



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

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Date: November 21, 2022
To: Interested Person
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NOTICE OF A TYPE II_x DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has 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 22-144602 LDP

GENERAL INFORMATION

Owner/Applicant: Vitaliy Smirnov, A1 Homes Inc
1425 SW Medwyn Terrace
Portland, OR 97219

Representative: Danelle Isenhardt, Emerio Design
6445 SW Fallbrook Pl #100
Beaverton, OR 97008
503-880-4979
danelle@emeriodesign.com

Site Address: 12320 SW 60th Ave

Legal Description: TL 1800 0.59 ACRES, SECTION 31 1S 1E
Tax Account No.: R991311590
State ID No.: 1S1E31CD 01800
Quarter Section: 4223

Neighborhood: Far Southwest, contact at Campbellmj74@comcast.net
Business District: None
District Coalition: Office of Community & Civic Life, contact at CivicLife@portlandoregon.gov

Plan District: None
Other Designations: Regulatory Landslide Hazard Area
Zoning: R10 Single-Dwelling Zone - Residential 10,000

Case Type: Land Division Partition (LDP)
Procedure: Type II_x, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to divide an approximately 25,146 SF corner lot into two parcels. Parcel 1 is proposed to be approximately 8,672 SF in area, and Parcel 2 is proposed to be approximately 11,307 SF in area. The existing house on the subject site is proposed to be demolished. Although future development will be reviewed at the time of building permit review, the applicant has provided a conceptual development plan in order to show feasibility of providing services and meeting other criteria. The conceptual development plan includes a single dwelling residence on each parcel. Onsite parking is not required, (33.266.110.B.2.a.(1)), however, the applicant's conceptual development plan includes on-site parking for each parcel accessed via driveways on SW Haines Street and SW 60th Avenue, respectively.

The proposal includes ~16 feet of street dedication along SW Haines Avenue, and ~21 feet of street dedication along SW 60th Avenue. The applicant is proposing to pay the Local Transportation Infrastructure Charge (LTIC) rather than constructing the frontage improvements.

Though there are a significant number of trees onsite, the majority of these trees are European Birches, which are classified as a nuisance species and are not subject to the tree protection and preservation requirements of 33.630. The applicant's arborist report identifies 14 onsite trees that are subject to the tree protection and preservation requirements of 33.630, and 13 of these trees are proposed to be preserved.

This partition proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (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 (two parcels). 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, Residential, and IR Zones.**

Site and Vicinity: The subject site is a corner lot located at the intersection of SW Haines Street and SW 60th Avenue. A single-dwelling residence is located on the eastern portion of the subject site and the site has driveway access from SW Haines Street. The property is within the Regulatory Landslide Hazard Area and includes moderate slopes. The site is heavily vegetated with various ground cover and shrubbery. There are also more than 50 trees on the subject site, however, most of these trees are European Birches, which are classified as a nuisance species.

The vicinity surrounding the subject site includes R10-zoned properties, primarily developed with single-dwelling homes. Some properties to the north are within the Environmental Conservation Zone and have R10c zoning. Just northeast of the subject site is Lesser Park, which has OS - Open Space zoning. The Portland Community College Sylvania Campus is approximately a quarter mile east of the site, at the terminus of SW Haines Street, though there is no physical access to the Portland Community College campus from SW Haines Street. Approximately a quarter mile to the west is I-5.

Infrastructure:

- **Streets**

The site has approximately 125 feet of frontage on SW 60th Avenue. At this location, SW 60th Avenue is classified as a Local Service Street for all modes in the Transportation System Plan (TSP).

SW 60th Avenue has an approximately 25-foot right-of-way. There is an approximately 20-foot paved roadway with no curb or sidewalk.

The site has approximately 180 feet of frontage on SW Haines Street. At this location, SW Haines Street is classified as a Local Service Street for all modes in the Transportation System Plan.

SW Haines Street has an approximately 30-foot right-of-way with an approximately 16-foot paved surface. Except for the paved road surface, SW Haines Street is otherwise unimproved along the property's frontage.

Tri-Met provides transit service approximately 650 feet from the site on SW Lesser Road via Bus 78.

- **Water Service** – There is an existing 4-inch water main in both SW 60th Avenue and SW Haines Street. The existing house is served by an existing service from the water main in SW Haines Street.
- **Fire Hydrants** The nearest fire hydrant is located approximately 50 feet from the subject site in the northeast corner of SW 60th Avenue and SW Haines Street. It has a hydrant flow of 1,700 gpm with a minimum pressure of 20 psi. The applicant also identified a second fire hydrant at the corner of SW 60th Avenue and SW Gunther Lane in front of 12412 SW 60th Avenue, approximately 227 feet to the south of the site. This hydrant has a hydrant flow of 900 gpm at 20 psi residual pressure.
- **Sanitary Service** - There is an existing Public 8-inch sanitary sewer in SW Haines Street.
- **Stormwater Disposal** – There is no public storm-only sewer currently available to this property.

Zoning: R10 – Residential 10,000 – The R10 single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing and provides options for infill housing that is compatible with the scale of the single-dwelling neighborhood.

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 **August 5, 2022**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter/Section and Topic	Findings: Not applicable because:
C	33.631 - Flood Hazard Area	The site is not within the flood hazard area.
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.
J	33.640 - Streams, Springs, Seeps and Wetlands	No streams, springs, seeps or wetlands 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	No pedestrian connections are 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.
	33.655 - School District Enrollment Capacity	The proposal is for less than 11 lots or is not in the David Douglas School District.

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. Based on the applicant's survey, the site area is 25,146 square feet. The maximum density in the R10 zone is one unit per 10,000 square feet. Because the site is within the potential landslide hazard area there is no minimum density.

The site has a maximum density of 2 units. The applicant is proposing 2 single-dwelling parcels. The density standards are therefore 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	8,672		79	109	79
Parcel 2	11,307		79	141	79

* 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.

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.

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.

