



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Date: July 2, 2008
To: Interested Person
From: Nizar Slim, Land Use Services
503-823-7848 / nizars@ci.portland.or.us

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in 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, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-109730 LDP

GENERAL INFORMATION

Applicant: John Middleton,
Ztec Engineers
3737 SE 8th Av
Portland, OR 97202

Kayla Truong,
15223 SE Francesca Ln
Happy Valley, OR
97086

Site Address: 3707 SE 122ND AVE

Legal Description: TL 2400 LOT 5 BLOCK B, SUBURBAN HMS CLUB TR
Tax Acct No.: R804301720 **St ID No.:** 1S2E10DA 02400 **Qtr Sect:** 3442

Neighborhood: Powellhurst-Gilbert, contact James Chasse at 503-762-0863.
Business District: Midway, contact Donna Dionne at 503-252-2017.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: Johnson Creek Basin

Zoning: R1a – Residential 1000 with an Alternative Design Density overlay
Case Type: LDP – Land Division, Partition
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to divide an existing 8,307 square foot lot into three smaller lots. Parcel 1 will be sized at 3,967 square feet and Parcels 2 and 3 will both be sized at 1,623 square feet. The remaining square footage will be dedicated to the adjacent streets. Parcels 2 and 3 are proposed for single dwelling development. There is an existing single dwelling unit on Parcel 1. There are several small trees on the site, however the applicant has

submitted a letter from a certified arborist indicating the small size of the trees exempts them from the Tree Preservation standards of Chapter 33.630.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are found in section **33.660.120 Approval Criteria for Land Divisions in Open Space and Residential zones.**

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

For purposes of State Law, this land division is considered a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (See ORS 92.010).

ANALYSIS

Site and Vicinity: The site is relatively flat and is situated on a corner lot at the intersection of SE 122nd Avenue and SE Rhone Street. A single dwelling unit currently occupies the eastern portion of the property and will remain. The site is landscaped with grass and shrubs, however, there are no trees on the site that are large enough for regulation under the tree preservation standards of Chapter 33.630.

There are several large shopping centers just to the north of the site at the intersection of SE 122nd Avenue and SE Powell. To the south, east and west, development is predominantly multidwelling and high-density single dwelling homes. SE 122nd Avenue is a five lane Major City Traffic and Transit Access Street and is also a City Walkway and Regional Corridor. SE Rhone is a dead end local service street.

Zoning: The R1 designation is one of the City's multi-dwelling zones, which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

The "a" overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the "a" overlay.

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

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on **May 7, 2008.**

1. 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.

2. Neighborhood Review: No written responses have been received from either 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.

The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential Zones**. 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 applicability of each criterion.

Criterion	Code Chapter	Topic	Applicability Findings
A	33.612	Lots	Applicable - See findings below
B	33.630	Trees	Not applicable - No significant trees or trees in excess of 6 inches in diameter located fully on the site (see Arborist letter, Exhibit A-2).
C	33.631	Flood Hazard Area	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required when the minimum density for the site is less than 40 units.
G	33.635 .100	Clearing and Grading	Applicable - See findings below.
G	33.635 .200	Land Suitability	Applicable - See findings below.
H	33.636	Tracts and Easements	Not applicable - No tracts or easements have been proposed or will be required.
I	33.639	Solar Access	Not Applicable - Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and Utilities	Applicable - See findings below

Applicable Approval Criteria are:

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

Findings: Chapter 33.612 contains the lot standards applicable in the Multi-dwelling zones. These density and lot dimension standards ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected.

Density Standards

Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards

promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

When single-dwelling or duplex development is proposed for some or all of the site, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 120-3. When development other than single-dwelling or duplex development is proposed, minimum and maximum density must be met at the time of development.

The total site area shown on the applicant's survey is 8,307 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. The applicant will be required to dedicate approximately 1,094 square feet of site area along the frontage of SE 122nd Avenue and SE Rhone Street for right-of-way purposes (as described later in this report). Therefore the resulting lot size for calculating density is 7,213 square feet.

In this case, Parcels 1 through 3 are proposed for single dwelling or duplex development. Therefore, the density requirements for this site are calculated as follows:

Minimum = 7,213 square feet (site area) ÷ 2,000 square feet (minimum density from Table 120-3) = 3.6 (which rounds up to a minimum of 4 units, per 33.930.020.A).

Maximum = 7,213 square feet (site area) ÷ 1,000 square feet (maximum density from Table 120-3) = 7.21 (which rounds down to a maximum of 7 units, per 33.930.020.B).

