



City of Portland
Bureau of Development Services
Land Use Services Division

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

Date: July 10, 2008
To: Interested Person
From: Nizar Slim, Land Use Services
503-823-7848 / nizars@ci.portland.or.us

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 07-161651 LDP AD

GENERAL INFORMATION

Applicant: Steve Buckles,
Repetto And Associates Inc
12730 SE Stark St
Portland, OR 97233

Viktor I Georgiyev,
2845 SE 131st Ave
Portland, OR 97236

Lyudmila Georgiyev,
13140 SE Long St
Portland, OR 97236

Site Address: 13140 SE Long St

Legal Description: W 98.5' OF LOT 13 BLOCK 2, SUNSET GARDENS
Tax Account No.: R812001450
State ID No.: 1S2E14BA 02000
Quarter Section: 3543

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

Plan District: Johnson Creek Basin (Floodplain)
Zoning: R10a – Residential 10000 with an Alternative Design Density overlay

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

Proposal:

The applicant is proposing a 2-lot partition of a 36,000 square foot site into two smaller lots and an Open Space tract. Parcel 1 will be a standard lot sized at 12,542 square feet. Parcel 2 will be a 8,945 square foot “flag-like” lot accessed by an approximately 305 foot “pole” which will connect to SE Long Street. Proposed Parcel 2 will not meet the code definition of a flag lot because additional pedestrian street frontage will be dedicated along its southern boundary line. The existing house with attached garage will remain on Parcel 1. In addition to the lots created, the applicant is proposing the creation of an Open Space tract (13,547 square feet) to maintain the current natural state of a portion of the property.

The applicant has also requested an Adjustment to the side building setback for Parcel 1. The applicant is requesting to reduce the setback from the required 10 feet to 4.5 for the existing house to the new side property line adjacent to the “flag-pole” of Parcel 2.

There are several trees and other vegetation on the site that will be addressed in the review process. The entire site is in the Floodplain as defined by FEMA.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in sections **33.660.120 approval criteria for Land Divisions in Open Space and Residential zones, and 33.805.040 Approval Criteria for Adjustments.**

This partition proposal is reviewed through a Type IIx procedure because: (1) the site is in a residential zone; (2) two or three lots are proposed; and (3) the site is located within a Potential Landslide Hazard or Flood Hazard Area (see 33.660.110).

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

ANALYSIS

Site and Vicinity: The site slopes downhill toward SE Long Street at a gentle rate. An existing 2- story house with attached garage is located on the northern- third area of the lot. There are several trees on site. The site is surrounded with similar sized homes on larger lots. SE Long Street provides access to the lot.

Zoning: The R10 designation is one of the City’s single-dwelling zones which is 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 Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. Although, the site is not in any Subdistrict of this plan district, it is in the Flood Plain.

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

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on **October 23, 2007.**

1. Agency Review: Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

2. Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

LAND DIVISION APPROVAL CRITERIA-

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

The relevant criteria are found in Section **33.660.120 [A-L], Approval Criteria for Land Divisions in Open Space and Residential Zones**. Due to the specific location of this site, and the nature of the proposal, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

Criterion	Code Chapter	Topic	Applicability Findings
A	33.610	Lots	Applicable - See findings below
B	33.630	Trees	Applicable - See findings below.
C	33.631	Flood Hazard Area	Applicable - See findings below.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required where the proposed density is less than 40 units.
G	33.635 .100	Clearing and Grading	Applicable - See findings below.
G	33.635 .200	Land Suitability	Applicable - See findings below.
H	33.636	Tracts and Easements	Applicable - See findings below.
I	33.639	Solar Access	Not Applicable - Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and Utilities	Applicable - See findings below

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 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 constraints.

In this case, a street is not proposed or required, but the site is within the flood hazard area. Therefore, the maximum and minimum density for this site is as follows:

Minimum = [36,000 square feet minus amount of site area in flood hazard, 27,000 (9,000) x .80] ÷ 10,000 square feet = .72 (which rounds up to a minimum of 1 lot, per 33.930.020.A)

Maximum = 36,000 square feet ÷ 10,000 square feet = 3.6 (which rounds down to a maximum of 3 lots, per 33.930.020.B)

The applicant is proposing 2 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 dimensions of the proposed lots as compared to the required lot dimension standards is shown in the following table (this information is found in Table 610-2):

	R10 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2 (Through-Lot)	Proposed Preservation Tract
Minimum Lot Area	6,000 sq. ft.	12,542 sq.	8,945 sq.	13,547 sq.
Maximum Lot Area	17,000 sq. ft.	ft.	ft.	ft.
Minimum Lot Width*	50 ft.	86.5 ft.	50 ft.	N/A
Minimum Lot Depth	60 ft.	145 ft.	360 ft.	
Minimum Front Lot Line	30 ft.	86.5 ft.	98.5 ft.	

