



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
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TDD: (503) 823-6868
FAX: (503) 823-5630
www.bds.ci.portland.or.us

Date: June 11, 2008
From: Mark Bello, Land Use Services
503-823-7810 / mark.bello@ci.portland.or.us

NOTICE OF A FINAL PLAT DECISION

The Bureau of Development Services has **approved** a Final Plat for a site in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Salem, OR 97301. The phone number for LUBA is 503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: FP 05-112721, FINAL PLAT

Applicant

Alik Shkvarkovskiy,
PO Box 33641
Portland, OR 97292

Representative

Art Duhon,
Duhon Consulting And Design Inc
8733 SE Division, Suite 210
Portland OR 97266

Site Address: 2736 SE 133RD AVE
Legal Description: LOT 1 BLOCK 1, JOZSEF
Tax Account No.: R436400100
State ID No.: 1S2E11AB 08001
Quarter Section: 3344
Neighborhood: Powellhurst-Gilbert, contact James Chasse at 503-762-0863.
Business District: Midway, contact Bill Dayton at (503)761-1799.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: Johnson Creek
Other Designations:
Zoning: R5a
Case Type: FP - Final Plat Review
Procedure: Type I

Proposal: The Preliminary Plan for LU 05-112721 LDP was approved by the Bureau of Development Services on Oct 4, 2005. That decision approved two parcels, with lot areas of 4,680 and 4,800 square feet.

The applicant has submitted the proposed Final Plat to the Bureau of Development Services (BDS) for approval. This final technical review ensures that the Final Plat conforms with the approved Preliminary Plan and with the conditions of approval imposed by the review body. This review is not an opportunity to add or change conditions of approval, or to review other issues.

Neighborhood Review: A notice of this proposal was mailed on February 9, 2006. No written comments were received by the Bureau of Development Services in response to this notice.

Compliance with Conditions of Approval


In order to be approved, this proposal must also show compliance with all applicable conditions of approval imposed with City approval of the Preliminary Plat decision.

As shown by the attached Final Plat Status Report (Exhibit A) the Final Plat proposal complies with all of the conditions of approval of the Preliminary Plat decision. This requirement is met.

ADMINISTRATIVE DECISION

Approval of the Final Plat for a Land Division to create # parcels, as indicated by City signatures on the Final Plat (Exhibit C.2, attached).

Staff Planner: Mark Bello

Decision rendered by:  **on May 20, 2008**
By Authority of the Director of the Bureau of Development Services

Decision mailed June 11, 2008

This decision is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

Recording the land division final plat. The plat must be submitted to the County Recorder to be recorded within 90 days of the final plat decision date, or the final plat will expire.

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).

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Final Plat Status Report (attached)
- B. Zoning Map (attached)
- C. Plans
 - 1. Preliminary Plan (attached)
 - 2. Final Plat (attached)
 - 3. Tree Plan
- D. Notification Information
 - 1. Mailed Notice
 - 2. Mailing List
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: None
- G. Other:
 - 1. Final Plat Application
 - 2. Original Land Use Decision



FINAL PLAT STATUS REPORT
Approval

Exhibit A

Folder # **FP 05-112721**
Address **2736 SE 133rd Avenue**
Review Date **May 20, 2008**

