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CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**DECISION OF THE HEARINGS OFFICER**

**I. GENERAL INFORMATION**

**File No.:** LU 07-139413 LDS AD (HO 4070050)

**Applicant:** Hugh Womack  
8200 SE 162nd Ave  
Portland, OR 97236-4832

**Applicant's  
Representative:** Jeremy Totten  
All County Surveyors And Planners  
PO Box 955  
Sandy, OR 97055

**Hearings Officer:** Ian Simpson

**BDS Staff Representative:** Stephanie Beckman

**Site Address:** 8200 SE 162ND AVE

**Legal Description:** TL 700 3.70 ACRES, SECTION 19 1 S 3 E

**Tax Account No.:** R993190640

**State ID No.:** 1S3E19CC 00700

**Quarter Section:** 3847

**Neighborhood:** Pleasant Valley

**District Neighborhood Coalition:** East Portland Neighborhood Office

**Plan District:** Johnson Creek Basin – South

**Zoning:** R10 – Low Density Single Dwelling Residential

**Land Use Review:** Type III, LDS AD – Land Division (Subdivision) and Adjustment

**BDS Staff Recommendation to Hearings Officer:** Denial

**Public Hearing:** This hearing was continued from January 14, 2008 on April 14, 2008, and was opened at 9:02 a.m., in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, OR, and was closed at 10:09 a.m. The record was held open until 4:30 p.m. on May 16, 2008 for new evidence, until 4:30 p.m. on May 23, 2008 for any rebuttal, and until 4:30 p.m. on May 30, 2008 for applicant rebuttal only. The record was closed at that time.

**Testified at the Hearing:**

Stephanie Beckman, BDS Staff representative  
Ray Moore, All County Surveyors, PO Box 955, Sandy OR, 97055  
Linda Bauer, Pleasant Valley NA Rep., 6232 SE 158th Ave., Portland OR 97236  
Dan King, 129 NW Nancy Pl., Gresham, OR 97030  
George Lizer, 9855 SE Top O Scott St., Happy Valley 97086  
Andre Duval, Bureau of Environmental Services (BES) representative  
Fabio De Freitas, Portland Office of Transportation (PDOT)

**Proposal:**

The applicant proposes to divide the 3.7 acre site to create 11 lots, public streets and a private open space tract. The existing home will be retained on Lot 1, proposed to be 33,515 square feet. An adjustment to the maximum lot size of 17,000 square feet in the R10 zone is requested to create Lot 1. The remainder of the proposed lots range from 6,378 to 9,478 square feet.

Street dedication and improvements are proposed on SE 162<sup>nd</sup> Ave. along the site's frontage, including pavement widening, stormwater swale and sidewalks. A new east-west public street, SE Tacoma St., is proposed to provide access to the site from SE 162<sup>nd</sup>. Southeast Tacoma will extend to the site's western edge where it will connect with a new north-south public street, SE 164<sup>th</sup> Ave. The east-west street is a full street improvement. The north-south street is a partial street with 20 feet of paving and a sidewalk and swale on one side, with the remainder to be improved when the adjacent site developments.

A short public sanitary sewer main extension is proposed in the new SE Tacoma St. Due to the inability to achieve gravity flow to the only available public sewer, sanitary sewer service is proposed to the lots via individual private force laterals located within an easement along the front of the lots. The laterals will connect to public manholes on Lot 1 and Tract A, which will connect to the sewer main in SE Tacoma via gravity flow. A water main extension is proposed in SE Tacoma to provide service to the lots.

Stormwater from the public street improvements will be directed to swales located between the curb and sidewalk. Due to the area's poor infiltration, the applicant proposes to direct overflow from the stormwater facilities to Mitchell Creek via a public storm sewer and outfall located in an easement on adjacent properties (8160 SE 162<sup>nd</sup> Ave. and 16655 SE Baxter Rd.). Disposing stormwater in the Pleasant Valley Natural Resources (v) Overlay Zone requires a Type II Pleasant Valley Resource Review, which is being processed under a separate land use application (LU 07-157912 PV).

Stormwater from the lots will be directed to each lot's flow-through planter. Overflow from the lots will be directed to the new public system.

The applicant proposes preserving nine existing trees (173 inches of tree diameter) to comply with Chapter 33.630's tree preservation requirements. Additional trees shall be protected during site preparation and grading, although some may be removed during house construction.

State law considers this to be a land division. To subdivide land is to divide an area or tract of land into four or more lots within a calendar year (ORS 92.010). This subdivision proposal is reviewed through a Type III procedure because: (1) the site is in a residential zone; and (2) more than 11 lots are proposed (Section 33.660.110).

**Relevant Approval Criteria:**

To be approved, the proposal must comply with the approval criteria of Title 33, the Portland Zoning Code. The applicable approval criteria are:

- 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones
- 33.805.040, Approval Criteria for Adjustments

This application is also subject to the Johnson Creek Basin Plan District – South Subdistrict standards in Section 33.537.140.

**II. ANALYSIS**

**Site and Vicinity:** The 3.7 acre site is currently developed with a single family residence, with an attached garage (to be retained) and a barn (to be removed). There is a circular driveway providing two access points onto SE 162<sup>nd</sup> Ave. and a driveway in an easement on the northern property line serving Tax Lot 500, an abutting property to the north. There are trees and ornamental landscaping surrounding the home. The eastern portion of the site is an open grassy field. The site has a gradual slope (approximately 4 percent) away from SE 162<sup>nd</sup> (down from the southwest to the northeast).

The surrounding area consists of residential and small farm uses. Properties tend to be large given the R10 zoning. However, there are higher density areas where recent subdivisions have been developed. There are also some subdivisions that have preliminary approval but do not have final plat approval, including the Peach Tree Meadows project (LU 06-143592) directly across SE 162<sup>nd</sup> from the site.

**Zoning:** The site is in the R10 zone, which is one of the city's single-dwelling zones intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

The site is also within the Johnson Creek Basin plan district. The plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints.

These include significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. The site is in the South Subdistrict of the plan district.

With the exception of the subject site and two other properties directly north, properties on the east side of SE 162<sup>nd</sup> are within the Pleasant Valley Plan District. Among other things, this plan district requires a 20 acre minimum for subdivision proposals. Surrounding properties within the plan district are zoned RF (Residential Farm/Forest) and have a comprehensive plan designation of R7.

**Land Use History:** City records indicate no prior land use reviews for the site.

As indicated above, LU 07-157912 PV is currently under review to allow stormwater disposal from the subject site to a nearby property. This review is being processed under a separate land use application because the nearby property is within Unincorporated Multnomah County and therefore has different appeal procedures than the subject site, which is located in the city of Portland.

**Agency and Neighborhood Review:** A “Request for Response” was mailed on August 31<sup>st</sup>, 2007 and a “Notice of a Public Hearing on a Proposal in your Neighborhood” was mailed on November 8, 2007 and March 25, 2008.

- 1. Agency Review:** Agency responses (Exhibits E) are addressed below.
- 2. Neighborhood Review:** When the revised staff report was prepared, correspondence from the Neighborhood Association consisted of multiple emails, some of which inquire about various aspects of the project and some which raise concerns (Exhibit F.1, which consists of 7 emails received 9/2/07 – 11/15/07 and Exhibit F.2, which consists of 6 emails received 11/15/07 to 12/22/07 ). City staff explained that other emails were sent to city staff regarding this application. However, they have not been included in the record because they were not sent to land use staff. An additional letter was sent to the Hearings Officer (Exhibit H-11) from a neighbor indicating that they had been approached by the applicant regarding an easement for stormwater conveyance and that they did not intend to provide the easement. As discussed below, the applicant has obtained an easement from the property owner directly south of the aforementioned neighbors.

The neighborhood concerns expressed in the emails are summarized below:

- Questions and concerns about how Tract A will be used, in particular parking, paved area, and future use.

**Staff Response:** The stated purpose of Tract A is to provide for access and utilities to Tax Lot 500, an adjacent property to the north which currently has access over the subject site, and to install private sanitary pressure lines and a public access-hole at the end of those lines. Outside of the paved driveway, all of the utilities will be underground, thereby providing some additional open space area. Staff agrees that the purpose and use of this tract needs to be clearly defined. A

condition is included requiring the maintenance agreement to specify the purpose of the tract as described above. Since the tract is not part of a lot, no accessory parking or other development is allowed. Driveway access to Tax Lot 500 should be limited to that necessary to provide reasonable access. It is recognized that future development proposals on adjacent properties could seek to incorporate Tract A and use it for access (most likely secondary). Such a request could be granted, provided it is specifically reviewed and approved under a land division application for the adjacent properties.

- Questions regarding the sanitary sewer proposal.

**Staff Response:** Due to the site's grade, gravity service to a sewer main in SE 162<sup>nd</sup> Ave. from the eastern portion of the site is not possible. There is currently no public sewer east of the site. The applicant proposes a short public sewer extension in the new east-west street and pressure lines in the easements that will connect to the public system at a point that gravity service becomes possible. Per Portland Transportation, no private utility lines can cross a public right-of-way (except for franchised utilities such as power, telephone, etc.). A public sanitary sewer system serving the east side of SE 162<sup>nd</sup> will need to be installed as the surrounding Pleasant Valley area develops.

- Concerns that the street connectivity requirements are not being met, specifically that the proposed north-south street (shown as SE 164<sup>th</sup> Ave.) should be shifted to the west to meet the recommended 530 feet spacing for through streets.

**Staff Response:** Several factors have been considered in determining the appropriate location of the proposed north-south street. These include: the sanitary sewer issues that require a private system in easements that cannot cross a public right-of-way; allowing property owners to share the burden to dedicate and improve right-of-way; and the ability to make connections as other properties development. Given the specific issues with this development proposal, Portland Transportation determined that the proposed street plan provides for acceptable connectivity.

