



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

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Date: February 27, 2018
To: Interested Person
From: Brandon Rogers, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 17-189807 LDP

GENERAL INFORMATION

Applicant: Lou Montgomery | Simpl Home Designs
4931 SW 76th Ave PMB 211 | Portland, OR 97225
503-516-4823 | loum@ezpermits.biz

Owner: Adam Wallace & Allison Wallace
17414 NE 30th St | Vancouver, WA 98682

Site Address: 6237 SW VIRGINIA AVE
Legal Description: BLOCK 8, LOT 9, SOUTHPORT
Tax Account No.: R781203080
State ID No.: 1S1E15CD 01700
Quarter Section: 3629
Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.
Business District: South Portland Business Association, contact info@southportlanddba.com.

District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Zoning: Residential 2,000 (R2) with the "d" Design overlay zone.
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 requests a two-parcel partition of a 4,300 square-foot site, creating an 1,887 square foot parcel for development of a single dwelling (Parcel 1) and a 2,413 square foot parcel for the existing residence (Parcel 2). Stormwater is proposed to be managed with flow through planters and discharge to the combined sewer system. Sanitary sewer and water service is proposed from SW Carolina Street (Parcel 1). Existing sanitary sewer service and water if provided by connections to utilities located in SW Virginia Street (Parcel 2). Vehicle access and off-street parking for Parcel 1 (vacant parcel) is proposed from SW Carolina Street. Replacement off-street parking is proposed for the existing house (Parcel 2) with a new driveway, parking pad and curb cut connecting to SW Virginia Avenue.

Removal of a street tree would be required for the new curb cut. The site contains one tree subject to the tree preservation standards of Title 33.

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

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010). ORS 92.010 defines “parcel” as a single unit of land created by a partition of land. The applicant’s proposal is to create two units of land. 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: Topography of the corner-lot site is level, an existing single-family residence is proposed to remain on Parcel 2. The surrounding neighborhood is developed with single dwelling and multi-dwelling development, with commercial development along SW Macadam Avenue. The block pattern north of SW Carolina Street is predominately 200-foot by 365-foot blocks. South of SW Carolina, block dimensions are larger, at approximately 720-feet by 200-feet.

Infrastructure:

- **Streets** – The site has approximately 100-feet of frontage on SW Carolina Street and 43-feet of frontage on SW Virginia Street. One driveway connects to SW Carolina Street. At this location SW Virginia Ave is classified as a Local Service Street for all modes. The frontage is improved with a 16-ft wide sidewalk corridor with an 8-6-2 configuration. SW Carolina Street is classified as a City Walkway and a Local Service Street for all other modes. It is also improved with a 16-ft sidewalk corridor with an 8-6-2 configuration.
- **Water Service** – There is an existing 8-inch water main in SW Virginia Avenue. The existing house is served from this main.
- **Sanitary Service** - There is an existing 20-inch public combination sewer line in SW Carolina Street. There are existing 36-inch and 72-inch public combination sewer lines in SW Virginia Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: Residential 2,000 (R2) with the “d” Design overlay zone. The **R2** designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-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.

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 **January 3, 2018**. No written responses have been received from the Neighborhood Association. A written response has been received from a notified property owners in response to the proposal.

Staff Response: Concerns raised in the letter (Exhibit F.1) include stormwater management and tree preservation. The European birch is exempt from the tree preservation standards (11.50.040.B.2) because it is categorized as a nuisance tree in the Portland Plant List. The diameter at breast height of the curly willow tree is 11-inches, as stated in the applicant's arborist report (Exhibit A.5). Stormwater is proposed to be managed by pre-treatment and disposal to the City's combined sewer system. Stormwater management is discussed below in Section L *Services and Utilities* and Tree Preservation is discussed below in Section B *Trees*.

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 proposed 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.
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 two lots for single-dwelling development. Single-dwelling or duplex development is proposed for all of the site; therefore, the applicant must demonstrate how the proposed lots meet the minimum density and not exceed the maximum density stated in Table 120-3 at the time of the preliminary plan review.