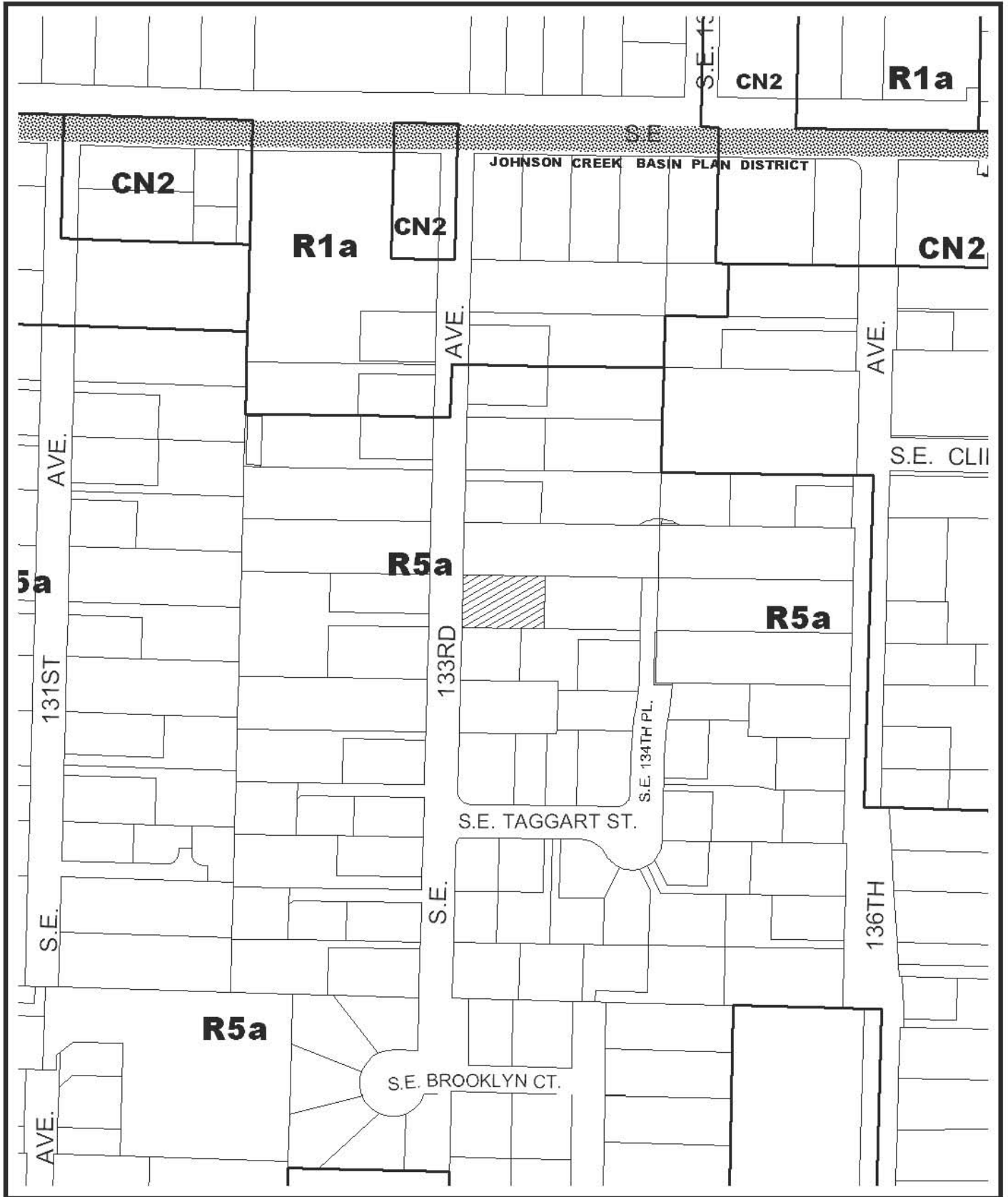
To:	<p>Art Duhon, Applicant Duhon Consulting & Design, Inc. 8733 SE Division Street Portland OR 97266</p> <p>John Hansen, co developer 1640 SE Tacoma Street Portland, OR 97202</p> <p>Dale Marx, MARX Associates BOX 565 Gresham, OR 97030</p>	From:	<p>Mark Bello, City Planner Land Use Services Division Phone: 503-823-3032</p> <p>E-mail: mark.bello@ci.portland.or.us</p>
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The checklist below indicates that applicable conditions of approval have been met:

<input checked="" type="checkbox"/>	1. The applicant shall meet the street dedication requirements of the City Engineer for SE 133rd Avenue. The required right-of-way dedication must be shown on the final plat.	Met.
B. The following must occur prior to Final Plat approval:		
<input checked="" type="checkbox"/>	1. The applicant shall meet requirements of the City Engineer for right of way improvements along the frontage of SE 133rd Avenue. The applicant shall provide plans and financial assurances to the satisfaction of the Bureau of Transportation Engineering and development for required street frontage improvements.	Met
<input checked="" type="checkbox"/>	2. The applicant shall meet requirements of the Bureau of Environmental Services for stormwater improvements along the frontage of SE 133rd Avenue. The applicant shall provide plans and financial assurances to the satisfaction of the Bureau of Environmental Services for required stormwater frontage improvements.	Met.
<input checked="" type="checkbox"/>	3. A finalized permit must be obtained for demolition of the existing structures 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.	Met A Demolition Permit was issued and finalized on May 9, 2008 (permit # 06 153741RS).
<input checked="" type="checkbox"/>	4. The applicant must document the location of the tree to be preserved on a surveyed Tree Preservation Plan, including the required root protection zone.	Met The required documentation provided May 20, 2008. All existing Douglas fir trees located in the City right-of-way must be protected. A written permit from the City Forester is required to remove, destroy, cut, break, or injure, any tree of any size in or upon any street, park, or public area as detailed in Title 20.40.090 D. For more information about the above permit, contact Urban Forestry Division of Portland Parks at 503-823-4489.

C. The following conditions are applicable to site preparation and the development of individual lots:		
<input checked="" type="checkbox"/>	1. Development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.1). Specifically, tree number 1 is required to be preserved, with the root protection zones indicated on Exhibit C.1. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.	This condition remains in effect.
<input checked="" type="checkbox"/>	Conformance with Preliminary Plan: The Final Plat must conform to the approved Preliminary Plan. Allowed variations are specified in Section 33.660.200 of the Zoning Code.	BDS has reviewed the proposed Final Plat against the list of allowed variations and has determined it conforms to the approved Preliminary Plan.
<input checked="" type="checkbox"/>	Conditions of Approval: The Final Plat must comply with all conditions of approval that apply to the Final Plat. All other conditions remain in effect.	Met. As shown above, the conditions of approval are met
<input checked="" type="checkbox"/>	Services: All services must meet the requirements of the City Code.	Met. The City service bureaus have given approval of the Final Plat, so all of the services meet the requirements of the City Code for the purposes of Final Plat approval.
<input checked="" type="checkbox"/>	Dedications, tracts and easements: All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded. All tracts and easements must be shown on the Final Plat and the requirements of Chapter 33.636, Tracts and Easements, must be met.	All required dedications of property to the City or the public are shown on the Final Plat, and will be dedicated with recording of the Final Plat.
<input checked="" type="checkbox"/>	Sureties: All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to – Final Plat approval.	No sureties were required with this plat so this approval standard does not apply.
<input checked="" type="checkbox"/>	Maintenance Agreements and Covenants and Restrictions (CC&Rs): All maintenance agreements and CC&Rs must be reviewed and approved by the Bureau of Development Services and the City Attorney prior to Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat within 90 day of the Final Plat approval.	No maintenance agreements or CC&Rs were required with this plat so this approval standard does not apply.

