



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.bds.ci.portland.or.us

Date: June 30, 2008
From: Stephanie Beckman, Land Use Services
503-823-7056 / BeckmanS@ci.portland.or.us

NOTICE OF A FINAL PLAT DECISION

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

CASE FILE NUMBER: FP 05-163746, FINAL PLAT

Applicant: Kevin Partain 503-421-2967
Urban Visions
223 NE 56th Ave
Portland, OR 97213

Owner: Michael Udelius 541-490-3463
Udelius Orchards
P O Box 235
Odell, OR 97044

Surveyor: Joe Ferguson 503-408-0601
Ferguson Land Surveying
8134 SE Taylor Street
Portland, OR 97215

Site Address: 13616 NE GLISAN ST

Legal Description: EXC S 150' & EXC E 70' LOT 55, ASCOT AC
Tax Account No.: R041801490
State ID No.: 1N2E35DB 00400
Quarter Section: 3044
Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: East Corridor
Zoning: R2ad
Case Type: Final Plat
Procedure: An Administrative Decision

Proposal: The preliminary plan for LU 05-163746 was approved by the Bureau of Development Services on January 30, 2007. That decision approved 5 lots, with lot areas ranging from 1,805 to 1,925 square feet.

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

Neighborhood Review: A notice of this proposal was mailed on March 30, 2007. Two letters were received.

One letter was from the Hazelwood Neighborhood Association (Exhibit F.1), which indicates that two neighbors contacted the land use chair regarding the status of the existing hedge and installation of fencing.

Staff Response: Planning staff has no detailed information about the plans for future development of the lots. There are no requirements to retain the hedge or install fencing. Such questions/concerns should be directed to the property owner or their representative (see information on page 1 of this decision).

The second letter was from a neighbor (Exhibit F.2), which raised a number of concerns regarding the property survey, the wall that will face NE Glisan and potential for “tagging” and parking/traffic.

Staff Response: In general it must be noted that the final plat review is a strictly administrative review of the required elements on the final plat survey and whether relevant conditions of approval are met. No additional requirements can be established through this review. The issues raised are briefly addressed below:

- Concerns about property line discrepancies is a matter that must be addressed between private parties. The survey provided was prepared by a registered professional land surveyor. The survey must also be reviewed and field verified by the Multnomah County Surveyor.
- Concerns regarding building design and potential for graffiti can not be addressed through the final plat review. Consider contacting the owner or representative regarding their plans for development on the property.
- Your concerns regarding parking and traffic were forwarded to Portland Transportation (PDOT). As noted above, additional requirements cannot be made through the final plat review. You are encouraged to contact PDOT staff directly if you have questions regarding these issues and the planned public street improvements. Jennifer Kammerer, Street Permitting (503-823-7045); Bob Haley, Planner (503-823-5175).

Compliance with Approval Standards

As required by Oregon Revised Statutes (ORS 92.040), Final Plats must be reviewed under the approval criteria and standards in effect at the time that the original Land Division application was submitted. In order to be approved, this proposal must comply with the Final Plat approval standards currently found in Section 33.663.220 of Title 33, the Portland Zoning Code. As shown by the attached Final Plat Status Report (Exhibit A) the Final Plat proposal complies with all of the Approval Standards of Section 33.663.220. This requirement is met.


Compliance with Conditions of Approval

In order to be approved, this proposal must also show compliance with all applicable conditions of approval imposed with City approval of the Preliminary Plat decision. As shown by the attached Final Plat Status Report (Exhibit A) the Final Plat proposal complies with all of the conditions of approval of the Preliminary Plat decision. This requirement is met. Condition D.1 remains in effect.

ADMINISTRATIVE DECISION

Approval of the Final Plat for a Land Division to create 5 lots, as indicated by City signatures on the Final Plat (Exhibit C.2, attached).