Minimum density in the R2 zone is calculated at one unit per 2,500 square feet of site area and the maximum density is calculated one unit per 2,000 square feet per site area. No street dedications are required. The total site area shown on the applicant's survey is 4,300 square feet. Therefore, the site has a minimum required density of 2 units and a maximum density of 2 units. The proposal for two single-dwelling lots meets the density criteria. The required and proposed lot dimensions are shown in the following table:

R2	Minimum lot area (square feet)	Minimum lot width *(feet)	Minimum lot depth (feet)	Minimum front lot line (feet)
Detached Houses	1,600	25	none	25
Parcel 1	1,887	43.88	43.00	43.88
Parcel 2	2,413	43.00	56.12	43.00

* 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 require that trees be considered early in the design process with the goal of preserving high value trees and, when necessary, mitigating for the loss of trees. To satisfy these requirements, the applicant provided a tree plan. The tree plan is required to demonstrate, to the greatest extent practicable, the trees to be preserved provide the greatest environmental and aesthetic benefits for the site and the surrounding area. The tree plan must also show that trees are suitable for preservation, considering the health and condition of the tree and development impacts anticipated. Tree preservation must be maximized, to the extent practicable, while allowing for reasonable development considering the intensity of development allowed in the zone and site constraints, including existing utility easements and requirements for services and streets.

Trees that are healthy, native and non-nuisance species, 20 or more inches in diameter and tree groves are the highest priority for preservation. Additional considerations include trees that are slower growing native species, trees buffering natural resources, preventing erosion and slope destabilization and limiting impacts on adjacent sites. Some trees are exempt from the requirements of this chapter, if they are unhealthy, a nuisance species, located within 10 feet of a building to remain on the site, within an existing right-of-way, or within an environmental zone.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.1) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.5) that identifies each tree, its condition and suitability for preservation or its exempt status, and specifies a root protection zone and tree protection measures for each tree to be preserved.

Based on this information, two trees are located on-site; an 11-inch diameter at breast height (DBH) curly willow, and a 26-inch DBH European birch. The European birch is exempt from the tree preservation standards (11.50.040.B.2), because it is categorized as a nuisance plant in the Portland Plant List. Therefore, the curly willow tree is the only tree located on-site that is subject to the tree preservation standards of this section. The applicant proposes to preserve the curly willow to meet the preservation standards.

The proposed root protection zone (RPZ) for the curly willow is 8-feet, where an 11-foot RPZ is required. The arborist report proposes to use the Performance Path for tree protection (11.60.030.C.2), however the arborist report does not address the standards to modify the prescriptive RPZ. Therefore, the performance path for tree protection cannot be approved as part of the partition. The applicant may propose the performance path for tree protection at the time of development, addressing all of the standards under 11.60.030.C.2. Note that the prescriptive path of tree protection 11.60.030.C.1.a(3) provides for limited encroachments into the RPZ. Based upon the proposed development shown on the applicant's utility and tree preservation plan (Exhibit C.3) the allowed RPZ encroachment under 11.60.030.C.1.a(3) does not conflict with the building footprint, utility connections and driveway. Therefore, the standard RPZ of 11-feet is required, with the RPZ encroachment allowed under 11.60.030.C.1.a(3). Staff has annotated the tree preservation plan (Exhibit C.3) to illustrate the requirement of the prescriptive path RPZ.

The tree proposed for preservation is in good condition, is a non-nuisance species, and no on-site trees measure 20 or more inches in diameter. The proposed root protection zones for the trees to be retained will allow for the type of development anticipated in the R2 zone and will not conflict with any existing utility easements, proposed services or site grading. The applicant proposes to retain 11 inches of tree diameter, which is equivalent to 100 percent of the total on-site tree diameter, so the proposal complies with Option 4; *where all trees are less than 20 inches in diameter, preserve at least 35 percent of the total tree diameter on site* (33.630.100.A.4).

In order to ensure that future owners of the parcels 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. The acknowledgement must identify that development on Parcel 1 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.3) and the Arborist Report (Exhibit A.5).

Based on these factors, no additional mitigation is warranted to satisfy the approval criteria. With the implementation of the noted conditions, the approval criteria will be met.

At the time of development, the individual parcels must also meet the Title 11-Tree Code provisions, which require a specific amount of site area for tree planting based on the size of the property and the scale of the development. The tree to be retained as part of this review may be applied toward meeting those Title 11 requirements at the time of development of Parcel 1.

