



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

FROM CONCEPT TO CONSTRUCTION

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Date: May 4, 2015
To: Interested Person
From: Kathy Harnden, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 14-106616 LDP

GENERAL INFORMATION

Applicant: Rob Humphrey / Faster Permits
14334 NW Eagleridge Lane / Portland, OR 97229

Owners: Vic Remmers
Everett Custom Homes Inc.
735 SW 158th Ave Ste 180
Beaverton, OR 97008

Jeffrey Klein
4535 SW 60th PL
Portland, OR 97221

Site Address: 4521 SW 60TH PL

Legal Description: BLOCK 1 LOT 19, RALEIGH HILLS
Tax Account No.: R685300410
State ID No.: 1S1E18BB 01400
Quarter Section: 2523
Neighborhood: Bridlemile, contact Claire Colman-Evans at 503-740-7460.
Business District: None
District Coalition: Southwest Neighborhoods Inc., Leonard Gard at 503-823-4592.
Plan District: None **Other Designations:** None
Zoning: Residential 10 (R10)
Case Type: Land Division Partition (LDP)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing to partition the subject property into two single-dwelling parcels. Parcel 1 will be approximately 9,624 square feet and Parcel 2 will be about 9,619 square feet. The existing house on the site has been removed and one new single dwelling residence is under construction. There are 14 trees on the site, not including right of way trees, ranging in size from 6 to 25 inches. The applicant proposes to preserve two shore pines with diameters of 17 and 25 inches to meet Option 2 of the Tree Preservation Chapter. Portland Bureau of Transportation has indicated that a 2-foot dedication will be required for SW 60th Place and street improvements including a new curb, sidewalk and stormwater swale will be future requirements.

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 2 units of land. Therefore this land division is considered a partition.

Relevant Approval Criteria: 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: This 19,370 square-foot site was developed with a single dwelling residence, located in southwest Portland in a well-established neighborhood. The house was removed in preparation for development of the site into two smaller lots. The site has east and south-eastward trending slopes of approximately 20 percent, and is bordered by a mix of young and mature, native and landscape trees. The surrounding neighborhood is fully developed with single dwelling homes on large 15,000 to 25,000 square-foot lots with mature landscaping and a complex street system, with primary streets in the east/west configuration.

A tributary to Fanno Creek runs north to south approximately 115 feet west of the site.

Infrastructure:

- Streets – The site has approximately 125 feet of frontage on SW 60th Place, which is classified as a Local Service Street for all modes in the Transportation System Plan (TSP). The 50 foot right-of-way is improved with 20 feet of paved road surface without curbs or sidewalks. The site has an existing semi-circle driveway with two points of ingress/egress. The applicant received approval of a Public Works Alternative Review (14-172982 PW) to use the existing 20-ft roadway with conditions requiring that: the gravel shoulder is widened to the property line or to a maximum of 7 feet, whichever is less; any required dedications are made; and waivers of remonstrance are completed.

Tri-Met provides transit service approximately 0.6 mile from the site at the intersection of SW Beaverton-Hillsdale Highway and SW 56th Avenue via Buses 54 and 56.

- Water Service – An existing 5/8” metered Service provides water to this locate from the existing 4-inch main in SW 60th Place. This main may be used to provide service to a second house.
- Sanitary Service – There is an 8-inch CSP sanitary sewer in SW 60th Place that can provide service to development on Parcel 1. A sanitary sewer extension is required to provide service to proposed parcel 2. The extension must be constructed and inspected, with permits finalized to the satisfaction of BES prior to final plat approval. Alternatively, a financial guarantee and fees under a public works permit may be submitted prior to Final Plat approval.
- Stormwater Disposal – There is no public storm-only sewer currently available to this property.

Zoning: The R10 designation is one of the City’s single dwelling zones which are 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.

