



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

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Date: April 9, 2020
To: Interested Person
From: Lois Jennings, Land Use Services
503-823-2877 or lois.jennings@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The 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.

GENERAL INFORMATION

CASE FILE NUMBER: LU 19-168675 VR

Applicant: Casey Colton, Stone Creek Building Development Inc
502 7th St, #204
Oregon City OR 97045
503-680-0629 or casey@stonecreekbuilding.net

Representative: Danelle Isenhart, Isenhart Consulting LLC
P.O. Box 2364
Beaverton, OR 97075
503-880-4979 or danelle@isenhartconsulting.com

Owner: David J. Malcom
Malcolm Trust
1511 SW Skyline Blvd
Portland, OR 97221

Site Address: 1240 SW 60TH AVE

Legal Description: TL 4700 0.23 ACRES, SECTION 06 1S 1E
Tax Account No.: R991063730
State ID No.: 1S1E06BD 04700
Quarter Section: 3123

Neighborhood: Sylvan-Highlands, contact Dave Malcolm at 503-805-9587.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest Hills – Skyline subdistrict
Other Designations: none

Zoning: R10- Single-Family Residential (1 unit per 10,000 s.f.)

Case Type: VR, Lot Validation Review, per ORS 92.176

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal: The applicant is seeking approval to validate a unit of land that is not recognized by the City as a legal lot or lot of record. Oregon Revised Statutes 92.176 permits the validation of a unit of land that was not lawfully established if it could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold. The applicant has provided a December 23, 1986 deed which describes the unit of land proposed for validation. At that time, a land division was required to lawfully create a new unit of land in the City of Portland. The zoning in this area in 1986 was R10. The purpose for validating this unit of land is to allow for development to occur on the site. The unit of land to be validated is identified as Parcel 1 on the Lot Validation survey and a conceptual site & erosion plan was provided to address Title 34 approval criteria. The Lot Validation Plat survey reflects the boundaries of this unit of land. Future development is not part of this review.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the following requirements:

- **Oregon Revised Statute (ORS) 92.176:** Validation of unit of land not lawfully established; and
- **City of Portland -Title 34:** Section 34.30.030, Approval Procedure and Approval Criteria – (Code in effect for Minor Partitions in 1986)

ANALYSIS

Site and Vicinity: The site is on the east side of SW 60th Avenue which is an unimproved street. The property slopes away from the street with the grade elevation at the corners abutting the street 946 EL and 935 EL and then at the rear of the property 936 EL and 921 EL. Without survey markers it would be hard to distinguish where the right-of-way starts, and the site begins due to the existing vegetation. Large Fir trees and Maple trees create the feel of an open space forested area which provides privacy between the existing neighboring houses.

Zoning: The R10 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 Northwest Hills plan district protects sites with sensitive and highly valued resources and functional values. The portions of the plan district that include the Balch Creek Watershed and the Forest Park Subdistrict contain unique, high quality resources and functional values that require additional protection beyond that of the Environmental overlay zone. These regulations provide the higher level of protection necessary for the plan district area.

Land Use History: City records indicate there are prior land use history for this site.

- 7459A- This property and other properties in this area were annexed into the City of Portland on September 20, 1984.
- Northwest Hills Study-Ordinance 158017 Book 1880, Page 408, Adopted the R10 zoning for this annexed property.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on November 20, 2019.

Agency Review: Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

LOT VALIDATION APPROVAL CRITERIA

LOT VALIDATION

ORS 92.176 Validation of unit of land not lawfully established.

(1) A County or city may approve an application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land:

- (a) Is not a lawfully established unit of land; and**
- (b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.**

Title 34 Approval Criteria for a Minor Partition for the City of Portland in 1986 is the following:

34.30.030.A Approval Criteria:

1. It is in conformance with the Comprehensive Plan map designation.

Findings: The Comprehensive Plan Map designation for this site in 1986 and today is R10. The corresponding zone is R10. The zoning code implements the Comprehensive Plan policies. The proposed parcel facilitates the type of development allowed in this zone. This criterion is met.

2. It is in conformance with the principles of land suitability specified in section 34.50.090 of This Title.

Findings: This section will be addressed later in this report.

3. It is in conformance with the design standards for lots and parcels specified in Section 34.60.030 of this Title.

Findings: This will be addressed later in this report.