- Question regarding whether the city will notify adjacent property owners about their responsibility to maintain the newly dedicated right-of-way.

**Staff Response:** In the city of Portland, abutting property owners are responsible for maintaining the sidewalk corridor that abuts their property. In some cases, a newly dedicated right-of-way places this responsibility on a property owner outside of the development site. The adjacent property owner will also benefit from gaining an improved street frontage, which could provide a significant financial benefit if the site were subdivided. It is not city practice to notify the adjacent property owner of their maintenance responsibilities. However, the owner would have received notice of the subject proposal and had the opportunity to comment.

## **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 site’s location and the nature of the proposal, some of the criteria are not applicable. The following table summarizes each criterion’s applicability.

<b>Criterion</b>	<b>Code Chapter</b>	<b>Topic</b>	<b>Applicability Findings</b>
A	33.610	Lots	<b>Applicable - See findings below.</b>
B	33.630	Trees	<b>Applicable - See findings below.</b>
C	33.631	Flood Hazard Area	Not applicable - The site is not within a flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within a 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 where the proposed density is less than 40 units.
G	33.635 .100 and .200	Clearing, Grading and Land Suitability	<b>Applicable - See findings below.</b>
H	33.636	Tracts and Easements	<b>Applicable - See findings below.</b>
I	33.639	Solar Access	<b>Applicable - See findings below.</b>
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	<b>Applicable - See findings below.</b>
L	33.651 - 33.654	Services and Utilities	<b>Applicable - See findings below.</b>

**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 standards applicable in the RF through R5 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.

The method used to calculate density depends on whether a street is created as part of the land division, and whether the site is subject to certain environmental and geophysical constraints. The site is also within the Johnson Creek Basin Plan District, South Subdistrict, which has density restrictions based on the land classification based on the site's slope (Section 33.537.140.E). The entire site has slopes of less than 20 percent and is therefore considered Class III Lands, which has a maximum density allowed in the base zone.

In this case, a street is proposed or required and the site is not within an environmental zone, potential landslide hazard area, or flood hazard area. Therefore, the site's maximum and minimum density is:

Minimum =  $161,172 \text{ square feet} * .68 \div 10,000 \text{ square feet} = 10.9$  (which rounds up to a minimum of 11 lots, per Section 33.930.020.A)

Maximum =  $161,172 \text{ square feet} * .85 \div 10,000 \text{ square feet} = 13.69$  (which rounds up to a maximum of 14 lots, per Section 33.930.020.B)

The applicant is proposing 11 lots. The density standards are therefore met.

Lot Dimensions

The lot dimension standards ensure that: (1) each lot has enough room for a reasonably-sized house and garage; (2) lots are of a size and shape that development on each lot can meet the development standards of the Zoning Code; (3) lots are not too large relative to the planned density; (4) each lot has room for at least a small, private outdoor area; (5) lots are compatible with existing lots; (6) lots are wide enough to allow development to orient toward the street; (7) lots don't narrow to an unbuildable width close to the street; (8) each lot has adequate access from the street; (9) each lot has access for utilities and services; and (10) lots are not landlocked.

The R10 zone allows lots to range from 6,000 to 17,000 square feet. Minimum dimensions are 30 foot front lot line, 50 foot width and 60 foot depth. With the exception of Lot 1, all of the proposed lots meet these standards. Lot 1 is proposed to be 33,515 square feet and exceeds the maximum lot size standard. Provided the concurrent adjustment request for Lot 1 is approved, the applicable lot standards and this criterion are met.

**B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.**

**Findings:** The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the chapter's requirements.

The applicant submitted an arborist report and addendums that inventory the trees within the land division site, evaluate their condition and specify root protection zones (Exhibit A.3, A.4 and A.5). Some trees have been exempted by the arborist because they are either too small, are a nuisance species or located within 10 feet of an existing structure to remain on the property.

The inventory identifies 32 trees, 2 which are exempt. The total non-exempt tree diameter on the site is 488 inches. The applicant proposes to preserve 9 trees, which comprise 173 inches of diameter, or 35 percent of the total non-exempt tree diameter. This proposal complies with Option 1 of the tree preservation standards, which requires at least 35 percent of the total tree diameter on the site to be preserved. The arborist report lists root protection zones, which are shown on the tree preservation and grading plans (Exhibits C.2 and C.5). It should be noted that the grading plan (Exhibit C.2) includes trees to be preserved to meet both the permanent tree preservation requirements of Chapter 33.630 and the Johnson Creek Basin Plan District (JCBPD) tree requirements of Chapter 33.537. Some of the trees shown on the grading plan may be removed when individual lots are developed. Refer to Exhibits C.5 and A.5 for trees that must be permanently preserved under this chapter.

The arborist identifies some special protection measures for Tree #27, a 24 inch Douglas Fir, due to its close proximity to the barn that will be removed. The arborist indicates that the barn will be removed without any soil disturbance adjacent to the tree and the full protection fencing at the 15-foot radius shall be set up after removal of the barn. The copy of this arborist report (Exhibit A.5) shall be provided with the demolition permit.

The applicant provided a conceptual building footprint for Lot 2 (Exhibit C.7) to respond to staff concerns that it would be difficult to construct a home on the lot. This plan does not meet zoning standards and appears to locate development too close to the tree. However, the plan does demonstrate that approximately 30 feet is available for a structure to the west of the tree. As shown, a home could be built around the tree, but the conceptual plan provided would likely exceed building coverage standards. With a 30-foot wide area adjacent to the tree and a 48-foot wide area available for development north of the tree, it should be possible to develop this lot with a reasonable size home. This configuration is being accepted based on the applicant's demonstration

that the lot is buildable. Another option would be to move the property line between Lots 1 and 2 to the west to provide more buildable area on Lot 2. Given the fact that the applicant has not exercised this option, future requests to remove the tree to provide a larger buildable area on Lot 2 shall not be considered.

To ensure that tree protection fencing is installed correctly for all trees on the site, the applicant must have a pre-construction erosion control inspection (IVR 200) from the Site Development Section of the Bureau of Development Services (Site Development) before any ground disturbing activity on the site.

Subject to these conditions and the condition that site development activities and development on Lots 1, 2 and 3 conforms to the Tree Preservation Plan (Exhibit C.5) and the applicant's arborist reports (Exhibit A.3 and A.5), this criterion is met.

### **33.630.400 Modifications That Will Better Meet Tree Preservation Requirements**

**A. Site-related development standards. The review body may consider adjustments to site-related development standards as part of the land division review. These modifications are done as part of the land division process and do not require an adjustment. Adjustments to use-related development standards (such as FAR, or number of units) are subject to the adjustment process of Chapter 33.805, Adjustments. Modification to a regulation that contains the word prohibited, or a regulation that is a qualifying situation or threshold is prohibited. In order to approve the modification, the review body must find that the modification will result in the application better meeting the requirements of Section 33.630.100, and will, on balance, be consistent with the purpose of the regulation being modified.**

**Findings:** To facilitate preserving tree #27, the applicant requested a modification to reduce the western side building setback from 10 feet to 5 feet on Lot 2. This request will provide additional building area on this lot, allowing development to be located further away from the tree. This will allow the full 15-foot root protection zone recommended by the arborist to be maintained. Therefore, a setback modification will result in an application better meeting the tree preservation standards.

The purposes of the setback standard, as stated in 33.110.220, are as follows:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the city's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;

- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

The five-foot setback proposed will meet building code and fire protection requirements. The decreased setback on the western side will be offset by a larger setback around the area of the tree of approximately 20 feet from the east property line of Lot 2. In addition, the reduced setback will be adjacent to the large rear yard of Lot 1, and will therefore not impact privacy, light or air for that home. The modification will provide some additional flexibility to locate a home on the site, without having significant adverse impacts on other parties. On balance, the proposal is consistent with the purposes for the side setback standard being modified.

**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 relatively flat, and is not located within a potential landslide hazard area. New public streets and associated stormwater swales are proposed as part of the land division, which will require grading on the site. In addition, an existing barn, fencing and paved and graveled

areas will be removed. The existing septic drainfield will also be decommissioned. The applicant has submitted a Preliminary Clearing and Grading Plan (Exhibit C.2) that depicts the proposed work, including existing and proposed elevation contours, a stockpile area, and root protection zones of trees to be preserved.

The proposed clearing and grading shown on Exhibit C.2 represents a minimal amount of change to the existing contours and drainage patterns of the site to provide for a level street surface. The contour changes proposed should not increase runoff or erosion because the erosion control measures shown on the grading plan must be installed before grading work begins. The applicant proposes to manage stormwater runoff from the new street and lots with swales and planter boxes that overflow to a public storm sewer to assure that runoff from the site will not adversely impact adjacent properties.

The proposed clearing and grading is sufficient to construct the new street without being excessive. The grading plan does not show a limit of disturbance. No clearing, grading, demolition or stockpiling activity is shown on much of Lots 1, 2 and 4 – 10. To limit potential erosion, the applicant shall show a limit of disturbance on the final clearing and grading plan leaving areas with no proposed site preparation activities undisturbed until a building permit is applied for.

The clearing and grading plan indicates an area for general stockpiling that is located directly adjacent to the new street right-of-way, and outside of the root protection zones of the trees to be preserved. Staff has included a note on the clearing and grading plan indicating that topsoil shall remain on site to the extent practical. Additional area may be set aside for construction staging and/or stockpiling within the limit of disturbance described above.

The clearing and grading plan includes protecting trees to comply with the Johnson Creek Basin Plan District standards for tree removal (Chapter 33.537). This plan requires special protection measures identified by the arborist to retain trees adjacent to the public street improvements on SE 162<sup>nd</sup> and the new public street, work within the proposed public utility easements and removing the existing driveway along the northern property line (Exhibit A.4). These measures shall be noted on the final clearing and grading plans.