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ZONING



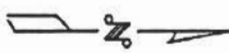
Site

ZONING IN EFFECT AT TIME
OF PRELIMINARY PLAN
Contact DSC for current zoning



This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

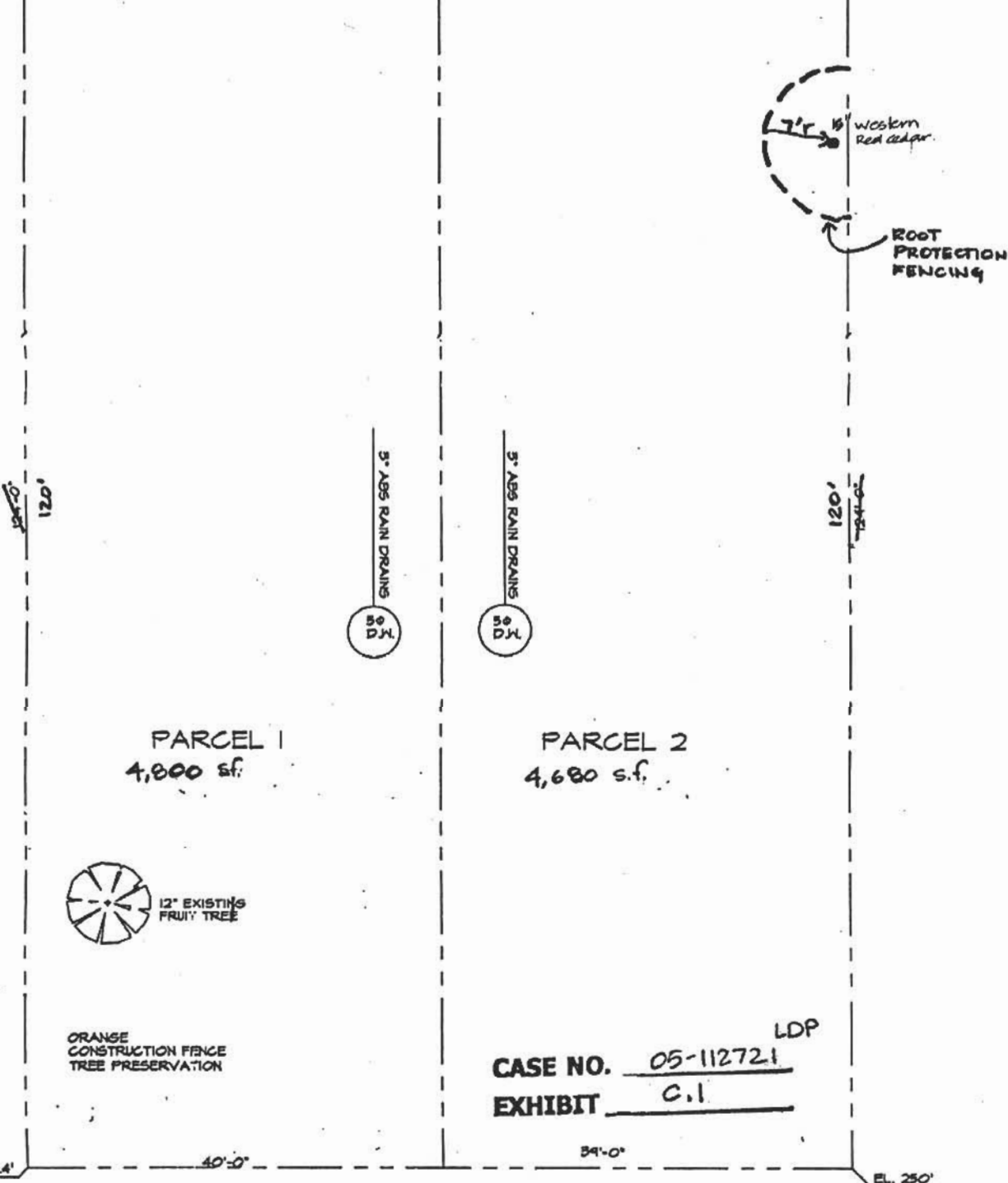
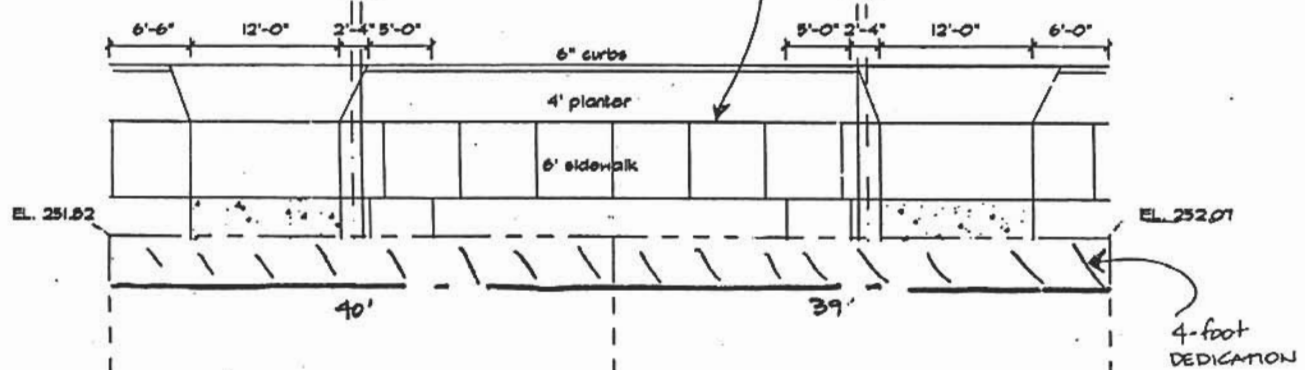
File No.	FP 05-112721
1/4 Section	3344
Scale	1 inch = 200 feet
State-Id	1S2E11AB 8001
Exhibit	B (Mar 8, 2005)