4. The continuation of existing principal streets in surrounding areas will not be blocked or made impractical.

Findings: The proposed minor partition lot validation proposal will not partially or fully block the continuation of existing principal street in the surrounding area. This criterion is met.

5. Access to adjacent property from streets, as required by City Code will not be eliminated or made impractical.

Findings: This minor partition lot validation proposal will not result in the elimination of access to adjacent property from streets. This criterion is met.

6. Adequate required water, sanitary sewer or approved subsurface disposal systems and drainage facilities are available or can be provided.

Findings: The applicant submitted a narrative and a conceptual improvement and site utility plan (Exhibit C.2) and provided a recorded private sanitary and stormwater easement (Exhibit A.15 & A.18) showing how services will be provided to this parcel. The Service Bureaus have provided the following comments:

Water

Water service is currently not available to this site. At the applicant's expense, the Water Bureau would extend a water main in SW 60th Avenue to inside 5-ft. of the property line. New water services shall be located a minimum of 5-ft. from sanitary lines, trees and poles, and 3-ft. clearance from all other utilities.

The applicant's narrative (Exhibit A.7) states the will be paying the Water Bureau to provide for a new water line service to this property.

The Water Bureau has no objections to validating this unit of land with the following condition: Prior to approval of any building permits at this site, at the property owner's expense, the above referenced water main extension must be paid in full (Exhibit E.3).

Sanitary Sewer and Stormwater Management

The Bureau of Environmental Services (Exhibit E.1) notes there is no sanitary sewer directly available to this property under review. There is an existing public 8-inch CSP sanitary-only sewer in SW 58th Avenue (as-built# MC0018). There is a public 8-inch CSP sanitary-only sewer in an easement to the City of Portland on the southern portion of the site with the address of 60326 SW Madison Ct. (as-built #MC0167). There are no public storm-only sewers available within the frontage of the property. There is a ditch along the western edge of SW 58th Avenue.

The applicant submitted a conceptual development plan and utility plan (Exhibit C.2) which shows sanitary service will be received through a utility easement via a neighbor property to the east to the public sewer in SW 58th Avenue. As shown on the site utility plan and narrative stormwater will be treated on-site with a stormwater planter and then stormwater overflow will be dispersed through a 6-inch stormwater pipe through a private utility easement to a ditch along SW 58th Avenue.

Bureau of Environmental Services (BES) reviewed the information provided by the applicant and provides the following comments (Exhibit E.1.a):

The applicant provided an amendment to the existing utility easement (stormwater & sanitary etc.). This amended utility easement grants adequate access across the neighboring property to the east to the sanitary sewer in SW 58th Avenue and to the storm ditch in SW 58th Avenue. Therefore, BES can confirm that adequate sanitary sewer and stormwater disposal systems can be provided to the lot.

As discussed above and as shown on the site utility plan, services can be provided to the Parcel being validated and can meet City Service Bureau requirements at the time of development. With the conditions noted above this criterion can be met.

7. The City Engineer has no objections (Title 17, Public Works).**Approval Criteria Related to Streets and Other Improvements****34.40 Improvement Guarantee****34.40.010 Agreement for Improvements Under Permit Procedure.**

Prior to City Engineer approval of a Subdivision plat or major partition map associated with any major or minor land division, the land divider shall execute and file with the City an agreement between the divider and the City, specifying the period within which permit applications for required public improvements shall be filed and the improvements installed and providing that, if the work is not completed within the period specified, the City may cause the work to be completed and recover the full cost and expense necessary to collect said amounts from the land divider. The agreement shall further specify that the land divider shall, at the divider's own expense, maintain such public improvements for a period of 24 months following issuance of a certificate of completion, as assurance against defective workmanship or materials employed in such improvement. The

agreement shall be in a form satisfactory to the City Attorney and shall provide for reimbursement to the City for the cost of design, engineering and inspection.

Findings: The Development Review Section of Portland Bureau of Transportation (see Exhibit E.2) provides the following comments:

At this location, the City's Transportation System Plan (TSP) classifies SW 60th Ave as Local Service for all other modes.

Existing Improvements: SW 60th Avenue at this location is unimproved. There is a 60-ft. ROW.

