Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: July 23, 2014

To: Interested Person

From: Brandon Rogers, Land Use Services
503-823-7597 / Brandon.Rogers@portlandoregon.gov

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

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-127128 LDP

GENERAL INFORMATION

Applicant: Kevin Partain,
Urban Visions
223 NE 56th Ave
Portland, OR 97213

Owner JB Cereghino Construction Inc
13931 SE Matilda Dr
Milwaukie, OR 97267

Site Address: 537 SE SPOKANE ST

Legal Description: BLOCK 2 E 1/2 OF LOT 3&4, SELLWOOD
Tax Account No.: R752700120
State ID No.: 1S1E23CB 14700
Quarter Section: 3831
Neighborhood: Sellwood-Moreland, contact Ellen Burr at 503-754-3868.
Business District: Sellwood-Westmoreland, contact Tom Brown at 503-381-6543.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Plan District: None
Zoning: R1d, Residential 1,000 with the "d" Design overlay zone.
Case Type: Land Division Partition
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:
The applicant is proposing a three parcel land division of a 5,000 square foot site. The project would create three parcels; one 1,397 and one 1,297 square foot parcel that would be vacant and a 2,306 square foot parcel which would retain the existing house. An existing detached garage and a portion of the existing house will be removed as part of the project.

This partition is reviewed through a Type Ix land use review because: (1) the site is in a residential zone; (2) fewer than four lots are proposed; (3) none of the lots, utilities, or services are proposed within a Potential Landslide Hazard or Flood Hazard Area, and; (4) no other concurrent land use reviews (such as an Adjustment, Design Review, or Environmental Review) are requested or required (see 33.660.110).

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines "parcel" as a single unit of land created by a partition of land. The applicant's proposal is to create 3 units of land. Therefore this land division is considered a partition.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of *Title 33*. The relevant criteria are found in **Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.**

FACTS

Site and Vicinity: The site is developed with a single dwelling and detached garage. The project site is located within the Sellwood Moreland neighborhood in close proximity to the Springwater Corridor, Sellwood Park, the Sellwood Bridge and the Willamette River. A four block area zoned "CS" Storefront Commercial is located adjacent to the site to the south. The immediate area is characterized by single and multiple family residential uses and commercial uses. The site does not contain any trees subject to the City's Tree Preservation requirements.

Infrastructure:
Streets – The site is a corner lot with 50 feet of frontage along SE Spokane Street and 100 feet of frontage along SE 6th Avenue. SE Spokane is classified as a City Bikeway and a Local Service Street for all other modes. It is improved with a 4-6-2 sidewalk configuration. SE 6th is classified as a Local Service Street for all modes. It is improved with an 8-6-2 sidewalk corridor. Tri-Met provides bus service approximately 1,800 feet east of the site at SE 13th Avenue via bus number 70.

- **Water Service –** There is an existing 6-inch cast iron water main in SE Spokane Street. The existing house is served by a 5/8-inch metered service from this main. The proposed parcels will be served by a 6-inch water main located in SE 6th Avenue.

- **Sanitary Service** - There is an existing 12-inch public combination sewer line located within SE Spokane Street. The proposed parcels will be served by an extension of a sewer line main within SE 6th Avenue.

- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property. Stormwater disposal will be achieved through on site drywells.