Staff Planner: Stephanie Beckman

Decision rendered by:  **on June 27, 2008**
By Authority of the Director of the Bureau of Development Services

Decision mailed June 30, 2008

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

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

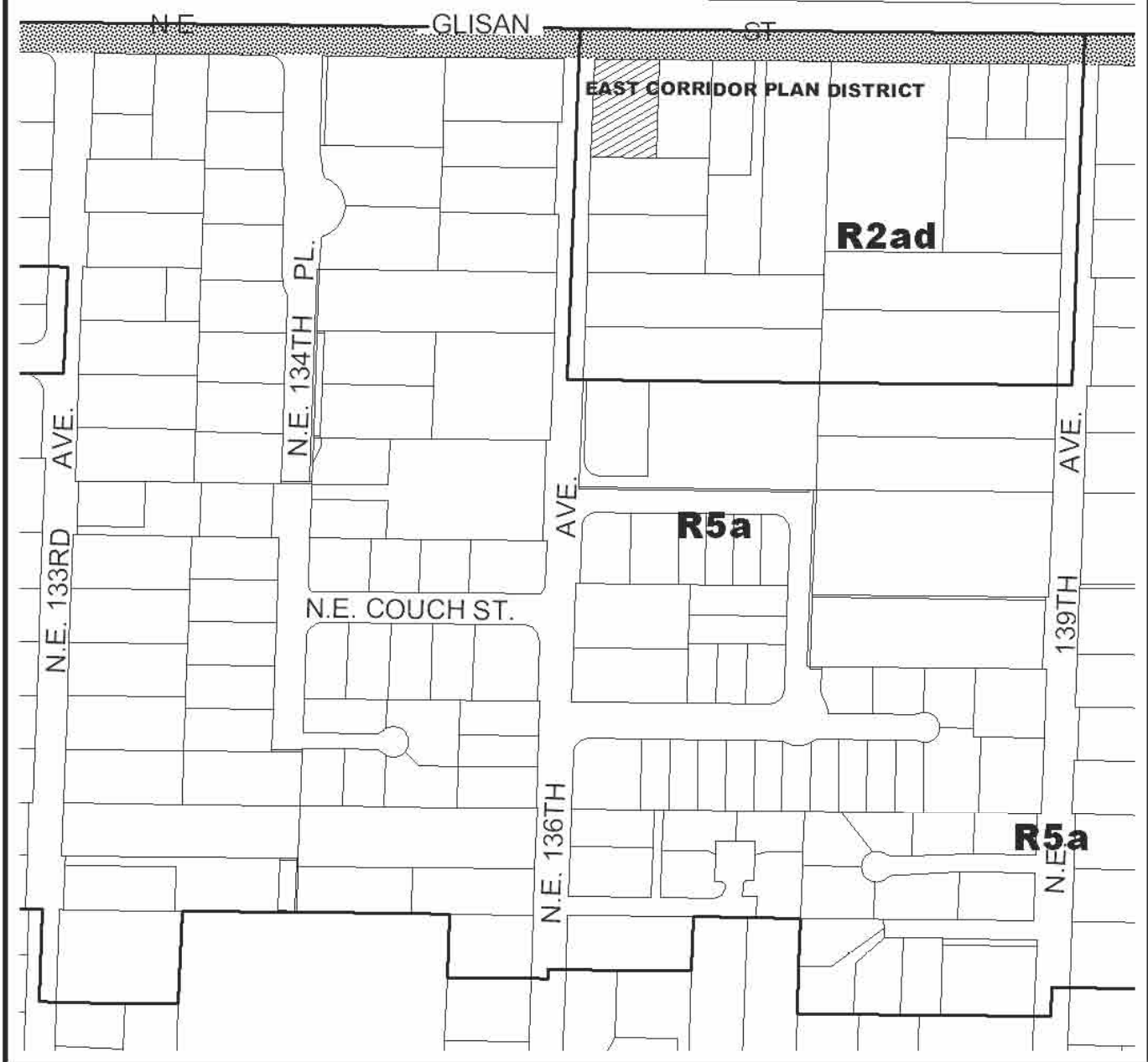
The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Final Plat Status Report (attached)
- B. Zoning Map (attached)
- C. Plans
 - 1. Preliminary Plan (attached)
 - 2. Final Plat (attached)
 - 3. Supplemental Survey showing interior setbacks reduced to 3' on Lots 1, 2, 3 and 5
- D. Notification Information
 - 1. Mailed Notice
 - 2. Mailing List
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development
 - 3. Auditor
- F. Correspondence:
 - 1. Arlene Kimura, Hazelwood Neighborhood Association
 - 2. Michael Grant, 420 NE 136th
- G. Other:
 - 1. Final Plat Application
 - 2. Original Land Use Decision
 - 3. Demolition permit, 05-173201 RS
 - 4. Tree fund payment