Required Improvements: To satisfy 17.88.020 requirements the applicant has two options; 1) **Payment of the LTIC and construction of access under a public works permit, OR 2) Construct standard improvements under a public works permit.** Additional information on each option is provided below.

Option 1. LTIC and gravel access. In accordance with City Code 17.88.020, Building and Planning Actions, the applicant has the option of paying the LTIC instead of constructing standard improvements as described above. The charge for the LTIC is currently \$600 per linear foot of qualifying street frontage. (100 feet of frontage x \$600 = \$60,000) Payment of the charge will exempt the property from the requirement to construct transportation improvements to current City standards. Should the applicant proceed with the LTIC option, some improvements to allow vehicle access to the site will still be required. A 20-foot minimum width of grading and gravel will be required for roadway access to the site. Additional width and design requirements to assure adequate stormwater drainage and emergency vehicle access may also be required and will need to be determined through the Public Works Permit process. The LTIC fee is due at the time of issuance of the building permit.

Option 2. Standard Street Improvements. If the applicant elects to construct standard improvements PBOT's right-of-way standard document, "Creating Public Streets" recommends a 26-ft paved roadway. *The Pedestrian Design Guide* recommends a 14-ft wide sidewalk corridor, to include an 0.5-ft curb, 8-ft stormwater facility, 5-ft sidewalk corridor, and 0.5-ft frontage zone. The applicant would be required to construct a half-street improvement consisting of a 20-foot paved roadway with a 0.5-ft curb 13-feet from centerline, an 8-foot public stormwater facility, 5-foot sidewalk and 0.5-ft frontage zone.

Summary: The subject site has frontage on an established right-of-way (ROW), though no street currently exists within that ROW. The proposal will require the installation of access to the subject site in compliance with Title 17, which will be reviewed at the time of building permit. It does not appear that dedication is needed to accommodate right-of-way improvements to current standards.

Current standards would allow the subject site to either construct full street improvements or meet the Title 17 obligation through the payment of the Local Transportation Infrastructure Charge (LTIC). The LTIC ordinance was adopted by City Council in 2016 in recognition of the difficulty in addressing situations where existing rights-of-way are not fully improved, and the development will include only 1 to 3 units. Based on 17.88.090- Local Transportation Infrastructure Charge and TRN 1.26- Local Transportation Infrastructure Charge, staff finds the nature of development in the vicinity of this partition makes installation of some improvements unreasonable. As such, PBOT will not seek public improvements as part of this lot validation. The site will be evaluated for compliance with current Title 17 requirements as part of the building permit review.

PBOT has no objections to validating this unit of land. Improvements to SW 60th Avenue or payment into LTIC will be met at the time of development of this property. This criterion is met.

Principles of Acceptability 34.50

34.50.010 Conformance with Plans.

A land division, whether by subdivision or partitioning shall conform to the Comprehensive Plan, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the principles of acceptability and the design standards established in this Title. Where such is not shown in adopted or preliminary plans the arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing arterial or collector streets in surrounding area, or**
- B. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topography or other conditions make continuance or conformance to existing streets impracticable.**

Findings: The Comprehensive Plan Map designation for this site is R10-Single Family Residential. The corresponding zone is R10. The applicant's proposal meets this requirement because the proposed Residential Use is allowed in the R10 zone.

PBOT comments: At this location, the City's Transportation System Plan (TSP) classifies SW 60th Avenue as Local Service for all modes. No continuation of existing arterial streets is required in this area. This criterion is met.

34.50.020 Future Extensions of Streets.

Where a Subdivision or partition associated with any major or minor land division adjoins unsub divided land, streets, which should be continued in the event of the division of the adjoining land, will be required to be provided to the boundary lines of the tract. Reserve strips or street plugs may be required to preserve the objectives of street extensions.

Finding: The City Engineer has reviewed the land division proposal and the abutting streets do not require continuation and no frontage streets are required. This criterion is met.

34.50.050 Frontage on Arterial Streets.

Wherever a Subdivision or partition abuts or contains an existing or proposed arterial street, the Hearings Officer may require frontage streets, reversed frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Findings: The site does not have frontage on an existing arterial street, and Portland Transportation has not identified the need for an arterial street at this location. Therefore, this criterion does not apply.