* Width is measured at the minimum front building setback line

Through Lots

The applicant must dedicate 6 feet of property along the southern edge of Parcel 2 to match a similar dedication granted to the City by the property to the southeast. The pedestrian connection right-of-way is considered street frontage for the purpose of this land division and

therefore, Parcel 2 is a through-lot. Through lots are allowed only where both front lot lines are on local service streets, or in this case a pedestrian connection, so that development does not “turn its back” on a collector or major city traffic street. SE Long is a local service street, therefore Parcel 2 is allowed. The minimum front lot line and minimum width standards apply to one frontage of the through lot and will be met by the pedestrian connection frontage.

Though Parcel 2 appears to be a flag lot, it is in fact a through lot. It cannot be considered a flag lot, although it may function as one. There is no provision in the code that allows a flag lot to also be a through lot, therefore development standards that typically apply to flag lots do not apply to Parcel 2.

The findings above describe how the applicable lot standards are met. With the conditions of approval described above, this criterion is therefore 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 requirements of this chapter.

The applicant has submitted an arborist report that inventories the trees within the land division site, evaluates their condition and specifies root protection zones (Exhibit A-2). Some trees have been exempted by the arborist because they are either too small, unhealthy, a nuisance species, located partially off the property or located within 10 feet of an existing structure to remain on the property. The inventory identifies the trees on the site (see Tree Table in Arborist Report – A-2).

The total non-exempt tree diameter on the site is 28 inches. The applicant proposes to preserve tree T-4, Apple tree, which is comprised of 11 inches of diameter, or 39 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 applicant has provided a Tree Preservation Plan showing the preserved trees and the required root protection zones (Exhibit C-1).

The site is located in the Johnson Creek Basin Plan District, and is therefore subject to additional tree removal regulations. Though the applicant is only required to preserve 35% of existing tree diameter to meet Option 1 of Chapter 33.630, all trees over 6 inches in diameter in the Johnson Creek Basin Plan District can only be removed under limited circumstances. These situations are listed in Section 33.537.150.D and include: when the tree is within 10 feet of an existing or proposed building or within 5 feet of an existing or proposed paved surface; if the tree is determined to be a hazard by the City Forester or a certified arborist; or if they are within a water, sewer, or other utility easement. At the time of building permit, the applicant will be able to determine which trees can be removed for new construction on Parcel 2.

This criterion is met, subject to the condition that any future development on Parcel 1, be carried out in conformance with the Tree Preservation Plan (Exhibit C-1) and the applicant's arborist report (Exhibit A-2).

C. Flood Hazard Area. If any portion of the site is within the flood hazard area, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, must be met.

33.631.100 Flood Hazard Area Approval Criteria

A. RF through R2.5 zones. The following criteria must be met in the RF through R2.5 zones:

- 1. Where possible, all lots must be outside of the flood hazard area; and**
- 2. Where it is not possible to have all lots outside of the flood hazard area, all proposed building areas must be outside of the flood hazard area.**

- B. R3 through IR, C, E, and I zones. The following criteria must be met in the R3 through IR, C, E, and I zones:**
1. **Where possible, each lot must have adequate area outside of the flood hazard area to accommodate allowed or proposed uses. This criterion does not apply to river-dependent uses; and**
 2. **Where it is not possible to create lots that have adequate area outside of the flood hazard area to accommodate allowed or proposed uses, the following must be met:**
 - a. **Lots must be configured so that development on them will reduce the impact of flooding and to provide the greatest protection for development from flooding;**
 - b. **Lots must be configured so that allowed or proposed uses that are not river-dependent will be able to locate on the highest ground and near the highest point of access, and so that development on the lots can be configured in a manner that will minimize obstruction of floodwaters; and**
 - c. **Where the proposed uses and development are river-dependent, lots must be configured so that development on them will minimize obstruction of floodwaters.**
- C. In all zones. The following criteria must be met in all zones:**
1. **Services proposed in the flood hazard area must be located and built to minimize or eliminate flood damage to the services; and**
 2. **The floodway must be entirely within a flood hazard tract unless river-dependent land-uses and development are proposed on the site.**

Findings: Portions of this site are within the flood hazard area. The approval criteria in the RF through R2.5 zones state that where possible, all lots must be located outside of the flood hazard area. Where it is not possible to have all lots outside of the flood hazard area, all proposed building areas must be outside of the flood hazard area. In addition, services in the flood hazard area must be located and built to minimize or eliminate flood damage to the services, and the floodway must be entirely within a flood hazard tract.