As shown above, the Preliminary Clearing and Grading Plan meets the approval criteria with conditions. Site Development requires that the applicant apply for a Site Development Permit for mass grading and utility construction related to construction of the new public street. The permit application must include a final clearing and grading plan, that must be consistent with the preliminary clearing and grading plan approved with the land division with the conditions noted above. This criterion 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 and farm use, and there is no record of any other use in the past. The existing house is not currently connected to the public sanitary sewer. To ensure adjacent lots are not impacted, the house must be connected to the new public sewer installed on the property and the septic system decommissioned. This must occur before any permits for residential construction on the lots are issued.

The applicant has proposed to remove the site's existing barn. To ensure that the new lots in that area are suitable for development, a permit must be obtained and finalized to demolish the barn before final plat approval.

The applicant indicates that the existing access easement benefiting Tax Lot 500 to the north will be abandoned and a new easement for access and utilities will be placed over Tract A. To ensure that the existing easement does not impede the proposed development, documentation that the easement has been released shall be provided before final plat approval.

With these conditions, the new lots can be considered suitable for development, and this criterion is met.

**H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;**

#### **33.636.100 Requirements for Tracts and Easements**

**A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:**

- 1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;**
- 2. The Homeowners' Association for the area served by the tract;**
- 3. A public or private non-profit organization; or**
- 4. The City or other jurisdiction.**

**Findings:** The applicant proposes a private open space tract (Tract A) west of Lot 11. This tract serves several purposes: a private sewer easement serving Lots 8 – 11 will cross the tract, and it will provide for continued access and utilities to Tax Lot 500 (adjacent property to the north) that currently holds an easement over a portion of the site. This tract will also have an open space element because the utilities within the tract will be underground. However, the primary purpose of Tract A will be for access and utilities. Therefore it would be more appropriate for it to be labeled "Private Access and Utility Tract." The applicant proposes to have Tract A owned by Lot 1, which is consistent with the ownership requirements stated above. This criterion is met, provided Tract A

is labeled as described above and the ownership noted on the plat is consistent with this code section.

**B. Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.**

**Findings:** The following private easements are proposed and/or required for this land division:

- Private sanitary sewer easements are required along the frontage of Lots 1 – 6 for the system serving Lots 1 – 7 and along the frontage of Lots 9 – 11 and Tract A for the system serving Lots 8 – 11.
- A private access and utility easement benefiting Tax Lot 500 to the north over Tract A.

As stated in Section 33.636.100, maintenance agreements will be required describing maintenance responsibilities for the tract and easements described above and the facilities within those areas.

To ensure that Tract A is used for the purposes it is being created the maintenance agreement shall describe its use and purpose. In particular, it shall provide for driveway and utility access to Tax Lot 500 through a 15-foot wide area in the general location shown on Exhibit C.1. The remainder of the tract shall be maintained as open space. No parking, additional paving or development shall be allowed on Tract A. Future use of the tract for access by multiple lots may be allowed provided such a proposal is reviewed and approved under a land division application for adjacent properties. The maintenance agreement shall also acknowledge the private sanitary sewer easement and public sanitary sewer easement over the tract.

To ensure that the responsibilities for the private pressure sewer system is clear the maintenance agreement shall describe the responsibility of the developer and the responsibility of potential future lot owners for the different components of the system. The agreement shall also describe how the individual sewer lines can be identified and how they will be located for future construction projects.

This criterion can be met with the condition that maintenance agreements are prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block for each agreement, substantially similar to the following example:

*“A Declaration of Maintenance agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records.”*

With the conditions of approval discussed above, 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.**

*The solar access criteria are applied to proposed lots based on the orientation of the streets, as described below.*

**33.639.100, Solar Access Approval Criteria**

**On streets that are within 30 degrees of a true east-west axis, the narrowest lots should be interior lots on the south side of the street and corner lots on the north side of the street.**

**On streets that are within 30 degrees of a true north-south axis, the widest lots should be interior lots on the east or west side of the street.**

**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. In relation to the north-south streets, no interior lots will be created, only corner lots. Therefore, the second paragraph above does not apply. In relation to the new east-west street, Lots 2 – 6 are interior lots on the south side of the street and Lot 8 is a corner lot on the north side of the street. These lots should be the narrowest lots. This requirement is met, with the exception of Lots 6 and 8. There is no clear reason why the width of these lots cannot be reduced to meet the solar requirements. With the condition that the width of Lots 6 and 8 are modified on the final plat to meet the solar access requirements, 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.

The site has approximately 250 feet of frontage on SE 162<sup>nd</sup> Ave., which is classified as a Neighborhood Collector, City Bikeway, City Walkway, Major Emergency Response Street, Community Corridor and a Local Service Street for all other modes in the Transportation System Plan. The new public streets within the proposed subdivision will be classified as Local Service streets for all modes. The nearest mass transit service is located over one mile from the site at SE 145<sup>th</sup> and SE Clatsop via Bus # 157, which provides service to Clackamas Town Center. On-street parking is generally not available on SE 162<sup>nd</sup> due to the limited width of the right-of-way, roadside ditches and topography changes. There are currently three driveway access points on the site, two serving the existing house with a circular driveway and one serving the adjacent property to the north (Tax Lot 500).

### **Evaluation of impacts**

#### **Street capacity/level of service**

The applicant for the subject site was not required to provide the city with a Transportation Impact Study (TIS). Recently reviewed and approved subdivisions in the area (Hawthorne Meadows, 05-150984, Hawthorne Terrace, 06-106436; Peach Tree Meadows, 06-143592) included studies that were submitted, analyzed and accepted by the city in the course of approving these other subdivisions. Analyses in these studies included street capacity and level of service at affected street intersections in the area of these subdivisions.

Analyses prepared by two independent professional traffic consultants indicate that there is adequate capacity at the intersection of SE 162<sup>nd</sup> Ave. and SE Foster Rd. to accommodate the additional traffic that will be generated by the subdivisions without exceeding the level of service limits set by the city. Lancaster Engineering's Level of Service (LOS) summary indicates that the 162<sup>nd</sup> Ave/Foster intersection currently operates at an LOS of B during the morning peak hour and an LOS of C during the evening peak hour. The operation of this intersection will remain the same with background trips and background plus site trips conditions included. The studied intersection falls under the jurisdiction of the city and must therefore operate at a level of service of D or better since it is a signalized intersection.

To further these findings made by Lancaster Engineering, reference was made to a more recent TIS that was submitted by the developer of Peach Tree Meadows, a proposal for 36 lots east of the subject site along SE 162<sup>nd</sup> Ave. On September 5, 2006, Greenlight Engineering submitted an updated TIS that specifically included recently approved subdivisions along SE 162<sup>nd</sup> Ave. As

summarized by Greenlight's analysis, even with that project's 36 additional lots, the subject intersection will continue to operate above level of service standards for both morning and evening peak hours (an LOS of B during the morning peak hour and an LOS of C during the evening peak hour).

Given these recent studies and conclusions that were approved by the city in relation to the respective development projects, Portland Transportation determined that the impacts related to the proposed ten additional single-dwelling lots (total of 11) that would generate approximately 100 additional daily trips onto the transportation system, would not result in a deterioration of the street and intersection capacities.

### **Vehicle access and loading**

The land division proposal will result in the creation of 11 lots for detached houses (including retaining the existing house on Lot 1). The proposed subdivision also includes constructing a new east-west public street through the site (shown as SE Tacoma St.) as well as a new partial public north-south street at the eastern end of the site (shown as SE 164<sup>th</sup> Ave.). Additionally, Tract A along the site's northern property line will serve as access to Tax Lot 500 (abutting the subject site to the north).

Access and loading for the new lots will be via the new public streets, including SE 164<sup>th</sup> Ave. that will presumably connect to a larger street system in the Pleasant Valley Plan District. To ensure adequate review of potential impacts is provided, access across Tract A shall be limited to that of the existing home on Tax Lot 500, unless additional lots are allowed to use it for access under a subsequent land division review for adjacent properties.

Portland Transportation will require the applicant to close off the northern-most access point on Lot 1 (existing semi-circular driveway) along SE 162<sup>nd</sup> Ave. to avoid conflicts with vehicles entering the proposed subdivision via the new east-west public street. The southern-most access point for this lot along SE 162<sup>nd</sup> Ave. may remain. The driveway closure will occur with the street improvements on SE 162<sup>nd</sup>.

### **On-street parking impacts**

Given existing/proposed street volumes and prevailing speeds and other elements needed in the right-of-way (such as a bike lane), parking along the SE 162<sup>nd</sup> Ave. site frontage will not be provided.

On-street parking availability will be increased and enhanced in the area with the required right-of-way improvements within the site. The proposed east-west street will accommodate parking on both sides, which will provide adequate parking for the new homes, all of which will be required to provide on-site parking as well. Parking at the eastern end of the street may be limited until the streets are continued because the street intersection will need to provide a fire truck turnaround. The new north-south street will provide parking once it is widened and continued with future development on adjacent sites.

### **The availability of transit service and facilities and connections to transit**

Southeast 162<sup>nd</sup> Ave. is designated a Local Service Transit Street. Transit service is not currently provided along this street by the regional transit provider. The frontage of SE 162<sup>nd</sup> Ave. will be required to be improved to city standards by the City Engineer. Construction to city standards will allow for access by transit vehicles such as buses, if provided in the future.

### **Impacts on the immediate and adjacent neighborhoods**

Portland Transportation identified no potential transportation related impacts from the proposed subdivision other than those that would normally be expected in any residential neighborhood. With the construction of ten new residential units, additional vehicular daily trips on the transportation system will occur. The number of additional vehicular trips from the proposed subdivision is not anticipated to result in negative impacts on the transportation system given the capacity of SE 162<sup>nd</sup> Ave.