34.60.020.C. Pedestrians and Bicycle ways.

When desirable for public convenience, a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation or continuity to a pedestrian or bicycle circulation system.

Findings: Portland Bureau of Transportation (PBOT) has reviewed the land division proposal and is not requiring a pedestrian or bicycle connection at this location.

Approval Criteria Related to Parcels

34.50.080 Acreage Tract Subdivisions and Partitions

Where a tract of land is subdivided or partitioned into large lots or parcels, the Hearings Officer or the Planning Director may require an arrangement of lots and

streets such as to permit a future re-division into smaller lots or parcels in conformity with the requirements specified in these regulations. Setback lines may also be required in order to preserve future rights-of-way.

Findings: This approval criterion is not applicable because no acreage tracts are proposed.

34.50.090 Land Suitability. No land shall be subdivided or partitioned which is found unsuitable for its intended use by the hearings officer by reason of flooding, inadequate drainage, susceptibility to mud or earth slides, or any other reason harmful to the health, safety or well-being of the future residents or property owners of the proposed subdivision or partition or the community at large. However, the hearings officer may approve a subdivision plat or a partition map if the subdivider or partitioner improves, or as provided in chapter 34.40 of this title, agrees to improve the land consistent with the standards of this and other titles of the City of Portland Code in order to make lots or parcels suitable for their intended uses. In determining the suitability of land for subdivision or partitioning, the hearings officer shall consider the objectives of this title, including but not limited to the following:

- A. The danger to life and property due to the increased flood heights and velocities caused by fills, roads and intended land uses.**
- B. The danger that intended structures and improvements may be swept onto other lands or downstream to injury of others.**
- C. The ability of water supply and sanitation systems to prevent disease, contamination and unsanitary conditions under flood conditions.**
- D. The susceptibility of proposed land uses to flood damage and the effect of such damage on the individual owner.**
- E. The importance of the services provided by the proposed land uses to the community.**
- F. The safety and access to the property for emergency vehicles in times of flood.**
- G. The costs of providing public services during and after flooding, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, street lighting and bridges.**

Findings: The applicant provided a narrative addressing this approval criteria and a Geotechnical Investigation and Landslide Hazard Study Report (Exhibit A.10).

The Site Development Section of Bureau of Development Services reviewed this proposal and comments are summarized below (Exhibit E.5)

The site is not within a flood hazard area and is reasonably safe from flooding from water courses in the vicinity. The geotechnical evaluation found no serious slope stability concerns at the site and concluded that the proposed development will not pose any adverse effects of slope stability at the site or on adjacent properties. The lot meets the land suitability requirements of this code. Site Development Section has no objection to the approval of this lot validation and does not request any conditions of approval. This criterion is met.

34.60.030 Lots and Parcels

- A. The size, width, shape and orientation of lots and parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of Title 33 of the City of Portland Code with the following exceptions:**
 - 1. In areas that will not be served by a public sewer, minimum lot and parcel sized shall permit compliance with the requirements of the Department of Environmental Quality (DEQ) and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.**

- 2. The width of corner lots and parcels shall be at least five feet greater than the minimum prescribed by Title 33 of the City of Portland code for the zone in which the property is located.**

Findings: This site is served by public sewer via a private sanitary easement, therefore A.1 does not apply. The site is not a corner lot, therefore A.2 does not apply.

The proposed Parcel being validated meets the lot dimension standards of the R10 zone as shown in the following table (this information is found in 1986 -Title 33 Zoning Code):

	R10 Zone Requirement	Parcel 1
Minimum Lot Area	10,000 s.f.	10,014 s.f.
Minimum Lot Width*	70-ft.	99.4-ft.
Minimum Lot Depth	100-ft.	100.6-ft.

- B. The side lines of a lot or parcel shall run at right angles to the street on which it faces as far as is practicable, or on curved streets shall be radial to the curve as far as practicable.**

Findings: This criterion is met because proposed site lot line area at right angles to the street.

- C. Double frontage lots and parcels shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.**

Findings: The parcel abuts SW 60th Avenue only. No double frontage is proposed. This criterion is met.