Zoning: The R7 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review. The site is also located within the Sellwood-Moreland design district.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 21, 2014**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
D	33.632 - Potential Landslide Hazard Area	The site is not within the potential landslide hazard area.
E	33.633 - Phased Land Division or Staged Final Plat	Not applicable. These standards only apply to land divisions in the RF through R2.5 zones.
F	33.634 - Recreation Area	Not applicable. The minimum required density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
J	33.640 - Streams, Springs, and Seeps	No streams, springs, or seeps are evident on the site outside of environmental zones.
L	33.654.110.B.2 - Dead end streets	No dead end streets are proposed.
	33.654.110.B.3 - Pedestrian connections in the I zones	The site is not located within an I zone.
	33.654.110.B.4 - Alleys in all zones	No alleys are proposed or required
	33.654.120.C.3.c - Turnarounds	No turnarounds are proposed or required
	33.654.120.D - Common Greens	No common greens are proposed or required
	33.654.120.E - Pedestrian Connections	There are no pedestrian connections proposed or required
	33.654.120.F - Alleys	No alleys are proposed or required
	33.654.120.G - Shared Courts	No shared courts are proposed or required
	33.654.130.B - Existing public dead-end streets and pedestrian connections	No public dead-end streets or pedestrian connections exist that must be extended onto the site.
	33.654.130.C - Future extension of dead-end streets and pedestrian connections	No dead-end street or pedestrian connections are proposed or required.
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the density and lot dimension requirements applicable in the R3 through IR zones. The applicant is proposing 3 single family parcels. Single-dwelling development is proposed for the entire site, therefore the proposed lots must meet minimum density and not exceed the maximum density stated in Table 120-3. The minimum density in the R1 zone for sites that are less than 10,000 square feet in area is one unit per 2,000 square feet and the maximum density is one unit per 1,000 square feet. The total site area shown on the applicant's survey is 5,000 square feet. The site has a minimum required density of 2 units and a maximum density of 5 units.

In this zone, there are no minimum lot area requirements for lots designated for attached houses, detached houses, or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division, to avoid further division of lots in the future that could result in non-compliance with the overall density requirements of the site as it exists in this proposal. Condition D.1 reflects the density assigned to each parcel.

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

R1	Minimum lot area (square feet)	Minimum lot width (feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Detached Houses	None	25	None	25
Parcel 1	2,306	50	46.12	50
Parcel 2	1,297	25.94	50.00	25.94
Parcel 3	1,397	27.94	50.00	27.94

* Width is measured from the midpoints of opposite lot lines.

The findings above show that the applicable density and lot dimension standards are met. Therefore this criterion is met.

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

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the requirements of this chapter. The applicant has submitted an arborist report that inventories trees within the land division site and evaluates their condition. (Exhibit A.3). The report identifies three trees. One tree identified in the report (Tree #1) is exempt from Chapter 33.630 because it is located off-site within the right of way. This tree is subject to the regulations of chapter 20.40 of the Portland City Code as administered by Portland Parks Urban Forestry division.

The remaining two trees (Trees 2 and 3) are exempt from Chapter 33.630 because the arborist has determined that the trees are hazardous and in poor health. Therefore, this criterion has been met.

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

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

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

Land Suitability
The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old cesspool on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With this condition, the new lots can be considered suitable for new development, and this criterion is met.

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties. Parcels 2 and 3 are on the west side of a north-south oriented street, and are considered interior lots. The existing single family residence will remain on Parcel 1 and will be located on the only corner lot, restricting the ability to make the interior lots wider. Therefore, it is not possible to retain existing development and meet this requirement.

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

Findings: Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

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. PBOT has reviewed the proposal and provided the following response (see Exhibit E.2).

Street Capacity and Levels of Service
The proposal will result in an increase of 2 single-family residences. These residences can be expected to generate 20 daily vehicle trips with 2 trips occurring in each of the AM and PM Peak Hours. This small increase in peak hour vehicles will not have significant impact on intersection levels of service or street capacity. No mitigation is needed.

Vehicle Access/Loading
The new lots will have driveways to provide access to parking and loading.

On-Street Parking Impacts
The new lots will have at least one on-site parking space with potentially an additional space in front of the garage. Impacts to the on-street parking supply should be minimal.

Availability of Transit
Tri Met Bus Line #70 is available to serve the site 0.4 miles to the east at SE 13th and SE Nehalem.

Neighborhood Impacts
The site is being developed with 2 new single-family residences in compliance with the existing R1 zoning. In addition, standard frontage improvements including sidewalks will reduce the potential for conflicts between pedestrians and vehicles.