In reviewing the proposed subdivision, Portland Transportation has found that the location of the new east-west street will be adequately located to provide appropriate access to the subject site as well as to the area within the Pleasant Valley Plan District (PVPD) immediately to the east. It will limit access points to SE 162<sup>nd</sup> Ave., enhancing safety and functionality of that street, while providing options for development on adjacent properties.

### **Safety for all modes**

The site's public street frontage as well as the public streets created in the subdivision will be required to be improved to City Engineer standards. These standards have been developed and adopted with the intent of providing safe infrastructure for all modes, including vehicles, pedestrians, bicycles and transit. Sidewalks and improved streets will be available for use by residents and visitors to this subdivision and will allow for movement by all modes to nearby neighborhoods and other destinations that may develop in the area. As mentioned previously, this subdivision is one of several that is and have been reviewed and already approved by the city in the general area. The city required frontage improvements for each of these projects along SE 162<sup>nd</sup> Ave. and will do so with the proposed subdivision. The incremental improvements that will occur along the public street will improve the safety for all transportation modes. The new interior streets will further enhance this safety aspect.

Based on the evidence available, Portland Transportation concluded that any transportation impacts from the 11-lot subdivision would be insignificant.

### **Street Improvements**

At this location, SE 162<sup>nd</sup> Ave. is a 40-ft wide right-of-way improved with center strip paving, but lacking curbs and sidewalks. As noted above, street improvements are required on SE 162<sup>nd</sup> to enhance functionality and safety for all modes. These improvements include pavement widening, curb, swale and sidewalk. The paved roadway will be able to accommodate a future bike lane, but

no parking. These improvements will require additional right-of-way to be dedicated along the site's frontage (approximately 12 feet), consistent with the plans provided by the applicant.

The new public streets proposed within the site are required to be improved to city standards with paved roadways and pedestrian facilities. Portland Transportation indicates that the proposed street improvements meet these requirements.

The right-of-way dedications necessary to accommodate the new public streets and on SE 162<sup>nd</sup> must be shown on the final plat. The applicant must provide plans and financial assurances for required street improvements before final plat approval. These street improvement plans must address Fire Bureau requirements for an adequate turnaround at the intersection of the new public streets (Exhibit E.4).

This criterion is met, with the condition that the required street dedications and improvements are made.

**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, and rights-of-way.

- The water standards of Chapter 33.651 have been verified. An existing 12-inch water main is available in SE 162<sup>nd</sup>. An extension will be required in the new public street to serve the proposed development. There are two existing water service lines from the main in SE 162<sup>nd</sup>. The one serving the existing house can continue to be used. However, the one that will be located in the new public street right-of-way must be permanently decommissioned. To meet the standards of Chapter 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the Water Bureau before final plat approval (Exhibit E-3).

The Fire Bureau requires a hydrant with adequate flow to provide adequate fire protection to the area. The hydrant will need to be included on the Water Bureau plans and guarantee referenced above. The Fire Bureau must approve the hydrant location and flow before final plat approval.

- The sanitary sewer standards of Chapter 33.652 are discussed below. There is currently no public sanitary sewer available to serve the site. A sanitary sewer extension has been proposed as part of the development across the street (Peachtree Meadows), but it has not yet been installed. At minimum, the applicant will need to extend the sewer from SE 162<sup>nd</sup> into the site as far as is feasible while maintaining gravity service back to the sewer in SE 162<sup>nd</sup>. If sanitary sewer has not been extended to the site, the applicant will be required to do so (along with the extension within the site) before final plat approval. A Bureau of Environmental Services (BES) public works permit, and associated performance guarantee, will be required for this work before plat approval.

Due to the site's slope away from SE 162<sup>nd</sup>, gravity sewer service is not possible for the proposed lots. The applicant proposes sanitary service by a private pumped system. To meet City requirements, each lot must have its own service lateral, which cannot be located in the public street right-of-way. Therefore, the applicant proposes force laterals located in 10-foot wide private easements along the frontage of the lots (one on each side of the street), that will lead to public access-holes located on Lot 1 and Tract A. The public access-holes will have gravity flow to the public sewer main within the new public street.

The applicant indicates that each home will need to be equipped with a grinder pump, which will be sized based on specific building plans. The laterals will be wrapped with tracer wire and yellow construction ribbon to assist being located in the future and will be individually identified at the manhole. To ensure that sanitary sewer service will be available at each lot, the applicant must install the pressure lines during site grading at cap them at the lots until building permits are approved for connection. The necessary easements for this system must be shown on the plat. To ensure that the other utilities do not conflict with the private sewer system, the proposed 10-foot wide easement shall be exclusive. No other utilities (with the exception of perpendicular crossings) shall be allowed within the easements (Exhibit E.5, BDS Site Development response). To ensure future lot owners have adequate information about the sewer system, the system and installation and maintenance responsibilities shall be described in the required maintenance agreement.

With the conditions described above, this criterion is met.

- The technical standards of Chapter 33.653 related to stormwater management are discussed below in the findings for the Stormwater Management Approval Criteria of Section 33.653.020.

### **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*. The applicant has provided a stormwater report, calculations and infiltration testing results (Exhibit A.2) and the stormwater plan is shown on Exhibit C.3 and C.4. The infiltration tests indicate that on-site infiltration of stormwater is not feasible at this location. Therefore disposal to a storm sewer or

drainageway is necessary. The applicant's proposal and city agency responses are summarized below:

- **Public Street Improvements:** The applicant proposes to direct stormwater from all of the public street improvements to 8-foot wide swales located between the curb and sidewalk. The plans indicate that stormwater from SE 162<sup>nd</sup> will overflow to the storm sewer to be installed in SE 162<sup>nd</sup> as part of the Peachtree Meadows project across the street. The plans indicate that stormwater from the new public streets within the site will overflow to a public storm sewer that conveys the water across two neighboring properties, 8160 SE 162<sup>nd</sup> and 8041 SE 170<sup>th</sup>, to an outfall location adjacent to Mitchell Creek. The land use review LU 07-157912 PV (Exhibit H-16A) approved installing a public storm sewer and outfall within the Pleasant Valley Natural Resources Overlay Zone. The storm sewer will convey stormwater overflow from facilities to be constructed as part of a subdivision proposed west of the subject site to an outfall adjacent to Mitchell Creek. The storm sewer and outfall will be located within an easement granted to the city of Portland.

The Bureau of Environmental Services Development Engineering has determined (Exhibit H-16B) that sufficient information has been provided to recommend approving the land use review. The proposed public storm sewer and outfall to Mitchell Creek is an off-site stormwater disposal conveyance system exclusively for the benefit of the subject proposal. The applicant must meet BES requirements to extend a public sewer and construct a public outfall. A Public Works Permit will be required for any public sewer extension and/or stormwater outfall. To construct the off-site system, there must be a performance guarantee and necessary easements to the city of Portland before final plat approval. The street swales will be reviewed as part of the public street improvement permits. All plantings must be from the Portland Native Plant list.

- **Lots 2 - 11:** The applicant proposes to direct stormwater from the lots into flow-through planters that remove pollutants and suspended solids. The water will drain from the planters to the storm system in the public streets. This proposal is consistent with Site Development recommendations.
- **Lot 1 (the lot with the existing house):** The existing house has downspouts that drain into underground pipes and there are no city records on where the pipes are directed. Before final plat approval, the applicant must document the location of the stormwater disposal for the existing house to Site Development's satisfaction. The stormwater system must be fully located on Lot 1 and must not be situated as to adversely affect existing development on site or on adjacent properties. Any required plumbing permits to modify the storm system for the house must be obtained and finalized before any residential permits for the other lots in the subdivision are issued.

As described above, the applicant's stormwater plan meets requirements. Therefore, the stormwater management criteria are met.

## **Right of Way Approval Criteria**

Chapter 33.654 contains standards and approval criteria for rights-of-way. The site's location and the type of street proposed determine which criteria apply, below:

### **Applicable Approval Criteria are:**

**33.654.110.B.1 Approval criterion for through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:**

- a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;**
- b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;**
- c. Characteristics of the site, adjacent sites, and vicinity, such as: (1) Terrain; (2) Whether adjacent sites may be further divided; (3) The location of existing streets and pedestrian connections; (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection; (5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;**
- d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;**
- e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.**

**Findings:** Generally, street spacing requirements for public through streets and pedestrian connections are addressed in the context of block areas. Given the historically more rural nature of this part of the city and the manner in which the large parcels of land have been developed, the traditional block pattern does not necessarily exist in this area. However, the subject site is surrounded by properties located with the Pleasant Valley Plan District (PVPD). The Local Street Network Plan for the PVPD (Exhibit G.6) identifies locations of streets of higher classifications within the district boundaries. No specific locations are shown for local service streets, except for arrows where local street crossings should occur. There are no streets shown on the map within this site. There is a north-south neighborhood collector shown on the plan located east of the subject site. Due to the lack of scale it is difficult to determine the distance of the proposed collector from this site. However, it appears to be approximately 300 feet east of the site.

The applicant proposes an east-west through street (shown as SE Tacoma) at the northern edge of the site and curving to the south to provide frontage to lots on both sides. This street is approximately 630 feet north of the nearest through street to the south, SE Baxter Rd. The location of the proposed street is driven by the location of the existing house and the need to align with the intersection on the west side of the street approved for the Peach Tree Meadows subdivision on the west side of SE 162<sup>nd</sup> Ave. for safety and connectivity reasons. The proposed location of SE Tacoma will also provide frontage for the property directly to the north (Tax Lot 602) which is further dividable. This frontage is limited due to the requirement to locate the private sanitary laterals on private property. However, there should be adequate area for a second lot to have some frontage and access on SE Tacoma. A second connection to SE 162<sup>nd</sup> from this site south of the house is not desirable because the two streets would be less than 200 feet apart.