- D. Each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet except that the minimum width for attached residential lots shall be 16 feet, and that a major partition may be approved in which a private street, no less than 10 feet in width, provides the only reasonable access to the rear portion of an unusually deep lot or tract large enough to warrant partitioning into no more than two parcels.**

Findings: The existing parcel abuts SW 60th Avenue for 99.40-feet. This criterion is met.

- E. Each lot or parcel shall contain a usable building site having an elevation at least 1 foot above the level of a predictable regional (100-year) flood as determined by the United States Corps of Army Engineers.**

Findings: The site is outside of the 100-year flood plain. This criterion is not applicable.

EASEMENTS

34.60.020.A. Easements for utility Lines:

Easements for electric lines or other public utilities may be required. Where used, easements for utility lines and public utilities shall be a minimum of 15 feet in width.

Findings: Any easements that may be needed for private utilities that cannot be accommodated within the adjacent rights-of-way 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. Private utilities serving this parcel will be provided an easement on the neighboring property.

Reserves

34.60.020.B. Drainage way, channel or stream:

If a tract is traversed by a watercourse such as a drainage way, channel or stream, there shall be provided a storm drainage reserve conforming substantially to the lines of the watercourse and shall extend 15 feet back from the top of each bank. The storm drainage reserve shall remain in natural topographical condition. No private structures, culverts, excavations or fills shall be constructed within the drainage reserve unless authorized by the City Engineer.

Findings: No watercourse is identified on this site. This criterion is not applicable to this site.

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.

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

CONCLUSIONS

The applicant proposes to validate Parcel 1 per ORS 92.176. Water Bureau, and Portland Bureau of Transportation requirements will be met at the time of development on the lot.

As discussed above, the requested lot validation has been reviewed and shown to be able to meet all the required standards for creation of a unit of land on the date that the unit of land was sold.

ADMINISTRATIVE DECISION

Approval of a validation of a unit of land per ORS 92.176, as illustrated by Exhibit C.1. Approval is subject to the following conditions:

- A. The Water Bureau requirements for the water main extension must be met prior to approval of any building permits for this site.
- B. The Portland Bureau of Transportation requirements to satisfy 17.88.020 for required improvements along this street must be met prior to approval of any building permits

Decision rendered by:  on April 3, 2020
By authority of the Director of the Bureau of Development Services

Decision mailed April 9, 2020

Staff Planner: Lois Jennings

About this Decision. This land use decision is **not a permit** for development. **THE SIGNED FINAL PLAT MUST BE RECORDED WITH MULTNOMAH COUNTY DEED RECORDS WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS DECISION OR THIS DECISION WILL BECOME NULL AND VOID.** 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 May 22, 2019 and was determined to be complete on November 15, 2019.

ORS 92-176 states that to approve a validation of a unit of land it must be reviewed against the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold. Therefore, this application was reviewed against the Zoning Code in effect on December 26, 1986.

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 for 135 days (Exhibit A.16, A.17 & A.19) Unless further extended the 120-day review period will end on July 27, 2020.

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

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

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

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

Appealing this decision. This decision may be appealed, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on April 23, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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