In order to identify which trees are subject to these requirements, the applicant provided a tree survey (Exhibit C.2) that shows the location and size of trees on and adjacent to the site. The applicant also provided an arborist report (Exhibit A.7) 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.

The arborist report identifies 52 trees onsite, however, the majority of these trees are European Birches which are classified as a nuisance species and are not subject to the tree protection and preservation requirements of this chapter. There is also a 31-inch Douglas Fir that is located within the right-of-way and thus is not subject to the preservation regulations of this chapter. Additionally, Tree #42 and Tree #49 shown in the arborist report and preservation plan appear to be located on adjacent properties, not on the subject site. Though these trees are not proposed to be removed, they are not located on the subject site and would not count towards meeting the preservation requirements.

Based on this information, 14 trees providing a total of 369 inches of tree diameter are subject to the preservation requirements of this chapter.

Tree Number	Tree Species (Common Name)	Current Tree Size (dbh)	Preserve?
6	Douglas Fir	43	Yes
8	Deodar Cedar	17	No
27	Oregon Myrtle	25	Yes
28	American Elm	51	Yes
29	Colorado Blue Spruce	13	Yes
30	Giant Sequoia	76	Yes
40	Orchard Apple	6	Yes
43	English Walnut	24	Yes
46	Douglas Fir	10	Yes
47	Douglas Fir	19	Yes
48	Douglas Fir	21	Yes
50	Douglas Fir	26	Yes
51	Douglas Fir	14	Yes
52	Douglas Fir	24	Yes

The trees proposed for preservation are in good or fair condition, include native/non-nuisance species, and 8 of the trees are 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 R10 zone and will not conflict with any existing utility easements, proposed services or site grading.

Specifically, the applicant proposes to retain all of the trees that are 20 or more inches and 352 inches of the total tree diameter, so the proposal complies with:

Option 1: Preserve all of the trees that are 20 or more inches in diameter and at least 20 percent of the total tree diameter on the site.

Based on these factors, no additional mitigation is warranted to satisfy the approval criteria.

The arborist report includes tree protection for different phases of the development. Demolition of the existing house will follow the Tree Preservation Plan in Exhibit C.4, while tree protection during development will follow the Tree Preservation Plan in Exhibit C.5.

An alternative root protection zone following the performance path standards is proposed for Tree #30, which is a 76-inch Giant Sequoia located behind the existing house. The prescriptive standards require a 76-foot root protection zone for this tree, and the applicant has proposed a 30-foot root protection zone following the performance path standards. The arborist report provides the following reasoning for the reduced tree protection zone:

This species of tree typically has a pronounced lower trunk that results in an over exaggerated large prescriptive path root protection zone than what is needed. In my experience, this species can be protected by placing tree protection fencing at or near the dripline when construction impacts will only occur in one quadrant of the tree.

The existing house is located within the root protection zone of Trees #29 and #30, and the arborist has proposed the following measures to ensure adequate tree protection during the demolition of the existing house:

- The arborist will be onsite to oversee demolition of the house and ensure that roots over 2-inches in diameter are properly protected and pruned during demolition.
- Access to the southeast wall of the house, which is closest to the trees in question will be through the front of the house and no demolition or excavation equipment will be accessing the house in or near the root protection zone.

These protection measures have been incorporated into the conditions of approval.

Trees that are located within root protection zones and are being removed will be removed without vehicles or heavy equipment within the root protection zones during tree removal activities, and stumps within root protection zones will be retained or carefully ground so as not to disturb the root systems of retained trees.

The proposed tree protection is adequate with the following exceptions:

- The clearing and grading plan (Exhibit C.3) identifies a stockpile area within the root protection zone of Tree #5. This stockpile area must be moved to a location outside of a root protection zone.
- Though onsite tree protection fencing is proposed for Trees #5 and 6, there is no barrier to prevent vehicular access from SW Haines Street into the required root protection zones. During site preparation, demolition and construction, a barrier, such as construction fencing, must be provided on the north side of Trees #5 and 6 in order to prevent vehicular access into the tree protection zones between Tree #5 and 6, unless an alternative plan is approved by Urban Forestry.

The above items have been incorporated as conditions of approval.

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 Parcels 1 and 2 must be carried out in conformance with the Tree Preservation Plan (Exhibit C.5), the Root Protection Zone Encroachment Plan (Exhibit C.6), and the Arborist Report (Exhibit A.7).

With the implementation of the noted conditions, the approval criteria will be met.

At the time of development, the individual parcels/lots 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 trees to be retained as part of this review may be applied toward meeting those Title 11 requirements.

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

Findings: The entire site is located within the Potential Landslide Hazard Area. The approval criteria state that the lots, buildings, services, and utilities must be located on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

In order to evaluate the proposal against this criterion, the applicant has submitted a Landslide Hazard Study of the site and proposed land division, prepared by a Certified Engineering Geologist and a Geotechnical Engineer (Exhibit A.3).

Site Development, the division of Development Services that makes determinations regarding soil stability, has evaluated the Landslide Hazard Study and concurred with the recommendations. The report indicates that the site is suitable for development and the proposal reasonably limit the risk of landslide potential on the site and other properties in the vicinity given the soil composition, topography, and other risk factors.

Based on these factors, this criterion is met.

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

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

Additionally, where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements to make the lots suitable for their intended uses and the provision of services and utilities.

Clearing and Grading:

In this case, the site includes grades over 20%, and is located in the Potential Landslide Hazard area. Therefore, the clearing and grading associated with preparation of the lots must occur in a way that will limit erosion concerns and assure that the preserved trees on the site will not be disturbed.

A Preliminary Clearing and Grading Plan (Exhibit C.3) was submitted with the land division application as well as a Landslide Hazard Report (Exhibit A.3). The applicant also provided a Tree Protection Plan for various stages of development (Exhibits C.4 and C.5) that designates areas on the site where grading should not occur in order to protect the roots of the trees on the site that will be preserved, and an arborist report (Exhibit A.7) that further discusses grading on the site.

