



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: August 15, 2008
To: Interested Person
From: Ruth Shriber, Land Use Services/503-823-3032 / rshriber@ci.portland.or.us

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 07-165767 LDP

GENERAL INFORMATION

Applicant: Jim Kosta, BW Construction
PO Box 66910
Portland OR 97290

Representative Dale Marx 503-667-5550
Marx Associates
PO Box 565
Gresham, OR 97030

Site Address: **135 SE 133RD AVE**

Legal Description: TL 9000 LOT 6, ASCOT AC
Tax Account No.: R041800190
State ID No.: 1N2E35DC 09000
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: E Portland Neighborhood,, contact Richard Bixby at 503-823-4550.
Plan District: East Corridor
Zoning: R5a – Residential 5,000 with overlay for Alternative Design Density
Case Type: LDP – Land Division Partition
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing to divide a 12,694 square foot site to create 3 parcels, ranging from 2,033 to 6,419 square feet in size. The existing residential structure will remain on Parcel 1 and will become attached to the new development on Parcel 3. Parcel 2 will be a narrow lot and will be made available for single dwelling residential development. Parcel 3 is being created through the bonus density provision set forth in 33.110.240.E which states one extra dwelling unit is allowed for attached houses on corner lots. The applicant would then like to attach the existing house on Parcel 1 to a future single dwelling residential development on Parcel 3. A tree preservation plan has been submitted.

Relevant Approval Criteria:

The relevant criteria are found in Section 33.660.120, Approval Criteria for Land Divisions in Open Space and Residential Zones.

ANALYSIS

Site and Vicinity: The subject property is a corner lot with a single family residence and mature vegetation. The parcel is relatively flat and is located on the corner of a cul de sac. The site is surrounded by single-family housing development of varying types and sizes. Several recent land divisions have occurred within the vicinity of the site in the recent past. The property has approximately 113 feet of frontage on the westside of SE 133rd Ave and approximately 100 feet of frontage on the south side of SE Ankeny Court. The site is located in the East Corridor Plan District.

Zoning: The R5 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 "a" overlay is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This land division proposal is not using any of the provisions of the "a" overlay.

The East Corridor plan district encourages new housing and mixed use development and expansions of existing development to promote the corridor's growth and light rail transit ridership and to implement the objectives of the City's Pedestrian Districts to enhance the pedestrian experience and access to and from light rail service.

Land Use History: There are no prior land use reviews for this site.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on February 11, 2008.

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

2. Neighborhood Review: A written responses was received from the Neighborhood Association requesting strong consideration be given for using the "permit ready" house designs for parcel 2. *BDS Response:* The comment is noted, however there is no approval criteria to require this as a condition of approval.

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	Not applicable - The site is not within the flood hazard area.
D	33.632	Potential Landslide Hazard Area	Not applicable - The site is not within the potential landslide hazard area.
E	33.633	Phased Land Division or Staged Final Plat	Not applicable - A phased land division or staged final plat has not been proposed.
F	33.634	Recreation Area	Not applicable - This is not required 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, and the site is not within the environmental zone, potential landslide hazard area, or flood hazard area. Therefore, the maximum and minimum density for this site is as follows:

Minimum = (11,455 square feet * .80) ÷ 5,000 square feet = 1.83 (which rounds up to a minimum of 2 lots, per 33.930.020.A)

Maximum = 11,455 square feet ÷ 5,000 square feet = 2.291 (which rounds down to a maximum of 2 lots, per 33.930.020.B)

The applicant is proposing to utilize the bonus density provision set forth in 33.110.240.E.2 which allows one extra dwelling unit for attached housing on a corner lot in the R20 to R5 zones. The applicant is proposing 3 lots. The density standards are 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 of the Zoning Code):

	R5 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2	Proposed Parcel 3
Minimum Lot Area	3,000 sq. ft.	6,419	3,003	2,003**
Maximum Lot Area	8,500 sq. ft.	(existing/ attached)	(narrow)	(attached)
Minimum Lot Width*	36 ft.	84	29	24
Minimum Lot Depth	50 ft.	76	100	84
Minimum Front Lot Line	30 ft.	84	29	24

* Width is measured at the minimum front building setback line

** Proposed Parcel 2 is 2,003 square feet in size, less than the minimum lot area required for the R5 zone. This parcel is allowed through the bonus density provision set forth in 33.110.240.E which states corner lots in the R5 zone may allow for one extra dwelling unit for attached housing, if the original lot, before the division for the attached houses, complies with the minimum lot size standard for new lots in the base zone.

Narrow Lots

Parcel 2 is 29.7 feet wide, narrower than the standard minimum width of 36 feet for the R5 zone, as shown in the table above. Section 33.610.200.D of the Zoning Code, however, allows narrow lots if the future development can meet certain standards:

- **If the lot abuts an alley, then vehicle access is allowed only from the alley;**
- **If the lot does not have vehicle access from an alley, then there must be at least 15 contiguous feet of uninterrupted curb space on the abutting street for each lot being created under these provisions (lots that abut a pedestrian connection or common green are exempt from this standard).**
- **Lots must be configured so that at the time of development the length of the garage wall will be no more than 50% of the length of the street-facing building façade.**
- **Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development;**

- **When a driveway is proposed to provide vehicle access to more than two lots, it must be an alley; and**

The applicant has demonstrated that Parcel 2 can meet the narrow lot standards for the following reasons:

Alley access:

- The site does not have access from an alley, so this standard does not apply.

