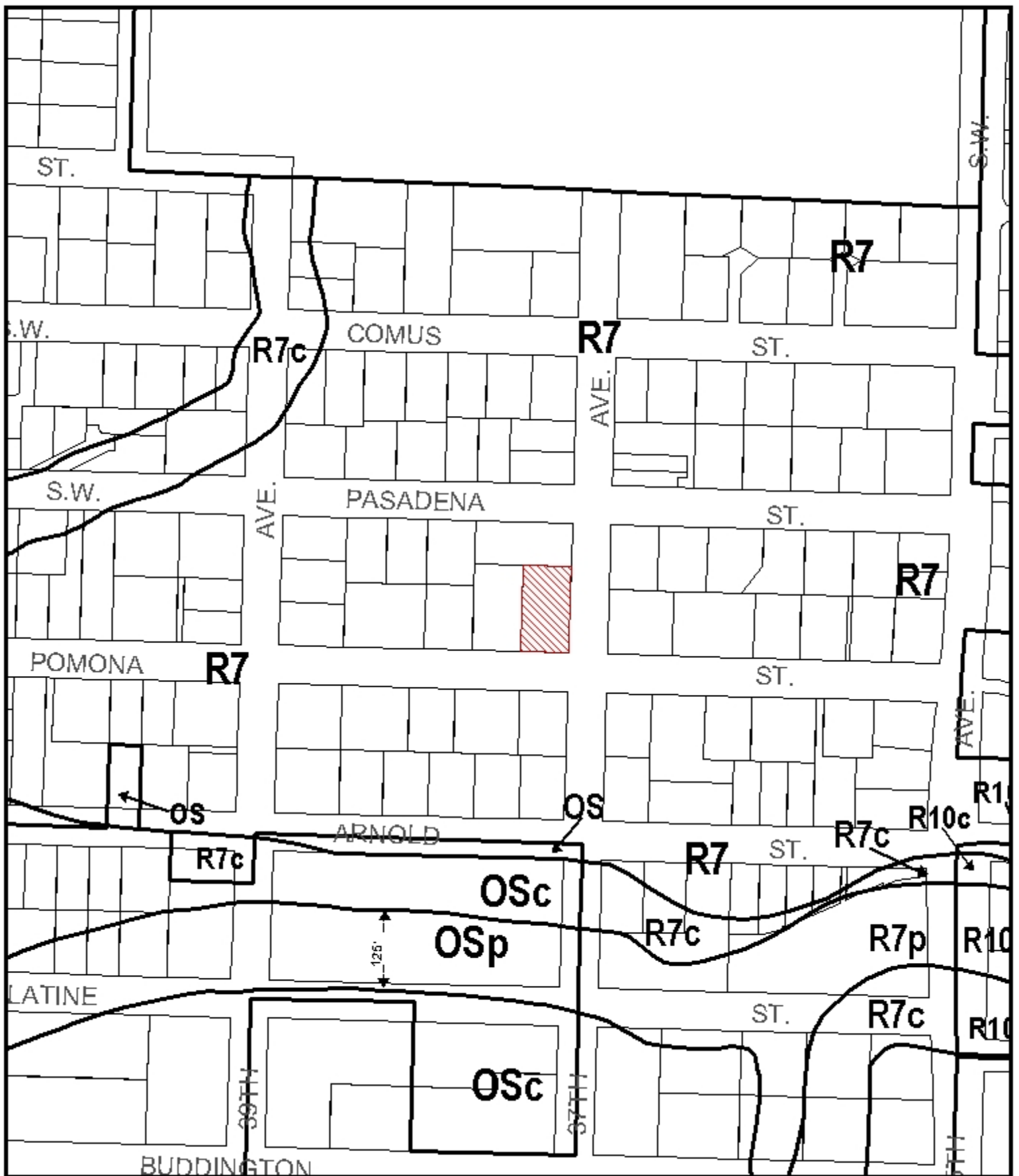
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Arborist Report/Tree Preservation Plan original under 2009 land use case
 - 3. Landslide Hazard Report
 - 4. Stormwater Management Report & Letter
 - 5. 120-Day Waiver
 - 6. NW Engineers updated Narrative addressing approval criteria
 - 7. Arborist Report Dated March 22, 2010
 - 8. Arborist Report Date March 31, 2010
 - 9. Title Report
 - 10. Deed History
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Tree Preservation Plan
- 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
 - 7. Life Safety Section of BDS
- F. Correspondence:
 - 1. E-mail received from West Portland Park Neighborhood Association regarding notice
 - 2. E-mail received from Arborist
 - 3. Letter in support of proposal from West Portland Park Neighborhood Association
 - 4. April 16, 2010 letter to Eli Rostamain requiring redlines of survey
 - 5. E-mail received from West Portland Park Neighborhood Association regarding status
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



ZONING

 Site

File No. LU 10-116559
 1/4 Section 4125
 Scale 1 inch = 200 feet
 State_Id 1S1E32BA 6600
 Exhibit B (Mar 09, 2010)