SITE PLAN

RIGHT-OF-WAY IMPROVEMENTS SHOWN MAY BE MODIFIED PER CITY ENGINEER REQUIREMENTS

SE. 133rd



ORANGE CONSTRUCTION FENCE TREE PRESERVATION

CASE NO. 05-112721 LDP
EXHIBIT C.1

MARRIATIME

1. THE PURPOSE OF THIS SURVEY IS TO PARTITION LOT 1, BLOCK 1, "JOZSEF" MULTINOMAH COUNTY PLAT RECORDS, PER AN APPROVED TENTATIVE PLAN--CITY OF PORTLAND BUREAU OF DEVELOPMENT SERVICES CASE FILE NO. LU 05-112721 LDP--AT THE REQUEST OF BUKOWIA CUSTOM HOMES.
2. FOR ALL BASIS OF BEARINGS I ORIENTED TO SAID PLAT OF "JOZSEF", HOLDING A VALUE OF "N 02°07'20" W FOR THE EAST RIGHT-OF-WAY LINE OF S.E. 133RD AVENUE (RD. NO. 2242, 50' WIDE), TO FIT SAID EAST RIGHT-OF-WAY LINE I FOUND, TIED AND HELD MONUMENTS AS SHOWN.
3. I THEN FOUND, TIED AND HELD THE REMAINING THREE PLAT MONUMENTS OF SAID LOT 1.
4. I THEN LAD OUT THE STREET DEDICATION AND THE PARCELS PER THE APPROVED TENTATIVE PLAN AND SET THE NECESSARY CORNER MONUMENTS.

LEGEND:

1. "O" DENOTES A 5/8" X 3/4" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "MARK ASSOCI'S" SET 1.00' S. 09°23'28" W. AS A REFERENCE MONUMENT ON NOVEMBER 20, 2007.
3. "●" DENOTES MONUMENTS FOUND AND TIED, AS NOTED.
4. "PP" DENOTES VALUES PER PARTITION PLAT NO. 1990-36, MULTINOMAH COUNTY PLAT RECORDS.
5. "D" DENOTES VALUES PER THE PLAT OF "JOZSEF", MULTINOMAH COUNTY PLAT RECORDS.
6. "M" DENOTES MEASURED VALUES.
7. "S" DENOTES SQUARE FEET.
8. "W" DENOTES CHAINLINK FENCE.
9. "H" DENOTES SURVEY NUMBER, MULTINOMAH COUNTY SURVEY RECORDS.
10. "PP" DENOTES PARTITION PLAT NO.
11. "C" DENOTES CHAINLINK FENCE.
12. "B" DENOTES BOARD FENCE.