Preserves on-street parking

- Exhibit C-1 shows that 15-feet of uninterrupted curb space can be preserved for the narrow lot along SE 133rd Avenue, after provision of driveways serving the lots (including the required 3 foot curb returns on either side of the driveway entrance). A condition of approval is required to assure that this curb space will continue to be preserved when the lots are developed or re-developed.

50 percent garage wall limitation

- Exhibit C-1 shows that the narrow lot will be able to accommodate parking at the rear of the lot, therefore the garage limitation can be met. Parking at the rear of the narrow lot is proposed to be accessed via a driveway with a private access easement granted from Parcel 1 (with the existing house) to benefit Parcel 2 (the narrow lot).

60 percent landscaping requirement for attached houses

The narrow lot can meet the 60 percent landscape standard because there will be no paved vehicle areas at the front of the lot.

The applicant has demonstrated that the narrow lot standards can be met.

Attached Houses on Corner Lots

Parcel 3 is smaller than would normally be allowed in the R5 zone. As described above, this lot is being created through a provision set forth in section 33.110.240.E that allows for attached houses on corner lots. To use this provision, the original corner lot, before division must meet the minimum lot size standard of the R5 zone. Taken together (before the division), Parcels 1 and 3 combined are 8,452 square feet in area, which exceeds the minimum lot size standard of 3,000 square feet in the R5 zone. The resulting attached housing on this corner lot must be designed so each unit is oriented toward a different street. Therefore, the corner lot may be divided to create Parcels 1 and 3 with attached housing as proposed.

With the conditions of approval described above, this criterion is 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 following trees on the site:

Tree #	Species	Diameter (inches)	Significant? (On Table 630-1)	Exempt? (per 33.630.030)	To be retained?	RPZ (Root Protection Zone)
1	Native Dogwood	20	Yes	No	No	N/A
2	Douglas Fir	32	Yes	No	Yes	20'
3	Douglas Fir	31	Yes	No	Yes	20'
4	Douglas Fir	31	Yes	No	No	N/A
5	Douglas Fir	36.5	Yes	Yes	No	N/A
6	Douglas Fir	33.5	Yes	Yes	No	N/A
7	Douglas Fir	19.5	Yes	Yes	No	N/A
8	Douglas Fir	20.5	Yes	No	Yes	12'

The total non-exempt tree diameter on the site is 134.5 inches. The applicant proposes to preserve trees 2, 3, and 8, which comprise of 52 inches of diameter, or 38 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 A.2 and C.1).

This criterion is met, subject to the condition that development on Parcels 1, 2 and 3 be carried out in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.1).

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

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

33.635.100 – Clearing and Grading

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

Findings: The regulations of Chapter 33.635 ensure that the proposed clearing and grading is reasonable given the infrastructure needs, site conditions, tree preservation requirements, and limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat. In this case the site is primarily flat, and is not located within the Potential Landslide Hazard Area. Therefore, no significant clearing or grading will be required on the site to make the new lots developable. The trees required for preservation must be protected in the areas where new development on the site is anticipated. 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 use, and there is no record of any other use in the past. As indicated above, the site is relatively flat and contains no known geological hazards. Therefore, there are no anticipated land suitability issues and the new lots can be considered suitable for new development. 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: No tracts are proposed or required for this land division, so criterion A does not apply.

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 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 easement is required for this land division:

- A 5-foot Private Access Easement shall be granted across the southern property line of Parcel 1 for the benefit of Parcel 2 to allow for a 10-foot driveway that will serve Parcel 2.

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

"A Declaration of Maintenance agreement for a 5-foot private access easement granted by Parcel 1 for the benefit of Parcel 2 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 113 feet of frontage on SE 133rd Ave and approximately 100 feet of frontage on SE Ankeny Court. Both streets are classified as a local service street for all modes in the Transportation System Plan. Tri-Met provides service approximately 300 feet from the site on E. Burnside Street via the MAX line. There is one driveway entering the site from SE 133rd that provides access to off-street parking for the existing house.

SE 133rd Avenue is improved with a paved 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 of approximately 8-feet must be dedicated along the frontage of the site.

SE Ankeny Court is improved with a paved roadway with curbs on both sides. There are no 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 sidewalk improvements must be made in order to ensure that safe pedestrian travel is possible within the proposed development.

With the improvements described above, two additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

This criterion is met, with the condition that improvements are made for both SE Ankeny Court and SE 133rd Street and the required right-of-way dedication on SE 133rd is shown on the final plat.