Safety for All Modes
Sidewalks along the site frontages will provide adequate pedestrian facilities. Give the low vehicle speeds and volumes on SE Spokane and SE 6th Ave, cyclists can safely share the roadway.

As described above, PBOT has reviewed and concurs with the information supplied. No mitigation is necessary for the transportation system to be capable of safely supporting the proposed development in addition to the existing uses in the area. These criteria are met.

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Findings: Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way. The criteria and standards are met as shown in the following table:

33.651 Water Service standard – See Exhibit E.3 for detailed bureau comments.
The Water Bureau has indicated that service is available to the site, as noted on page 2 of this report. The water service standards of 33.651 have been verified. This criteria is met.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services has indicated that the existing sanitary sewer service serving Parcel 1 will remain and that new sanitary sewer service must be extended to provide service for Parcels 2 and 3, as noted on page 2 of this report. Parcels 2 and 3 have frontage on SE 6th Avenue. There is no existing sanitary sewer service on SE 6th Avenue. The nearest sanitary sewer service is located adjacent to the site within SE Spokane Street. The applicant must make arrangements to extend a new sanitary sewer main within SE 6th Avenue to ensure service is available to Parcels 2 and 3. In order to meet the standards of 33.652, the applicant must provide a financial guarantee and pay all required engineering and inspection fees for permitting the sewer line extension. Therefore, with the condition of approval, the sanitary sewer service standards of 33.652 can be met.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1
The applicant has proposed the following stormwater management methods • **Parcels 2 and 3:** Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably-sized home. BES has indicated conceptual approval of the drywells. • **Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain to existing splash blocks and distribute water onto the ground surface. A portion of the existing building is being removed under permit 14-116302 RS. Prior to final plat approval, the applicant will be required to submit a supplemental plan showing the location of the downspouts and splash blocks on the existing residence on Parcel 1 to verify that the existing system meets SWMM requirements and does not impact Parcels 2 and 3. Modifications must be made as necessary to meet these requirements. For the reasons described above, these criteria are met.
33.654.110.B.1 Through streets and pedestrian connections
Generally, through streets should be provided no more than 530 feet apart and at least 200 feet apart. The site is a corner lot and is improved with public sidewalks. This criterion is not applicable.

33.654.120.B & C Width & elements of the right-of-way – See Exhibit E.2 for bureau comment
In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. At this location, SE Spokane is classified as a City Bikeway and a Local Service Street for all other modes. It is improved with a 4-6-2 sidewalk configuration. It will not have to be reconstructed to current City standards because it meets all the exemptions in Administrative Rule TRN 1.22. SE 6th Avenue is classified as a Local Service Street for all modes. It is improved with an 8-6-2 sidewalk corridor the meets and exceeds current standards. No dedications or improvements are required other than repairing any damaged sidewalk sections and adding street trees as required by the City Forester. As a condition of final plat approval, the applicant shall be required to reconstruct the corner to meet current ADA requirement for curb ramps. This corner reconstruction must be done under a separate limited public works permit. A bond and contract for the limited public works permit shall be a condition of final plat approval. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that two additional dwellings can be safely served by these existing streets without having any significant impact on the level of service provided. With conditions of approval regarding reconstructing the corner as described above, this criterion is met.
33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)
Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

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

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

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

- At the time of development, the site is subject to the requirements of the "d" overlay zone and the Sellwood-Moreland Design District.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not

cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R1 zone. Per 33.700.015, if a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several Zoning Code standards that relate to existing development on the site:

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. The applicant proposes to modify the existing house so it will be 3 feet from the new side lot line (33.120.270.D). Therefore, the required setbacks will be met. To ensure this standard is met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines. Additionally, a building permit to remove a portion of the existing house, must receive an approved final inspection prior to recording the final plat.

- Accessory Structures – In this zone, accessory structures are not allowed on a lot without a primary structure. Furthermore, the new lot lines would be in conflict with the existing garage. Therefore, in order for the proposed new lots to meet this standard, the existing garage must be removed prior to recording the final plat. A demolition permit is required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.