The applicant has shown a north-south partial public street along the eastern property line of the subject site, as suggested by Portland Transportation. This street is approximately 600 feet east of SE 162<sup>nd</sup>, which exceeds the 530 foot recommended maximum street spacing between through streets. The neighborhood association expressed considerable concern over this issue. After weighing all of the issues involved with this proposal, Portland Transportation staff concluded that the proposal will provide for adequate connectivity. The specific factors are further discussed below.

A significant issue that contributed to the street placement is the fact that the terrain of the site, sloping as it does away from SE 162<sup>nd</sup>, makes gravity sewer service to the only available public system infeasible. The applicant therefore proposed a private pressure system in easements on the lots. This private system is not allowed to be located in or across a public right-of-way. A north-south street located further to the west would leave the eastern portion of the site (2 to 4 lots) without sanitary sewer service. Such a proposal could not be approved. The same issue prevents a north-south right-of-way for a public pedestrian connection to be provided through the center of the site.

Other factors considered include existing development, lot patterns, potential for redevelopment and the requirements of the surrounding PVPD. Taking these factors into account, if a north-south public street was located midway into the subject site, it would be directed towards an existing house on the abutting property to the north. Shifting a potential north-south public street further east within the subject site would potentially hamper a better street pattern on several sites to the south. In addition, this would increase the burden to provide street dedication and improvements on this and other property owners to the south. Where possible the city attempts to allow owners to share this burden by locating new streets on property lines.

Requirements for land divisions within the PVPD include combining parcels of land to form a 20-acre minimum site area for development considerations. Given this minimum site area requirement, subdivision proposals will need to include street plans much more complex than the subject subdivision. With large areas of land, possible lot and street patterns can be numerous and flexible in design, while still needing to meet the city's spacing goals. Therefore, Portland Transportation

supports the proposed partial north-south street on the subject site and acknowledges that this street can adequately commence the street pattern in this small segment of the PVPD. It is recognized that this may result in two north-south public streets being located approximately 250-300 feet apart if the neighborhood collector proposed east of the site on the Local Street Network Plan is constructed where shown. This is within the street spacing guidelines of 200 to 530 feet.

For the reasons described above, the two through street proposed will provide for adequate connectivity through this site and this criterion is met.

**33.654.120.C.1 Approval criterion for width of the right-of-way. 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.**

**Findings:** Expected users of the new public streets are the residents and visitors of the subdivision as well as those traveling through the site as the surrounding area develops. The east-west street (SE Tacoma) is proposed to be 56 feet wide to provide room to construct a 26-foot wide paved roadway that allows two travel lanes, parking, curbs, 8-foot wide swales within the planter strip area and sidewalks on both sides. The proposed north-south street (SE 164<sup>th</sup>) will be a partial public street to be completed when the adjacent property to the east is developed. A 36-foot wide dedication is proposed to accommodate a 20-foot wide paved roadway and curb, swale and sidewalk on the west side along the frontage of the proposed lots. Portland Transportation indicated that these improvements and the dedication width are acceptable. This criterion is met.

**33.654.120.C.3.c. Approval criterion for turnarounds. The turnaround must:**

- **Be of a size to accommodate expected users, taking into consideration the characteristics of the site such as existing structures, natural features, the length of the street, and the number of housing units served by the street;**
- **Minimize paved area;**
- **Provide adequate area for safe vehicular movement; and**
- **Provide adequate area for safe and convenient movement by bicyclists and pedestrians traveling on the street or traveling from the street to a pedestrian connection.**

**Findings:** Because the proposed streets are through streets, a turnaround typical of dead-end streets is not required. However, adequate turnaround area must be provided for emergency vehicles until such time that the streets continue. The Fire Bureau indicated that the proposed intersection at the site's eastern edge will provide adequate turnaround, provided SE 164<sup>th</sup> and a portion of SE Tacoma at its eastern end is signed for no parking. With this condition, this criterion is met.

**Utility Location, Extension of Streets, Partial Rights of Way**

**33.654.130 Additional Approval Criteria for Rights-of-Way**

**A. Utilities. Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way.**

**Findings:** The applicant is showing 8-foot wide public utility easements along the frontage of all of the lots. Any utilities, such as gas, power and telephone, that cannot be accommodated within the proposed street rights-of-way can be located in these easements. This criterion is met.

**C. Future extension of proposed dead-end streets and pedestrian connections. Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site as needed to provide future access to the adjacent sites. The following factors are considered when determining if there is a need to make provisions for future access to adjacent sites. A need may exist if:**

- 1. The site is within a block that does not comply with the spacing standards or adopted street plan of the Transportation Element of the Comprehensive Plan; or**
- 2. The full development potential of adjacent sites within the block will not be realized unless a more complete street system is provided to improve access to those sites.**

**Findings:** Surrounding properties have the potential to be further developed. The proposed streets are extended to the eastern, northern and southern boundary of the site to facilitate developing these properties. This criterion is met.

**D. Partial rights-of-way. Partial rights-of-way and street improvements may be appropriate where the proposed right-of-way and street improvements are expected to be provided by the owner of the adjacent property. Partial rights-of-way and street improvements may also be required where needed to provide future access to adjacent sites. The Office of Transportation must approve the configuration of a partial right-of-way or public street improvement.**

**Findings:** A proposed north-south street (SE 164<sup>th</sup>) is a partial public street. The remainder of the dedication and street improvements to complete the full street will be required when the property to the east develops. Portland Transportation has reviewed the proposal and finds it acceptable. This criterion is met.

## **APPROVAL CRITERIA FOR ADJUSTMENTS**

### **33.805.010 Purpose**

**The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review**

**process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.**

**Findings:** The applicant has requested an Adjustment to the maximum lot size for Lot 1. The standard maximum lot size in the R10 zone is 17,000 square feet. Lot 1 is proposed to be 33,515 square feet.

### **33.805.040 Approval Criteria**

**Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below, have been met.**

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and**
- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and**
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and**
- D. City-designated scenic resources and historic resources are preserved; and**
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and**
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;**

**Findings:** Only one adjustment is requested, the site is not within an environmental zone, and there are no city designated resources on or near the site. Therefore only criteria A, B and E apply.

Concerning criteria A, Section 33.610.200.A lists the purposes of the lot dimension standards, and those relevant to the requested adjustment are indicated below:

- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Lots are compatible with existing lots;

The proposed lot area for Lot 1 is approximately 33,515 square feet. Lot 1 appears to be configured in order to maintain the existing house, driveway and surrounding yard space in tact. If Lot 1 were further divided in the future, it would have a maximum density of 3 lots. This would result in a total site density of 13 lots, which is less than the maximum 14 lots allowed. Therefore, the size of Lot 1 is not so great that it appears to be dividable in a manner that would exceed maximum density.

The residential area considered in this review is generally the area with 1000 feet of the site. The existing development pattern is predominantly rural with large lots. Lots are developed with single homes and often have a barn or other accessory structures and pasture area. There are pockets of development built at higher densities within the vicinity, as well as some recently approved subdivisions in the area that will be developed at densities allowed under the R10 zone. Given the area's varied development pattern, allowing Lot 1 to be 33,515 square feet will not cause it to be incompatible with existing lots in the area.

Concerning criteria B, there is no evidence in the record that the adjustment would significantly detract from the livability or appearance of the area. Indeed, given the existing development pattern described above, an oversized Lot 1 would be in keeping with the livability and appearance of the area.

Concerning criteria E, no impacts from the requested adjustment have been identified, and so no mitigation is called for. Criteria A, B and E are met, and therefore the requested adjustment may be approved.

## **DEVELOPMENT STANDARDS**

Development standards that apply to the site include:

- **Johnson Creek Basin Plan District, South Subdistrict, Zoning Code Section 33.537.140:** This subdistrict is subject to limits on additional tree removal and on maximum impervious surface coverage. The applicant's preliminary grading plan (Exhibit C.2) complies with the tree removal limits. The plan requires special protection measures identified by the arborist to retain trees adjacent to the public street improvements on SE 162<sup>nd</sup> and the new public street, work within the proposed public utility easements, and removal of the existing driveway along the northern property line (Exhibit A.4, arborist report). These measures shall be noted on the required Site Development permit plans.

The maximum impervious surface requirements will apply on each lot during development.

The existing site development will remain and be located on Lot 1. Subdividing the site shall not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R10 zone. Code standards relating to existing site development include:

- **Minimum Setbacks** – The existing house identified to remain on the site must meet the required setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines conforming to an approved adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be at least 23 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 existing building's location relative to the adjacent new lot lines.

- Accessory Structure – Structures are not allowed to remain on a proposed lot line. For the proposed new lots to be approved, the barn that straddles the line between proposed Lots 2 and 3 must be removed before final plat approval. A demolition permit is required. The applicant must provide documentation before final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.

With the conditions noted above, this land division proposal meets the requirements of Section 33.700.015.

### **OTHER TECHNICAL REQUIREMENTS**

Section 33.800.070 authorizes the following condition of approval related to technical standards:

- The applicant must meet Fire Bureau access requirements, and so shall provide information to the bureau on how access will be provided over Tract A to the existing house on Tax Lot 500. Fire Bureau requirements come from the International Fire Code, the 2007 Oregon Fire Code and Title 31.

### **III. CONCLUSIONS**

The applicant has proposed an 11-lot subdivision with public streets and a private access and utility tract, as shown on the attached preliminary plan (Exhibit C.1). A modification to the west side building setback for Lot 2 to better meet tree preservation requirements was also requested as part of the subdivision proposal. An adjustment review was also requested to allow Lot 1 to exceed the maximum lot size for the R10 zone.

The applicant has met the approval criteria discussed above, or meets them with conditions. The proposal is approved.