Due to the configuration of the site, it is not possible to have the lots outside of the flood hazard area. Proposed Parcels 1 and 2 are partially located in the flood hazard area. However, Parcel 2 has sufficient area for a reasonably-sized building area that can meet the setback requirements of the R 10 zone and accommodate services and utility connections that will not pass through the flood hazard area. Parcel 1 already has a pre-existing house. The floodway does not extend onto this site, so there is no requirement for a flood hazard tract. However, Site Development has noted that the existing home on Parcel 1 is below the base flood elevation of 205' (202.9' City datum). Site Development requests a condition of approval that the applicant provide an elevation certificate for the existing home on Parcel 1 prior to final plat approval.

With the condition discussed above, this criterion is met.

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

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

33.635.200 – Land Suitability

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

The site is currently in residential use, and there is no record of any other use in the past. Although the site is currently connected to the public sanitary sewer, there is an old septic system on the site. The City has no record that this facility was ever decommissioned. Prior to final plat, the applicant must meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of this facility. With this condition, the new lots can be considered suitable for new 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 following tracts are proposed:

- Tract A: Open Space (Flood Hazard Area). With a condition that the proposed tracts be owned in common by the owners of Parcels 1 and 2, this criterion can be met.
- 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.

As stated in Section 33.636.100 of the Zoning Code, a maintenance agreement will be required describing maintenance responsibilities for the tract described above and facilities within those areas. This criterion can be met with the condition that a maintenance agreement(s) is prepared and recorded with the final plat. In addition, the plat must reference the recorded maintenance agreement(s) with a recording block, substantially similar to the following example:

“A Declaration of Maintenance agreement for Tract A: Open Space (Flood Hazard Area) has been recorded as document no. _____, Multnomah County Deed Records.”

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

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

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

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

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

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

The site has approximately 98.5 feet of frontage on SE Long Street. SE Long is classified as a local service street for all modes in the Transportation Element of the Comprehensive Plan. Tri-Met provides transit service approximately 600 feet from the site on SE Holgate Boulevard via bus 17. Parking is currently allowed on SE Long St., on one side. There is one driveway entering the site that provides access to off-street parking for the existing house.

SE Long Street is improved with a partially graveled roadway, and a gravel shoulder on both sides. There are no curbs, planter strips, or sidewalks. In reviewing this land division, Portland Transportation relies on accepted civil and traffic engineering standards and specifications to determine if existing street improvements for motor vehicles, pedestrians and bicyclists can safely and efficiently serve the proposed new development. In this case Portland Transportation has determined that curb and sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development. To accommodate these improvements, as well as an associated stormwater facility discussed later in this report, additional right-of-way must be dedicated along the frontage of the site. With

those improvements, one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

In addition to the existing street frontage, a new public pedestrian corridor is proposed within the land division site, providing access to Parcel 2 and the adjacent lots. The pedestrian corridor is anticipated to serve pedestrians accessing this lot, as well as additional lots to the east and west in the future. Portland Transportation has determined that the proposed sidewalk width is sufficient to serve these expected users (see further discussion in the Right of Way approval criteria below). Improvements are not required at this time, but a dedication is required. The applicant must provide the right-of-way dedication necessary to accommodate the new public sidewalk must be shown on the final plat.

This criterion is met, with the condition that road, curb and sidewalk improvements are made to SE Long St., and the required right-of-way dedications for both the public sidewalk and SE Long are shown on the Final Plat.

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Findings: Chapters 33.651 through 33.654 address water service standards, sanitary sewer disposal standards, stormwater management, utilities and rights of way.

- The water standards of 33.651 have been verified. An existing 6-inch water main is available in SE Long. Water is available to serve the proposed development from the water main in SE Long. Parcel 1 has an existing water service from that main. See Exhibit E-3 for more details.
- The sanitary sewer standards of 33.652 have been verified. There is an existing 8-inch PVC public sanitary sewer located in SE Long that can serve the sanitary needs of the proposed lots. Parcel 1 has an existing sewer service from that main. See Exhibit E-1 for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.
- Chapter 33.654 includes technical standards related to proposed public and private rights of way, including improvements within streets, pedestrian connections, common greens, and alleys. A pedestrian connection is required within the land division site in order to meet pedestrian connectivity requirements. These requirements are found in the approval criteria for Rights-of-Way, discussed further below in this report.