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

Agency Review: A Notice of Proposal in your Neighborhood was mailed on August 11 and August 20, 2014. Several Bureaus responded with concerns that 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 August 20, 2014. Three written responses were received from either the Neighborhood Association or notified property owners in response to the proposal and are addressed under the applicable approval criteria. Exhibits “E” contain the complete responses. The primary issue raised concerned off-site stormwater impacts caused by additional development, and one comment concerned tree removal. These issues are discussed in more detail in Section 33.630 – Tree Preservation.

ZONING CODE APPROVAL CRITERIA

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 Areas	The site is not located within a Potential Landslide Hazard Area.
E	33.633 - Phased Land Division or Staged Final Plat	A phased land division or staged final plat has not been proposed.
F	33.634 - Recreation Area	The proposed density is less than 40 units.
H	33.636 - Tracts and Easements	No tracts or easements have been proposed or will be required.
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	No dead-end street or pedestrian connections are proposed or required.

	streets and pedestrian connections	
	33.654.130.D - Partial rights-of-way	No partial public streets are proposed or required.

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 contains the density and lot dimension requirements applicable in the RF through R5 zones. The applicant is proposing a 2-parcel partition that will result in two standard lots. Density is based on the area of the lot prior to any required street dedication. The minimum and maximum densities for the site are as follows:

The 19,370 square-foot site located in the R-10 zone has a minimum required density of 1 unit and a maximum density of 2 units. The applicant is proposing 2 standard parcels, so the density standards are met.

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

	Min. Lot Area (square feet)	Max. Lot Area (square feet)	Min. Lot Width*(feet)	Min. Depth (feet)	Min. Front Lot Line (feet)
R10 Zone	6,000	17,000	50	60	30
Parcel 1	9,624		62.41	156.16	62.41
Parcel 2	9,619		62.41	156.08	62.41

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

Based on the foregoing, the applicable density and lot dimension standards will be met, and 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 their loss. Certain trees are exempt from the requirements of this chapter.

The applicant provided an arborist report and tree inventory (Exhibit A.2) which identified 21 trees within the land division area and evaluated their conditions. Seven of the listed trees are in the City right of way, not on the site, and are therefore exempt from Chapter 33.630’s preservation requirements. Of the 14 trees on the site, 1 is exempt as a nuisance species listed in the “Portland Plant List;” 1 is a nuisance and on the watch list for invasive species, and 2 are exempt because they are dying. Therefore, there are 10 regulated trees on the site, comprising 135 diameter inches, including one “significant” tree, a shore pine with a 25-inch diameter.

The applicants selected Option 2 of the Tree Preservation Standards which requires that at least 50 percent of the significant trees on the site be preserved and at least 30 percent of the total tree diameter on the site be preserved. Thirty percent of the total tree diameter is 40.5 inches.

The applicants propose to preserve two Shore Pines, the “significant” 25-inch Shore pine and a second 17-inch diameter Shore pine, for a total of 42 inches. Because the only significant tree on the site will be preserved, the total tree preservation of 42 inches exceeds the required 40.5 inches, and more than 30 percent of the total regulated tree diameter on the site is preserved with this proposal, Option 2 of the tree preservation standards is met.

The two trees are within 10 feet of each other and the arborist recommended a single root protection zone to encircle both trees, as shown on Exhibit C.3. This root protection zone has a radius of 14 feet as measured outward from the two trees. A more typical root protection zone requires one foot of radius for each inch of tree diameter to be protected. However, the nearest construction activity that will occur in proximity to the trees will be about 20 feet west from the protection fence, or 34 feet from the trees. In addition, the trees are downslope of the construction activity, so there is less chance of their roots being impacted by construction activity. The two trees should be well protected with the proposed tree protection fence placed 14 feet from the perimeter of each tree.

To ensure that future owners of the lots are aware of the tree preservation requirements, the applicant must record an Acknowledgement of Tree Preservation Land Use Conditions at the time of final plat.