SURVEYOR'S CERTIFICATE:

I, DANIEL R. BAUER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PLAT, LOCATED IN THE NE 1/4 OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE MERIDIAN METROPOLITAN, CITY OF PORTLAND, MULTINOMAH COUNTY, OREGON, SAID LAND BEING DESCRIBED AS FOLLOWS:

LOT 1, BLOCK 1, "JOZSEF", MULTINOMAH COUNTY PLAT RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE INITIAL POINT, SAID POINT BEING THE INITIAL POINT OF SAID PLAT OF "JOZSEF", MARKED BY 2" IRON PINE SAID POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF S.E. 133RD AVENUE (RD. NO. 2242, 50' WIDE), THENCE N 02°07'20" W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID S.E. 133RD AVENUE, A DISTANCE OF 78.10 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "C. PENSE PLS 460" MARKING THE NORTHWEST CORNER OF SAID LOT 1; THENCE S 02°07'20" W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID S.E. 133RD AVENUE, A DISTANCE OF 40.00 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "C. PENSE PLS 460" MARKING THE NORTHEAST CORNER THEREOF; THENCE S 02°07'21" E, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 78.85 FEET TO THE SOUTHEAST CORNER THEREOF, MARKED BY A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "C. PENSE PLS 460"; THENCE N 89°19'15" E, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 123.89 FEET TO THE INITIAL POINT.

CONTAINING AN AREA OF 9793 SQUARE FEET.

REGISTERED PROFESSIONAL LAND SURVEYOR

DANIEL R. BAUER
 FEBRUARY 14, 1985
 DUNSMITH, OREGON
 EXPIRATION DATE: 12/31/07

I CERTIFY THAT THIS SURVEY WAS PREPARED USING NIP PRODUCT NO. 51845A ON DEC 08-8342 POLYESTER FILM.

NOTES:

1. THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE FILE NO. LU 05-112721 LDP.

PARTITION PLAT NO. REPLAT OF LOT 1, BLOCK 1, "JOZSEF" SITUATED IN THE NE 1/4 SECTION 11, T.1S., R.2E. W.M. CITY OF PORTLAND MULTINOMAH CO., OREGON
CITY OF PORTLAND BUREAU OF DEVELOPMENT REVIEW
FILE NO. LU 05-112721 LDP
MARK ASSOCIATES
 18615 E. BURNSIDE STREET
 PORTLAND, OR 97233
 TEL: 503.667-5550
 FAX: 503.666-8666
 EMAIL: DALEMARK@MTEGRAONLINE.COM

DATE DRAWN: NOVEMBER 16, 2005
 ACCOUNT NO. 04167MP

APPROVED THIS ___ DAY OF ___ 200__
 BY: PLANNING DIRECTOR'S DELEGATE, CITY OF PORTLAND
 APPROVED THIS 5TH DAY OF JUNE 2008
 DEDICATION ACCEPTED UNDER ORDINANCE NO. 165059
 BY: *Christie Melady*
 CITY OF PORTLAND CITY ENGINEER'S DELEGATE
 APPROVED THIS ___ DAY OF ___ 200__
 COUNTY OF MULTINOMAH COUNTY, OREGON

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY ORS 92.085 HAVE BEEN PAID AS OF ___ 200__
 DIRECTOR OF ASSESSMENT & TAXATION
 MULTINOMAH COUNTY, OREGON