33.653.020 Stormwater Management Approval Criteria

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

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

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In order to meet this approval criterion, land division proposals must demonstrate an approved method

of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

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

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

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

- **Public Street Improvements:** As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards, with curbs and sidewalks (discussed earlier in this report). Stormwater from these new impervious areas will be directed into an 8-foot wide infiltration swale located between the curb and the new sidewalk. BES has indicated that surface infiltration is the preferred method of public stormwater disposal at this site. The agency has confirmed that the proposed swale is of a size and proposed design that is adequate to provide infiltration for the quantity of water generated from the new impervious areas. To accommodate this stormwater facility within the public right-of-way, a dedication along the frontage of the site must be provided on the final plat.

BES requires a Public Works Permit for the construction of such a swale. The applicant must provide engineered designs and financial guarantees of performance prior to final plat approval.

- **Parcel 2:** Stormwater from this lot will be directed to an individual soakage trench that will treat the water and slowly infiltrate it into the ground. This lot has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably sized home. Site Development has indicated conceptual approval of the soakage trench. However, to ensure that the size and setback requirements of the Stormwater Management Manual can be met, specific information regarding the existing building locations, future building footprints and the location for stormwater facilities shall be provided on the supplemental site plan prior to final plat approval by BES.

Additionally, Site Development has indicated that permeable pavers will be required for the driveway that will serve Parcel 2. These pavers will provide a permeable surface that will allow stormwater from the driveway to infiltrate into the ground.

- **Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain onto the ground. There are no splash blocks. Prior to final plat approval, splash blocks must be installed and any downspouts within the required property line setback (5 feet) must be relocated. The applicant is required to finalize any required plumbing permits prior to final plat approval for modifications to the stormwater disposal system on the existing house that will result in properly functioning gutters, downspouts, and disposal points, located outside of required setbacks.

Right of Way Approval Criteria

Chapter 33.654 contains standards and approval criteria for rights of way. Due to the location of this site, and the type of street that is proposed, some of the criteria are not applicable. The following table summarizes the applicability of each criterion.

Code Section	Topic	Applicability Findings
33.654.110.B.1	Through streets and pedestrian connections	Applicable - See findings below
33.654.110.B.2	Dead end streets	Not applicable - No dead end streets are proposed.
33.654.110.B.3	Pedestrian connections in the I zones	Not applicable - The site is not located within an I zone.
33.654.110.B.4	Alleys in all zones	Not applicable – No alleys are proposed or required.
33.654.120.C.1	Width of the street right-of-way	Not applicable – The proposal includes a common green/shared court/pedestrian connection instead of a traditional street.
33.654.120.C.3.c	Turnarounds	Not applicable – No turnarounds are proposed or required.
33.654.120.D	Common Greens	Not applicable – No common greens are proposed or required.
33.654.120.E	Pedestrian Connections	Applicable - See findings below.
33.654.120.F	Alleys	Not applicable – No alleys are proposed or required.
33.654.120.G	Shared Courts	Not applicable – No shared courts are proposed or required.
33.654.130.A	Utilities	Applicable - See findings below.
33.654.130.B	Extension of existing public dead-end streets and pedestrian connections	Applicable - See findings below
33.654.130.C	Future extension of proposed dead-end streets and pedestrian connections	Not applicable – No street extensions are required to serve abutting sites that are further dividable.
33.654.130.D	Partial rights-of-way	Not applicable – No partial public streets are proposed or required.

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: The site is located on SE Long Street. SE Long Street is a dead end street that terminates approximately 100 feet east of the site. SE Long Street connects to SE 128th Avenue approximately 1,025 feet to the west of the site. There are no other north/south through streets between these two streets. If the distance between the existing streets is evaluated against the optimum spacing requirement of 530 feet, one can conclude that there should be a north-south through street provided in the vicinity of the site. However, the properties adjacent to the portion of the site where the street would terminate are not configured in a manner that would easily allow the further extension of a street from the site. So, although the optimum spacing criteria would indicate the need for a north-south through street or pedestrian connection at this site, there is no practicable opportunity to provide them in this land division.

The Office of Transportation has indicated that the east/west pedestrian connection spacing standard of 330-ft can be met on the southern boundary of the site. Due to existing development, it is not practical to create a pedestrian connection at this time; however, a 6-foot dedication is required to accommodate a future pedestrian connection as other properties in the area develop in the future.

The site is within the Portland Master Street Plan for the Far Southeast District. The plan does not indicate that this site is appropriate for a new street connection. Therefore, the proposal is consistent with the master street plan.

The only new through pedestrian connection included to be constructed as part of this proposal are new sidewalks along the frontage of the site along SE Long Street. This is a straight-line connection on which users will be able to see the ending of the pedestrian route from the entrance. The required pedestrian R.O.W dedication will facilitate a straight line connection between SE 133rd Ave and SE 128th Ave.