### **IV. DECISION**

**Approval** of a Preliminary Plan for an 11-lot subdivision, new public streets and a private access and utility tract and including a modification to reduce the west side building setback for Lot 2 to 5 feet to better meet tree preservation requirements; and

**Approval** of an Adjustment to allow Lot 1 to be 33,515 square feet in area, which exceeds the maximum lot size in the R10 zone;

Subject to the following conditions:

**A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey. 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 during final plat application;
- Any driveways and off-street vehicle parking areas on the site during final plat application; and
- Any other information specifically noted in the conditions listed below.

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

1. The applicant shall meet City Engineer street dedication requirements for SE 162<sup>nd</sup> and the new public streets. The required right-of-way dedication must be shown on the final plat.
2. The private access and utility tract shall be noted on the plat as "Tract A: Private Access and Utilities." A note must also be provided on the plat indicating the ownership of the tract.
3. A maximum 15-foot wide access and utility easement over Tract A and benefiting Tax Lot 500 north of the site. See Exhibit C.1 for general location of the easement.
4. Private sanitary sewer easements for the private pressure system along the frontage of Lots 1-6 for the system serving Lots 1-7 and along the frontage of Lots 9-11 and Tract A for the system serving Lots 8-11.
5. Subject to approval from the Bureaus of Development Services and Environmental Services, private sewer easements shall be shown on the plat over the relevant portions of lots 2-11 where necessary to ensure legal access to sanitary sewer.
6. A sanitary sewer easement, granted to the city of Portland, shall be shown over the relevant portions of Lot 1 and Tract A to provide for installing and maintaining the proposed public sewer manholes. The easements must meet Bureau of Environmental Services requirements.
7. The lot configuration shall be modified to meet the solar access requirements of Chapter 33.639. Specifically, Lots 6 and 8 shall be narrower than Lots 7 and 9.
8. A recording block for each of the maintenance agreements required by Conditions C.8 and C.9 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: "A Declaration of Maintenance Agreement for (name of feature) has been recorded as document no. \_\_\_\_\_, Multnomah County Deed Records."

**C. The following must occur before final plat approval:**

## **Streets**

1. The applicant shall meet City Engineer requirements for right-of-way improvements along the frontage of SE 162<sup>nd</sup> and within the new public street rights-of-way. The applicant shall provide plans and financial assurances to the satisfaction of the Bureau of Transportation Engineering and Development Review and the Bureau of Environmental Services for required street frontage improvements. These plans shall provide for adequate Fire Bureau turnaround and include closure of the northern driveway access on Lot 1.
2. The applicant shall submit an application for a Site Development Permit for mass grading and utility construction for the new public street and related site development improvements. Plans must be prepared by, or under the direction of, an Oregon licensed civil engineer. The permit submittal must include a final clearing and grading plan that substantially conforms to the Preliminary Clearing and Grading Plan approved with this decision (Exhibit C.2), with the following additions:
  - A limit of disturbance shall be shown on the plan, leaving areas with no proposed site preparation activities undisturbed until the building permit is applied for. Additional area may be set aside for construction staging and/or stockpiling;
  - Special tree protection measures recommended by the applicant's arborist (Exhibit A. 4 and A.5) must be shown and/or noted on the plans; and
  - The applicant shall call for a pre-construction erosion control inspection (IVR 200) before any ground disturbing activity on the site. This requirement shall be noted on the permit plans.

## **Utilities**

3. The applicant shall meet Bureau of Environmental Services requirements to extend a public sewer main to the site and within the new public street. The public sewer extension requires a Public Works Permit, which must be initiated before final plat approval. In addition, the applicant must provide engineered designs, performance guarantees and engineering fees for the sewer extension to BES before final plat approval.
4. The applicant shall meet Bureau of Environmental Services requirements to obtain a Public Works Permit to construct the off-site storm sewer main and outfall before final plat approval. Requirements will include engineered designs, performance guarantees and finalized easements to the city of Portland meeting BES requirements to conform to the approved Pleasant Valley Resource Review.
5. A 15 foot wide sewer easement to the city of Portland will be required for the off-site storm sewer system serving the subject site, including a portion within the Pleasant Valley natural Resource Overlay Zone, before final plat approval.

6. The applicant shall meet Water Bureau requirements to provide plans and financial assurances for the water main extension in the new public street. These plans shall meet Fire Bureau requirements for hydrant location and fire flow.
7. The applicant shall meet Water Bureau requirements to decommission the existing water service that will be located within the new street right-of-way.
8. The applicant shall meet BDS Site Development and Bureau of Environmental Services requirements to install the private sanitary sewer pressure laterals from the public sewer to each lot, within the private easements described in Condition B.4.

### **Existing Development**

9. The applicant must obtain a finalized demolition permit to remove the barn on the site. A copy of the arborist report describing special protection measures for tree #27 (located adjacent to the barn) shall be provided with the permit submittal. Tree protection fencing shall be in place before beginning demolition activities.

### **Required Legal Documents**

10. A Maintenance Agreement shall be executed for the private sanitary sewer easements described in Condition B.4 above. The agreement shall include provisions assigning maintenance responsibilities for the easement areas and any shared facilities within that area, consistent with the purpose of the easement, and all applicable code standards. The agreement shall also describe the responsibility of the developer and the responsibility of future lot owners for the different components of the pressure sewer system, how the individual sewer lines can be identified and how they will be located for future construction projects. The agreement shall also identify the easements as exclusive with no other utilities allowed except for perpendicular crossings. The agreement must be approved by the City Attorney and the Bureau of Development Services before final plat approval.
11. The applicant shall execute a Maintenance Agreement for the Private Access and Utility tract. The agreement shall describe the ownership of the tract and include provisions assigning maintenance responsibilities for the tract and any facilities within that area. The agreement shall also describe the purpose and allowed use of the tract. In particular, the tract shall provide for driveway and utility access to Tax Lot 500 through an easement shown on the plat. The remainder of the tract shall be in open space with no parking, additional paving or development allowed. Future use of the tract for access by multiple lots may be allowed provided such a proposal is reviewed and approved under a land division application for adjacent properties. The maintenance agreement shall also acknowledge the private sanitary sewer easement and public sanitary sewer easement over the tract. The maintenance agreement must be approved by the City Attorney and the Bureau of Development Services before final plat approval.

12. The applicant shall provide a Title Report or other documentation showing that the existing easement benefiting Tax Lot 500 has been released.

**Other requirements**

13. The applicant must meet Fire Bureau requirements to provide adequate access to Tax Lot 500 north of the site.
14. The applicant shall obtain and finalize a Zoning Permit for the mitigation plantings required under Condition 2 of LU 07-157912 PV, related to the off-site portion of the stormwater system.

**D. The following conditions apply to site preparation and developing individual lots:**

1. Site preparation activities and development on Lots 1, 2 and 3 shall conform to the Tree Preservation Plan (Exhibit C.5) and the applicant's arborist reports (Exhibits A.3 and A.5). Specifically, 9 trees shall be permanently preserved with the root protection zones indicated on Exhibit C.5 and A.5 to comply with land division requirements. Additional trees are required to be protected during site grading as shown on the Preliminary Clearing and Grading Plan (Exhibit C.2) to comply with Johnson Creek Basin Plan District (JCBPD) standards. Each lot will be reviewed for compliance with the JCBPD standards during development.

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 or her supervision.

2. Before building permits are issued for residential construction of any of the newly created lots, the applicant shall satisfy BDS Site Development requirements for the existing house, including:
  - Decommissioning the existing septic system and connecting the existing house to the public sewer. Required permits must be obtained and finalized; and
  - Documenting the location of the stormwater disposal system for the existing house. The system must be fully located on Lot 1 and must not be situated as to adversely affect existing development on-site or on adjacent properties. Any required plumbing permits to modify the storm system must be obtained and finalized.
3. Any future request to remove Tree # 27 to provide a larger buildable area on Lot 2 shall not be considered.

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Ian Simpson, Hearings Officer

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Date

**Application Determined Complete:** August 22, 2007  
**1<sup>st</sup> Report to Hearings Officer:** November 16, 2007  
**2<sup>nd</sup> Report to Hearings Officer:** April 4, 2008  
**Decision Mailed:** June 16, 2008  
**Last Date to Appeal:** 4:30 p.m., June 30, 2008  
**Effective Date (if no appeal):** July 1, 2008 Decision may be recorded on this date.

**Conditions of Approval.** 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.

**Appeal of the decision.** ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE FILED AT 1900 SW 4<sup>TH</sup> AVENUE, PORTLAND, OR 97201 (823-7526). Until 3:00 p.m., Monday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., file the appeal at the Reception Desk on the 5th Floor. **An appeal fee of \$5,434 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

**Who can appeal:** You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

**Appeal Fee Waivers:** Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization’s bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

**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.**

**Recording concurrent approvals.** The preliminary land division approval also includes concurrent approval of an adjustment. This other concurrent approval must be recorded by the Multnomah County Recorder before any building or zoning permits can be issued.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with these concurrent land use reviews. The applicant, builder, or their representative may record the final decisions on these concurrent land use decisions as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

**Expiration of concurrent approvals.** The preliminary land division approval also includes concurrent approval of an adjustment. For purposes of determining the expiration date, there are

two kinds of concurrent approvals: 1) concurrent approvals that were necessary in order for the land division to be approved; and 2) other approvals that were voluntarily included with the land division application.