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

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

- The water standards of 33.651 have been verified. Water Service is provided by the Rockwood Water People's Utility District. An existing 4" cast iron water main is available in SE 133rd Avenue and SE Ankeny Court to serve the new development on. The Rockwood Water District has indicated the project can adequately be served with water at an average pressure of 45 psi from the 4" line located in SE 133rd. The applicant shall meet the terms and conditions of the Rockwood Water People's Utility District (RWPUD) as stated in Exhibit E3 and to the satisfaction of RWPUD.
- The sanitary sewer standards of 33.652 have been verified. Each lot must be shown to have a means of access and individual connections to the public sanitary sewer main, as approved by BES, prior to final plat approval. There are existing 8" PVC sanitary gravity mains located in both SE Ankeny Court and in SE 133rd Avenue that are available to serve the new development.

As a result of the proposed land division, the existing sewer connection that serves the house on Parcel 1 may cross over Parcel 3 to reach the sewer main in SE Ankeny street. Prior to final plat, the applicant must demonstrate the service branch for the existing house is located entirely on proposed Parcel 1, or must obtain a plumbing permit to cap the existing sewer connection and establish a new service located entirely on Parcel 1 for the existing house, or must provide an easement for the sewer line on the Final Plat. If an easement is provided, a Maintenance Agreement for the easement must be submitted for approval by BDS and the City Attorney and must be recorded with the Final Plat. If a new sewer connection is established for the house, all plumbing permits must receive final inspection approval prior to Final Plat approval. In addition, a supplemental site plan showing the location of the sewer lateral shall be provided prior to final plat in accordance with Exhibit E.1 to the satisfaction of BES.

- 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.

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 drywells to manage stormwater on Parcels 2 and 3 as shown in Exhibits C.2), 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 frontages of both SE Ankeny and SE 133rd Ave to City standards (discussed earlier in this report).

SE 133rd Avenue: Stormwater from the new impervious area on SE 133rd Avenue 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 area is adequate. To accommodate this stormwater facility within the public right-of-way, a dedication along the frontage of the site on SE 133rd Avenue must be provided on the final plat.

A Public Works Permit for the construction of the street improvements and swale require conceptual approval. The details of the street improvements and stormwater plan will be determined at the pre-design meeting. The applicant must provide engineered designs and financial guarantees of performance prior to final plat approval.

SE Ankeny Court: As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site on SE Ankeny Court to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated that the sidewalk must be constructed so that it will slope towards the planter strip, allowing the stormwater runoff from the sidewalk to be deposited in a vegetated area, which meets the requirements of the Stormwater Management Manual.

- **Parcels 2 and 3:** Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. As shown on the conceptual site plan, each of these lots has sufficient area for a stormwater facility that can be adequately sized and located to meet setback standards, and accommodate water from a reasonably sized home. Site Development has indicated conceptual approval of the drywells.
- **Parcel 1 (lot with existing house):** The existing house has the downspouts connected to two drywells. One drywell is located east of the house (in the front yard) and will not be affected by the proposed land division. However the other drywell is located west of the house (in the backyard) in the area of proposed Parcel 3 and was required to be decommissioned. Site Development Conceptual Layout Plan (exhibit C.2) and found the proposed drywell locations on Parcels 2 and 3, and the proposed location for a new additional drywell on Parcel 1 to be acceptable. Prior to final plat approval, final approval of a plumbing permit to modify the rain drains and install a new drywell for the existing house on Parcel 1 will be required, and all downspouts must be connected to the drywell system(s).

With the conditions of approval described above, the stormwater management criteria are met. As shown by the findings above, the Services and Utilities criteria are met.

Right of Way Approval Criteria

Chapter 33.654 contains standards and approval criteria for rights of way. 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.
33.654.130.A	Utilities	Applicable - See findings below.
33.654.130.B	Extension of existing public dead-end streets and pedestrian connections	Not applicable – There are no existing public dead-end street or pedestrian connections adjacent to the site.
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 between SE 133rd and SE 136th Streets which have a distance between them of approximately 666 feet. There are no other north/south through streets between these two streets. If the distance between these existing streets is evaluated against the optimum spacing requirement of 530 feet, one can conclude that there should be a north/south through street in the vicinity of the project. However, the properties adjacent to the portion of the site where the street would terminate are already developed, and 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 an north-south through street or pedestrian connection at this site, there is no practicable opportunity to provide them in this land division. Burnside is an east/west through street located just 270 feet north of the site. If the distance between these existing streets is evaluated against the optimum spacing requirement of 530 feet, one can conclude that east/west connectivity is met.

In addition, the site is not within an area that has an adopted Master Street Plan, so criterion d. does not apply.

The only new through pedestrian connections included in the proposal are new sidewalks along the frontage of the site along SE 133rd. The site is adjacent to a mass transit street and is only 100 feet deep. There is no need for a pedestrian connection here. For the reasons described above, 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: Utilities are defined in the Zoning Code as telephone, cable, natural gas, electric, and telecommunication facilities. At this time no specific utility easements adjacent to the street tract or right-of-way have been identified as being necessary. Therefore, this criterion is met.

DEVELOPMENT STANDARDS

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

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

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

Among the various development standards that will be applicable to this lot, the applicant should take note of:

- Narrow Lots-- development on Parcel 2 will be subject to the following standards at the time of development permitting:
 - Height of the structures will be limited to 1.2 times the width of the structure, per 33.110.215.B.2; and

- Garage can be no wider than 50% of the width of the front façade of the house, per 33.110.250.E.4.c (1)
- Attached Houses on Corner Lots-- special requirements apply to development on new lots created using the provisions of Section 33.110.240.E. The address and main entrance of each house must be oriented to a separate street frontage. Development on Parcel 1 must be oriented toward SE 133rd Avenue and development on Parcel 3 must be oriented toward SE Ankeny Court.