Therefore, this criterion is met subject to the conditions that 1) development on Parcels 1 and 2 be carried out in conformance with the Tree Preservation Plan/Preliminary Land Division Plan (Exhibit C.3), and 2) both the applicant's arborist report (Exhibit A.2) and an Acknowledgement of Tree Preservation Land Use Conditions are recorded with the final plat.

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 previous house was situated on a basically flat area at the top of the slope adjacent to SW 60th Place. Therefore, there is a fairly flat developable area on the west end of the site. Although there is a 20 percent slope to the east of the house site, it is not located within the Potential Landslide Hazard Area.

Because of the basically flat building area, there will be no need for significant clearing, although excavation for the bottom floor of each structure will be required. After reviewing additional information submitted in a geotechnical engineering report by Hardman Geotechnical Services, the Site Development Section of the Bureau of Development Services concluded that they had no concerns regarding the proposed land division.

In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated.

This criterion is met.

Land Suitability

The site was in residential use until after application for the land division, and there is no record of any other use in the past. The existing house has been removed since this application was submitted and a new house is under construction on one of the proposed lots. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. This criterion is met.

J. Streams, Springs, and Seeps.

Findings: Neighborhood comments indicated that seeps or springs might exist on the east side of the property and provided some evidence to support the theory, including information regarding: groundwater seepage, shrink-swell soils, a crushed storm water culvert and a detached culvert. In response to these comments, the applicant's engineer, from HGSI/Hardman Geotechnical Services, Inc., investigated the site and reached the following conclusions:

1. Groundwater seepage and a white PVC pipe: "The pipe "was a groundwater monitoring piezometer installed in a backhoe test pit excavated by others..." The piezometer was dry at the time and the Engineer stated that "surface water collected in the depression around the piezometer does not indicate the presence of a groundwater seep."
2. The "detached culvert" was a perforated plastic drain pipe located below a retaining wall. "The presence of a drain pipe does not necessarily indicate the presence of groundwater seepage. In this location . . . we did not observe any indication of groundwater flow or seepage."
3. The "crushed culvert" was explained as "a concrete drain tile commonly used in the past for roof drains or local surface water drainage systems" and "is not a culvert." The report further explained "(the tile) was either an old rain drain from the former house, or possibly a drain beneath the old driveway. Since the old house has been demolished, surface water has encountered the drain tile and been directed down the slope of the old basement excavation. This area will be completely re-graded during site development, and the remnants of the old concrete drain tile removed."
4. Shrink/swell cracks "were observed in uncompacted fill remaining from the house demolition" which is not uncommon in "uncompacted soil material as it dries and settles" and this material "will be removed and placed as compacted engineered fill during site development." Further, the engineers did not "observe soil types on site during this geotechnical investigation that would be considered highly expansive."

The above summary shows that the geotechnical investigation did not uncover any evidence of streams, seeps, or springs on the site that could not be explained by the previous development activity on the site. In addition, "no groundwater or seepage was encountered to the maximum depth of exploration, 9.5 feet below ground surface, nor were any impervious soil layers or "fragipan" encountered during the field exploration." Both the BDS Site Development section and the Bureau of Environmental Services accepted the geotechnical report and stormwater management plan, without additional recommendations.

Although staff does not doubt that stormwater runoff has been and continues to be a concern in the neighborhood in general, the Engineering Report for this site, and more modern methods of capturing and treating stormwater from new developments, indicate that stormwater runoff from the proposed new development on this site should not be a concern, and this criterion does not apply since no streams, seeps or springs were found on the site.

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

Findings: 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.

Portland Transportation (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, and for potential impacts upon transportation services. As a result, PBOT provided the following findings:

Street Capacity and Levels of Service: Because the site was already developed with one single dwelling, the proposal to create two lots with one dwelling each will result in a net

increase of 1 single-dwelling residence. This residence can be expected to generate 10 new daily vehicle trips with 1 trip 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. (See Exhibit E.2)

Connectivity: The site is only 160-feet south of the east/west SW Hamilton Street ROW. Therefore, connectivity requirements do not apply.