- Required Off-Street Parking – In this zone, one parking space per dwelling unit is required. An attached garage provides this required parking for the existing house on Parcel 1. This must be maintained and shown on the supplemental plan at time of final plat. Off street parking for Parcels 2 and 3 will be provided by attached garages.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	**Code Authority and Topic**
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489	Title 20 – Street Trees and other Public Trees

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

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

- The applicant must meet the requirements of the Fire Bureau in regards to addressing requirements; ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement; fire apparatus access, including aerial access. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.

CONCLUSIONS

The applicant has proposed a 3 parcel partition as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issue identified with this proposal is the required sanitary sewer extension within SE 6th Avenue.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-parcel partition that will result in 3 single dwelling lots, as illustrated with Exhibit C.1, subject to the following conditions:

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

- Any buildings or accessory structures on the site at the time of the final plat application;
- The reduced side yard setbacks allowed under 33.120.270.D,
- The location of the stormwater system on Parcel 1.
- The location of the required parking space on Parcel 1 within the existing garage.
- Any other information specifically noted in the conditions listed below.
- The building setbacks to the new property line for the existing home on Parcel 1.

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

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements to reconstruct the corner at SE Spokane Street and SE 6th Avenue to meet current ADA requirements for curb ramps. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Bureau of Transportation for required improvements.

Utilities

2. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main within SE 6th Avenue. The public sewer extension requires a Public Works Permit, which must be initiated and at a stage acceptable to BES prior to final plat approval. As part of the Public Works Permit, the applicant must provide engineered plans, a financial guarantee and engineering / inspection fees for the public works permit, subject to BES approval prior to final plat approval.
3. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing cesspool on the site.

4. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant. The applicant must provide verification to the Fire Bureau that Appendix C of the Fire Code is met, an exception is used, or provide an approved Fire Code Appeal.

Existing Development

5. The applicant shall obtain a finalized building permit for modifications to the existing house that will remain on proposed Parcel 1 demonstrating compliance with the following standards in relation to the proposed new lot lines:
   - 33.110.220 (Setbacks--specifically, the permit must show removal of sufficient portions of the existing residence to meet the required side lot line setbacks.)

6. The applicant must obtain a finalized demolition permit for removing the existing detached garage.

7. The applicant must meet the requirements of BES for stormwater disposal on Parcel 1 so that it meets stormwater management manual requirements and does not impact parcels 2 and 3.

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

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

Lot	Minimum Density	Maximum Density
1	1	1
2	1	2
3	1	2

2. The applicant must provide a fire access way that meets the Fire Bureau requirements related to addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height as measure to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Brandon Rogers

Decision rendered by: Kimberly Tallant **on July 21, 2014.**
By authority of the Director of the Bureau of Development Services

Decision mailed July 23, 2014

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

Procedural Information. The application for this land use review was submitted on March 14, 2014, and was determined to be complete on April 16, 2014.

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 14, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested a full waiver of the 120-day review period as stated with Exhibit G.3.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