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 topography is primarily flat and is not located within the Potential Landslide Hazard Area. The applicant's preliminary grading plan (Exhibit C.4) illustrates no grading, a temporary soil stockpile area and proposed erosion control measures. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, the tree required to be preserved in the areas where new development on the site is anticipated will be protected at the time of development. This criterion is met.

Land Suitability

The site is currently in residential use, and there is no record of any other use in the past. The Site Development section of BDS has commented (Exhibit E.5) that the house was connected to sanitary sewer in 1923, which indicates no on-site cesspool or septic system decommissioning is required. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. 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. The proposed lots are located on the north side of an east-west oriented street. The applicable solar access standards require the narrowest lots should be corner lots on the north side of the street. However, the site is developed with an existing single dwelling that is proposed to remain at the site. Maintaining existing development on the site limits new parcel configuration. The Lot Dimension Regulations of Section 33.610.200 supersede the Solar Access approval criteria of Chapter 33.639. Therefore, this criterion is not required to be met.

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

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

Street Capacity and Levels of Service: The proposal will result in a net increase of 1 single-family residence. This residence can be expected to generate 10 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. **Connectivity:** The site is a corner lot. Connectivity requirements do not apply. **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 spaces 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 Lines #43 and #35 is available to serve the site at SW Nebraska/SW Virginia and SW Macadam/SW Nebraska respectively. **Neighborhood Impacts:** The site is being developed with a new single-family residence in compliance with the existing R2 zoning. The existing sidewalk corridors exceed current minimum widths. No dedications or street improvements are required other than repairing any damaged sections and constructing standard driveway approaches. **Safety for All Modes:** Sidewalks along both sides of the area streets provide adequate pedestrian facilities. Give the low vehicle speeds and volumes on SW Virginia and SW Carolina, cyclists can safely share the roadway.

PBOT has reviewed and concurs with the information supplied and available evidence. 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. There is no existing water service on SW Carolina Street. The nearest water service is located in SW Virginia Avenue. The applicant must arrange to extend a new water main in SW Carolina Street to ensure service is available to Parcel 1. In order to meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the Water Bureau prior to final plat approval. With this condition, 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 has indicated that service is available to the site, as noted on page 2 of this report. The sanitary sewer service standards of 33.652 have been verified.

33.653.020 & .030 Stormwater Management criteria and standards – See Exhibits E.1

No stormwater tract is proposed or required. Therefore, criterion A is not applicable. The applicant proposes the following stormwater management methods:

The applicant submitted a Simplified Approach stormwater report and infiltration testing results completed by Hardman Geotechnical Services (Exhibit A.3). The infiltration testing shows infiltration rates on this site of less than 2 inches per hour. The Simplified Approach form indicates that runoff from the development on the vacant parcel (Parcel 2) will be discharged offsite to the combined sewer after pollution reduction and flow and volume control standards are met with a planter sized per the Simplified Approach.

The submitted site plan indicates that stormwater from the existing house discharges to splash blocks. However, based on historic plumbing permits and photos of the house, it appears that stormwater may currently be discharging to the combined sewer. BES is not requiring the existing stormwater system to be retrofitted. Either way, it does not appear that stormwater from the existing structure will impact the proposed new property.

The stormwater service standards are verified.

33.654.110.B.1 Through streets and pedestrian connections

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

The block on which the subject property is located does not meet the noted spacing requirements because its dimensions are approximately 200-feet by 365-feet. However, addition of a pedestrian connection within the block would result in pedestrian connections closer than 200-feet apart. Because the site is a corner lot, it does not provide a suitable location for a connection. Additionally, the block generally meets the through street and pedestrian connections standard in its current configuration. In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply. For the reasons described above, this criterion is met.