The applicant states:

Site grading will be designed to be the minimum necessary to allow for adequate grades for the future building pads, driveways, and drainage. Topsoil will be preserved onsite, in a designated

area, to the extent practicable for use onsite after grading is complete. Therefore, the adjacent properties will not be adversely impacted by the development.

It is anticipated that the grading will primarily involve excavating for the foundations of the new houses and trenching for the utilities, but will not include mass grading of the site to alter the existing contours.

The Landslide Hazard Report states:

“... the property does not exhibit significant evidence of past or on-going landslides that would preclude construction of the proposed residence. The vicinity of the subject lot vegetated with many Douglas Fir and Cedar trees with diameter between 2 and 2.5 feet, and generally are not bowed which would indicate past slope movement.

In accordance with the Landslide Hazard Study requirements, we consider that the landslide hazard over the site is relatively uniform, and no recommendation is made to alter the proposed development in order to locate improvements on the safest part of the property. Surface runoff is slow to medium, and the erosion hazard is slight to moderate.”

In addition, no clearing and grading will be permitted within the root protection zones of the trees on the site that are required to be preserved. The Preliminary Clearing and Erosion Control Plan includes a stockpile area within the root protection zone of Tree #5, however, as conditioned within this report, the stockpile area must be accommodated elsewhere onsite. Preserving these trees will help limit erosion by assuring that the tree roots will help to hold the soil in place. Topsoil storage and general stockpiling on the site should only occur if it will not create any additional erosion concerns as recommended by the geotechnical engineer.

As shown above the clearing and grading anticipated to occur on the site can meet the approval criteria. At the time of building permit submittal on the individual lots a clearing, grading and erosion control plan will be submitted for review by the Site Development Section of the Bureau of Development Services. Site Development will review the grading plan against the applicant's Landslide Hazard Report as well as any additional geotechnical information required at the time of permit submittal to assure that the grading will not create any erosion risks. In addition the plans will be reviewed for compliance with the applicant's tree preservation plan and arborist report. 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 applicant has proposed to remove the existing house and garage and redevelop the site. In order to ensure that the new lots are suitable for development, a permit must be obtained and finalized for demolition of all structures on the site and sewer capping prior to final plat approval.

Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The applicant's submittal included records from a 1987 permit to abandon the septic system, however, the permit indicates that the abandonment of the septic tank was not inspected. Without final inspection, the septic system is not considered decommissioned, and thus, final approval of the decommissioned septic system as part of the demolition permit or under a separate decommissioning permit is required. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With a condition requiring final inspection for a decommissioning permit, the new lots can be considered suitable for new development, and this criterion is met.

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

Findings: The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

All of the proposed lots are on the south side of an east-west oriented street. Though both parcels are roughly 79 feet in width, Parcel 1 will be on the corner and is a few inches wider than Parcel 2. This criterion is therefore 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 supporting the proposed development in addition to the existing uses in the area.

Evaluation factors include: safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced and measures to mitigate impacts may be necessary.

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):

Safety

The site is on the southeast corner of the intersection of SW Haines St. and SW 60th Ave. Both streets are classified as Neighborhood Walkways and Local Service for all other modes as this location. Both streets are improved with center strip paving only and are not maintained by the City of Portland. The right-of-way for SW Haines St. is 30-feet. Based on the submitted existing conditions survey, there is a variable width paved surface that appears to have between 16-feet and 20-feet of paved roadway width. There are no curbs or sidewalks. The right-of-way for SW 60th Avenue. is 25-feet. Based on the submitted existing conditions survey, there is 20-foot paved roadway with no curb or sidewalk.

PBOT has older traffic count data available regarding vehicular volumes at this location. Counts were taken on SW 60th just north of SW Haines St. on April 12, 2012. These counts showed a total daily volume of 162 vehicles making this an extremely low volume street. On the same day, counts were also taken on SW Haines St. just east of SW Lesser Rd. These counts showed a total daily volume of 263 vehicles also making this an extremely low volume street. Given that the development pattern in the area has been relatively static over the last 10 years and given the narrow roadway widths, it is probable the current traffic volumes are still quite low.

Based on information in the City's database on Portland Traffic Deaths and Injuries since 2008, there have been no fatal or injury accidents on either SW 60th Ave, or SW Haines St. from SW Lesser Road to their respective termination points. SW Lesser Road also has no reported fatal or injury accidents between SW Capitol Highway and the city limits.

If future development results in driveway connections to the right-of-way, sight distance verification will be required at the time of permit application. Based on the submitted conceptual plan, driveway connections are planned on SW Haines St, where the trees that may block sight distance are planned for removal.

PBOT does not have vehicular safety concerns at this location. With that said, the shared nature of the roadway makes adding additional bicycle or pedestrian trips to these segments likely to have an incremental negative impact.

Street capacity/Level of Service

Both streets are local service streets for which current traffic count data is not available. Traffic counts in 2012 showed these were both very low volume streets at that time. Given the relatively static development pattern in the area and the narrowness of the roadways, it is likely these are still very low volume roads.

Due to the local service classification, low volumes, and the unimproved nature of the segments, the roadways also currently serves as shared bicycle and pedestrian facilities. To staff's knowledge, PBOT has not identified any level of service concerns with either segment in the TSP or other planning documents. It is believed these segments have capacity to absorb the anticipated increase in trips from one additional residential lot, though the roadway surface does not meet the City's standard for paved streets with separated sidewalks.

Connectivity

The subject site is at the intersection of two existing rights-of-way. Additional connections are not needed at this location. The connectivity standards are met.