PARTITION PLAT NO. _____
 A REPLAT OF A PORTION OF LOTS 21-26, BLOCK 29,
 "WEST PORTLAND PARK",
 LOCATED IN THE NW 1/4 OF SECTION 32, T1S, R1E, W.M.,
 CITY OF PORTLAND,
 MULTNOMAH COUNTY, OREGON
 SCALE: 1" = 20' DATE: FEBRUARY 26, 2010

APPROVALS:
 APPROVED THIS 15 DAY OF August 2010
 BY: [Signature] PLANNING DIRECTOR'S DELEGATE
 APPROVED THIS 15 DAY OF August 2010
 BY: [Signature] CITY ENGINEER'S DELEGATE
 CITY OF PORTLAND, CITY ENGINEER'S DELEGATE

APPROVED THIS _____ DAY OF _____ 2010
 BY: _____
 MULTNOMAH COUNTY, OREGON

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY
 ORS 92.095 HAVE BEEN PAID AS OF _____ 2010

DIRECTOR,
 DIVISION OF ASSESSMENT AND TAXATION MULTNOMAH COUNTY, OREGON

BY: _____
 DEPUTY

STATE OF OREGON
 COUNTY OF MULTNOMAH)
 I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION
 PLAT WAS RECEIVED FOR RECORD AND RECORDED
 AS PARTITION PLAT NO. _____ 2010, AT _____ M
 COUNTY RECORDING OFFICE

BY: _____
 DEPUTY

DOCUMENT NO. _____

NARRATIVE:
 THIS SURVEY IS TO PARTITION THAT TRACT OF LAND
 DESCRIBED IN DOCUMENT NO. 2009-02008A, MULTNOMAH COUNTY DEED RECORDS.
 --THE BASIS OF BEARINGS IS BETWEEN MONUMENTS (D) & (E) PER SN 52732
 --FOR CONTROL I HELD THE BOUNDARY RESOLUTION AND MONUMENTATION PER
 SN 52732 AS CALLED FOR IN DEED.

NOTE:
 I AM SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF
 PORTLAND IN CASE FILE NO. LU 10-10549 LOT VALIDATION.

CONSENT AFFIDAVIT
 A PARTITION PLAT CONSENT AFFIDAVIT FROM KEYBANK NATIONAL ASSOCIATION, A
 TRUST DEED BENEFICIARY HAS BEEN RECORDED AS
 DOCUMENT NO. _____ MULTNOMAH COUNTY DEED RECORDS.

SHEET 1 OF 1

REGISTERED PROFESSIONAL LAND SURVEYOR
 [Signature]
 OREGON 1983
 DONALD D. WALLACE, JR.
 1224 1/2 AVENUE, SE
 REMONA, OR 97064
 (503)429-6115

RENEWAL DATE 6/30/12

JOB NO. 09-059
 PROJECT NO. 09-059
 DRAWN BY: SMD
 FIELD TBM/SND
 EQUIPMENT: GTS900/TDS48
 REVISION: 7/25/10

CASE NO. 10-116559
 EXHIBIT C-1

SURVEYOR'S CERTIFICATE:
 I, DONALD D. WALLACE, JR., DO HEREBY CERTIFY THAT I HAVE
 PERSONALLY EXAMINED THE SURVEY AND THE INSTRUMENT
 REPRESENTED ON THE ANNEXED PARTITION PLAT, BEING A
 PORTION OF LOTS 21-26, BLOCK 29, "WEST PORTLAND PARK",
 MULTNOMAH COUNTY, OREGON, LOCATED IN THE NW 1/4 OF
 SECTION 32, T1S, R1E, W.M., MULTNOMAH COUNTY,
 OREGON, THE BOUNDARY BEING DESCRIBED AS FOLLOWS:
 BEGINNING AT THE INITIAL POINT A 5/8" IRON ROD WITH A YELLOW
 PLASTIC CAP MARKED "GILBERTSON LS 2047" FOUND AT THE
 SOUTHEAST CORNER OF SAID BLOCK 29; THENCE N 88°18'03" W ALONG
 THE SOUTH LINE OF SAID BLOCK 29, 75.06 FEET TO A 5/8" IRON ROD
 WITH A YELLOW PLASTIC CAP MARKED "GILBERTSON LS 2047" FOUND AT
 THE INITIAL POINT OF SAID PARCEL 1; THENCE S 88°18'03" W ALONG
 THE WEST LINE OF SAID PARCEL 1, 133.11 FEET TO THE INITIAL POINT
 OF SAID PARCEL 1; THENCE N 01°38'02" E ALONG THE WEST LINE OF SAID
 DOCUMENT NO. 2009-20095 TRACT, 153.11 FEET TO A 5/8" IRON ROD
 WITH A YELLOW PLASTIC CAP MARKED "GILBERTSON LS 2047" FOUND AT
 THE NORTH LINE OF SAID DOCUMENT NO. 2009-20095 TRACT,
 75.07 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED
 "GILBERTSON LS 2047" FOUND AT THE NORTHEAST CORNER THEREOF;
 THENCE S 88°18'03" W ALONG THE SOUTH LINE OF SAID DOCUMENT NO.
 2009-20095 TRACT, 153.11 FEET TO THE INITIAL POINT.
 CONTAINING 0.692 SQUARE FEET MORE OR LESS.