Vehicle Access/Loading: Both new lots will have separate driveways to provide access for parking and loading.

On-Street Parking Impacts: The new lot will have at least one on-site parking space with an additional space between the garage and the front property line. Impacts to the on-street parking supply should be minimal.

Availability of Transit: Tri Met Bus Line #'s 54 and 56 are available to serve the site 0.6 miles to the southwest of the site at SW Beaverton-Hillsdale and SW 56th Avenue.

Neighborhood Impacts: The site is being developed with a new single-family residence in compliance with the existing R10 zoning. The existing roadway with the requirement to widen the gravel shoulder will result in negligible neighborhood impacts.

Safety for All Modes: The existing roadway with the requirement to widen the gravel shoulder coupled with the low vehicle volumes and speeds on SW 60th is adequate to serve all modes of travel.

Driveways and Curb Cuts (Section 17.28): Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

Based on the above information and available evidence, PBOT has determined that a two-foot dedication along SW 60th Place must occur at the time of final plat. In addition, **completed Waivers of Remonstrance and a bond and contract for the required alternative frontage improvements are required for final plat approval.** With conditions to this effect, these criteria will be 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 indicated that service is available to the site, as noted on page two of this report. The water service standards of 33.651 have been verified.
33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1 for detailed comments.
The Bureau of Environmental Services (BES) indicated that service is available to the site, as noted on page two of this report. The sanitary lateral serving the existing residence may be reused for Parcel 1. However, an extension of the sanitary sewer main in SW 60 th Place is required in order to provide sanitary sewer service for future development on proposed Parcel 2. BES has reviewed and accepted 90% plans and requires the sewer to be constructed and inspected, with permits finalized to the satisfaction of BES prior to final plat approval.
33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1 & E.5
No stormwater tract is proposed or required. Therefore, criterion A is not applicable
Stormwater from the proposed 2 houses to be developed on the two new lots will be directed to individual stormwater systems 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.

The Bureau of Environmental Services has noted that there are discrepancies between the plans submitted for this land use review and the plans submitted for building permits, and requires that the proposed stormwater systems must be re-sized to reconcile these differences. A condition of approval is required to ensure that the differences between the two plans are reconciled, subject to approval by the Bureau of Environmental Services prior to final plat approval.

33.654.110.B.1 Through streets and pedestrian connections

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

PBOT commented that the site is 160 feet south of the east/west SW Hamilton Street right-of-way, and therefore the connectivity requirements are not applicable at this site.

Therefore, 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. Portland Transportation has not identified or been made aware of any factors related to this proposal that lead to a conclusion other than that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

At this location SW 60th Place is classified as a Local Service Street for all modes and is improved with an approximate 20-foot pavement width within a 50-ft ROW without curbs or sidewalks.

For Local Service classified streets abutting R10 zoned sites, the City's public r.o.w. standards require a 54-ft r.o.w. width to accommodate a 26-ft roadway width (which would allow parking along both sides) and two 14-ft wide sidewalk corridors (0.5-ft curb, 8-ft stormwater management facility, 5-ft sidewalk and 0.5-ft frontage zone).

However, a Public Works Administrative Appeal (14-172982-PW) was approved with a condition that the gravel shoulder be widened to the property line or to a maximum of 7 feet, whichever is less, and a 2-foot property dedication is required. A bond and contract are required for the required shoulder widening improvements, prior to Final Plat and Waivers of Remonstrance for future street improvements must be completed prior to Final Plat.

With these conditions, this criterion will be 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

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.

- Existing development that will remain after the land division.** The applicant has existing permits to remove all existing structures from the site, so the division of the property will not cause the structures to move out of conformance or further out of conformance with any development standard applicable in the R5 zone. However, a building permit (14-152501RS) has been issued and construction will begin during final plat review. Therefore, a supplemental survey is required to be submitted with the final plat review to document that any existing or under-development meets development standards for the new lot. Therefore, with the Supplemental Survey requirement, this land division proposal can meet the requirements of 33.700.015.