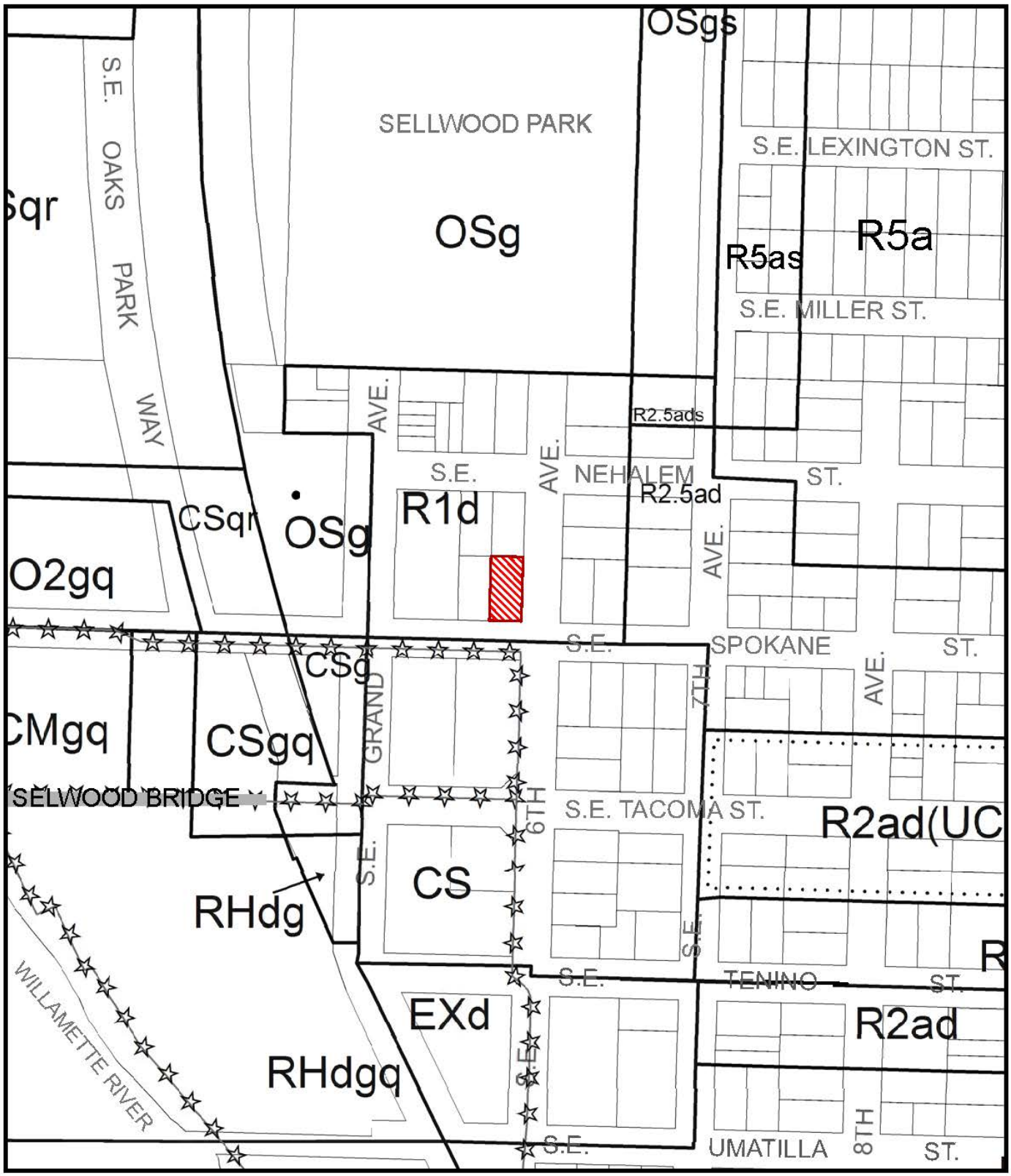
The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessor's Office after it is signed by the Planning Director or delegate, the City Engineer, and the City Land Use Hearings Officer, and approved by the County Surveyor. **The approved preliminary plan will expire unless a final plat is submitted within three years of the date of the City's approval of the preliminary plan.**

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Applicant's Narrative
   2. Stormwater Simplified Approach
   3. Arborist Report
   4. Preliminary Plan Original Submittal
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Preliminary Land Division, Existing Conditions and Proposed Improvements Plan (attached)
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation Engineering and Development Review
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Bureau of Parks, Forestry Division
   7. Life Safety Section of BDS
F. Correspondence: none
G. Other:
   1. Original LU Application
   2. Incomplete Letter dated April 2, 2014
   3. 120-day extension request