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

In reviewing this land division, 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. PBOT has responded that sidewalk corridors at the site exceed current minimum widths. No dedications or street improvements are required, and no right of way dedications are required. 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.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 2. 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 R2 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. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be 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.
- Required Off-Street Parking – In this zone, one parking space per dwelling unit is required. A paved parking pad provides this required parking for the existing house. As a result of this land division, the required parking space for the existing house will be located on a different parcel. To ensure that parking requirements continue to be met, a new parking space for the existing house must be constructed on Parcel 2 prior to final plat approval. Permits must be obtained to construct a new parking space. Documentation of final inspection of this new parking space will be required prior to final plat approval.
- Title 11 Tree Density Standard – This site has a minimum tree density requirement per 11.50.050 that is currently met on the site. Due to the land division, the parcel with existing house will no longer meet this standard. Parcel 2 is 2,413 square feet in area, therefore 966 square feet of tree area is required. Prior to final plat approval, the applicant must meet this requirement by either planting trees on Parcel 2 or making the equivalent payment into the City Tree Preservation and Planting Fund. Tree planting must be documented with a finalized Zoning Permit. Parcel 2 is less than 3,000 square feet, therefore the required street tree planting will count towards the Title 11 Tree Density standard.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood plain Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements 2008 Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 Policy B-1 – Emergency Access
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 – Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

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

- The 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.
- The applicant must meet the requirements of Urban Forestry for street tree planting in the existing planter strip adjacent to Parcel 2 prior to final plat approval. This requirement is based on the standards of Title 11. In addition, a fee equivalent to 1.5-inches of trees is required as mitigation for the loss of one street tree planting space. Payment to be made prior to final Plat approval.

CONCLUSIONS

The applicant has proposed a two parcel partition as shown on the attached preliminary plan (Exhibit C.2). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal are: tree preservation, maintaining required setbacks for the existing house to remain and replacement off-street parking for the existing house. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a two-parcel partition that will result in two lots for single dwelling development as illustrated with Exhibits C.2 and C.3, subject to the following conditions:

- A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for review and approval by the Land Use Services section of BDS. 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;
 - Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
 - Any other information specifically noted in the conditions listed below.
- B. The final plat must show the following:**
1. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) 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 tree preservation land use conditions has been recorded as document no. _____, Multnomah County Deed Records."

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

Utilities

1. 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 B of the Fire Code is met, the exception is used, or provide an approved Fire Code Appeal prior final plat approval.
2. The applicant shall meet the requirements of the Water Bureau for providing plans and financial assurances for the water main extension in SW Carolina Street.

Existing Development

3. A parking space shall be installed on Parcel 2, in conformance with the applicable requirements of the Portland Zoning Code. The applicant must obtain a finalized Zoning Permit for installation of the parking space. The permit plans must include the note: *This permit fulfills requirements of Condition C.3 of LU 17-189807 LDP.* The surveyed location of the new parking space must also be shown on the supplemental plan.
4. The applicant must meet the requirements of Urban Forestry to plant two street tree(s) in the planter strip on SW Carolina Street and one street tree in the planter strip on SW Virginia Avenue adjacent to Parcel 2. The applicant must contact Urban Forestry at 503-823-TREE (8733) prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit.
5. The applicant must meet the tree density standard of 11.50.050 for Parcel 2 with the existing house by either planting trees on the lot or within the adjacent right of way or making the equivalent payment into the City Tree Preservation and Planting Fund. A finalized Zoning Permit and/or Urban Forestry Street Tree Planting Permit must be obtained to document tree planting prior to final plat approval.

Required Legal Documents

6. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcel 1. A copy of the approved Tree Preservation Plan must be included as an Exhibit to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

Other requirements

7. The applicant must pay into the City Tree Preservation and Planting Fund required for the permanent loss of one street tree planting space (1.5-inches). Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau. Payment must be completed prior to Final Plat approval.

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

1. Development on Parcel 1 shall be in conformance with the Tree Preservation Plan (Exhibit C.3) and the applicant's arborist report (Exhibit A.5). Specifically, tree number 1 (11-inch DBH Curly Willow) is required to be preserved, with the root protection zones indicated on Exhibit C.3. Tree protection fencing is required along the root protection zone of each tree to be preserved. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. Encroachment into the specified root protection zones may only occur if it meets the Prescriptive Path allowances of 11.60.030 or is under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones beyond the allowances of 11.60.030 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 their supervision.

- 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: Brandon Rogers

Decision rendered by:  **on February 23, 2018**

By authority of the Director of the Bureau of Development Services

Decision mailed February 27, 2018

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 June 20, 2017, and was determined to be complete on December 18, 2017.

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 June 20, 2017.

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 that the 120-day review period be extended by 245 days. Unless further extended by the applicant, **the 120 days will expire on: August 20, 2018.**

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.