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 R5 zone (Please see section on Other Technical Standards for Building Code standards.)

In this case, there are several Zoning Code standards that relate to existing development on the site:

- Attached houses – In this case the applicant has an option of converting the existing structure to attached houses during the review of the Final Plat. If the applicant applies for the permits for this conversion prior to Final Plat approval then the new common wall(s) between the units must be located directly on the new property lines(s). A supplemental survey is required at the time of final plat to ensure that the structures can comply with all of the development standards for attached houses that apply in the R5 zone. In addition the supplemental survey must verify that the common wall(s) between the structures will be located on the new property line(s).
- Minimum Setbacks – The existing house identified to remain on the site must meet the required Zoning Code setbacks from the proposed new lot lines. Alternatively, existing buildings must be set back from the new lot lines in conformance with an approved Adjustment or other Land Use Review decision that specifically approves alternative setbacks. The existing house will be 10 feet from its new front property line to the northwest and 5 ft. from its new property line to the south between parcel 1 and 3. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.

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

OTHER TECHNICAL REQUIREMENTS

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

Bureau	Code Authority	Topic	Contact Information
Water Works	Title 21	Water availability	503-823-7404 http://www.water.ci.portland.or.us/

Bureau	Code Authority	Topic	Contact Information
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 Urban Forestry for street tree planting in the existing planter strip adjacent to Parcel 1. Since PDOT will be requiring the applicant to obtain a bond for street improvements, the trees will be included in that bond and will be installed concurrently with the street improvements.
- To comply with building code requirements, the existing structure and the new unit will need to meet the building code requirements for rowhouses located on individual lots. The applicant may construct the new unit and attach it to the existing house concurrently under one permit, or as two permits – one to make the house ready to be attached to and a second to construct the additional unit. If the applicant chooses to handle all of the construction under one permit, then this can be done during the review of the final plat, or after the plat is recorded.

If the applicant chooses to apply for the building permits during the review of the final plat the applicant will be required to apply for “townhouses” which is a multi-family development with common walls between units intended for one lot. However, when the plat is recorded and the new lot lines are created the development will be converted to “rowhouses” which is a development intended for units on individual lots with common property lines along common walls. Rowhouses require an Operations & Maintenance Agreement for all common building elements to be shared between the units. This Agreement must be recorded with the Final Plat to facilitate the division of the units. The Operations and Maintenance Agreement must be submitted and approved by BDS prior to final plat. In addition the Final Plat must reference the agreement with a recording block substantially similar to the following example:

“Maintenance Agreement and Easements for Common Building Elements for Rowhouses” has been recorded as document # _____, Multnomah County Deed Records”

Alternately, if the applicant decides to wait until after the plat is recorded to apply for the building permits then the applicant will not be permitted to sell the lots to separate owners until the conversion to rowhouses is complete. Rowhouse development is specifically intended for individual lots, therefore rowhouse permits can not be accepted by BDS until after the new lots are created. However, because the structure already exists on the site, and must be converted to rowhouses to be in compliance with City codes, the applicant will not be permitted to sell the individual lots until the conversion is complete. Prior to Final Plat approval the applicant must execute a covenant with the

City that states that the lots and homes cannot be sold separately until building permits to convert the structure to a rowhouse has received final inspection approval. The covenant must be recorded with Multnomah County.

Finally, if the applicant elects to sell the vacant lot to someone else to develop the new unit, the applicant must apply for a permit to make the existing unit ready to be attached to or by adding an addition on to the house that will provide a firewall along the new property line. The permit for this work must receive final inspection approval prior to final plat approval. It should be noted that it may be necessary for the applicant to finish the firewall with siding, roofing and eaves to obtain final inspection approval, even though these material may later need to be removed to attach the new unit to the firewall.

CONCLUSIONS

The applicant has proposed a 3-lot partition, as shown on the attached preliminary plan (Exhibit C.1). The primary issues identified with this proposal include attaching a new structure on a new lot to an existing residence on a separate lot, tree preservation, narrow lot standards, the bonus density provision, stormwater management, setback requirements, utility requirements, compliance with building code requirements for rowhouses on individual lots, and transportation requirements. With conditions of approval that address these requirements this proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 3-lot partition, that will result in one narrow lot (Parcel 2) and attached houses on a corner lot and a lot created through the bonus density provision (Parcel 1 and 3) 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;
 - Compliance with the Zoning Code development standards for attached houses for the R5 zone;
 - Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
 - Existing/proposed sanitary sewer service
 - Existing/proposed stormwater management facilities;
 - Existing/proposed easements;
 - Additional dedications for street improvements and stormwater facilities;
 - Any other information specifically noted in the conditions listed below
- B. The final plat must show the following:**
1. The applicant shall meet the street dedication requirements of the City Engineer for SE 133rd Avenue. The required right-of-way dedication must be shown on the final plat.
 2. If needed per C.7 below, a private sanitary sewer easement, for the benefit of Parcel 1, shall be shown and labeled over the relevant portions of Parcel 3.
 3. A private access easement for the benefit of Parcel 2 shall be shown and labeled over relevant portions of Parcel 1.
 4. If the applicant applies for and receives building permits for townhouses prior to final plat approval, a recording block must be included on the plat in substantial

conformance with: *“A Maintenance Agreement for Common Building Elements for Rowhouses” 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 133rd Avenue and SE Ankeny Ct. Improvements shall include street trees per City Forester. 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.