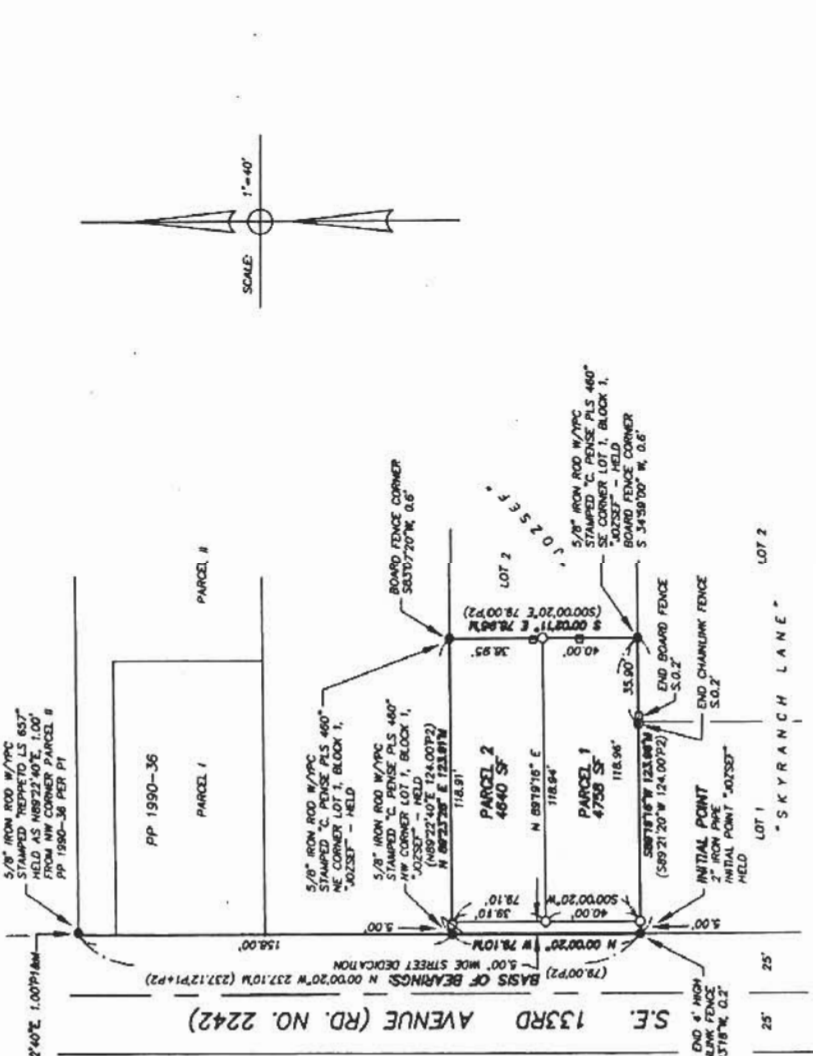
BY: DEPUTY
 COUNTY OF MULTINOMAH } SS
 STATE OF OREGON }
 I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD AND RECORDED ___ 200__ AT ___ M. O'CLOCK AS PARTITION PLAT NO. ___
 COUNTY RECORDING OFFICE

BY: DEPUTY
 DOCUMENT NO. ___
DECLARATION:
 KNOW ALL PEOPLE BY THESE PRESENTS, THAT BUKOWIA CUSTOM HOMES, INC. AN OREGON CORPORATION, OWNER OF THE LAND REPRESENTED ON THE ANNEKED PLAT, AND MORE PARTICULARLY CAUSED BY THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DOES HEREBY DECLARE THAT THEY HAVE CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92, AND HEREBY DEDICATE THE STREET AS SHOWN ON SAID PLAT TO THE PUBLIC FOR PUBLIC USE FOREVER.

ALIK SHIVARAKSHIT, PRESIDENT
 BUKOWIA CUSTOM HOMES }
ACKNOWLEDGEMENTS:
 STATE OF OREGON } SS
 COUNTY OF MULTINOMAH }
 KNOW ALL PEOPLE BY THESE PRESENTS: THIS IS TO CERTIFY THAT ON THIS 5TH DAY OF JUNE 2008, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF OREGON, PERSONALLY APPEARED DANIEL R. BAUER, A REGISTERED PROFESSIONAL LAND SURVEYOR, AND SAID DANIEL R. BAUER DID SAY THAT THEY ARE THE PERSONS NAMED IN THE FOREGOING INSTRUMENT, AND THAT THEY DO HEREBY ACKNOWLEDGE THAT THEIR SIGNATURES AFFIXED THERE TO ARE OF THEIR OWN FREE ACT AND DEED.