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

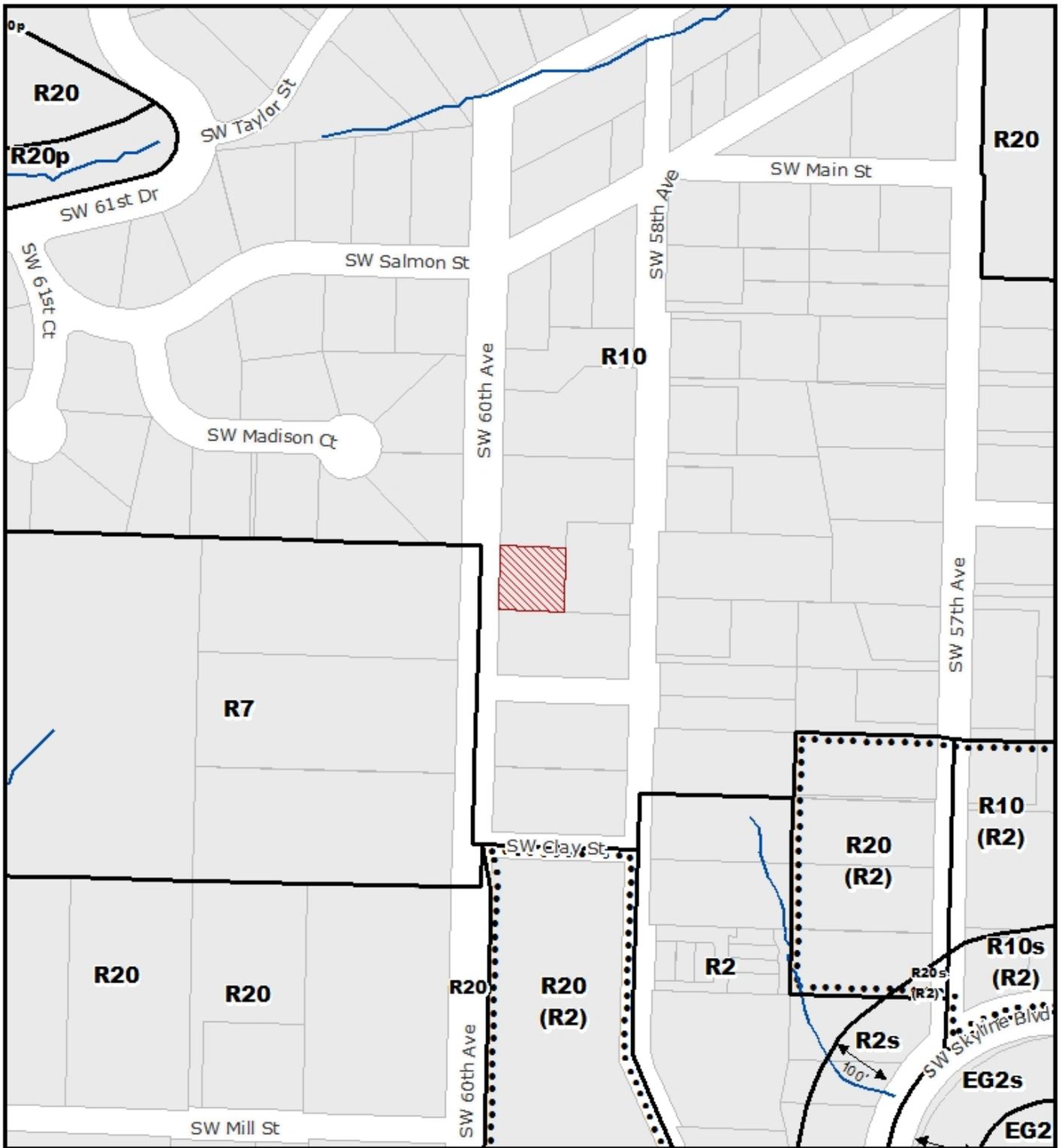
Recording the Final Plat. The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original May 2019 submittal
 - 2. Topographical survey
 - 3. Title report
 - 4. Deed Information
 - 5. E-mail not to deem application complete
 - 6. November 2019 Cover Letter in response to incomplete letter
 - 7. Applicant's Statement dated November 14, 2019
 - 8. Preliminary Title Report from Fidelity National
 - 9. Deed history from Centerline Concepts surveyor
 - 10. Geotechnical Investigation and Landslide Hazard report
 - 11. Geotechnical Evaluation Stormwater Management report
 - 12. Site Utility Plan
 - 13. Existing conditions map
 - 14. Lot Validation plat survey
 - 15. Original Recorded Easement Agreement
 - 16. Request for an Extension of 120-day review
 - 17. Request for an Extension of the 120-day review
 - 18. Amended recorded utility easement
 - 19. Request for an Extension of 120-day review via e-mail on March 23, 2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Lot Validation Plat (attached)
 - 2. Conceptual Development and site utility plan (not attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - a. BES response date February 28, 2020
 - 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
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. E-mail from applicant giving Danelle Isenhardt authority to represent them.
 - 3. Incomplete Letter
 - 4. Old Title 33 Code for R10 lot size requirements
 - 5. Title 34 Land Division Code use for this review
 - 6. E-mail Communication with applicant

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING 
 NORTH
 NORTHWEST HILLS PLAN DIST
 SKYLINE SUB DIST

 Site
 Stream

File No.	LU 19-168675
1/4 Section	3123
Scale	1 inch = 200 feet
State ID	1S1E06BD 4700
Exhibit	B Nov 19, 2019