Existing Development

2. The applicant must meet the requirements of Site Development for the stormwater systems on the existing house to remain on Parcel 1. Specifically, final approval of a plumbing permit to decommission the existing drywell and install a replacement stormwater system that complies with the Stormwater Management Manual will be required.
4. The supplemental plan required under Condition A, shall document that the following are met:
 - Comply with the Zoning Code development standards for attached houses for the R5 zone
 - The location of the proposed common wall(s) between units in relationship to the new property line(s)
5. The applicant must demonstrate compliance with zero lot line development standards by doing one of the following:
 - Receiving and completing a building permit to add an addition on to the existing structure that will provide a firewall along the new property line.
 - Receiving and completing a building permit to construct a new townhouse unit on proposed Parcel 1 and add onto the existing residence
 - Alternatively, record a covenant against the property prohibiting the new lots to be sold separately until these permits are obtained as described in condition C.9
6. Each lot must be shown to have a means of access and individual connection to the public sanitary gravity main, as approved by BES, prior to Final Plat approval. The applicant or owner must demonstrate the appropriate connections exist for Parcel 1, or the applicant or owner must establish the appropriate connections, such as a new service branch or an easement. If an easement is established, a maintenance agreement must be provided.

Required Legal Documents

7. A Maintenance Agreement shall be executed for the Private Access Easement over portions of Parcel 1 for the benefit of Parcel 2 area described in Condition B3 above. The agreement shall include provisions assigning maintenance responsibilities for the easement area and any shared facilities within that area, consistent with the purpose of the easement, and all applicable City Code standards. The agreement must be reviewed by the City Attorney and the Bureau of Development Services, and approved as to form, prior to final plat approval.
8. If the applicant applies for and receives building permits for townhouses prior to final

plat approval, an *Operations and Maintenance Agreement for Common Building Elements for Rowhouses* shall be provided for review and approval by BDS prior to final plat. The agreement must be recorded with the final plat.

- 9 If the applicant does not apply for building permits for townhouses prior to final plat approval and does not obtain the necessary building permit to create a fire wall, as described in Condition C.5 above, then the applicant shall execute a covenant with the City that states that the lots and homes cannot be sold separately until all building code requirements to convert the structure to rowhouses is complete. After the final plat is recorded, permits to convert the existing structure to rowhouses must be obtained and receive final inspection approval. The covenant shall be recorded with Multnomah County. When the permits have final approval, the covenant will be released by City.

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

1. Development on Parcel 1, 2 and 3 shall be in conformance with the Tree Preservation Plan (Exhibit C.1) and the applicant's arborist report (Exhibit A.2). Specifically, trees numbered 2, 3, and 8 are 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. A minimum of 15 feet of uninterrupted curb space must be preserved along the frontage of Parcel 2.
3. Parcels 1 and 3 may only be developed with attached houses meeting the development standards of Section 33.110.240.E.

Decision rendered by: Ruth M. Shriber, ASLA on August 12, 2008

Decision mailed August 15, 2008

Staff Planner: Ruth M. Shriber

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 27, 2007, and was determined to be complete on February 4, 2008.

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 27, 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.

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development

Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

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

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statements
 - 1. Arborist Report
 - 2. Revised Arborist Report (attached)
 - 3. Narrative
 - 4. 120 day extension
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan and Tree Preservation Plan (attached)
 - 2. Conceptual layout plan (attached)
- 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. Rockwood Water Peoples Utility District

4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Bureau of Parks, Forestry Division
 7. General Life Safety Comments
- F. Correspondence:
1. Arlene Kimura, March 12, 2008, Response from the Hazelwood Neighborhood Association
- G. Other:
1. Original LU Application
 2. Site History Research
 3. Incomplete letter of October 17, 2008
 4. Old Plans
 5. General Correspondence – internal
 6. General Correspondence - external

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:
EAST CORRIDOR PLAN DISTRICT

File No.	<u>LU 07-165767 LDP</u>
1/4 Section	<u>3044</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E35DC 9000</u>
Exhibit	<u>B (Oct 08, 2007)</u>