NOTARY SIGNATURE _____ COMMISSION NO. _____
 MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC FOR THE STATE OF OREGON

CASE NO. FP05-112721
 EXHIBIT C 2

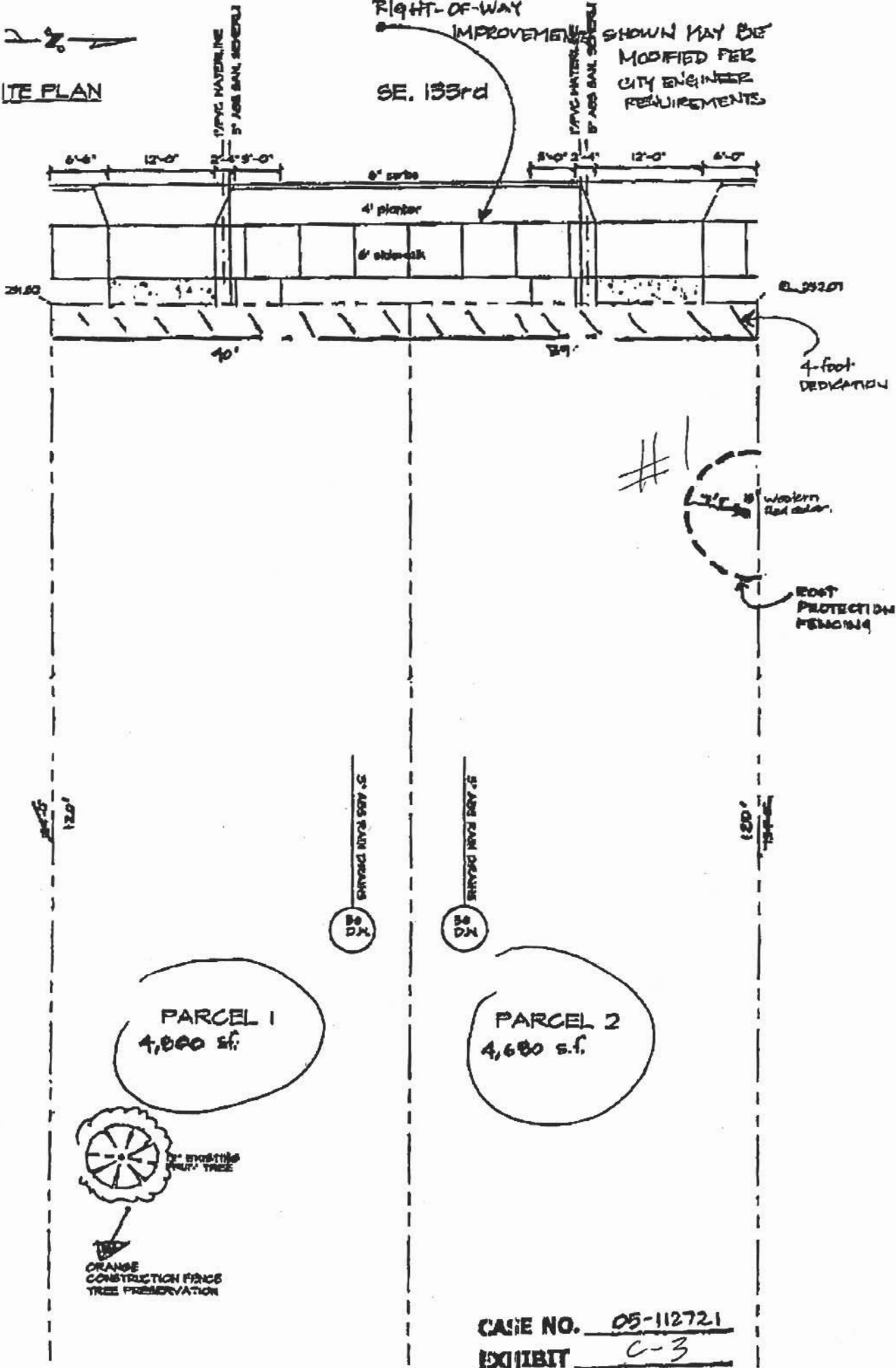



LITE PLAN

RIGHT-OF-WAY IMPROVEMENT

SHOWN MAY BE MODIFIED PER CITY ENGINEER REQUIREMENTS

SE. 133rd



CASE NO. 05-112721
EXHIBIT C-3