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 20 – Street Trees and other Public Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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

- Fire Bureau: The applicant must meet the requirements of the Fire Bureau in regard to fire flow/water supply, fire department access, number of hydrants, addressing of structures, and aerial fire department access roads. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- Urban Forestry: Stated that every effort should be made to preserve the Deodar cedar located at the south property line in the right of way. In addition, the applicant must meet the requirements of Urban Forestry for street tree planting at the time of development. Existing street trees must be protected and preserved. The applicant's proposal to remove street trees is subject to Title 11.40.090.

CONCLUSIONS

The applicant has proposed a 2-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal include:

- Tree preservation
- Right of way dedication
- Street frontage improvements
- Stormwater management, and
- Fire Bureau requirements.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-parcel partition that will result in 2 standard lots, as illustrated with Exhibit C.2, subject to the following conditions:

A. Supplemental Plan: Three copies of an additional supplemental plan shall be submitted with the final plat survey for LUS review and approval if construction of the house has commenced. The plan must show the surveyed location of the following:

1. Any buildings or accessory structures on the site at the time of Final Plat application, and any driveways and parking areas.

B. The final plat must show the following:

1. A recording block for each of the legal documents such as the acknowledgement of special land use conditions, as required by Condition C.6 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "An Acknowledgement of Special Land Use Conditions for (name of feature) has been recorded as document no. _____, Multnomah County Deed Records."
2. The applicant shall meet the street dedication requirements of the City Engineer for S@ 60th Place. The required dedication must be shown on the final plat.

C. 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 along the site's street frontage. The applicant shall submit an application for a Public Works Permit and provide plans and financial assurances to the satisfaction of the Portland Transportation Bureau.
2. The applicant shall complete street and storm Waivers of Remonstrance (for future street and storm sewer improvements) as required by the City Engineer. Waiver forms and instructions will be provided to the applicant during the final plat review process.

Utilities

3. The applicant must reconcile the differences between the Parcel 2 soakage trench size presented in preliminary land division and the building permit plans to the satisfaction of Bureau of Environmental Services (BES), including approval of any necessary revisions to building permit No. 14-152510-RS.
4. The applicant must complete the construction of the public sewer extension and pay all associated fees under a Simplified Permit to the satisfaction of BES. Alternatively, the

applicant must submit engineered plans, a financial guarantee, and fees under a public works permit, subject to BES approval, prior to final plat approval.

5. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant spacing and flow. The applicant must provide verification to the Fire Bureau that Appendix B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal.
6. The applicant must meet the requirements of the Fire Bureau for providing adequate fire access for Parcels 1 and 2 in accordance with Chapter 5 of the Oregon Fire Code. Alternatively, the applicant will be required to install sprinklers in the new houses if required to install sprinklers in the new houses if applying for the exception. An acknowledgement of special land use conditions as describing the sprinkler requirement must be referenced and recorded on the plat.

Required Legal Documents

7. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to both Parcels 1 and 2. A copy of the approved Tree Preservation Plan (Exhibit C.2) must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be recorded with Multnomah County and referenced on the final plat.

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

1. Development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.3) and the applicant's arborist report (Exhibit A.2). Specifically, trees numbered 16 and 17 shall be preserved, with the root protection zones indicated on Exhibit C.2. Tree protection fencing shall be installed along the root protection zones of trees to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur 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.
2. The applicant must meet the Fire Bureau requirements for addressing and aerial fire department access. Aerial access applies to buildings that exceed 30 feet in height from the fire access as measured to the bottom of the eave of the structure or the top of the parapet for a flat roof.