Transit Availability

The subject site has moderate access to transit. Bus service is available on SW Lesser Rd. with the closest stop being at SW Haines St. approximately 650-feet west of the site. This route provides daily service from 6:00 am to 11:00 pm on weekdays and 6:00 am to 7:00 pm on weekends. Headwinds are typically in the 15 to 20 minute range. The route connects east to PCC Sylvania and the Lake Oswego Transit Center. It connects west to the Tigard Transit Center and then turns north to the Washington Square Transit Center and the Beaverton Transit Center. Numerous transfer opportunities exist to other Tri-Met bus lines, MAX light rail, WES commuter rail, and Yamhill County Transit. While transit is available, the facilities used to access that transit do not meet the City's standard of a separated sidewalk facility.

Availability of pedestrian and bicycle networks.

Sidewalk facilities do not exist for the majority of streets in the subject area, though most do have paved roadway surfaces which operate as shared facilities. The addition of one lot to the neighborhood is anticipated to increase trips via all modes. Adding additional pedestrian trips to an area where pedestrian facilities are not currently built to City standard will have an incremental negative impact.

While multiple streets in the area are designated as City Bikeways, bicycle travel is constrained in the area due to low connectivity generally. There are striped bicycle lanes SW Barbur Blvd. and SW 49th Ave. Accessing those streets means either riding the local streets system and connecting through the PCC campus or riding on SW Lesser Road, a collector street which has no bicycle lanes. Informal connections, not in right-of-way, do exist from SW G Street up to SW 55th Ave. and SW 53rd Ave. allowing access to the local service street network. While the bicycle infrastructure is not ideal in this neighborhood, the local street network is anticipated to be able to absorb the increase in trips from one new lot.

On street parking impacts

Given the narrow roadway widths, on-street parking does not appear to be available on SW Haines St. or SW 60th Ave. All of the homes in the area appear to include driveways and on-site parking that accommodate multiple vehicles. The existing home is proposed to be demolished. The applicant's narrative states the proposed two new homes will each have a driveway and on-site parking accessed by SW Haines St. It is anticipated there will be few impacts to on-street parking from the addition of one new lot.

Access restrictions

Both abutting streets are low-volume, local service streets with center strip paving. No access restrictions are warranted.

Neighborhood impacts

The proposed development is anticipated to add a small number of trips from all modes into the neighborhood system. Both lots are proposed to have on-site vehicle parking. Additional

pedestrian trips in an area with an incomplete sidewalk network will have an incremental negative impact, however it is anticipated there will be few overall impacts to the neighborhood from the additional lot.

Impacts on pedestrian, bicycle, and transit circulation

There is transit service available on SW Lesser Road, which is a collector street. The addition of one lot to the neighborhood is not anticipated to have any impact on the transit circulation on nearby collector streets. A network of paved streets provides bicycle connections from this neighborhood to the larger City. The sidewalk network is incomplete in this area. The addition of one residential lot to the neighborhood is not anticipated to have a substantial impact on area circulation. However, adding additional trips to an area where the circulation system is not to City standards will have an incremental negative effect.

B. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

Findings:

The impact of the development is small enough that asking the property owner to provide off-site improvements to the transportation system would be out of proportion to the development request. Asking the property owner to dedicate land and construct the site's frontage to City standards will alleviate a portion of the need for transportation system improvements in the area.

In this case, the applicant has the choice of constructing standard improvements or paying the Local Transportation Infrastructure Charge (LTIC). On April 13, 2016, the Portland City Council adopted the Local Transportation Infrastructure Charge (LTIC) via approval of Ordinance 187681. The subject site meets the specified criteria to qualify for the LTIC. The LTIC is based on the total linear frontage of the property, at a rate of \$600.00 per linear foot. The maximum charge for an R7 zoned lot is equivalent to 70-feet of frontage so the LTIC would be \$42,000 for this land division. When electing this option, applicants are required to execute street and stormwater waivers of remonstrance in addition to paying the LTIC and dedicating land. The applicants have stated they will pay LTIC in this case.

The Bureau of Environmental Services has indicated the additional right-of-way needed for stormwater management is not required when applicants pay the Local Transportation Infrastructure Charge (LTIC). Standard improvements on both frontages would consist of a 26-ft paved roadway and 10-ft sidewalk corridors consisting of a 0.5-ft curb, 4-ft furnishing zone, 5-ft sidewalk, and 0.5-ft frontage zone. This would require a total ROW width of 46-feet. (Please note this application was submitted prior to the July 1, 2022 implementation date of the 2022 Pedestrian Design Guide and is thus subject to the 1998 Pedestrian Design Guide.)

The rights-of-way for both frontages are substantially substandard. SW 60th Ave. is 25-feet in width. All of the existing right-of-way was dedicated by the property on the opposite side of the street. Twenty feet (20) was originally dedicated by the 1913 plat of Pally Park. An additional 5-feet was dedicated via the plat of Gunther Acres in 1952. SW Haines St has 30-feet of right-of-way, all of which came from the north side of the street via the plat of First Addition to West Portland Park. For both frontages, the remainder is due from this land division. This requires a dedication of 21-feet on SW 60th Ave. and 16-feet on SW Haines St. The submitted preliminary plat shows the required dedication.

This approval criterion can be met with the following conditions of approval:

- Property dedication necessary to accommodate public improvements shall occur as part of the Final Plat.

- Prior to Final Plat approval, the applicant shall pay the Local Transportation Infrastructure Charge and execute street and stormwater waivers of remonstrance.

PBOT has reviewed and concurs with the information supplied and available evidence. These criteria are met with the conditions described above.

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 and Exhibit E.4

The Water Bureau has indicated that service is available to the site, as noted on page 3 of this report.

The Water Bureau reviewed the applicant's preliminary land division site and utility plan (Exhibit C.1) and provided the following comments:

- Parcel 1 - Water is available to Parcel 1 from the 4" mains in SW 60th Ave & SW Haines St.
- Parcel 2 - The existing service may be used for new development. If the service is not used for the new development, it must be removed at the time new services are installed. If the service is used for the new development, the meter size will be reviewed for adequacy. If found to be inadequate the applicant will be responsible for all fees to upsize the service.