Because Parcels 2 and 3 will each be developed with one dwelling unit, the remainder of the minimum density (2 units) for the site as a whole must be met on Parcel 1 when that lot is redeveloped in the future.

In this zone, there are no minimum lot area requirements for lots designated for attached houses, detached houses, or duplexes. For this reason, it is necessary to condition the minimum and maximum density allowance on each lot in the land division, to avoid further division of lots in the future that could result in non-compliance with the overall density requirements of the site as it exists in this proposal.

Lot Dimensions

The lot dimensional standards ensure that: (1) Each lot has enough room for development that meets all the requirements of the zoning code; (2) Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible; (3) The multi-dwelling zones can be developed to full potential; and (4) Housing goals for the City are met.

The dimensions of the proposed lots as compared to the required lot dimension standards is shown in the following table (this information is found in Chapter 33.612 of the Zoning Code):

	R1 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2	Proposed Parcel 3
Lots for Attached or Detached Houses				
Minimum Lot Area	none		1,623 sq. ft.	1,623 sq. ft.
Minimum Lot Width*	none		22.5 ft.	22.5 ft.
Minimum Lot Depth	none		72 ft.	72 ft.
Minimum Front Lot Line	10 ft.		22.5 ft.	22.5 ft.
Lots for Duplexes				

Minimum Lot Area	none	3,697 sq. ft.		
Minimum Lot Width*	none	55 ft.		
Minimum Lot Depth	none	72 ft.		
Minimum Front Lot Line	10 ft.	55 ft.		

*Width is measured from the midpoints of the side lot lines.

With the conditions of approval described above, this criterion is therefore met.

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

The approval criteria of Chapter 33.635 are found in two groups – clearing and grading, and land suitability.

33.635.100 – Clearing and Grading

- A. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;**
- B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;**
- C. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;**
- D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and**
- E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable.**

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. In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. In addition, there are no trees required to be preserved in the areas where new development on the site is anticipated. This criteria is met.

33.635.200 – Land Suitability

Where geologic conditions or historic uses of the site indicate 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 in order to make the lots suitable for their intended uses and the provision of services and utilities.

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. 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 and any existing drywells impaired by property lines. With this condition, the new lots can be considered suitable for new development, and this criterion is met.

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

The relevant approval criteria of Chapter 33.641 are found in the two paragraphs below.

33.641.020. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

33.641.030. The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.

Findings: The regulations of Chapter 33.641 allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects (Title 17 includes technical standards describing when a more formal study is required).

The site has approximately 79 feet of frontage on SE 122nd Avenue and 105 feet of frontage on SE Rhone Street. SE 122nd Avenue is classified as a Major City Traffic Street, Transit Access Street, City Bikeway, City Walkway and Regional Corridor in the Transportation System Plan. SE Rhone Street is classified as a local service street for all modes in the Transportation System Plan. Tri-Met provides transit service adjacent to the site on SE 122nd Avenue via bus 71. Parking is currently allowed on SE 122nd Avenue and SE Rhone Street on both sides. There is one driveway entering the site from SE 122nd Avenue that provides access to off-street parking for the existing house.

SE 122nd Avenue is improved with a 76-foot wide paved roadway and a 7-foot curb-tight sidewalk on both sides within a 90-foot right-of-way. SE Rhone Street is improved with a 32-foot paved roadway and curb with no planter strips or sidewalks within a 45-foot right-of-way. In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. In this case, Portland Transportation has determined that sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development.

To accommodate these improvements, additional right-of-way must be dedicated along the frontage of the site. The applicant will be required to dedicate 5-feet along SE 122nd Avenue to accommodate a 12-foot wide sidewalk corridor that is appropriate for the level of service provided by SE 122nd Avenue. The applicant will also be required to dedicate approximately 7 feet of property along SE Rhone Street to accommodate an 11-foot sidewalk corridor. Improvements along Parcel 1 (the lot with the existing house) must be completed prior to final plat approval. Improvements along Parcels 2 and 3 can be completed at the time of development. With these improvements, two to three additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

Portland Transportation has noted that if the improvements to the sidewalk corridors along SE 122nd Avenue and SE Rhone can be completed without removing the existing curbs, an over-the-counter permit can be obtained for the improvements at the Development Services Center. If the curbs must be removed, the applicant must go through the City's public street permitting process.

This criterion is met, with the condition that sidewalk improvements are made, and the required right-of-way dedication is shown on the Final Plat.