Staff Planner: Kathy Harnden

Decision rendered by:  **on April 30, 2015**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 4, 2015

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

Procedural Information. The application for this land use review was submitted on January 17, 2014, and was determined to be complete on July 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 January 17, 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 waived the 120-day review period, as stated with Exhibit G.5. Unless further extended by the applicant, **the 120 days will expire on: July 15, 2015.**

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

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

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

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

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

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

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

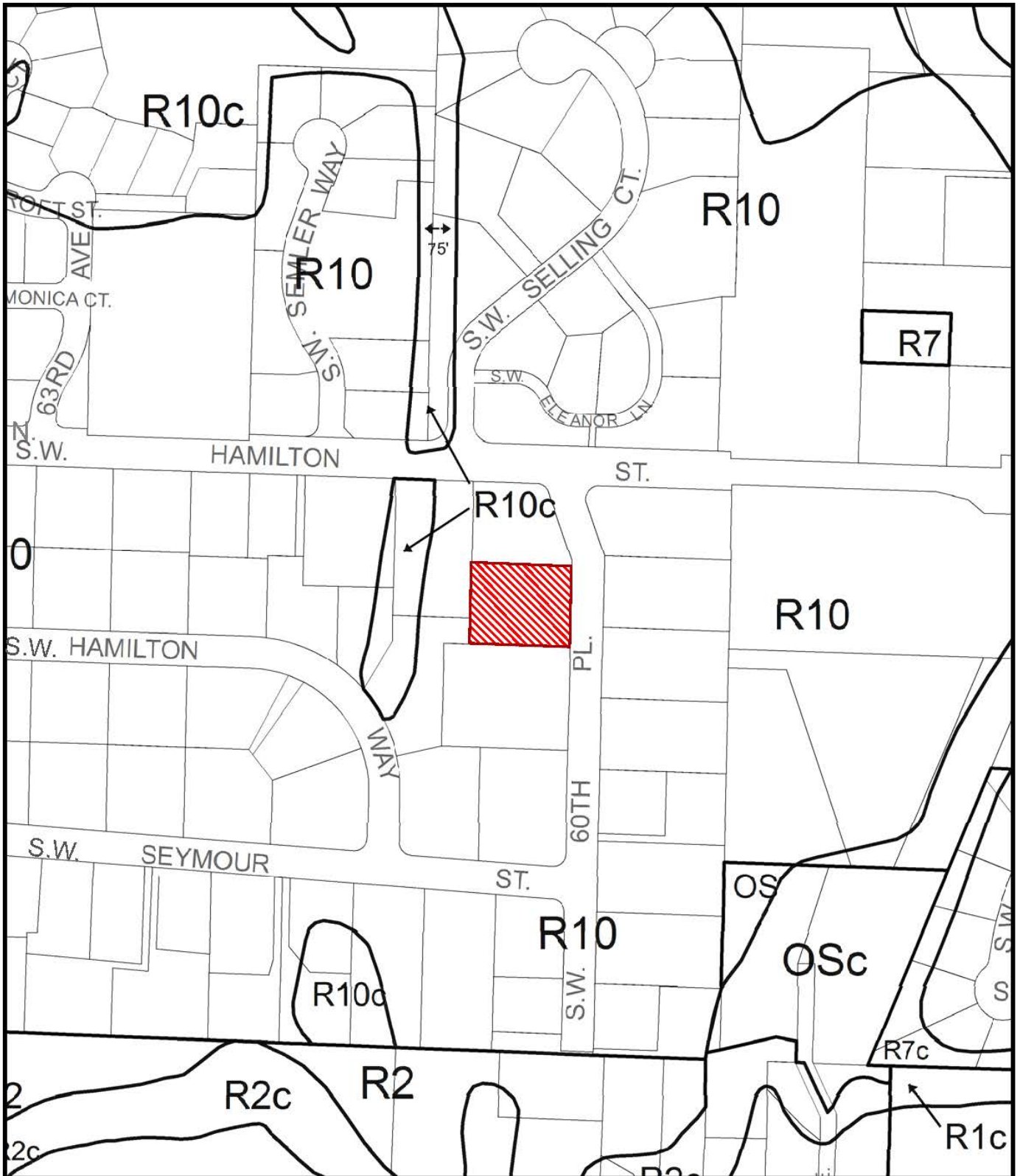
EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant’s Statement