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

Historic Landmark

Recreational Trail

NORTH

File No. LU 14-127128 LDP

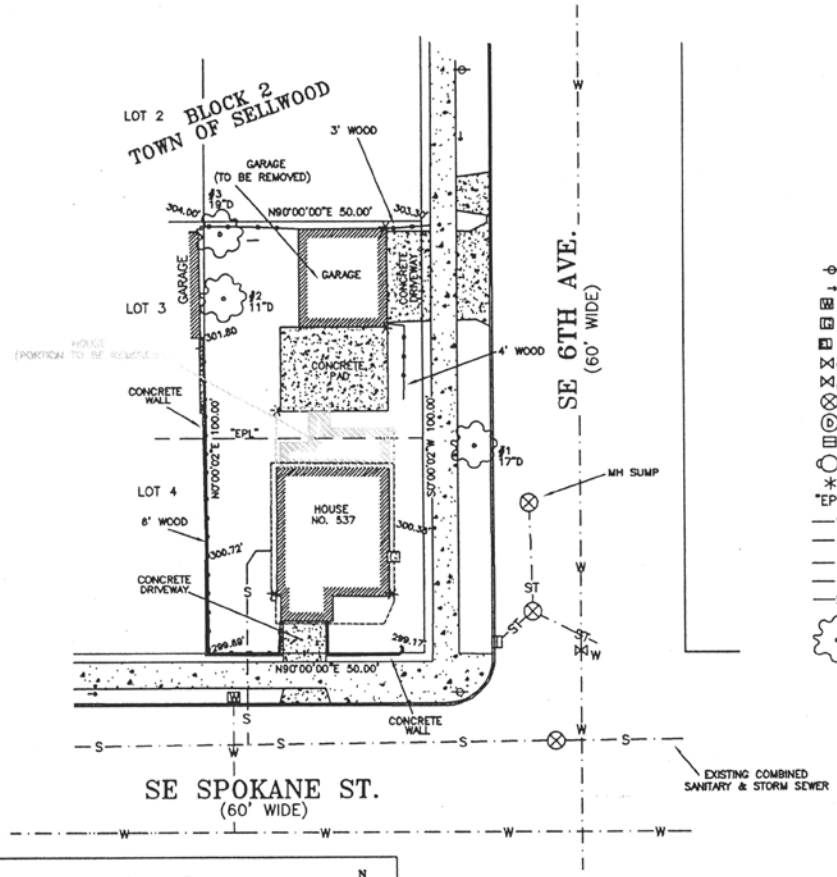
1/4 Section 3831

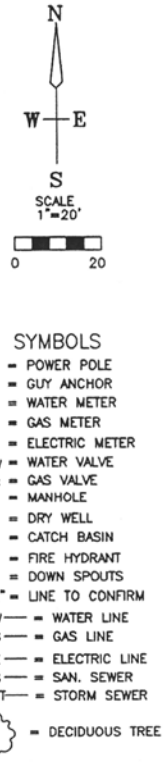
Scale 1 inch = 200 feet

State_Id 1S1E23CB 14700

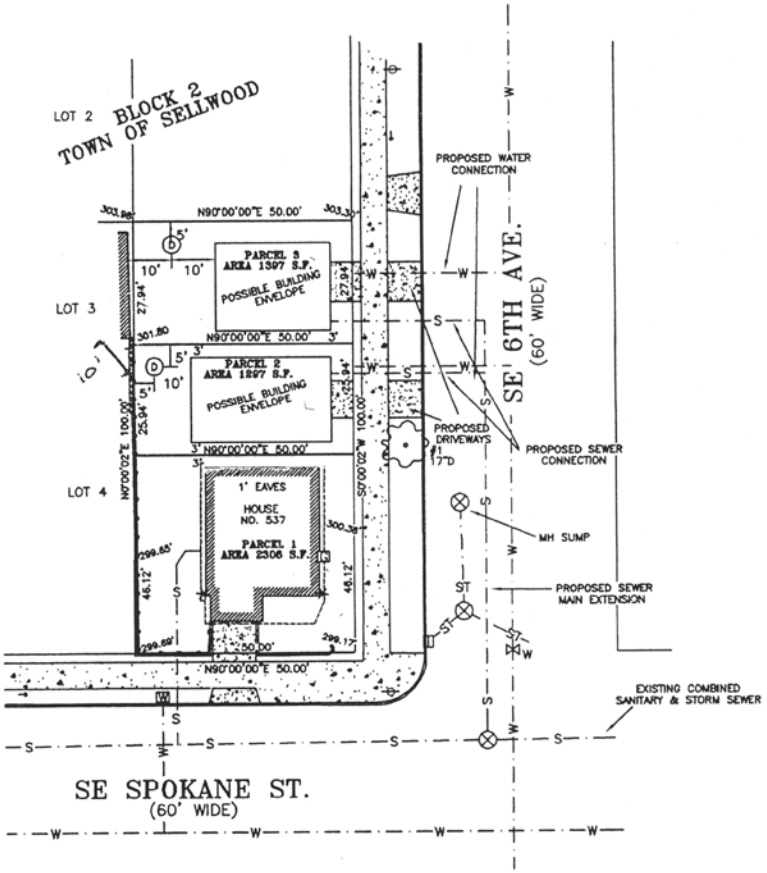
Exhibit B (Apr 16,2014)

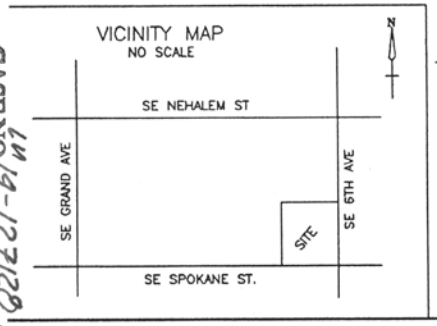
EXISTING CONDITIONS





PROPOSED CONDITIONS





NOTES:

1. FIRE HYDRANT IS LOCATED 90' NORTH AND 48.5' EAST FROM NORTHEAST CORNER OF PARCEL
2. DOWNSPOUTS WILL GO TO SPLASH BLOCKS AFTER HOUSE MODIFICATION.
3. HOUSE TO BE CUT TO THE LIMITS AS SHOWN AND WILL BE 3' FROM THE PROPERTY LINE.
4. ALL CURRENT DOWNSPOUTS DRAIN TO GROUND.
5. ELEVATION DATUM IS ASSUMED.
6. PORTLAND CASE NUMBER 14-127128
7. GARAGE TO BE REMOVED.