OS



ZONING

 Site

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



NORTH

This site lies within the:
EAST CORRIDOR PLAN DISTRICT

File No.	FP 05-163746
1/4 Section	3044
Scale	1 inch = 200 feet
State-Id	1N2E35DB 400
Exhibit	B (Oct 5, 2005)



FINAL PLAT STATUS REPORT

Approval

Folder # **FP 05-163746**
Address **13616 NE GLISAN ST**
Review Date **June 23, 2008**

To: **Kevin Partain**
URBAN VISIONS
223 NE 56th Ave
Portland, OR 97213

From: **Stephanie Beckman, Planner**
Land Use Services Division
Phone: 503-823-7056
E-mail: beckmans@ci.portland.or.us

The checklist below indicates the status of the items that were completed prior to final plat approval.

STATUS OF CONDITIONS OF APPROVAL

Met	Condition of Approval	Status
A. Supplemental Survey		
<input checked="" type="checkbox"/>	If the applicant intends to use the provisions of Section 33.120.270.D.1, which allows reduced interior setbacks on lots that are at least 25 feet wide, three copies of an additional supplemental plan shall be submitted with the final plat survey showing the proposed interior side setbacks on the lots.	Provided. 3' interior setbacks are shown on Lots 1, 2, 3 and 5.
B. The Final Plat must show the following		
<input checked="" type="checkbox"/>	1. The applicant shall meet the street dedication requirements of the City Engineer for NE Glisan Street and NE 136th Avenue. The required right-of-way dedication must be shown on the final plat.	Met. The street dedications are shown on the plat.
<input checked="" type="checkbox"/>	2. Any reduction in net site area at the time of final plat may result in the reduction of maximum allowed density on the site. A reduction in the number of lots to 4 shall be found in conformance with the preliminary plan for the purpose of meeting 33.663.200.	Not applicable. No changes in site area are shown.
C. The following must occur prior to Final Plat approval		
<input checked="" type="checkbox"/>	1. The applicant shall meet requirement of the City Engineer for right of way improvements along the frontages of NE Glisan Street and NE 136th Avenue. 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. The applicant shall address the following issues to the satisfaction of BES during street permitting: <input type="checkbox"/> Provide confirmation from a geotechnical engineer that the required 4 foot separation between the bottom of the swale and the groundwater will be met; and <input type="checkbox"/> The driveways shall be paired as much as possible to provide for longer swale stretches.	Met. PDOT indicates application and performance guarantee have been submitted for the Public Works permit (07-184652 WT).
<input checked="" type="checkbox"/>	2. The applicant shall meet the requirements of the Bureau of Environmental Services (BES) for extending a public sewer main in NE 136th Avenue. The public sewer extension requires a Pub-	Met. BES indicates that the required performance guarantee has been provided and the engineering fees are paid (07-176324 WE).