For the reasons described above, this criterion is met.

33.654.120.E. Approval criterion for the width of pedestrian connections. The width of the pedestrian connection right-of-way must be sufficient to accommodate expected users and provide a safe environment, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, natural features, and total length of the pedestrian connection. As much as is possible, the users should be able to stand at one end of the connection and see the other end.

Findings: As discussed above, the Office of Transportation is requiring the applicant to dedicate 6 feet along the southern boundary of the site to accommodate a future pedestrian connection. If adjacent properties are divided in the future and the pedestrian connection is created, additional land can be dedicated to create a pedestrian corridor of appropriate width to

accommodate anticipated use. In addition, the adjacent property to the southeast of the site was also required to dedicate property for a pedestrian connection as part of a previous land division review (LU 05-104745). Together these dedications will contribute to a straight-line pedestrian connection.

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: Utilities are defined in the Zoning Code as telephone, cable, natural gas, electric, and telecommunication facilities. Any easements that may be needed for private utilities that cannot be accommodated within the proposed right-of-way can be provided on the final plat. At this time no specific utility easements adjacent to the right-of-way have been identified as being necessary. Therefore, this criterion is met.

B. Extension of existing public dead-end streets and pedestrian connections. Existing public dead-end streets and pedestrian connections adjacent to the site must be extended onto the site as needed to serve the site.

Findings: As mentioned above, the adjacent property to the southeast dedicated 6 feet for a pedestrian connection as part of a previous land division review. The dedication of 6 feet that is required with this proposal is adequate to extend the pedestrian connection right-of-way onto the site. This criterion is met.

ADJUSTMENT APPROVAL CRITERIA

33.805.010 Purpose of Adjustments

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, 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 to 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.

An adjustment is necessary for proposed Parcel 1. This lot is configured like a "flag lot", however, due to the right-of-way dedication along the rear of the site, the lot is considered a through lot with frontage on two parallel rights-of-way. This is an allowed lot configuration in the R10 zone. There is no provision in the zoning code which allows a flag lot to also be a through lot, therefore special setback requirements for flag lots do not apply to this case. As a result, the house is not able to meet the code standard for side setbacks in the R10 zone. Therefore the following adjustment is requested:

- Reduce the side setback to the east property line for the existing house on Parcel 1 from 10 feet to 4.5 feet.

33.805.040 Adjustment Approval Criteria

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

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The proposal submitted by the applicant is for a “flag-like” lot that is configured in the same way as a standard flag lot. However, as discussed above, the lot cannot be considered a flag lot due to the required dedication for a future pedestrian connection along the rear lot line. If not for the required dedication for the pedestrian connection right-of-way, Parcel 2 would be considered a flag lot and Parcel 1 would be allowed a reduced setback to the flagpole. Zoning code section 33.110.220.D.2 allows the lot in front of a flag lot to reduce its side building setback along the flagpole to 3 feet.

The purpose of setback regulations include:

- 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; and
- 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.

The zoning code provision to reduce the side setback along a flag pole still meets the purpose of the setback regulations because a flag pole must be at least 12 feet wide and can only be used to provide a driveway for access to the flag lot. Though the setback to the side lot line is reduced to 4.5 feet, the nearest building on an adjacent lot in the R10 zone would be at least 14 feet away when all required setbacks and the width of the flagpole are taken into consideration. Therefore, light, space, separation, access, and privacy are not affected because the pole cannot be developed with a building.

In this case, though Parcel 2 is technically not considered a flag lot, for all intents and purposes, it is still configured in the same way as a flag lot. The proposed 4.5-foot setback from the existing house on Parcel 1 to the flagpole exceeds the required 3-foot setback for flag lot setbacks, and therefore meets the purpose of the setback regulations. This criterion is met.

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

Findings: As discussed above, though the side setback for the existing house on Parcel to the side lot line will be reduced from 10 feet to 4.5 feet, the lot is configured in the same way as a flag lot. The side setback is reduced for an existing building to the “flag pole” because the pole cannot be developed with a building (access and utility installation is the only use). This proposal will not detract from the livability or appearance of the surrounding residential zone any more than a typical flag lot would. Therefore, this criterion is met.

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

Findings: Only one adjustment is requested. Therefore, this criterion is not applicable.

D. City-designated scenic resources and historic resources are preserved

Findings: There are no city-designated scenic or historic resources at the site. Therefore, this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical

Findings: Since the lot is configured the same as a flag lot, the proposed setback reduction will not create any more impact than the creation of a typical flag lot. Therefore, no mitigation is required.