DEDICATION:
 I, DONALD D. WALLACE, JR., DO HEREBY CERTIFY THAT I, BAHRAM ROSTAMIAN
 AM THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED PLAT,
 AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING
 INSTRUMENT, AND I HAVE CHOSUN THE ACCOMPANYING PLAT TO
 BE PREPARED AND THE PROCEEDINGS THEREON TO BE CONDUCTED WITH
 O.R.S. CHAPTER 92 AND I HEREBY DEDICATE THE STREET TO THE
 PUBLIC FOR PUBLIC USE FOREVER.

[Signature]
 BAHRAM ROSTAMIAN

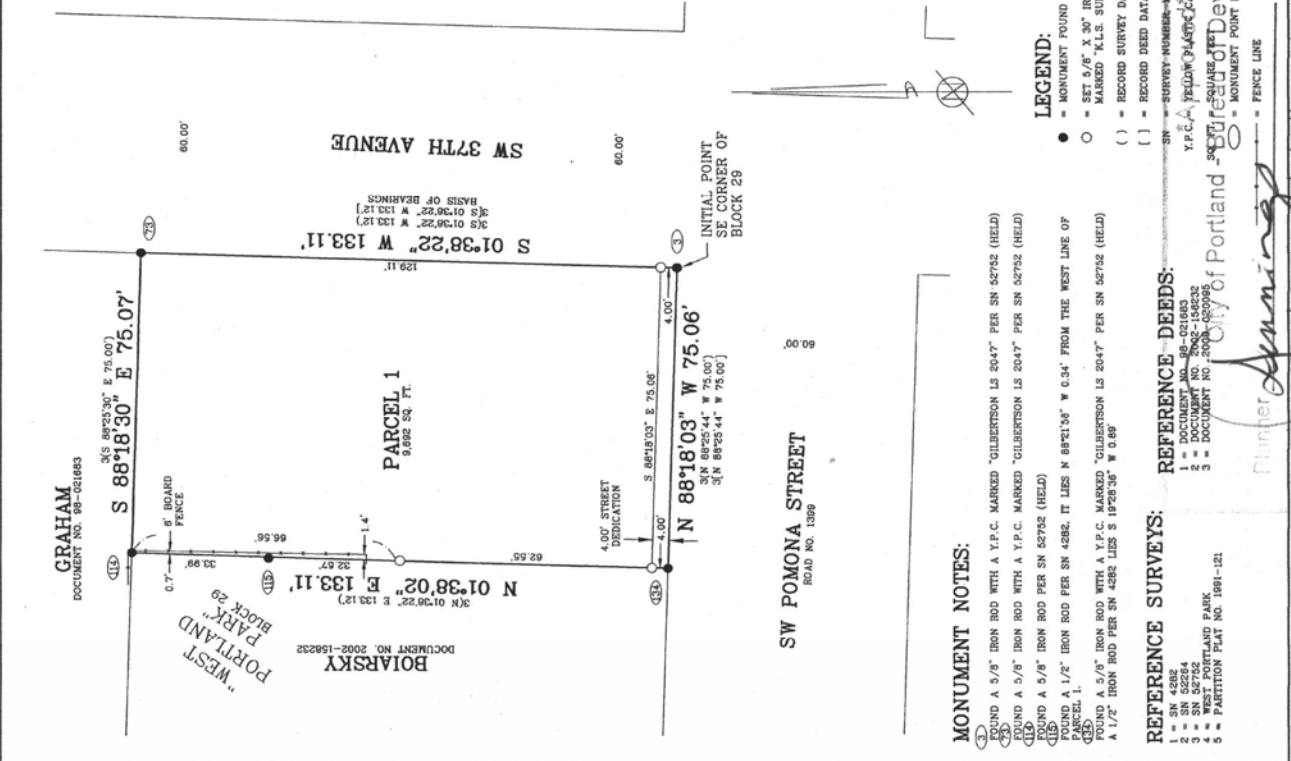
ACKNOWLEDGMENT:
 STATE OF OREGON)
 COUNTY OF MULTNOMAH)
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
 July 26, 2010 BY BAHRAM ROSTAMIAN

NOTARY SIGNATURE: [Signature]
 NOTARY PUBLIC - OREGON
 COMMISSION NO. 165653E
 MY COMMISSION EXPIRES: 7/1/10

LEGEND:
 ● - MONUMENT FOUND AS NOTED
 ○ - SET 5/8" X 30" IRON ROD WITH A Y.P.C.
 MARKED "K.L.S. SURVEYING INC" ON 5/9/09
 () - RECORD SURVEY DATA
 () - RECORD DEED DATA

REFERENCE DEEDS:
 1 - SN 4282
 2 - SN 52732
 3 - SN 52732
 4 - WEST PORTLAND PARK
 5 - PARTITION PLAT NO. 1981-121

REFERENCE SURVEYS:
 1 - SN 4282
 2 - SN 52732
 3 - SN 52732
 4 - WEST PORTLAND PARK
 5 - PARTITION PLAT NO. 1981-121



Planner [Signature] Date 8/12/2010

This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.