FP05-163746
Ex. A

	lic Works Permit, which must be initiated prior to final plat approval. In addition, the applicant must provide engineered designs, and performance guarantees for the sewer extension to BES prior to final plat approval.	
<input checked="" type="checkbox"/>	3. The applicant must mitigate for 21 inches of tree diameter through payments or off-site tree planting. Options for mitigation are: <input type="checkbox"/> Payment into the tree fund at the current rate at the time of the payment (currently \$150 per inch); <input type="checkbox"/> Pay for or plant the equivalent number of tree inches in public spaces in the City of Portland, as documented by the Bureau of Parks and Recreation or Bureau of Environmental Services; Or <input type="checkbox"/> A combination of the two options listed above.	Met. The applicant paid \$3,150 into the tree fund (see fee added to FP folder).
D. The following conditions are applicable to site preparation and the development of individual lots		
	1. The driveways on Lots 1-5 shall be surfaced with pervious paving. The pervious paving shall be shown on the building permit plans for each house and installed at the time of development.	Remains in effect and must be met on the building permit plans.
COMPLIANCE WITH FINAL PLAT APPROVAL STANDARDS		
Met	Approval Standard	Status
<input checked="" type="checkbox"/>	Conformance with Preliminary Plan: The Final Plat must conform to the approved Preliminary Plan. Allowed variations are specified in Section 33.663.200 of the Zoning Code.	BDS has reviewed the proposed Final Plat against the list of allowed variations and has determined it conforms to the approved Preliminary Plan.