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: The site is not in an environmental zone. Therefore, this criterion is not applicable.

As shown above the proposed adjustment can meet the applicable approval criteria

DEVELOPMENT STANDARDS

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

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

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

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the R10 zone (Please see section on Other Technical Standards for Building Code standards.)

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

- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. In this case, the existing house will be 4.5 feet from the new side property line to the east. As discussed above, an Adjustment is granted to reduce the side setback for the existing house to 4.5 feet along the east property line.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 http://www.water.ci.portland.or.us/
Environmental Services	Title 17; 2002 Stormwater Manual	Sewer availability Stormwater Management	503-823-7740 http://www.bes.ci.portland.or.us/
Fire Bureau	Title 31 Policy B-1	Emergency Access	503-823-3700 http://www.fire.ci.portland.or.us/
Transportation	Title 17, Transportation System Plan	Design of public street	503-823-5185 http://www.trans.ci.portland.or.us/
Development Services	Titles 24 -27, Admin Rules for Private Rights of Way	Building Code, Erosion Control, Flood plain, Site Development & Private Streets	503-823-7300 http://www.bds.ci.portland.or.us.

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

- The applicant must meet the requirements of the Fire Bureau in regards to installing a new hydrant and hydrant spacing, ensuring adequate hydrant flow from the nearest fire hydrant or obtaining an approved Fire Bureau appeal to this requirement, recording an Acknowledgement of Special Land Use Conditions that requires the provision of internal fire suppression sprinklers on Parcel 2, and constructing the driveway with the appropriate turning radius and driving surface. These requirements are based on the technical standards of Title 31 and Fire Bureau Policy B-1.
- The applicant must meet the requirements of Site Development and Life Safety with regards to future building permits that may be affected by Flood Plain regulations.
- The applicant must meet the requirements of Urban Forestry for street tree planting after public street improvements have been completed. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 2-lot partition, with an open space tract as shown on the attached preliminary plan (Exhibit C-1). As discussed in this report, the relevant standards and approval criteria have been met, or can be met with conditions. The primary issues identified with this proposal include the Adjustment to setback standards for the existing house, the site's location within the flood hazard area, tree preservation and right-of-way dedication.

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

ADMINISTRATIVE DECISION

Approval of an Adjustment to the side building setback for the existing house in Parcel 1, from the required 10 feet to 4.5 feet, and;

Approval of a Preliminary Plan for a 2-lot partition, that will result in one regular lot which will retain the existing the existing house, one “flag-like” through-lot, and an Open Space tract, as illustrated with Exhibit C-1, subject to the following conditions:

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

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

B. The final plat must show the following:

1. The applicant shall meet the right-of-way dedication requirements of the City Engineer for SE Long Street and along the southern boundary of the site. The required right-of-way dedication must be shown on the final plat.
2. The Open Space tract shall be noted on the plat as "Tract A: Open Space (Flood Hazard Area). A note must also be provided on the plat indicating that the tract will commonly owned and maintained by the owners of Parcels 1 and 2.
3. A recording block for each of the legal documents such as maintenance agreement(s), acknowledgement of special land use conditions, or Declarations of Covenants, Conditions, and Restrictions (CC&Rs) as required by Condition C.6 below. The recording block(s) shall, at a minimum, include language substantially similar to the following example: “A Declaration of Maintenance Agreement for Tract A: Open Space (Flood Hazard Area) has been recorded as document no. _____, Multnomah County Deed Records.”

C. The following must occur prior to Final Plat approval:

Streets

1. The applicant shall meet the requirements of the City Engineer for right of way improvements along the frontage of SE Long Street. 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.

Utilities

2. The applicant shall meet the requirements of the Fire Bureau for installing a new fire hydrant. The applicant must contact the Water Bureau to purchase the hydrant. Verification of the purchase must be provided to the Fire Bureau before Final Plat approval.
3. The applicant shall meet the requirements of the Fire Bureau for ensuring adequate hydrant flow from the nearest hydrant or obtain an approved Fire Bureau appeal to this requirement.
4. The applicant must meet the requirements of the Fire Bureau for providing an adequate fire accessway for Parcel 2. Alternately, the applicant will be required to install residential sprinklers in the new house on Parcel 2. An Acknowledgement of Special Land Use

Conditions describing the sprinkler requirement must be referenced on and recorded with the final plat.

5. The applicant must meet the requirements of Site Development for the stormwater systems on the existing house to remain on Parcel 1. Specifically, the gutters and downspouts must function properly, and they must direct water to an approved disposal point that meets setback requirements from the new lot lines. If modifications to the system are required by Site Development, the applicant must obtain finalized plumbing permits for this work prior to final plat approval.