8. TREE SIZES, NUMBER, & TYPES ARE PER ARBORIST REPORT, HALSTEAD'S ARBORICULTURE CONSULTANTS, APRIL 10, 2014

TREE TABLE

NUMBER	SIZE	TYPE	RECOMENDATION
1	17"	PEAR	PRESERVABLE
2	11"	PEAR	REMOVE
3	19"	PLUM	REMOVE

PER ARBORIST'S REPORT OF APRIL 10, 2014

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 25, 1990
JOE H. FERGUSON
2445
RENEWAL DATE 12/31/15

Ferguson Land Surveying, Inc.
646 SE 106TH AVE. PORTLAND, OR 97216
Phone (503) 408-0601 Fax (503) 408-0602
www.FergusonLandSurveying.com

SITE PLAN
A PORTION OF LOTS 3 & 4, BLOCK 2, "TOWN OF SELLWOOD"
IN THE SW 1/4, SECTION 23, T.1S., R.1.E., W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

CLIENT:
JB CEREGHINO
13931 SE MATILDA
PORTLAND, OR 97202

DATE: FEBUARY 24, 2014
REVISED APRIL 14, 2014
REVISED
REVISED

JOB NO. 14-020
DRAFTED 02.24.14
SHEET 1 OF 1

CASE NO. 14-127128 LDP
EXHIBIT C.1