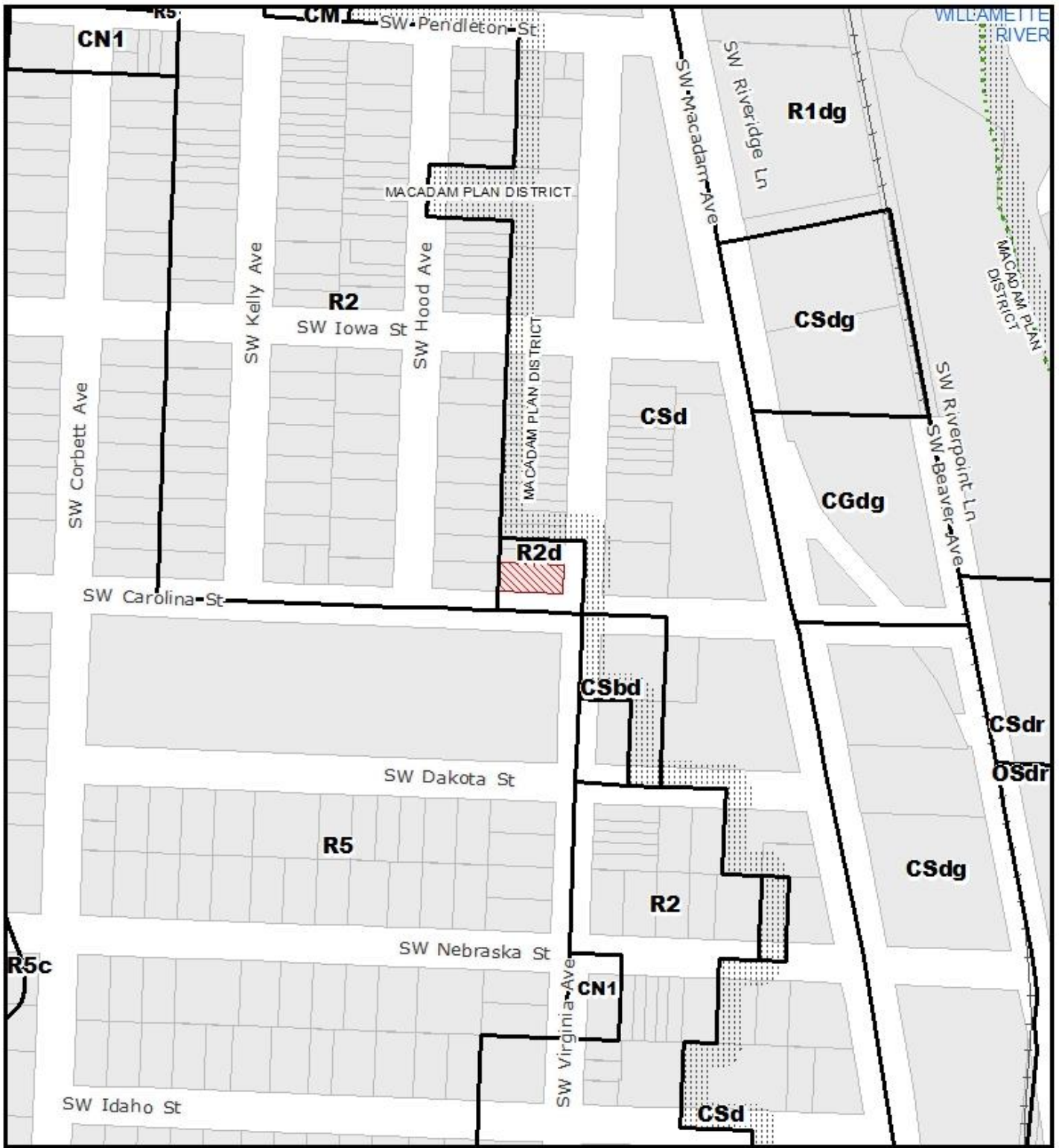
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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 Submittal
 - 2. Infiltration Testing Results / HGSI (Revised 12/15/17)
 - 3. Applicant's Response to Completeness Letter
 - 4. Revised Narrative
 - 5. Arborist Report (Revised 12/15/17)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Conditions and Tree Inventory Plan (Revised 12/15/17)
 - 2. Preliminary Land Division Plan (Revised 12/15/17) (**attached**)
 - 3. Utility and Tree Preservation Plan (Revised 12/15/17) (**attached**)
 - 4. Preliminary Grading Plan (Revised 12/15/17)
- 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. Bill Zale, February 2, 2018.
- G. Other:
 - 1. Original LU Application
 - 2. Completeness Letter
 - 3. Expedited Land Division Form
 - 4. 120-day Extension (12/15/17)
 - 5. 120-day Extension (12/18/17)