Required Legal Documents

6. The applicant shall execute a Maintenance Agreement for the Open Space Trace tract. The agreement shall assign common, undivided ownership of the tract to the owners of Parcels 1 and 2 and include provisions assigning maintenance responsibilities for the tract and any shared facilities within that area. The maintenance agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.

Existing Development

1. The applicant must provide an elevation certificate for the existing home on Parcel 1 prior to final plat to meet Site Development requirements.

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

1. Development on Parcels 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit C-1) and the applicant's arborist report (Exhibit A-2). Specifically, tree number T-4 is required to be preserved, with the root protection zones indicated on Exhibit C-1. Encroachment into the specified root protection zones may only occur under the supervision of a certified arborist. Planning and Zoning approval of development in the root protection zones is subject to receipt of a report from an arborist, explaining that the arborist has approved of the specified methods of construction, and that the activities will be performed under his supervision.
2. The minimum rear building setback for Parcel 2 shall be 15 feet to assure that adequate space is available to accommodate a stormwater disposal facility that can comply with the requirements of the Stormwater Management Manual.
3. The new driveway for Parcel 2 must be constructed with permeable pavers.

Decision rendered by: NJS **on July 7, 2008.**

By authority of the Director of the Bureau of Development Services

Decision mailed July 10, 2008.

Staff Planner: Nizar Slim

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on September 12, 2007, and was determined to be complete on October 22, 2007.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on September 12, 2007.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case the applicant waived the 120-day review period, as stated with Exhibit A-3.

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

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

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

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 24, 2008** at 1900 SW Fourth Ave. Appeals may be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-0625 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.ci.portland.or.us .

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at

550 Capitol St. NE, Suite 235, Salem, Oregon 97301 or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's statement
 - 2. Arborist report
 - 3. 120 day waiver form
 - 4. Engineering Geological Hazard Report and addendum
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached – full sized site plan in file)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter

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



ZONING

 Site



This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	<u>LU 07-161651 LDP AD</u>
1/4 Section	<u>3543</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E14BA 2000</u>
Exhibit	<u>B (July 9, 2008)</u>

PRELIMINARY PLAN

EXISTING CONDITIONS, TREE SURVEY, PROPOSED IMPROVEMENTS PLAN
 TAX LOT 2000, MAP 15 2E 148A, A REPLAT OF THE WEST 98.5 FEET OF
 LOT 13, BLOCK 2, SUNSET GARDENS SITUATED IN THE NORTHWEST
 QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 2 EAST,
 WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
 DATE: SEPTEMBER 7, 2007 SCALE: 1"=30'
 FOR: VIKTOR GEORGIYEV

TREE TABLE

TREE NO.	DIAMETER	SPECIES	COMMENTS
T1	13"	LOCUST	EXEMPT
T2	7"	SPRUCE	REMOVE
T3	28"	ELM	EXEMPT
T4	11"	APPLE	PROTECT
T5	10"	APPLE	VOLUNTARY
T6	11"	CHERRY	EXEMPT
T7	4"	PLUM	EXEMPT
T8	4"	FLEBERT CLUMP	EXEMPT
T9	4"	APPLE	EXEMPT
T10	5"	APPLE	EXEMPT
T11	8"	HAWTHORNE	EXEMPT
T12	16"	CHERRY	EXEMPT
T13	16"	CHERRY	EXEMPT
T14	5"	CRABAPPLE	EXEMPT
T15	7"	MAPLE	EXEMPT
T16	8"	CHERRY	EXEMPT