1. Original Application Submittal
 2. Arborist Report
 3. Simplified Approach Form
 4. Infiltration Test Results received 11/03/2014
 5. Geotechnical Engineering Report received 11/03/2014
 6. Stormwater Management Reports for Parcel 1 received 12/01/2014
 7. Stormwater Management Reports for Parcel 2 received 12/01/2014
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Existing Conditions/Proposed Tree Removal
 2. Preliminary Plat (attached)
 3. Tree Preservation/Proposed Development Plan (attached)
- D. Notification information:
- 1.a Mailing list
 - 1.b Mailing list (revised)
 - 2.a Mailed notice
 - 2.b Mailed notice (revised)
- E. Agency Responses:
- 1.a. Bureau of Environmental Services (BES)
 - b. BES – Addendum 1
 - c. BES – Addendum 2
 - d. BES – Addendum 3
 - 2.a. Bureau of Transportation Engineering and Development Review 2/03/14
 - b. Bureau of Transportation Engineering and Development Review 9/24/14
 3. Water Bureau
 4. Fire Bureau
 - 5.a. Site Development Review Section of BDS 9/19/14
 - b. Site Development Review Section of BDS 11/10/14
 6. Portland Parks & Recreation, Urban Forestry Division
 7. Life Safety
- F. Correspondence:
1. Martha Gazeley, 9/10/14 email response to notice with concerns about tree preservation
 2. Tamara DeRidder, AICP, 9/19/14, representing Claire Coleman-Evans and Scott Evans, email in opposition to proposal due to stormwater concerns
- G. Other:
1. Original LU Application
 2. Incomplete Letter Sent, 3/3/2014
 3. 9/24/2014 Email to Rob Humphrey with attached comment letters from City Bureaus and Tamara DeRidder in response to Public Notice
 4. 120-Day Review Request for Extension: 14 days, 9/11/14
 5. 120-Day Review Request for Full Extension, 10/9/14

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



File No. LU 14-106616 LDP
 1/4 Section 3423,3523
 Scale 1 inch = 200 feet
 State_Id 1S1E18BB 1400
 Exhibit B (Jan 22,2014)

5
3
SHEET

EMERIO
Design
8107 SW WAVERAY BLVD, SUITE 147
BEAVERTON, OREGON 97008
PH: (503)-745-8812

REVISIONS
NO. DATE DESCRIPTION

PRELIMINARY PLAT

4535 SW 60TH PL
TAX MAP T1S R1E18B
PORTLAND, OREGON

ZONE
R10
SETBACKS
FRONT: 20 FT.
GARAGE: 18 FT.
REAR: 10 FT.
SIDE: 10 FT.