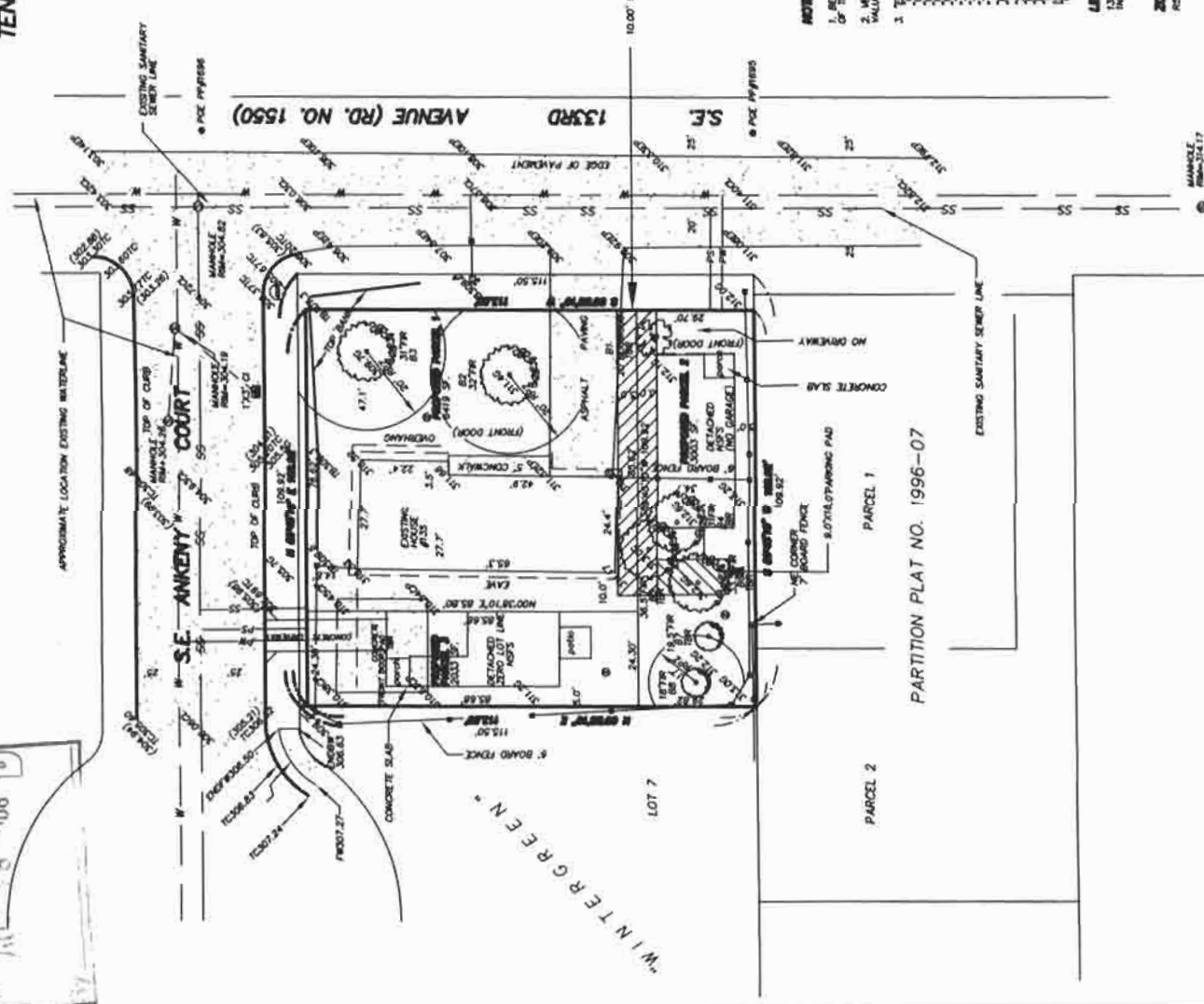
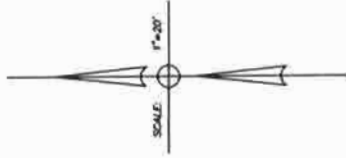
**TENTATIVE PLAN FOR LAND DIVISION, EXISTING CONDITIONS,
PROPOSED UTILITIES, IMPROVEMENTS AND TREE PLAN
RECORDER'S FEE NO. 2005-108865**

SITUATED IN THE SE 1/4 OF SECTION 35, T.1N., R.2E., W.M.
MULTNOMAH CO., OREGON
CITY OF PORTLAND

MARK ASSOCIATES

18615 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-667-5550
FAX: 503-666-8666
EMAIL: DALEMARK@MTEGRAONLINE.COM

DATE DRAWN: APRIL 24, 2007
DRAWING NO. 070441P
ACCOUNT NO. 07044
REVISED: APRIL 23, 2008
REVISED: JULY 29, 2008
REVISED: AUGUST 7, 2008