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 water standards of 33.651 have been verified. An existing 6-inch water main is available in SE Rhone Street. Water is available to serve the proposed development from the water main in SE Rhone Street. Parcel 1 has an existing water service from an existing main in SE 122nd Avenue and can continue to take service from that main. See Exhibit E-3 for more details.

The Water Bureau has noted that the existing main in SE Rhone Street is located approximately 12 feet from the north property line of the site. If any of the proposed street improvements are located within 2 feet of the existing water main, the main must be relocated at the applicant's expense.

- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch public sanitary sewer located in SE Rhone Street that can serve the sanitary needs of the proposed lots. Parcel 1 has an existing sewer service from a 12-inch main located in SE 122nd Avenue. BES has indicated that Parcel 1 can continue to take service from that main. See Exhibit E-1 for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.
- Chapter 33.654 includes technical standards related to proposed public and private rights of way, including improvements within streets, pedestrian connections, common greens, and alleys. However, no new streets, pedestrian connections, common greens, or alleys are proposed or required within the land division site. Further, PDOT has determined that the existing streets, adjacent to the site and intersecting at the corner are spaced less than 300 feet apart which is within the maximum limits for streets (530 feet) and pedestrian (330 feet) connections. In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. of 33.654.110.B.1 does not apply. As result, the remaining standards and approval criteria related to street connectivity, location, and design are met or not applicable.

33.653.020 Stormwater Management Approval Criteria

- A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and**
- B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.**

Findings: No stormwater tract is proposed or required. Therefore, criterion A is not applicable.

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In order to meet this approval criterion, land division proposals must demonstrate an approved method of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

The Stormwater Management Manual contains a hierarchy of acceptable methods of stormwater treatment and disposal. The hierarchy requires that applicants first explore the use of methods that have a lower potential impact on groundwater, such as on-site surface infiltration swales and infiltration planters. If these methods are not feasible on a site, applicants may move lower on the hierarchy, to methods that inject water deeper into the ground through mechanical devices such as drywells or sumps, or carry it off of the site into storm sewers, drainageways, or other approved disposal points.

In addition to determining appropriate treatment and disposal methods by working through the hierarchy in the Stormwater Management Manual, stormwater facilities must be sized, through engineering calculations, to accommodate the expected amounts of stormwater. In some cases, sizing a stormwater facility necessitates testing the infiltration rate of the soil at the site.

The applicant has proposed the following stormwater management methods (Exhibit C-1), and the Bureaus have responded as follows (Exhibits E-1 and E-5):

- **Public Street Improvements:** As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated that constructing the sidewalk so that it will slope towards the planter strip may be an option if the curb does not need to be reconstructed. This will allow the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual. The Office of Transportation has indicated that the curb along SE 122nd Avenue may need to be reconstructed with the required street improvements. In the event the curb must be reconstructed, a method of managing stormwater may need to be constructed, and details must be determined to the satisfaction of BES prior to final plat approval.
- **Parcels 2 and 3:** Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably sized home. Site Development has indicated conceptual approval of the drywells. However, to assure that an adequate area for the drywells for the new houses is retained when the lots are developed, BES has recommended a minimum 15-foot building setback (front or rear) for Parcels 2 and 3 to accommodate the drywells. To ensure that the size and setback requirements of the Stormwater Management Manual can be met, specific information regarding the existing building locations, future building footprints and the location for stormwater facilities shall be provided on the supplemental site plan prior to final plat approval.
- **Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain variously onto the ground into underground pipes. The applicant has proposed a drywell to serve the existing house. Site Development has indicated conceptual approval for the new drywell and requires that all rain drains from the existing house be directed to the drywell. Prior to final plat approval, the applicant must have received final approval of a plumbing permit to install the new drywell. In addition, the location of any existing subsurface stormwater facility must be determined. If there is such a facility located on the site, it must be decommissioned as part of the plumbing permit to decommission the existing septic system if it will be affected by the new property lines, prior to final plat approval.

With the conditions of approval described above, the stormwater management criteria and the approval criteria for rights of way (33.654) are met. As shown by the findings above, the Services and Utilities criteria are met.

DEVELOPMENT STANDARDS

General Information about Development Standards and Approval Criteria. The Zoning Code contains two types of regulations: Development standards and Approval criteria.

Approval criteria, such as those listed earlier in this report, are administered through a land use review process. Approval criteria are regulations where the decision-maker must exercise discretion to determine if the regulation is met. Public notice is provided and public comments received that address the approval criteria are addressed in the decision.