RECEIVED

JUL 16 2014

2.0 Exhibits
PV719701-41 n7
Preliminary Plat

4535 SW 60TH PL
 TAX MAP T1S R1E188B
 TAX LOT 1400
 PORTLAND, OREGON

PRELIMINARY
 UTILITY PLAN

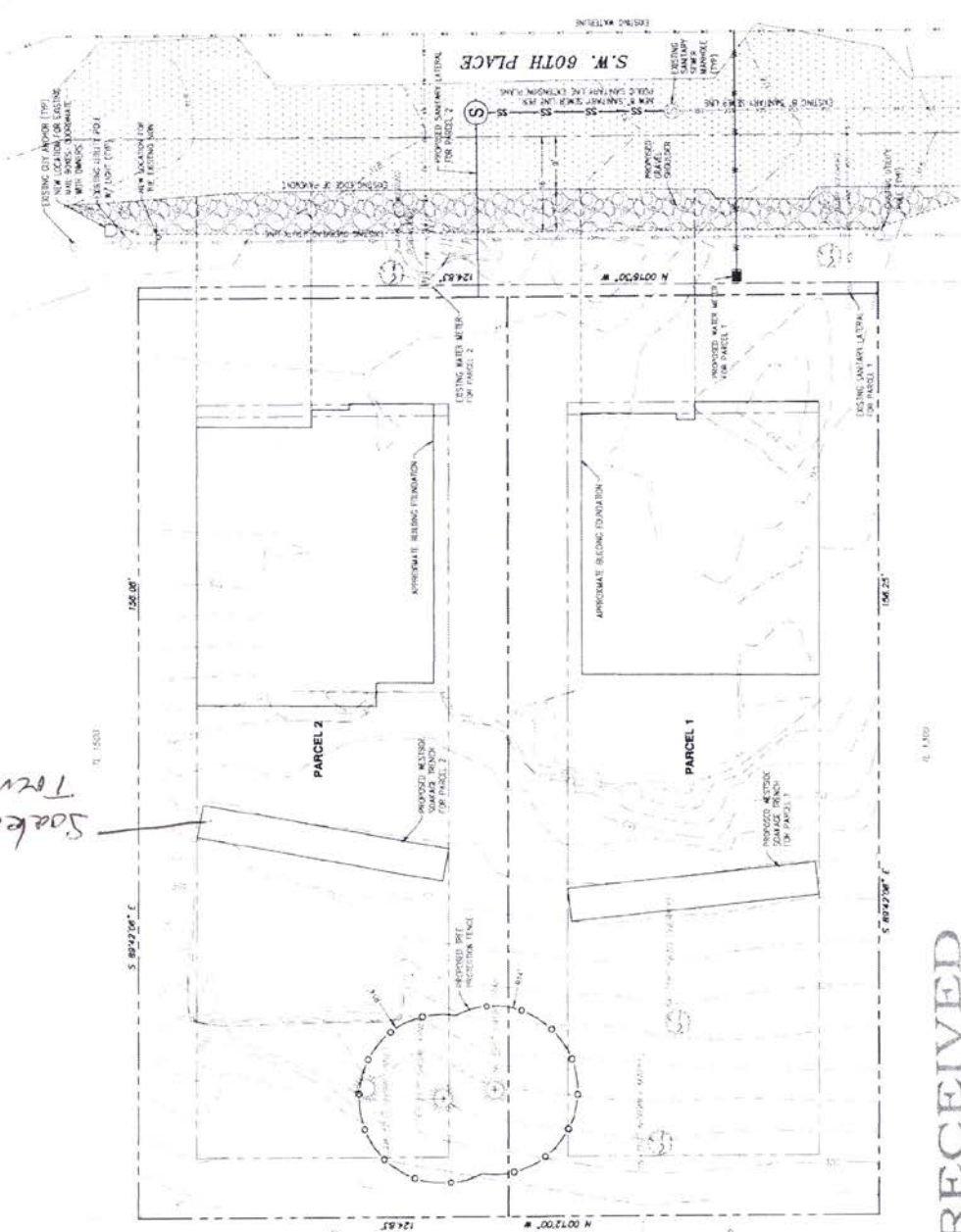
EMERIO
Design
 8.07 SW MURRAY BLVD. SUITE 117
 BEAVERTON, OREGON 97008
 PH: (503)-746-8812

SHEET
 4 of 5

*Proposed Development
 and
 The Proxiation*



- LEGEND**
- INDUSTRY LINE
 - - - ADJUSTED/ADJOINING LOT LINE
 - - - CENTER LINE FOR
 - EXISTING WATER METER
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING WATER METER
 - EXISTING WATER VALVE
 - EXISTING GAS VALVE
 - EXISTING UTILITY AND LIGHT POLE
 - EXISTING SANITARY SEWER LINE
 - EXISTING WATER LINE
 - EXISTING GAS LINE
 - EXISTING FENCELINE
 - PROPOSED SANITARY LATERAL
 - PROPOSED WATER METER



Soakage Trench

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Exhibit C.3