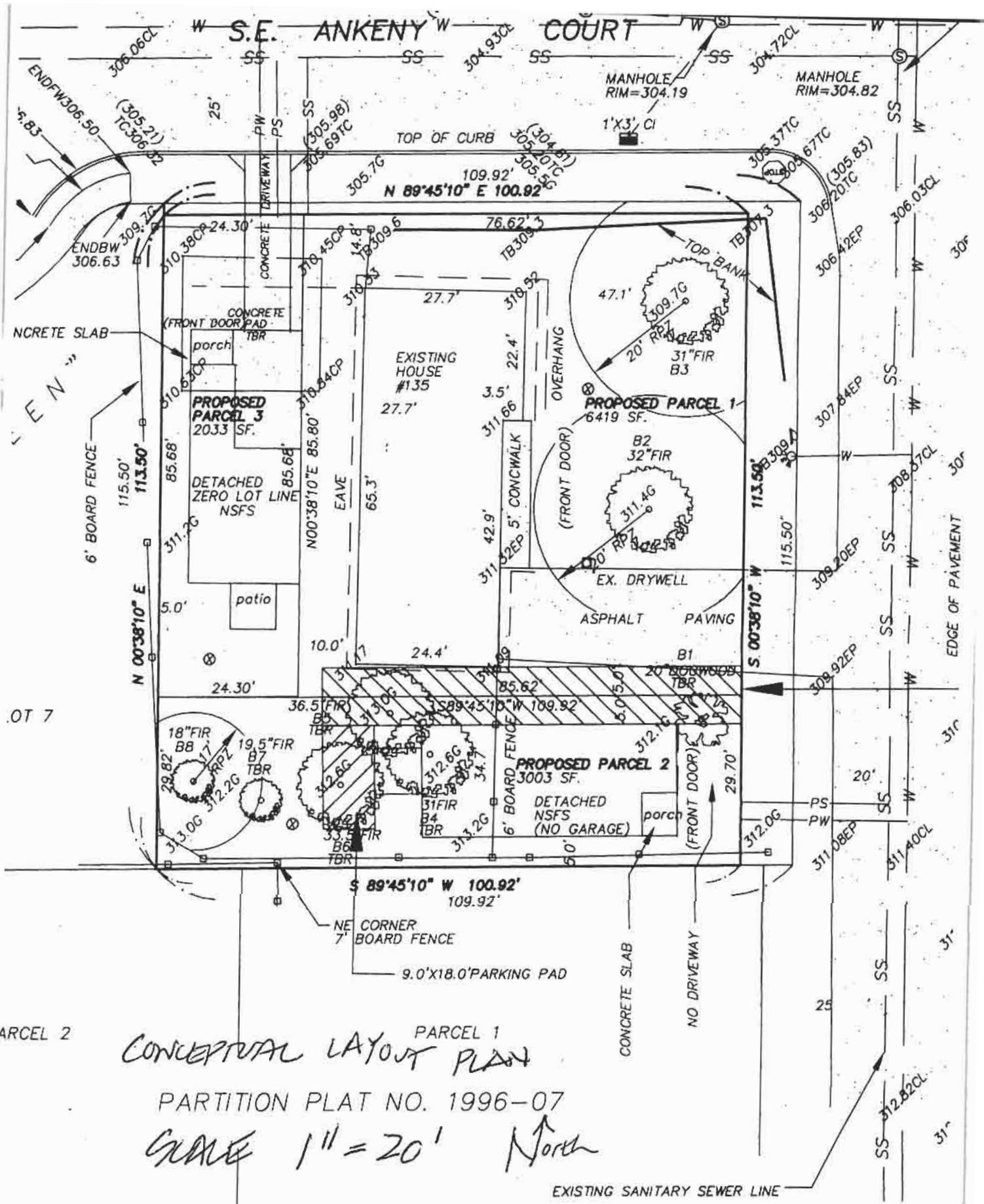


NOTES & LEGEND:

1. BENCHMARK IS CITY OF PORTLAND BENCHMARK #102, ELEVATION 305.82, LOCATED 1.0' S & 1.0' E OF THE SE CORNER OF THE DRIVEWAY FOR HOUSE NO. 15228 SE BURNSIDE STREET.
2. VERTICAL VALUES ARE TIED TO THE ORIGINAL POINT OR THE LEADER POINT OF THE ELEVATION. VALUES IN PARENTHESES (00.00) ARE GUTTER SHOTS.
3. 1" = 20' DISTANCE EDGE OF PARCELS.
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LEGAL:	133 SE 133RD AVENUE SECTION 35, T.1N., R.2E., W.M. MULTNOMAH CO., OREGON 97230
OWNER:	MARK ASSOCIATES 18615 E. BURNSIDE STREET PORTLAND, OREGON 97230
LOT SIZE:	10,000 S.F.
CASE NO:	2005-108865
EXHIBIT:	C

RECEIVED
MAY 3 2008



CONCEPTUAL LAYOUT PLAN

PARTITION PLAT NO. 1996-07

SCALE 1" = 20' North

EXISTING SANITARY SEWER LINE

CASE NO. _____
EXHIBIT **Co2**

RECEIVED

APR 21 2008



John O'Shea, Consulting Arborist
ISA Certified Arborist #WE1877
433 SE 70th Avenue
Portland OR 97215
(503) 408-9308
banjoist@qwest.net
www.im4trees.com

ASCA AMERICAN SOCIETY of
CONSULTING ARBORISTS

April 20, 2008

B & W Construction/
Jim Kosta
P.O Box 66910,
Portland, OR 97290

REVISED:Arborist Report for Minor Partition
135 SE 133rd Avenue, Portland, OR 97220

ASSIGNMENT

I am being consulted to inventory and to give my professional opinion of the health of the trees on the property at the above site. This report is to inform the concerned parties and the city of Portland of the viability of the trees. This is required as a condition of Portland's ordinance # 33.630, municipal code.