The Fire Bureau has reviewed the fire flow and determined the nearest fire hydrant has adequate capacity to support an unsprinklered house up to 3,600 square feet. If structures are greater than 3,600 square feet including the garage, the applicant will have to provide verification that fire flow exceeds what is currently available.

With the condition noted above, the water service standards of 33.651 have been verified.

33.652 Sanitary Sewer Disposal Service standards – See Exhibit E.1

The Bureau of Environmental Services has indicated that service is available to the site, as noted on page 3 of this report.

BES reviewed the proposed improvement and utility plan and the response is summarized below:

Existing Sanitary Infrastructure

According to available GIS data, the following sewer infrastructure is located in the vicinity of the project site:

- Public 8-inch sanitary sewer in SW Haines (BES as-built # 3810).

Service Availability

According to City records, the existing structure on proposed Parcel 2 is currently connected to the sanitary sewer via a lateral located within the frontage of proposed Parcel 1. The applicant proposes to demolish the existing structure, which must include capping the existing sewer service. This must be completed prior to final plat approval.

Proposed Development

Future development will be served by connections to the sanitary sewer in SW Haines within the frontage of each parcel.

With the condition noted above, the sanitary sewer service standards of 33.652 have been verified.

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

BES reviewed the applicant's proposed improvement and utility plan and storm report against the stormwater management approval criteria and standards, and determined that a stormwater management system can be designed that will provide adequate capacity and disposal for the expected amount of stormwater, as summarized below:

Stormwater runoff from this project must comply with all applicable standards of the Stormwater Management Manual (SWMM) and Source Control Manual (SCM) and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee.

There are no public storm-only sewers available to this property. Staff reviewed the project's Performance Approach stormwater report from Emerio (5/17/22) and Landslide Hazard Study (LHS) from Hydro Geo & Environmental (4/25/22). The LHS includes Encased infiltration test results of 0.5 inches per hour and concludes that onsite infiltration of stormwater runoff is not anticipated to contribute toward slope instability or landslide risk; therefore the applicant proposes to infiltrate runoff from the development via an onsite Stormtech Chambers that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM.

BES determined the proposal is acceptable for reviewing the land division against the stormwater management approval criteria and standards. This criterion is met.

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 subject site is at the intersection of two existing rights-of-way. Additional connections are not needed at this location.

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

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

For public streets, PBOT reviews the configuration of elements within the street right-of-way for consistency with city standards and specifications; and Urban Forestry addresses the retention and installation requirements for street trees.

This section requires approval by PBOT for the elements to be constructed within the right-of-way. In this case, the applicant has elected pay LTIC; no improvements will be built in the right-of-way other than potential driveway approaches which will be reviewed as part of the building permit for the future dwelling units.

The rights-of-way for both frontages are substantially substandard. SW 60th Ave. is 25-feet in width. All of the existing right-of-way was dedicated by the property on the opposite side of the street. Twenty feet (20) was originally dedicated by the 1913 plat of Pally Park. An additional 5-feet was dedicated via the plat of Gunther Acres in 1952. SW Haines St has 30-feet of right-of-way, all of which came from the north side of the street via the plat of First Addition to West Portland Park. For both frontages, the remainder is due from this land division. This requires a dedication of 21-feet on SW 60th Ave. and 16-feet on SW Haines St. The submitted preliminary plat shows the required dedication.

This approval criterion can be met with the following conditions of approval:
Property dedication necessary to accommodate public improvements and payment of LTIC shall occur as part of the Final Plat.

33.644.120.H Street Trees – See Exhibit E.6

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

For public streets, PBOT reviews the configuration of elements within the street right-of-way for consistency with city standards and specifications; and Urban Forestry addresses the retention and installation requirements for street trees.

Urban Forestry evaluated the provision of street trees and planting areas for the public right-of-way and the response is summarized below:

Existing Street Conditions

SW Haines St: The site has approximately 179 feet of street frontage. The right-of-way is improved with pavement only: no curbs, no planting strip, nor sidewalks.

There are no overhead high voltage power lines. There are two (2) street trees:

- One (1) Douglas-fir *Pseudotsuga menziesii* 32” DBH. The tree is in good condition.
- One (1) Douglas-fir (*Pseudotsuga menziesii*) 43” DBH. Tree is in good condition.

SW 60th Ave: The site has approximately 125 feet of street frontage. The right-of-way is improved with pavement only. There are overhead high voltage power lines.

There are fourteen (14) street trees:

- Fourteen (14) European birch (*Betula pendula*) 9”- 14” DBH. Trees are in fair condition.

Street Tree Preservation (11.50.040)

The applicant proposes to remove five (5) European birch (*Betula pendula*).

European birch is on the Nuisance Plants List and the 5 European birch trees (tree #9, #10, #11, #12 and #13) along SW 60th Ave. may be permitted for removal during the appropriate development permit. As per the current species, no trees are required to be planted to mitigate the loss from this project.

The 32” Douglas-fir and the 43” Douglas-fir planted along SW Haines St. must be preserved as part of the proposed development as indicated in the revised submitted Arborist Report. All trees not approved for removal are required to be retained and protected during all stages of the development.

Street Tree Planting

Due to the new lot line configuration a fee-in-lieu of planting is required for loss of one (1) street tree planting location along SW Haines St. Prior to the lot division 7 street trees would have been required during development. After the proposed lot division only 6 trees can be required. A fee of \$675 in lieu-of-planting (1 tree x 1.5inch x \$450.00), is required for the trees that cannot be planted prior to final plat approval.

This criterion is met, with the conditions that a fee-in-lieu of planting is required for the loss of one street tree planting location. With the conditions of approval described above, this criterion is met.

33.654.130.A - Utilities (defined as telephone, cable, natural gas, electric, etc.)

Any easements that may be needed for private utilities that cannot be accommodated within the adjacent right-of-ways can be provided on the final plat. At this time no specific utility

easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

Development standards that are not relevant to the land division review have not been addressed in the review. 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 11 can be met, and those 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.