<input checked="" type="checkbox"/>	Conditions of Approval: The Final Plat must comply with all conditions of approval that apply to the Final Plat. All other conditions remain in effect.	As shown above, all of the conditions of approval have been met, or continue to remain in effect as noted.
<input checked="" type="checkbox"/>	Services: All services must meet the requirements of the City Code.	The City service bureaus have given approval of the Final Plat, so all of the services meet the requirements of the City Code for the purposes of Final Plat approval.
<input checked="" type="checkbox"/>	Dedications, tracts and easements: All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded. All tracts and easements must be shown on the Final Plat and the requirements of Chapter 33.636, Tracts and Easements, must be met.	All required dedications of property to the City or the public are shown on the Final Plat, and will be dedicated with recording of the Final Plat. No tracts or easements were required with this plat so this approval standard does not apply.
<input checked="" type="checkbox"/>	Sureties: All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to – Final Plat approval.	All required sureties have been approved by the appropriate City bureaus.
<input checked="" type="checkbox"/>	Maintenance Agreements and Covenants and Restrictions (CC&Rs): All maintenance agreements and CC&Rs must be reviewed and approved by the Bureau of Development Services and the City Attorney prior to Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat within 90 day of the Final Plat approval.	No maintenance agreements or CC&Rs were required with this plat so this approval standard does not apply.

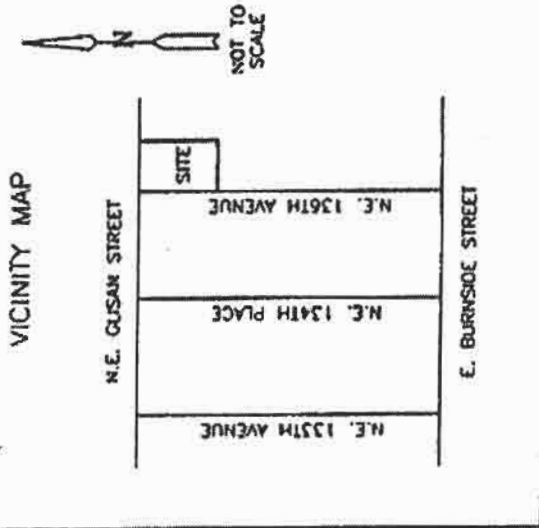
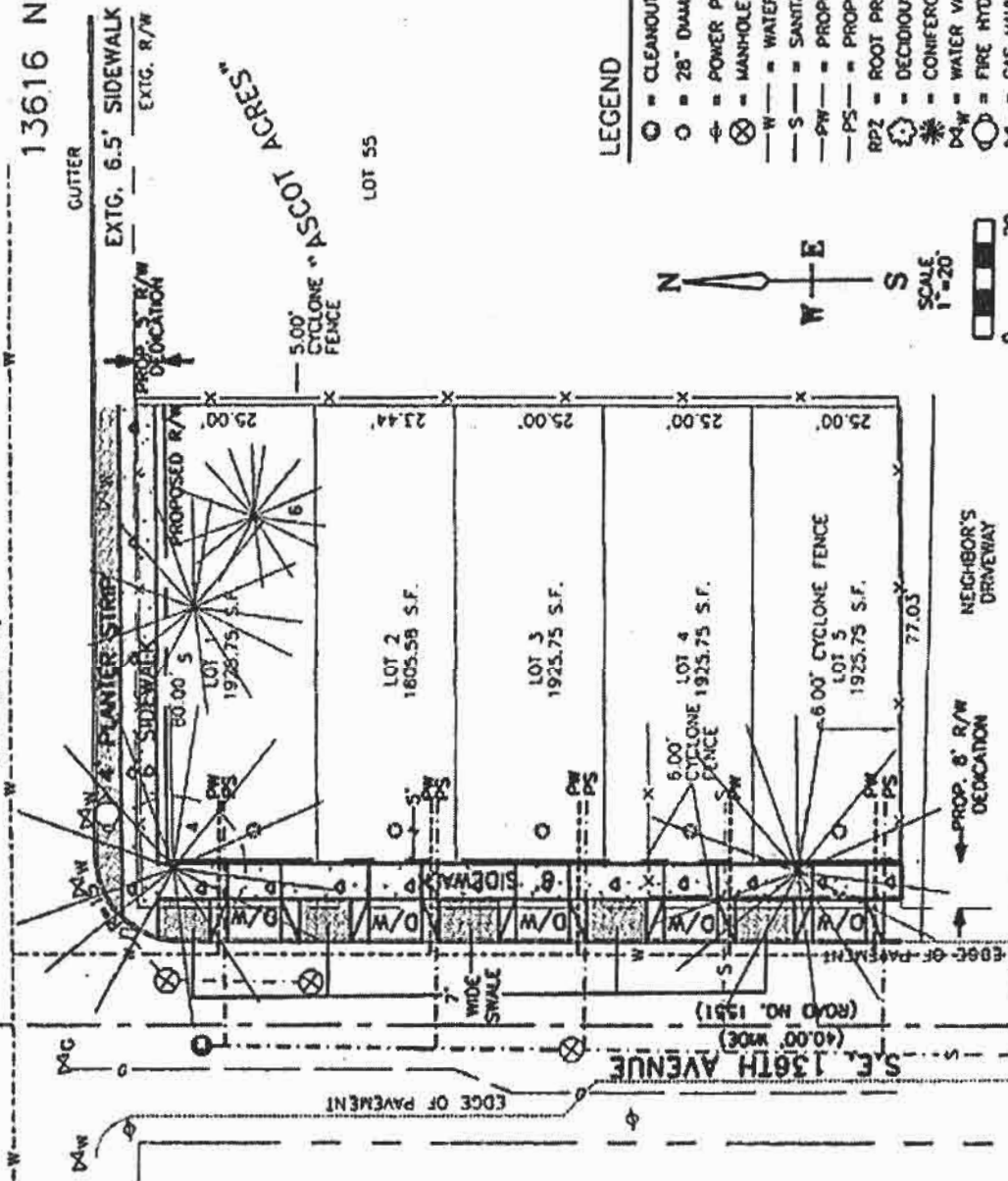
N.E. GLISAN STREET
(80.00' WIDE)
(ROAD NO. 747)