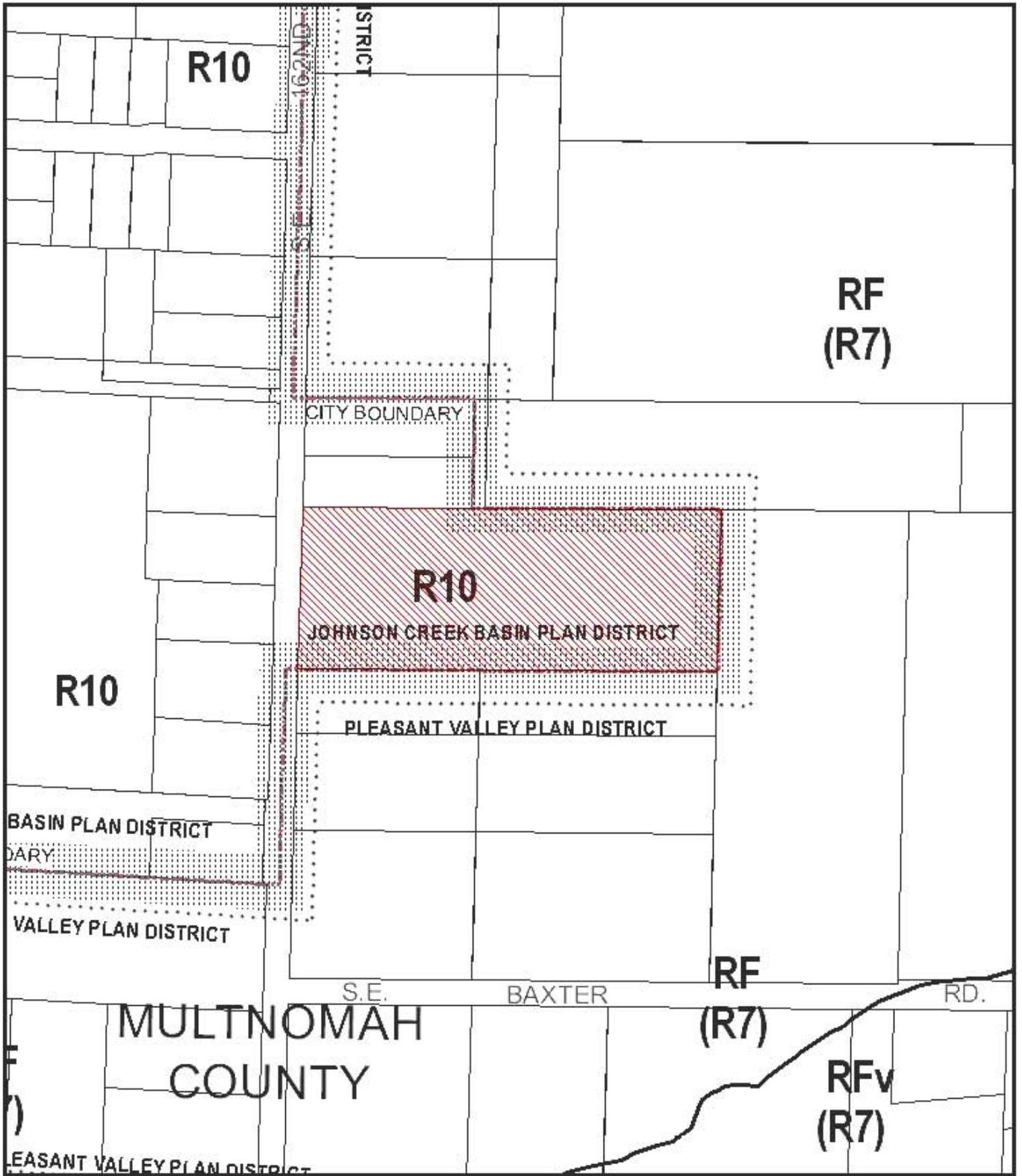
The adjustment approval was necessary for the land division to be approved. Therefore, this approval expires if:

- The final plat is not approved and recorded within the time specified above, or
- Three years after the final plat is recorded, none of the approved development or other improvements (buildings, streets, utilities, grading, and mitigation enhancements) have been made to the site.

**EXHIBITS**  
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative
  - 2. Stormwater report
  - 3. Arborist report – original
  - 4. Arborist report – 1<sup>st</sup> addendum
  - 5. Arborist report – 2<sup>nd</sup> addendum
  - 6. Draft easement for off-site storm system
  - 7. Response regarding use of Tract A
  - 8. 120-day extensions (a&b)
  - 9. Prior submittals (a. original, b. 8/22/07 plan submittal)
- B. Zoning Map (**attached**)
- C. Plans & Drawings
  - 1. Preliminary Subdivision Map (**8 ½ x 11 attached**)
  - 2. Preliminary Clearing and Grading (**8 ½ x 11 attached**)
  - 3. Utility Plan (**8 ½ x 11 attached**)
  - 4. Off-site storm plan
  - 5. Tree Preservation Plan (**8 ½ x 11 attached**)
  - 6. Existing Conditions Plan
  - 7. Conceptual plan for Lot 2
  - 8. Cover sheet with street cross sections and conceptual street network (full-size only)
- D. Notification information
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 6. Mailed notice
- E. Agency Responses
  - 1. Bureau of Environmental Services (none received at time of staff report)
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of Bureau of Development Services (a&b)
  - 6. Bureau of Parks, Forestry Division
  - 7. BDS Life Safety
- F. Letters from interested parties
  - 1. Linda Bauer, Pleasant Valley Neighborhood Association (via email)
- G. Other
  - 1. Original LUR Application
  - 2. Site History Research

3. Incomplete letter
  4. Pre-application conference notes
  5. Land Division appointment notes
  6. PVPD Local Street Map and related GARTH (City GIS) printout
- H. Received in the Hearings Office:
1. Request to reschedule - Beckman, Stephanie
  2. Request to reschedule - Beckman, Stephanie
  3. Hearing Notice - Beckman, Stephanie
  4. BDS staff report - Beckman, Stephanie
  5. Request to reschedule - Beckman, Stephanie
  6. Request to reschedule - Beckman, Stephanie
  7. Rescheduled hearing notice - Beckman, Stephanie
  8. Request to reschedule - Beckman, Stephanie
  9. Rescheduled hearing notice - Beckman, Stephanie
  10. Rescheduled hearing notice - Beckman, Stephanie
  11. Letter dated 3/26/08 w/attachment - King, Dan
  12. PowerPoint presentation - Beckman, Stephanie
  13. 18 pages of various mixed docs. rec'd at hearing - Bauer, Linda
  14. 120-day extension request - Beckman, Stephanie
  15. Faxed letter dated 4/14/08 - Bauer, Linda
  16. Memo dated 5/16/08 - Beckman, Stephanie
  - 16a. Copy of Type II Decision case #07-157912 PV - Beckman, Stephanie
  - 16b. BES Addendum Response dated 5/14/08 to Kate Green - Beckman, Stephanie
  - 16c. BES Addendum Response dated 5/15/08 to Beckman - Beckman, Stephanie
  - 16d. PDOT letter dated 5/15/08 to Beckman - Beckman, Stephanie
  17. Revised Staff Report - Beckman, Stephanie



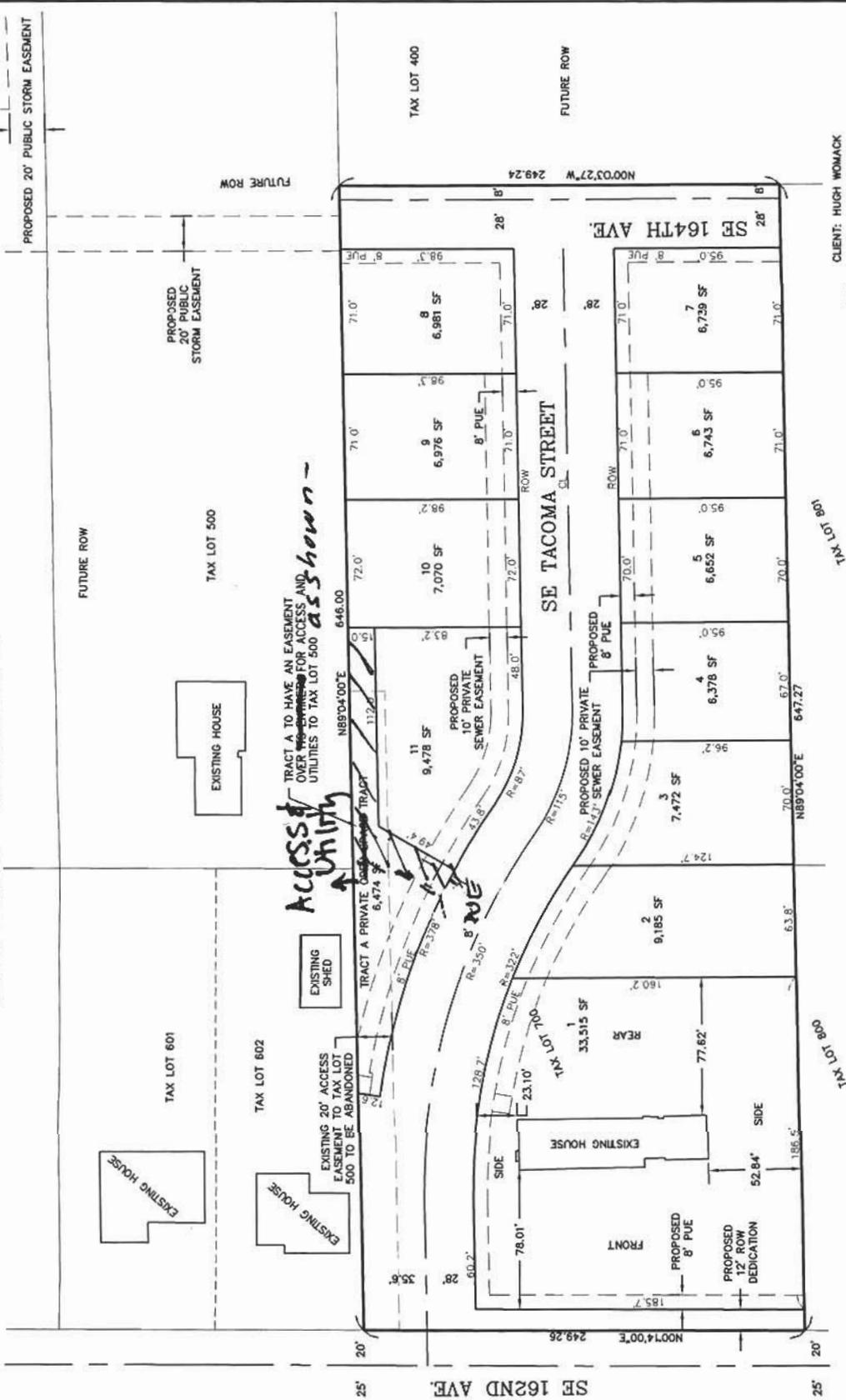
# ZONING

 Site



File No. LU 07-139413 LDS AD  
 1/4 Section 3847  
 Scale 1 inch = 200 feet  
 State\_Id 1S3E19CC 700  
 Exhibit B (Aug. 28, 2007)