Development Standards: Development standards are clear and objective regulations (for example: building setbacks; number of required parking spaces; and maximum floor area). Compliance with development standards is reviewed as part of the administrative permitting process and are not considered to be discretionary reviews. Development standards that are not relevant to the land division review, have not been addressed in the review, but will have to be met at the time that each of the proposed lots is developed.

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R1 zone (Please see section on Other Technical Standards for Building Code standards.)

In this case, there is one Zoning Code standard that relates to existing development on the site:

- **Minimum Setbacks** – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 5.1 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 http://www.water.ci.portland.or.us/
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 http://www.bes.ci.portland.or.us/
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 http://www.fire.ci.portland.or.us/

Bureau	Code Authority	Topic	Contact Information
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 http://www.trans.ci.portland.or.us/
Development Services	Titles 24 -27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 http://www.bds.ci.portland.or.us.

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

- The applicant must meet the requirements of the Fire Bureau in regards to ensuring fire access to any new development on the site. Buildings over 30 feet in height, as measured to the eave, must meet required aerial access (see Exhibit E-4). These requirements are based on the technical standards of Title 31 and the Fire Code.
- The applicant must meet the requirements of Urban Forestry for street tree planting. Street trees must be included in all street improvement designs. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 3-lot partition, as shown on the attached preliminary plan (Exhibit C-1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal include assignment of density to the lots, setbacks for storm-water facilities, and required street improvements.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-lot partition, that will result in two lots for single-dwelling or duplex development on Parcels 2 and 3 and one lot for (future) duplex housing on Parcel 1 (with existing house), as illustrated with Exhibit C-1, subject to the following conditions:

A. Supplemental Plan. Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use Review and BES review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:

- Any buildings or accessory structures on the site at the time of the final plat application;
- Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
- The proposed general location of future building footprints, stormwater facilities and required 15- foot setback (front or rear) for each of the vacant lots.
- Any other information specifically noted in the conditions listed below.

B. The final plat must show the following:

1. The applicant shall meet the street dedication requirements of the City Engineer for SE 122nd Avenue and SE Rhone Street. The required right-of-way dedication must be shown on the final plat.

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 February 19, 2008.

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 did not waive or extend the 120-day review period.

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

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

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

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

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

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City’s homepage on the Internet at www.portlandonline.com.

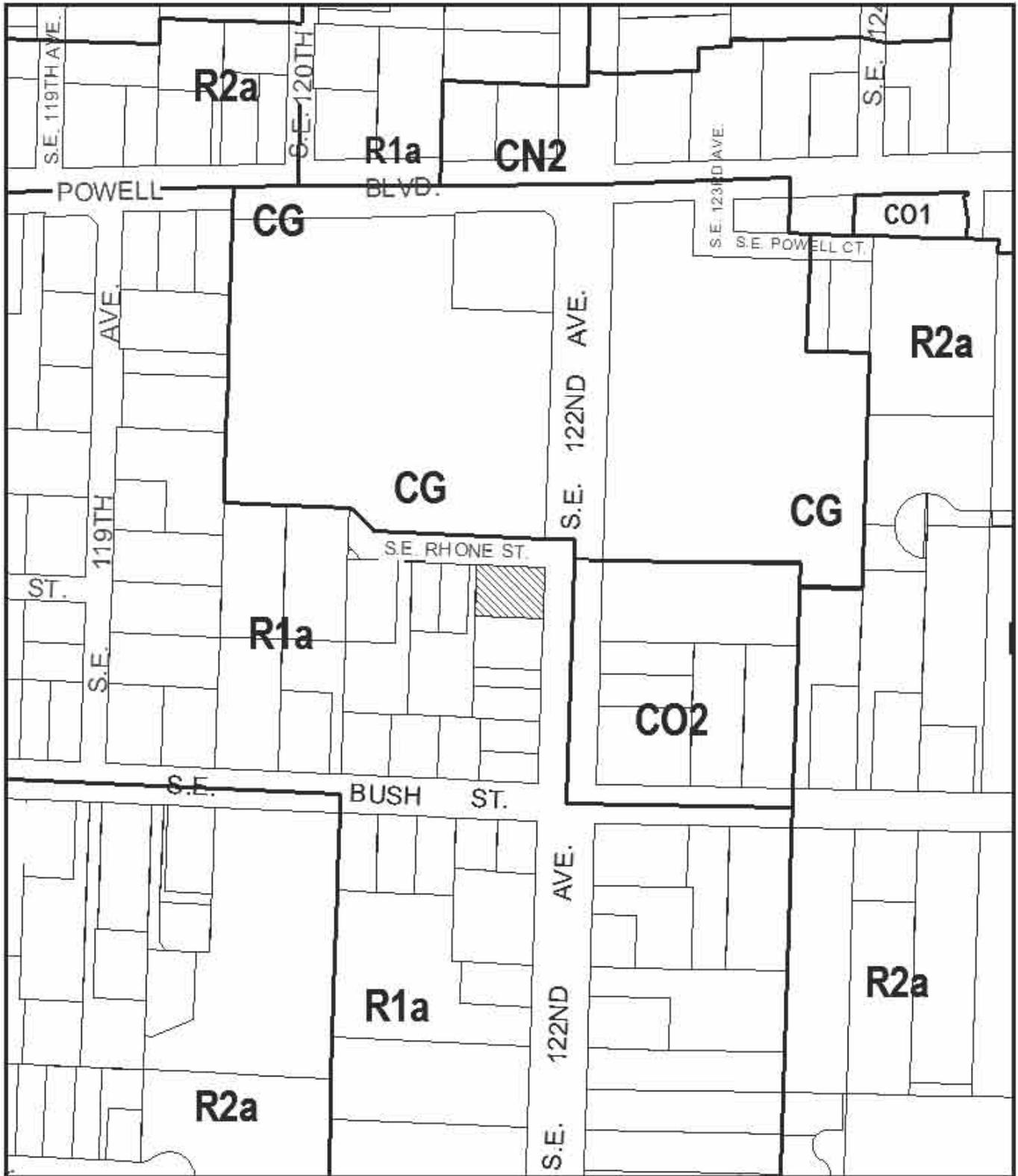
Recording the land division. The final land division plat **must** be submitted to the City **within three years** of the date of the City’s final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's statement
 - 2. Arborist letter indicating no trees on site over 6 inches in diameter
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached – full sized plan in file)
- 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
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete letter