Future Development

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

- Although no parking is required for Household Living uses in the single-dwelling zones, the applicant has proposed new driveways for both parcels. In accordance with 33.266.120.D, parking spaces must be at least 9 ft. x 18-ft. Additionally, pursuant with Table 110-4, garage entrance setbacks must be 18 feet. The conceptual footprint of the house on Parcel 1 does not provide an 18-foot setback to what appears to be a garage entrance, however, there is adequate room onsite to adjust the proposed footprint to comply with the required garage entrance setback and parking space dimensions without encroaching into required tree protection zones or setbacks to other property lines.

Existing development that will remain after the land division. The applicant is proposing to remove all of the existing structures on 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 R10 zone. This land division proposal meets 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 https://www.portland.gov/bds	Title 24 – Building Code, Flood Hazard, Clearing and Grading Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way OAR 340-071 and OAR 340-073 – Onsite Wastewater Treatment Systems
Environmental Services/503-823-7740 https://www.portland.gov/bes	Title 17 – Sewer Improvements Stormwater Management Manual
Fire Bureau/503-823-3700 https://www.portland.gov/fire	Title 31 – Fire Regulations Portland Fire Code
Transportation/503-823-5185 https://www.portland.gov/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan
Urban Forestry (Parks)/503-823-4489 https://www.portland.gov/parks	Title 11 – Trees

Water Bureau/503-823-7404 https://www.portland.gov/water	Title 21 – Water availability
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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.

- **Life Safety Review:** A building permit is required to demolish the existing residence. The demolition permit must receive a final inspection prior to Life Safety’s approval of the final plat.
- **Fire Review:** At the time of development the applicant must meet the Fire Bureau requirement for addressing of structures, fire apparatus access, including aerial access, and sprinkler permitting requirements. These requirements are based on the technical standards of Title 31 and the Portland Fire Code.

CONCLUSIONS

The applicant has proposed a two-parcel partition, as shown on the attached preliminary plan (Exhibit C.1). The existing house is proposed to be demolished and final approval of the demolition permit is required prior to final plat. As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions.

The site is within a designated landslide hazard area. Therefore, the applicant provided a Landslide Hazard Study to document that the site is suitable for residential development. The report provided recommendations for the proposed development. Future development will be reviewed for compliance with the recommendations in this report.

Both SW 60th Avenue and SW Haines Street do not meet City requirements for right-of-way improvements and are substandard in width. As part of this land division review, dedication of 21-feet on SW 60th Ave. and 16-feet on SW Haines St. is required. The required dedications must be shown on the final plat survey. The applicant is proposing to pay the Local Transportation Infrastructure Charge (LTIC) rather than constructing the frontage improvements on the site’s frontages.

The majority of trees onsite are nuisance species. All but one of the non-nuisance species onsite are proposed to be preserved in order to meet the tree preservation standards. An Acknowledgement of Special Land Use Conditions for tree preservation will ensure that future owners are aware of trees required to be preserved on both parcels.

With conditions of approval 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 two vacant standard lots as illustrated with Exhibits A.7 and C.1 – C.7, subject to the following conditions:

A. **The final plat must show the following:**

1. The applicant shall meet the street dedication requirements of the City Engineer for SW 60th Avenue and SW Haines Street. The required right-of-way dedication must be shown on the final plat.
2. 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 B.4 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.”

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

1. Prior to Final Plat approval, the applicant shall pay the Local Transportation Infrastructure Charge and execute street and stormwater waivers of remonstrance.

Existing Development

2. A finalized permit must be obtained for demolition of the existing residence on the site and capping the existing sanitary sewer connection. Note that Title 24 requires a 35-day demolition delay period for most residential structures. Additionally, the City's Deconstruction ordinance applies to houses built in 1916 or earlier and/or designated historic resources. The site plan for the demolition permit must show all trees to be preserved and root protection zones as shown on Exhibit A.4. All demolition work must be in conformance with the recommendations in the applicant's arborist report (Exhibit A.7).

Specifically:

- o The arborist must be onsite to oversee demolition of the house and ensure that roots over 2-inches in diameter are properly protected and pruned during demolition.
- o During demolition, access to the southeast wall of the house, which is closest to Trees #29 and 30 must be through the front of the house and no demolition or excavation equipment are allowed within the designated root protection zone.

The following additional tree protection measures are required during demolition and site preparation:

- o The stockpile area identified within the root protection zone of Tree #5 on the Preliminary Clearing and Grading Plan (Exhibit C.3) must be moved to a location outside of a root protection zone.
 - o During demolition and site preparation, a barrier, such as construction fencing, must be incorporated on the north side of Trees #5 and 6 in order to prevent vehicular access into the tree protection zones between Tree #5 and 6, unless an alternative plan is approved by Urban Forestry.
3. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning the septic system on the site.

Required Legal Documents

4. The applicant shall execute an Acknowledgement of Tree Preservation Land Use Conditions that notes tree preservation requirements that apply to Parcels 1 and 2. A copy of the approved Tree Preservation Plan, Root Protection Zone Encroachment Plan and Arborist Report must be included as Exhibits to the Acknowledgement. The acknowledgment shall be referenced on and recorded with the final plat.

Other requirements

5. The applicant must pay into the City Tree Preservation and Planting Fund [Street Trees – Fee in Lieu of Planting and Establishment (per inch)] the amount equivalent to 1.5 inches of trees. Payment must be made to the Bureau of Development Services, who administers the fund for the Parks Bureau.