PRELIMINARY PLAN

13616 NE GLISAN ST, PORTLAND, OR 9723

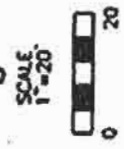
(LUR 05-163746 LDS)

Note: see Ex A.3 for map with all trees shown



LEGEND

- = CLEANOUT
- = 28" DIA. X 5' DRYWELL
- ⊕ = POWER POLE
- ⊗ = MANHOLE
- W — = WATER LINE
- S — = SANITARY SEWER
- PW — = PROPOSED WATER LINE
- PS — = PROPOSED SANITARY SEWER
- RPZ = ROOT PROTECTION ZONE
- ⊙ = DECIDUOUS TREE
- ⊙ = CONIFEROUS TREE
- D4, W = WATER VALVE
- ⊙ = FIRE HYDRANT
- D4G = GAS VALVE



CLIENT: KIMCO PROPERTIES
SITE ADDRESS: 13616 N.E. GLISAN STREET
PORTLAND, OR

SHEET NO. 1 OF 1
JOB NO. 05-030 R
REVISED 01/03/07 RST

Tallman Engineering, Inc.
2073 N. Maple St. CANBY, OR 97013
Phone: (503) 263-8255 Fax: (503) 263-1514

CLIENT: KIMCO PROPERTY
21330 SE FIRWOOD RD
SANDY, OR 97055

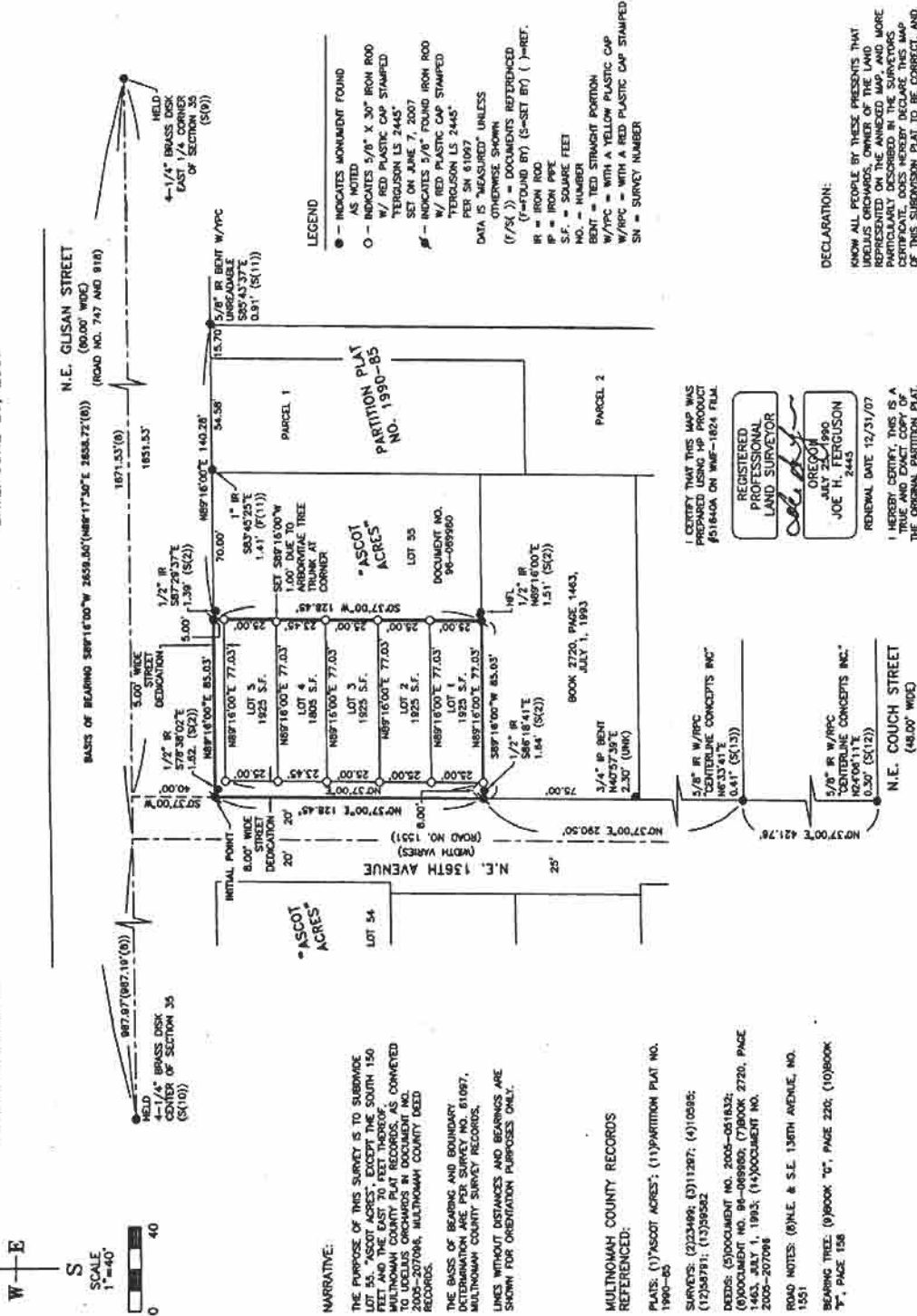
PRELIMINARY COPY
SUBJECT TO CHANGE

EXHIBIT C.1
CASE NO. FP05-163746

ORCHARD FARMS

A PORTION OF LOT 55, "AMENDED PLAT OF LOTS 1 TO 288, ASCOT ACRES", SITUATED IN THE SOUTHEAST 1/4 OF SECTION 35, T.1N., R.2E., W.M., IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON
DATE: JUNE 26, 2007

NOTES:
THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE FILE NO. LU 05-163746 LBS.