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).



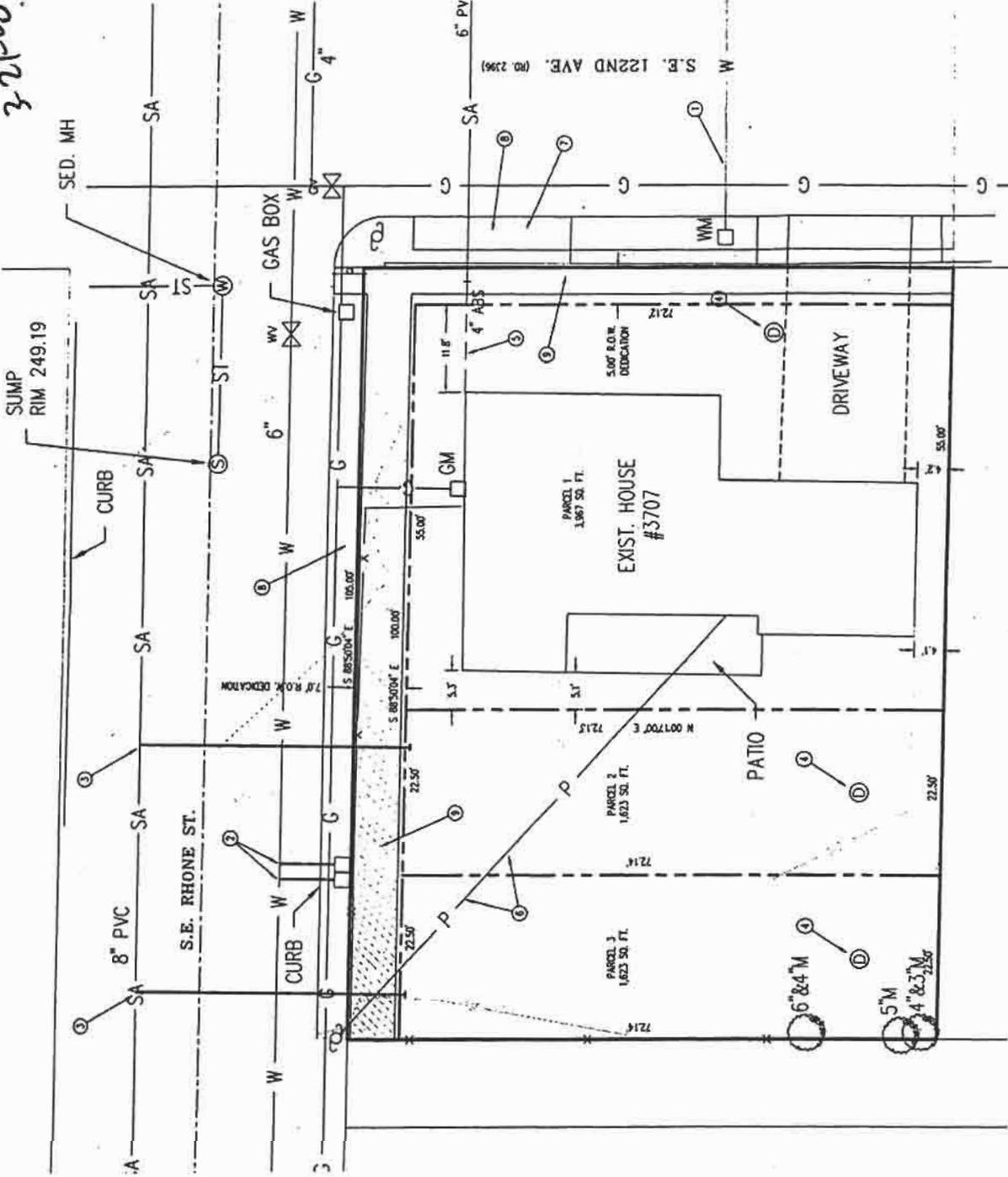
ZONING



This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No. LU 08-109730 LDP
 1/4 Section 3442,3443
 Scale 1 inch = 200 feet
 State_Id 1S2E10DA 2400
 Exhibit B (Mar 24, 2008)

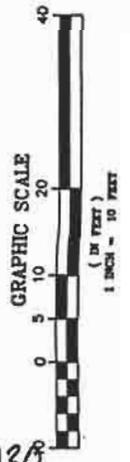
BVS
3-21-08



LEGEND:

- MONUMENTS FOUND AS NOTED
- LA IRON ROD
- UP BORN PIPE
- FD FOUND
- (M) MEASURED
- YPC YELLOW PLASTIC CAP
- SA — EXISTING SEWER
- ST — EXISTING STORM
- W — EXISTING WATER
- G — EXISTING GAS
- C — EXISTING CONCRETE SIEWALK
- S — EXISTING SAND/GRIT
- S — EXISTING SANITARY MANHOLE
- P — EXISTING POWER POLE
- W — EXISTING WATER VALVE
- M — EXISTING WATER METER
- S — EXISTING STREET SIGN
- T — EXISTING TREE
- SH(1) SH 5794S
- PP(1) PARTITION PLAT NO. 1996-172
- PP(2) PARTITION PLAT NO. 1993-128

- ① EXISTING WATER SERVICE TO REMAIN.