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

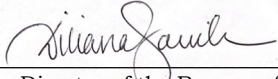
1. Development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.5) and the applicant's arborist report (Exhibit A.7). Demolition activity must also be in conformance with Condition B.2 above. Specifically, the following trees are required to be preserved on the lots, with the root protection zones indicated on Exhibit C.5:

Tree Number	Tree Species (Common Name)	Current Tree Size (dbh)
8	Deodar Cedar	17
27	Oregon Myrtle	25
28	American Elm	51
29	Colorado Blue Spruce	13
30	Giant Sequoia	76
40	Orchard Apple	6
43	English Walnut	24
46	Douglas Fir	10
47	Douglas Fir	19
48	Douglas Fir	21
50	Douglas Fir	26
51	Douglas Fir	14
52	Douglas Fir	24

Tree protection fencing is required along the root protection zone of the 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 if it meets the Tree Protection Specifications of 11.60.030.

2. The applicant shall meet Urban Forestry requirements to preserve Trees # 5 and 6, 31-inch and 43-inch Douglas fir trees. The following additional tree protection measures are required during site preparation and construction:
 - o The stockpile area identified within the root protection zone of Tree #5 on the Preliminary Clearing and Grading Plan (Exhibit C.3) must be moved to a location outside of a root protection zone.
 - o During site preparation and construction, a barrier, such as construction fencing, must be incorporated on the north side of Trees #5 and 6 in order to prevent vehicular access into the tree protection zones between Tree #5 and 6, unless an alternative plan is approved by Urban Forestry.
3. For new development on Parcels 1 and 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.
4. At the time of development, any development on Parcel 2 where fire department access exceeds 150 feet to all portions of the structure from the public right of way but within 250 feet to all portions of the structure, will require residential fire sprinklers that meet the requirements of the Fire Code.
5. The proposed structures on Parcel 1 and 2 will be required to meet all applicable fire flow requirements at the time of development. The existing fire flow provided will allow an unsprinklered house up to 3600 square feet. If future proposed structures on Parcels 1 or 2 are greater than 3600 square feet including the garage the applicant will have to provide verification that fire flow availability meets the requirements. If not, the applicant will need to provide residential fire sprinklers to meet the applicable fire flow exception requirements at the time of development.

Staff Planner: Diliana Vassileva

Decision rendered by:  on November 16, 2022.
By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec. date) November 21, 2022

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 May 19, 2022, and was determined to be complete on July 28, 2022.

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 May 19, 2022.

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 a total of 60 days as stated with Exhibits A.9 and A.10. Unless further extended by the applicant, **the 120 days will expire on: January 24, 2023.**

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, 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 December 5, 2022** **The completed appeal application form must be emailed to LandUseIntake@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 Office of Community and Civic Life 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 this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283 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 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 City Planning Director, 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.**

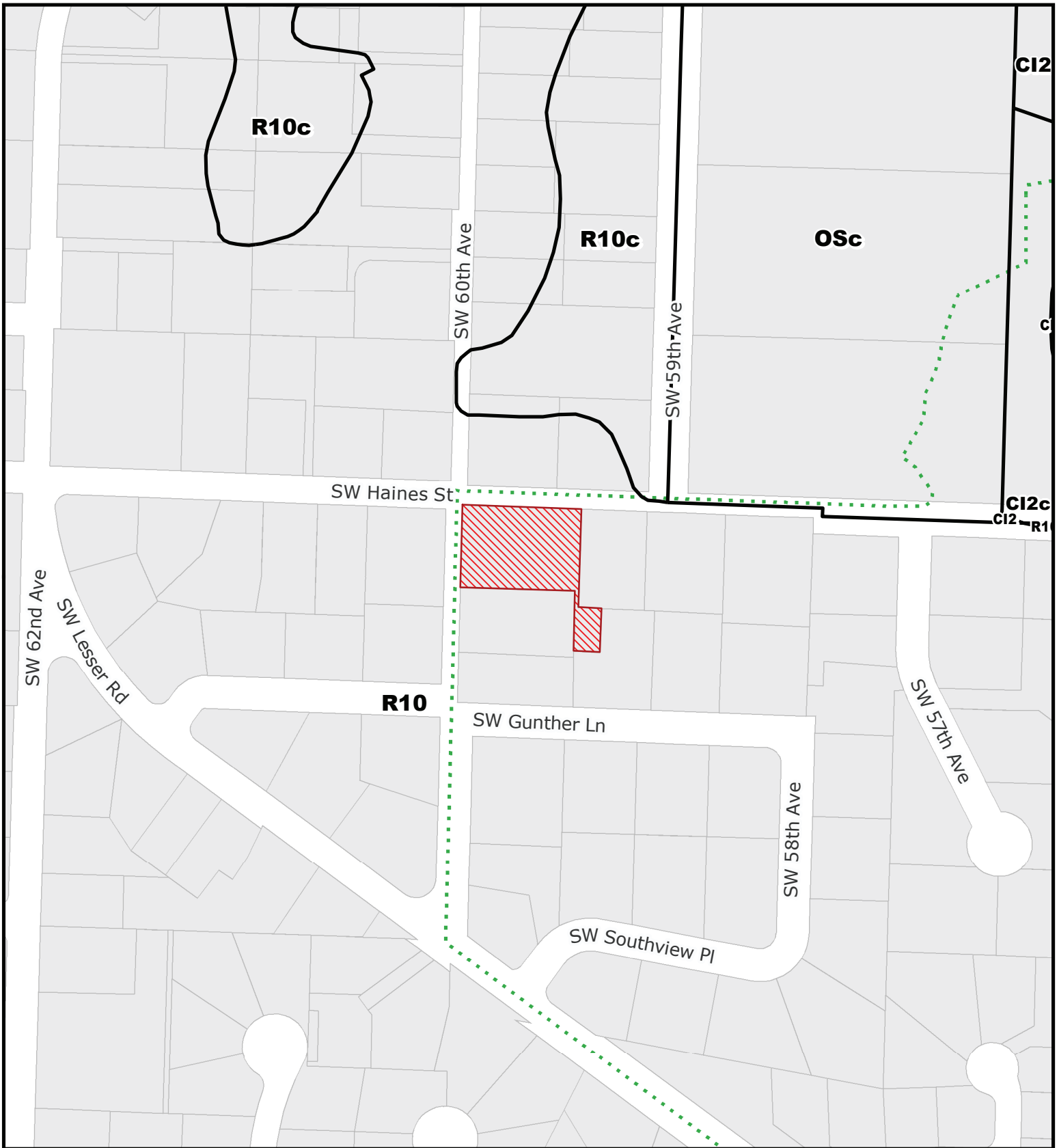
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. May 19, 2022 Original Submittal
 - 2. July 28, 2022 Revised Submittal
 - 3. Landslide Hazard Report
 - 4. August 4, 2022 Revised Submittal
 - 5. August 30, 2022 Revised Submittal
 - 6. October 11, 2022 Revised Submittal
 - 7. Arborist Report
 - 8. Driveway Design Exception Decision Form
 - 9. 120-Day Extension (September 8, 2022)
 - 10. 120-Day Extension (September 30, 2022)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing Conditions Survey
 - 3. Preliminary Grading, Clearing and Erosion Control
 - 4. Tree Preservation Plan during Demolition
 - 5. Tree Preservation Plan during Development
 - 6. Root Protection Zone Encroachment Plan
 - 7. Utility Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:

1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
 7. Life Safety Section of BDS
- F. Correspondence:
None
- G. Other:
1. Original LU Application
 2. Expedited Land Division Acknowledgement
 3. Incomplete Letter

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).



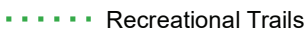
ZONING



For Zoning Code in effect Post August 1, 2021

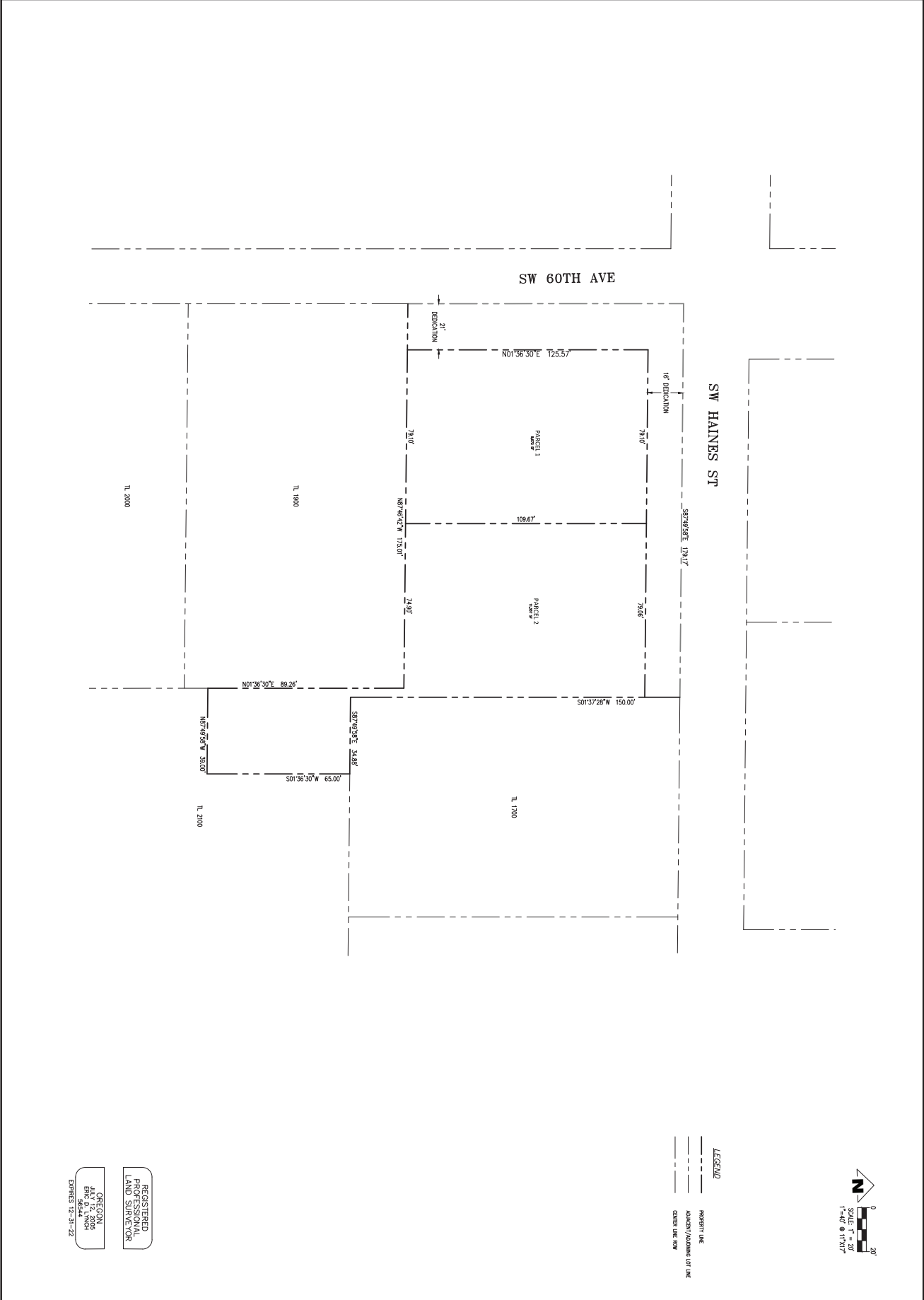


Site



Recreational Trails

File No.	LU 22 - 144602 LDP
1/4 Section	4223
Scale	1 inch = 200 feet
State ID	1S1E31CD 1800
Exhibit	B May 19, 2022



SHEET 3 OF 5	<p>6445 SW FALLBROOK PLACE, SUITE 100 BEAVERTON, OREGON 97008 TEL: (503) 746-8812 FAX: (503) 635-9592 www.emeriodesign.com</p>	PRELIMINARY PLAT	12320 SW 60TH AVENUE TAX MAP T1S R1E 31CD TAX LOT 1800 PORTLAND, OREGON						
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