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

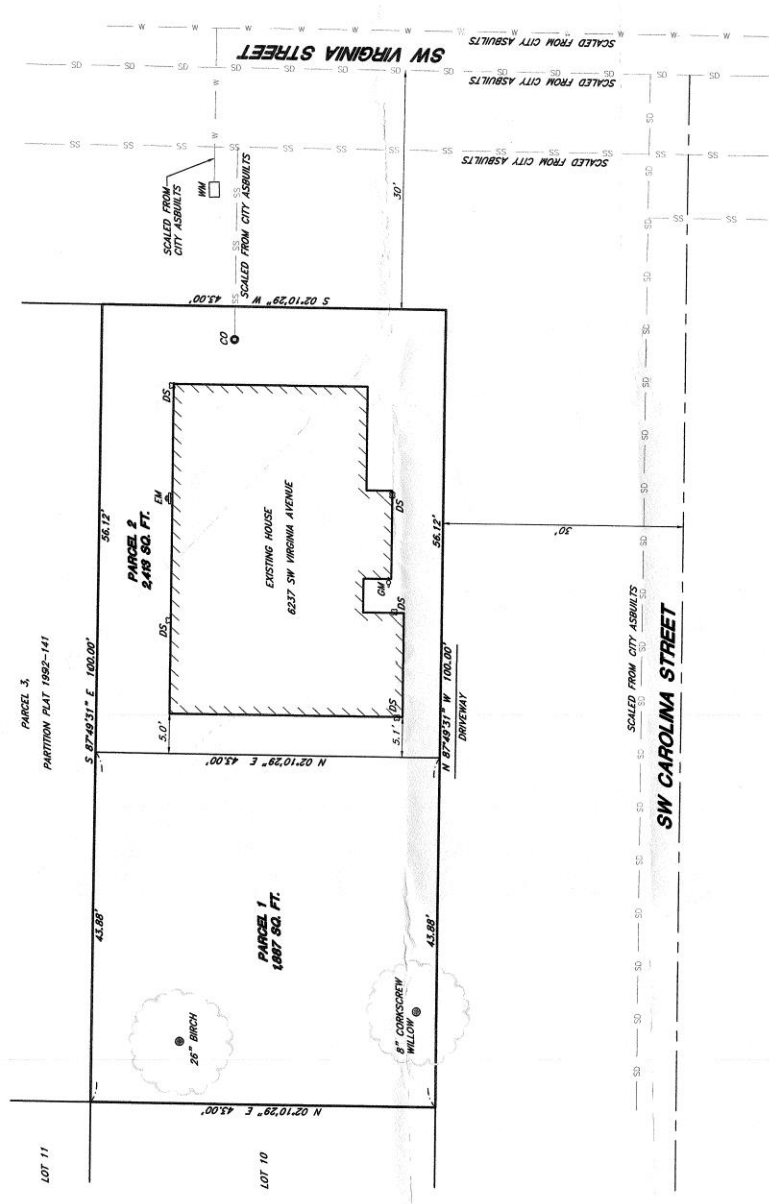


Site



Recreational Trails

File No.	LU 17-189807 LDP
1/4 Section	3629
Scale	1 inch = 200 feet
State ID	1S1E15CD 1700
Exhibit	B Jun 22, 2017



SUPPLEMENTAL PLAN
FOR A PROPOSED PARTITION PLAT OF
LOT 9, BLOCK 8,
"SOUTHPORT"

SITUATED IN THE
SOUTHWEST 1/4 OF SECTION 36, T. 1 S. & 1 E., W.M.
CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Eric D. Jones
OREGON
JULY 16, 1982
ERRIC D. JONES
1996
EXPIRES: 6-30-17