# PRELIMINARY SUBDIVISION MAP TACOMA TERRACE



CLIENT: HUGH WOMACK  
**Surveyors & Planners, Inc.**  
 Surveying, Planning and  
 Civil Engineering  
 P.O. Box 955, Sandy, OR 97055  
 Phone: (503) 668-3151  
 Fax: (503) 668-4730

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 RAY L. MOORE  
 49710

RENEWAL DATE: 12/31/06

THESE PLANS ARE PRELIMINARY ONLY & ARE  
 NOT TO BE USED FOR CONSTRUCTION PURPOSES  
 DRAWING: 06-217-PLANNING.dwg DRAFTED BY: DJM  
 DATE OF PLOT: 11-1-2007 SHEET 6 OF 6



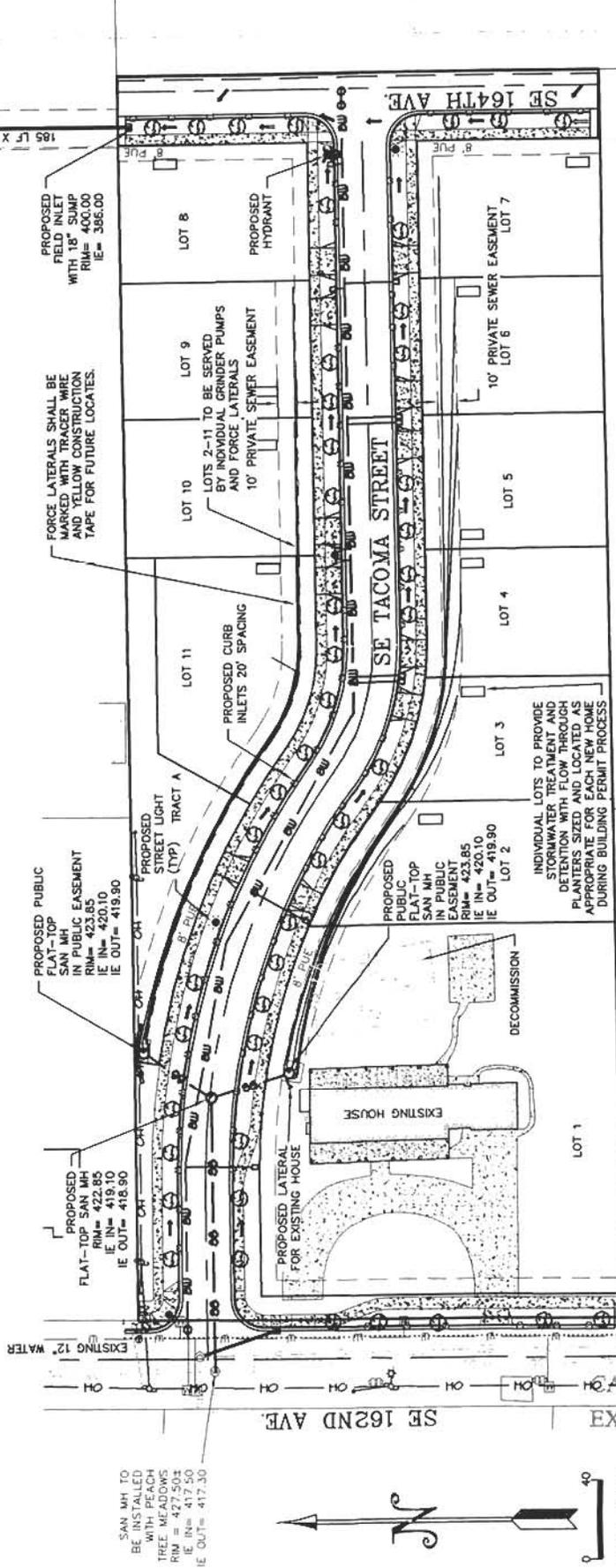
CASE NO. **139413**  
 EXHIBIT **C.1**



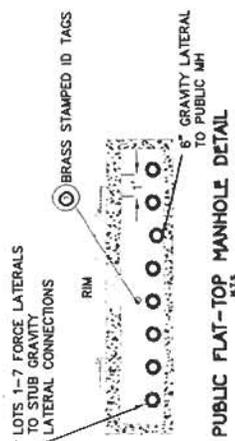
# PRELIMINARY STREET AND UTILITY PLAN

## LEGEND

- PROPOSED STREET TREE
- 8" PROPOSED WATER LINE
- 12" PROPOSED SANITARY LINE
- 18" PROPOSED STORM LINE
- PROPOSED CURB
- PROPOSED ASPHALT PAVING
- PROPOSED LOT LINE
- PROPOSED WATER METERS
- PROPOSED SANITARY MANHOLE
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED WATER VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT



Lot 07-  
CASE NO. 139413  
EXHIBIT C-3



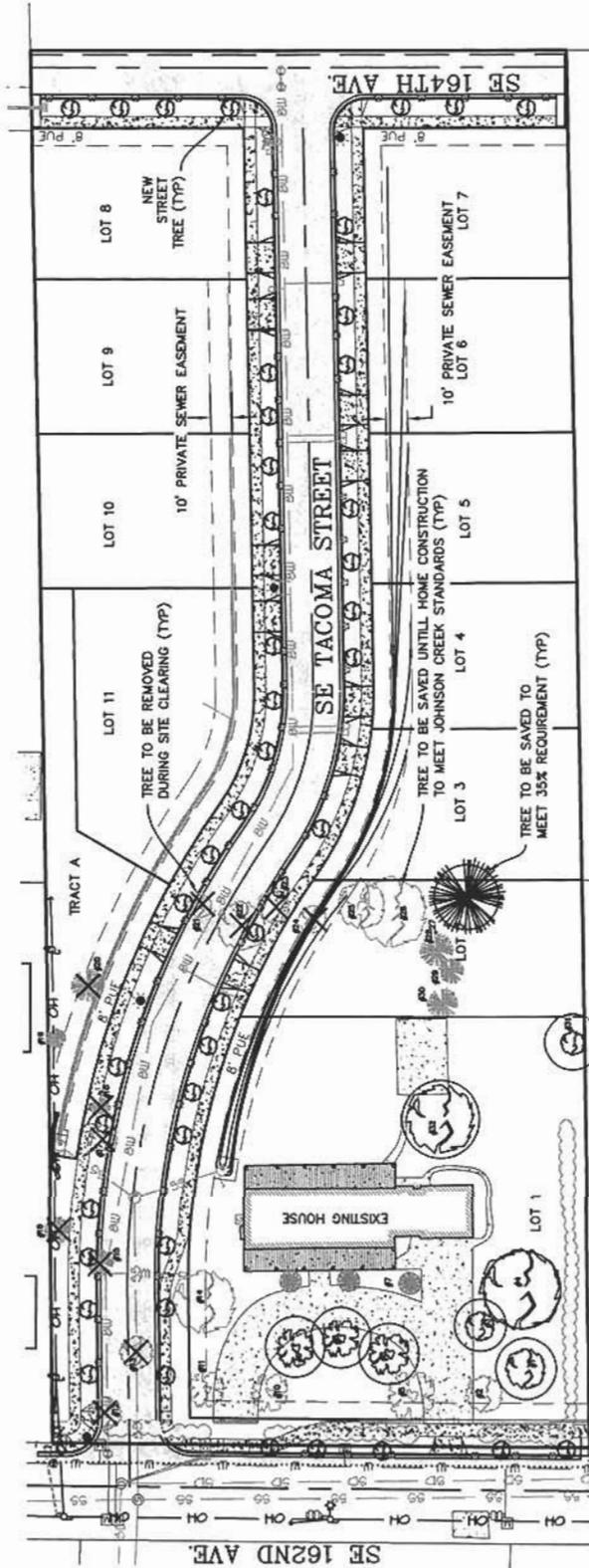
NOTES:  
EACH FORCE MAIN TO BE LABELED WITH A BRASS TAG STAMPED WITH THE APPROPRIATE LOT NUMBER. THE TAGS ARE TO BE CONCRETE NAILED TO THE INTERIOR MH WALL ABOVE THE APPROPRIATE MAIN.

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 Civil Engineering  
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 Phone: (503) 668-3151  
 Fax: (503) 668-4730



DRAWING: 05-217-PLANNING.dwg  
 DATE OF PLOT: 6-11-2007  
 SHEET 4 OF 6

# PERMANENT TREE PRESERVATION MAP



2007-  
CASE NO. 138413  
EXHIBIT C-5

CLIENT: HUGH WOMACK  
**All County**  
**Surveyors & Planners, Inc.**  
Surveying, Planning and  
Civil Engineering  
P.O. Box 955 Sandy, OR 97055  
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Fax: (503) 668-4730

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DATE OF PLOT: 11-1-2007 SHEET 1 OF 1