DECLARATION:
 I, JOE H. FERGUSON, HEREBY CERTIFY I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED SUBDIVISION MAP, SAID LAND BEING DESCRIBED AS FOLLOWS:
 LOT 55, "ASCOT ACRES", EXCEPT THE SOUTH 150 FEET AND THE EAST 70 FEET THEREOF, MULTNOMAH COUNTY DEED RECORDS, SITUATED IN THE SOUTHEAST 1/4 OF SECTION 35, T.1N., R.2E., W.M., IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE INITIAL POINT, BEING A 5/8" IRON ROD WITH A RED PLASTIC CAP STAMPED "FERGUSON LS 2445", A DISTANCE OF 40.00 FEET FROM THE 4-1/4" BRASS DISK FOUND AT THE EAST 1/4 CORNER OF SECTION 35, THENCE S87°16'00" W ALONG THE SOUTH RIGHT OF WAY LINE OF N.E. GLISAN STREET (60.00' WIDE, ROAD NO. 747), A DISTANCE OF 85.03 FEET TO A 5/8" IRON ROD WITH A RED PLASTIC CAP STAMPED "FERGUSON LS 2445" FOUND AT THE SOUTHWEST CORNER OF SAID DOCUMENT NO. 2005-207096 TRACT; THENCE S07°37'00" W ALONG THE EAST LINE OF SAID DOCUMENT NO. 2005-207096 TRACT, A DISTANCE OF 128.45 FEET TO A 5/8" IRON ROD WITH A RED PLASTIC CAP STAMPED "FERGUSON LS 2445" FOUND AT THE SOUTHWEST CORNER THEREOF; THENCE S87°16'00" W ALONG THE SOUTH LINE OF SAID DOCUMENT NO. 2005-207096 TRACT, A DISTANCE OF 85.03 FEET TO A 5/8" IRON ROD WITH A RED PLASTIC CAP STAMPED "FERGUSON LS 2445" FOUND AT THE SOUTHWEST CORNER THEREOF AND THE EAST RIGHT OF WAY LINE OF N.E. 136TH AVENUE (W/OTH VARIES, ROAD NO. 1551); THENCE N07°37'00" E ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 128.45 FEET TO THE INITIAL POINT; CONTAINING 10,919 SQUARE FEET.

BY: *Michael R. Weckler*, President
 UDELLS ORCHARDS

CLIENT: KIMKO PROP.
 13616 N.E. GLISAN ST.
 PORTLAND, OREGON

Ferguson Land Surveying, Inc.
 8134 S.E. TAYLOR ST., PORTLAND, OR 97215
 Phone (503) 408-0601 Fax (503) 408-0602

SHEET NO. 1 OF 1
 JOB NO. 05-030 SUB J
 DRAFTED 2/7/07 MW

BOOK _____ PAGE _____

APPROVALS:

APPROVED THIS 23rd DAY OF June 2007
 BY: *Stephanie Beckman* (P.2 ad)
 CITY OF PORTLAND, PLANNING DIRECTOR'S DELEGATE

APPROVED THIS 20th DAY OF JULIE 2007
 BY: *Christi M. Lusk*
 CITY ENGINEER'S DELEGATE

APPROVED THIS _____ DAY OF _____ 2007
 COUNTY SURVEYOR,
 MULTNOMAH COUNTY, OREGON

APPROVED THIS _____ DAY OF _____ 2007
 CHAIR,
 BOARD OF COUNTY COMMISSIONERS,
 MULTNOMAH COUNTY, OREGON

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID AS OF _____ 2007
 BEFORE RECORDATION OF THIS PLAT FOR ASSESSMENT AND TAXATION,
 MULTNOMAH COUNTY, OREGON.

BY: _____ DEPUTY
 COUNTY OF OREGON } SS
 COUNTY OF MULTNOMAH }

I DO HEREBY CERTIFY THAT THE ATTACHED PLAT WAS RECEIVED FOR RECORD AND RECORDED _____ 2007

AT _____ M. IN BOOK _____ ON PAGE _____
 COUNTY RECORDING OFFICE

BY: _____ DEPUTY
 DOCUMENT NO. _____

CASE NO. EP05-163746
 EXHIBIT C 2

ACKNOWLEDGMENT:
 STATE OF OREGON } SS
 COUNTY OF MULTNOMAH }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ 2007
 BY: *Michael R. Weckler*
 PRESIDENT OF UDELLS ORCHARDS
 NOTARY SIGNATURE

ELAINE J. VINCENT
 NOTARY PUBLIC - OREGON

COMMISSION NO. 376491
 MY COMMISSION EXPIRES APRIL 8, 2008