U.S. ORDINANCE
(1898-1915)
MARSHALL BROTHERS
BOOTH & WRIGHT
(1915-1957)
SEYON, JOHNSON & ODELL
(1957-1983)
CHASE, JONES &
ASSOCIATES, INC.
(1983-)

CHASE, JONES & ASSOCIATES INC.
716 S. E. 11TH AVE. PORTLAND, OREGON 97214
PHONE: (503) 228-9844

PROJECT NO.	1/4 SECTION	DATE	SHEET
14582	3629	NOVEMBER 3, 2016	1
DRAWN BY	CHECKED BY	SCALE	OF
DLW	EDJ	1" = 10'	1

LEGEND:
GM = GAS METER
DS = DOWN SPOUT
WM = WATER METER
EM = ELECTRIC METER
CC = CLEAN OUT

CASE NO. 2417-18980
EXHIBIT C-2
M17-189807 LDP

6237 SW VIRGINIA AVENUE
 2-LOT PARTITION
 TAX MAP 1S1E15CD
 CITY OF PORTLAND, OREGON

UTILITY AND TREE PLAN

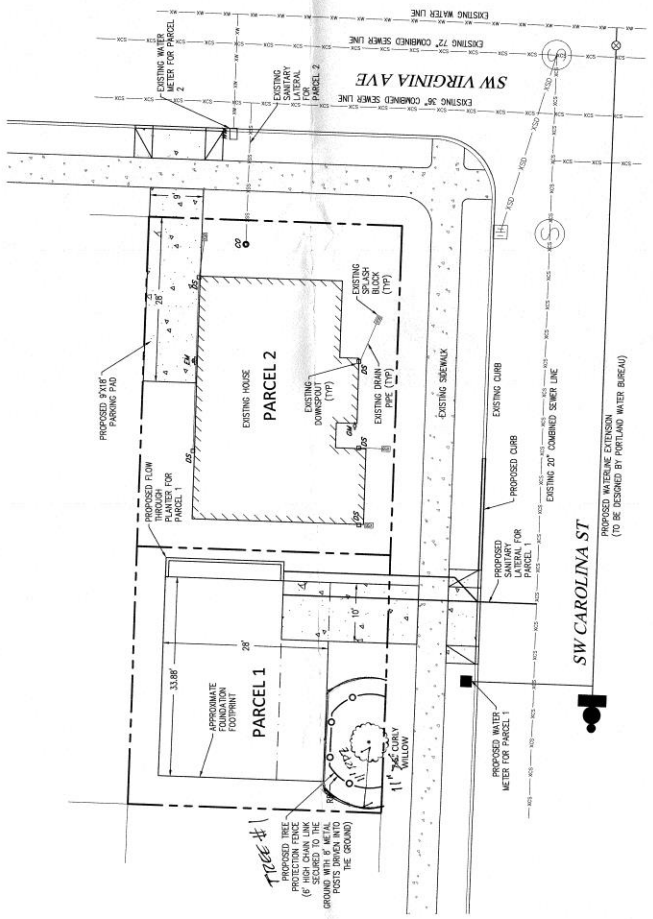
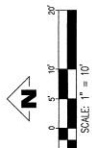
NO.	DATE	DESCRIPTION

EMERIO
Design
 6440 SW KALAMAZOO PL, SUITE 100
 BEAVERTON, OREGON 97008
 TEL: (503) 638-8823
 FAX: (503) 638-9282
 www.emeriodesign.com

SHEET 4 OF 5
 CABERNET 11-11-14
 PORTUM - C-3

LEGEND

- BOUNDARY LINE
- ADJACENT/ADJOINING LOT LINE
- CENTER LINE ROW
- EXISTING TREE
- EXISTING COMBINED SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING DOWNSPOUT
- EXISTING ELECTRIC METER
- EXISTING CLEANOUT
- EXISTING GAS METER
- EXISTING WATER METER
- EXISTING COMBINED SEWER LINE
- EXISTING STORM LINE
- EXISTING WATER LINE
- PROPOSED SANITARY LATERAL
- PROPOSED WATER METER
- PROPOSED WATER LINE
- PROPOSED BLOWOFF
- TREE PROTECTION FENCE



FILED: 1488-001 6237 SW Virginia Street (new) (plan) 1488-001, MAKE LEGAL, LEGAL, FILED DATE: 10/17/2017 3:14 PM BY: Kyung Han