- ② PROPOSED WATER SERVICE TO NEW PARCELS.
- ③ PROPOSED SEWER SERVICE.
- ④ PROPOSED 5" DRIPWELL FOR ON-SITE STORM DRAINAGE DISPOSAL, LOCATE MIN. 10' FROM BUILDING FOUNDATION AND PROPERTY LINES.
- ⑤ EXISTING SEWER SERVICE TO REMAIN.
- ⑥ OVERHEAD SERVICE TO EXISTING HOME ON PARCEL 1 TO BE RELOCATED CLEAR OF PARCELS 2 AND 3.
- ⑦ REMOVE EXISTING FRONTAGE SIEWALK.
- ⑧ INSTALL 6" PLASTER.
- ⑨ INSTALL 6" SIEWALK.



CASE NO. 09-109738
EXHIBIT C-1

ZTEC ENGINEERS INC.
3737 S.E. 8TH AVE., PORTLAND, OREGON 97202
PH: (503) 235-8795 FAX: (503) 233-7889

LOCATED IN THE S.E. 14 OF SECTION 10,
T.15N., R.2E., W.M., IN THE CITY OF PORTLAND,
MULTNOMAH COUNTY, OREGON

JOB#:	P3722-1
DATE:	1-9-08
SCALE:	1"=10'
DRAWN:	JHH
CHECK:	CCF
FILE:	P3722-1

REGISTERED PROFESSIONAL LAND SURVEYOR
ALYCE M. HARRISON
CHRIS BRADY

TONY NGO
Proposed
PRELIMINARY PLAT
SHEET 2 OF 3