RECEIVED
 JUN 10 2008
 BUREAU

- LEGEND**
- 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED REPPETO & ASSOC. INC. TO BE SET.
 - MEASUREMENT FOUND AS NOTED.
 - ⊠ FIRE HYDRANT
 - ⊞ POWER METER
 - ⊟ GAS METER
 - ⊞ SANITARY SEWER MANHOLE
 - ⊟ SPOT ELEVATION AT FINISHED GRADE OR FLOWLINE, UNLESS NOTED OTHERWISE.
 - ⊞ UTILITY POLE
 - ⊞ WATER METER
 - ⊞ WATER VALVE
 - ⊟ CONTIGUOUS TREE
 - ⊞ DECIDUOUS TREE
 - ⊟ CHAIN LINK FENCE
 - ⊞ CONCRETE SIDEWALK
 - ⊟ EDGE OF GRAVEL
 - ⊟ EDGE OF PAVEMENT
 - ⊟ FOUND BY
 - ⊟ FIRE HYDRANT
 - ⊟ NATURAL GAS LINE
 - ⊟ IRON PIPE
 - ⊟ IRON ROD
 - ⊟ LIGHT POLE
 - M.C.D.R. = MULTNOMAH COUNTY DEED RECORDS
 - MH = MANHOLE
 - OHU = OVERHEAD UTILITY LINES
 - OU = ORIGIN UNKNOWN
 - PM = POWER METER
 - PSS = PROPOSED SANITARY SEWER SERVICE
 - PT = PROPOSED SOUSAGE TRENCH
 - PPS = PROPOSED PROTECTION BANK
 - SB = SWASHBLOCK FOR RAIN DRAIN
 - SF = SQUARE FEET
 - SS = SANITARY SEWER LINE
 - UP = UTILITY POLE
 - W = WATER LINE
 - WBO = WATER LINE BLOW OFF VALVE
 - WM = WATER METER
 - WF = WIRE FENCE
 - WV = WATER VALVE
 - YPC = YELLOW PLASTIC CAP
 - YPC1 = YPC MARKED CENTERLINE
 - YPC2 = YPC MARKED W.B. WELLS
 - YPC3 = YPC MARKED ASSOC. LAND SURVEYORS INC.
 - () RECORD INFORMATION
 - P1 PARTITION PLAT NO. 1999-005
 - R1 SN 51897
 - R2 SN 51897
 - R3 SN 51897
 - D1 DEED DOCUMENT NO. 2005-247850, M.C.D.R. SURVEY NO. PER MULTNOMAH COUNTY SURVEY RECORDS.

NOTES

1. BOUNDARY AND BASIS OF BEARINGS ARE HELD PER MONUMENTS FOUND, RECORD SURVEY INFORMATION AND RECORD PLAT INFORMATION PER MULTNOMAH COUNTY DEED RECORDS.
2. ELEVATIONS BASED ON THE CORNER OF PORTLAND BENCH MARK 1255 A.S.E.
3. 2-1/2" BRASS ROD IN THE CURB AT THE SOUTH CORNER OF PORTLAND BENCH MARK 1255 A.S.E. LOCATED AT THE CORNER OF PORTLAND STREET AND S.E. 128TH AVENUE, ELEVATION IS 3005.54 FEET CITY OF PORTLAND DATUM. TO CONVERT ELEVATIONS TO NGVD DATUM SUBTRACT 1.28 FEET.
4. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. ALL UNDERGROUND UTILITY LINES MUST BE VERIFIED PRIOR TO CONSTRUCTION.
5. THIS MAP AND SURVEY IS BASED ON ARE REPRESENTATIVE OF THE CONDITIONS FOUND ON THE GROUND ON MAY 14, 2007, THE DATE THE FIELD WORK WAS COMPLETED.
6. THERE ARE NO RECORD ASSESSMENTS AFFECTING THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS LOCATED IN THE CITY OF PORTLAND, TOWNSHIP 1 SOUTH, RANGE 2 EAST, AS DERIVED AS SHOWN ON MAP 15 2E 148A. THE SUBJECT PROPERTY'S LOCATION IS SHOWN AS DERIVED FROM AREAS OF 100 YEAR FLOOD-BASE FLOOD ELEVATION HAS BEEN DETERMINED AS 210 FEET NGVD OR 211.28 FEET CITY OF PORTLAND DATUM PER FEMA FEDERAL INSURANCE RATE MAP COMMUNITY PANEL NO. 410119-03B2-B, DATED MARCH 16, 1996.
8. THE OPEN SPACE AND PRESERVATION TRACT SHALL BE OWNED AND MAINTAINED BY THE OWNERS OF PARCELS 1 AND 2.

APPLICANT

VIKTOR GEORGIYEV
 7828 SE 109TH AVE.
 PORTLAND, OR 97266
 PHONE: (503) 850-5230

OWNER

LYDMILA GEORGIYEV
 13140 SE LONG STREET
 PORTLAND, OR 97236

REGISTERED PROFESSIONAL LAND SURVEYOR
Victor Georgiyev
 OREGON
 JULY 17, 1988
 STEPHEN P. BOEDIS
 RENEWABLE: 12/31/07

REVISED: JUNE 9, 2008 PER CITY COMMENTS

REPPETO & ASSOCIATES, INC.
 LAND SURVEYORS

Photo 125, Building 0
 12730 SE Stark Street
 Portland, Oregon 97233
 Phone: (503) 408-1507
 Fax: (503) 408-2370

DATE: SEPT. 7, 2007 FILE: 007023.0WG

CASE NO. 07-1105

EXHIBIT