A Tree Protection plan is included in this report. My sketch will be incorporated into the surveyor's elevation drawing and this report will refer to the drawing and vice versa. **I have changed a few things per the planning departments request, since my earlier report of May 4th, 2007.**

OBSERVATIONS

A minor partition of this property is planned. There is shrubbery in the lot that does not qualify for protection. I sketched a basic lot map adding tree diameters and tree identification as found. This report can be referenced by the drawing and vice versa. The drawing is not to scale, but will be input to the surveyor's elevation map.

I visited the site on May 2, 2006. I began by measuring the trees more than 6" in diameter and checking them for wounds or flaws. I measured the trees at 54", the

CASE NO. LU 07-16576720P
EXHIBIT A-2 (attached)

standard Diameter Breast Height (DBH). There are eight qualifying trees. I numbered these on the survey and I affixed those numbers to the trees, on aluminum tags.

The Dogwood (*Cornus nuttallii*) has two main stems so was measured at the low point, as described. It is not a high value tree and will not be preserved. Trees B-4, B-5 and B-6 are hazards and will be removed prior to construction. They are large Douglas-firs (*Pseudotsuga menziesii*) that were topped by weather or human intervention long ago. The results are poorly attached re-growth and rot (see photos, attached).

The other non-exempt, non-hazard trees here can be retained during construction (see RECOMMENDATIONS; also INVENTORY). I did examine the proximity of right-of-way to trees B2 and B3, and find that we can come closer. If roots are encountered in these areas of over 2" diameter, they will be cut by the project arborist where necessary during the excavation process.

TREE INVENTORY

ID#	Common names	Species	DBH in inches	Significant?	Preservation Value	Recommendation	Root Protection Zone (RPZ) in feet. Fence will be 4-foot orange construction fence
B-1	Native Dogwood	<i>Cornus nuttallii</i>	20	Yes	Moderate	Remove	17' radius fencing
B-2	Douglas-fir	<i>Pseudotsuga menziesii</i>	32	Yes	Moderate	Preserve	20' radius fencing; except on the east side, where right of way will come closer. On this side the fence can be 15 feet. Prune out smaller 'top'
B-3	Douglas-fir	<i>Pseudotsuga menziesii</i>	31	Yes	Moderate	Preserve	20' radius; except on east side, fence can be 10 feet; and on north side, fence can be 13'. Fence of this and B2 can join.
B-4	Douglas-fir	<i>Pseudotsuga menziesii</i>	31	Yes	Low	Remove	Suppressed tree with sap, take out.
B-5	Douglas-fir	<i>Pseudotsuga menziesii</i>	36.5	No	Hazard	Remove	N/A
B-6	Douglas-fir	<i>Pseudotsuga menziesii</i>	33.5	Yes	Hazard	Remove	N/A
B-7	Douglas-fir	<i>Pseudotsuga menziesii</i>	19.5	No	Hazard	Remove	N/A

ID#	Common names	Species	DBH in inches	Significant?	Preservation Value	Recommendation	Root Protection Zone (RPZ) in feet. Fence will be 4-foot orange construction fence
B-8	Douglas-fir	<i>Pseudotsuga menziesii</i>	20.5	Yes	Moderate	Preserve	12' radius fencing to existing fence

Total DBH (less hazard trees)	134.5 inches
DBH Retained	83.5 (62%)
Total # of Significant Trees	6
# of Sig. Trees Retained	3 (44%)
Total # of hazard trees	3

(1) DBH = Diameter at breast height (4.5 ft. above the surface grade)
 (2) Significant status
 (3) Preservation Value Explanation:
 Hazard = Dead, dying, or dangerous tree that should not be retained.
 Low = Poor specimen. Some caution if retained.
 Moderate = Common species with minimal character. Can be retained.
 High = Good character trees, save if possible.
 Special = Unique species, specimen or form. Save if possible.

RECOMMENDATIONS AND CONCLUSIONS

We have selected Option One of the Portland tree preservation options. We are preserving over 35% of tree diameter on site. No mitigation is suggested. Hazardous trees shall be removed prior to construction. Any root encountered from a tree to be preserved; that is over 1.5" diameter; during any part of the dig or construction will be reported to the Project Consulting Arborist.

The following paragraph can be attached to drawings prior to construction:

Protection and delineation of the root protection zones (RPZ's) will be orange construction fencing. This shall all be four foot high, attached to steel posts driven into the ground at least every ten feet. Inside of these tree protection zones there should be no stacking, storage, or handling of materials, nor any driving, loading or parking of construction vehicles. There should also be no personnel allowed in these areas and no excavation allowed, except with the cooperation and permission of the project arborist.

The attached map has two tree protection zones sketched in. They are slightly closer than the suggested radii; and closer than first suggested. Adjoining fences preserve much more root space than circles, and will work to keep the trees protected below-ground. My experience in construction around both these species is that we will not be affecting the trees negatively if these construction rules are carried out via the Tree Protection Plan. I have confidence that the trees can be preserved. Construction access should all be from the Ankeny Street side-north).

Please contact me regarding questions with this report on my mobile phone at 503/860-3055.



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