



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: September 10, 2008
To: Interested Person
From: Nizar Slim, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 08-140392 LDP

GENERAL INFORMATION

Applicant: Robert Boyer
Global Engineering
8925 SE Division St
Portland OR 97266

William T Haskins
0235 SW Nebraska St
Portland, OR 97239-3538

Jennifer Whealy
7822 SE Hawthorne Blvd
Portland, OR 97215

Site Address: 1020 SE 139TH AVE

Legal Description: EXC E 115'-S 1/2 OF LOT 11 BLOCK 2, HOOD ACRES & PLAT 2 & 3
Tax Account No.: R401401140
State ID No.: 1S2E02AA 09700 **Quarter Section:** 3144

Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Zoning: R5a – Residential 5,000 with an “a” Alternative Design Density overlay
Case Type: LDP – Land Division Partition
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing to divide the existing 13,191 square foot property into two parcels. Parcel 1 is proposed to be 7,867 square feet and will retain the existing residence. Parcel 2 is proposed to be 5,324 square feet and will be developed with detached dwelling

unit. Storm-water disposal for proposed Parcel 2 will occur on-site, through an infiltration facility. The applicant is proposing to preserve several trees located on the site.

Relevant Approval Criteria:

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

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

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

ANALYSIS

Site and Vicinity: The site is a generally flat corner lot with a rectangular shape. It has several trees and a single-story house with an attached garage and an additional detached garage. The adjacent street to the east (SE 139th Ave.), has a paved roadway and sidewalks. The other street has a paved roadway but no sidewalks.

The neighborhood has similarly sized houses on lots of the same shape and size as the subject property. However, several have been partitioned into flag-lot configurations.

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.

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 **July 14, 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: One written response has been received from the Neighborhood Association. The email was a notification to staff that no neighbors had voiced any opinion regarding this proposal (see Exhibit F-1).

ZONING CODE APPROVAL CRITERIA

APPROVAL CRITERIA FOR LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

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

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

Criterion	Code Chapter	Topic	Applicability Findings
A	33.610	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	Not applicable - No tracts or easements have been proposed or will be required.
I	33.639	Solar Access	Not Applicable - Maintaining existing development on the site limits new parcel configuration (33.610.200 supercedes 33.639).
J	33.640	Streams, Springs, and Seeps	Not applicable - No streams, springs, or seeps are evident on the site.
K	33.641	Transportation Impacts	Applicable - See findings below
L	33.651 - 33.654	Services and Utilities	Applicable - See findings below

Applicable Approval Criteria are:

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

Findings: Chapter 33.610 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 = (13,191 square feet * .80) ÷ 5,000 square feet = 2.11 (which rounds down to a minimum of 2 lots, per 33.930.020.A)

Maximum = 13,191 square feet ÷ 5,000 square feet = 2.63 (which rounds down to a maximum of 2 lots, per 33.930.020.B)

If the minimum required density is equal to or larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum. Therefore in this case the minimum density is reduced to 1.

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 of the Zoning Code):

	R5 Zone Requirement	Proposed Parcel 1	Proposed Parcel 2
Minimum Lot Area	3,000 sq. ft.	7,867	5,324
Maximum Lot Area	8,500 sq. ft.	sq. ft.	sq. ft.
Minimum Lot Width*	36 ft.	71.34 feet	74.57 feet
Minimum Lot Depth	50 ft.	109 feet	71.37 feet
Minimum Front Lot Line	30 ft.	71.34 feet	74.57 feet

Width is measured at the minimum front building setback line

The findings above describe how the applicable lot standards are met.

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

Findings: The regulations of Chapter 33.630 preserve trees and mitigate for the loss of trees. Certain trees are exempt from the 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)
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1	English Walnut	20	n/a	Yes- off-site	n/a	n/a
2	Kwanzan Cherry	24	Yes	No	YES	24 ft.
3	Sequoia	65	Yes	No	YES	65 ft.
4	Apple	30	Yes	No	optional	30 ft.
5	Apple	10	No	No	n/a	n/a

The total non-exempt tree diameter on the site is 129 inches. The applicant proposes to preserve trees 2, 3, and 4 as optional, which comprises 89 inches of diameter (not counting #4), or 69 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. Included in this group of protected trees is a large, healthy Sequoia. The city arborist had made additional recommendations for safeguarding the root system and overall status of this tree by requiring a certified arborist on site at time of street improvements. The applicant has provided a Tree Preservation Plan showing the preserved trees and the required root protection zones (Exhibit A-2 and C-2).

This criterion is met, subject to the condition that any re-development or alteration to the existing house on Parcel 1 be carried out in conformance with the Tree Preservation Plan and that any right-of way improvements be made under the supervision of a certified arborist (Exhibit C-2) and the applicant's arborist report (Exhibit A-2).

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 lot developable. In addition, there are no trees required to be preserved on parcel 2 where new development on the site is anticipated. These criteria are 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.

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 71 feet of frontage on SE 139th Ave. and 185 feet on SE Taylor St. Both are classified as local service streets for all modes in the Transportation System Plan. Tri-Met provides transit service approximately 1,200 feet from the site on SE Stark St. via bus 20. Parking is currently allowed on both SE 139th and Taylor, on both sides. There is one driveway entering the site that provides access to off-street parking for the existing house.

Both streets are improved with a paved roadway and curbs. SE 139th Ave has sidewalks in addition to the roadway and curbs. 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. With respect to SE 139th Ave., Portland Transportation has determined that sidewalk widening improvements may be necessary in order to ensure that safe pedestrian travel is possible along the proposed development. To accommodate these improvements, additional right-of-way must be dedicated along the frontage of the site.

In reviewing SE Taylor, Portland Transportation has determined that sidewalk and planting strip improvements must be made in order to ensure that safe pedestrian travel is possible along the proposed development. Since the current width appears to be consistent with City Standards no dedication is requested, however this needs to be verified during the Final Plat phase. Otherwise, Portland Transportation has concluded that one additional dwelling can be safely served by this existing street without having any significant impact on the level of service provided.

It should be noted, that there is some minor concern over the actual Right-of-Way dimensions presented in the preliminary plan, but they are minimal in nature and can be easily verified and improvements adjusted during the Final Plat phase. Further, a significant and mature Sequoia resides on the intersecting corner of these streets. Portland Transportation has acknowledged the tree and a desire to work with the applicant to modify improvements (where feasible) so that the health and longevity of the tree is not adversely affected.

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

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

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

- The water standards of 33.651 have been verified. Water service is provided by the Rockwood Water People's Utility District. There is an existing 6-inch water main in SE 139th Ave., and a 4-inch in SE Taylor Street. Water is available to serve the proposed development on Parcel 2 from the water main in SE Taylor Street. Parcel 1 has an existing water service from the SE 139th Ave. main and may continue that service. 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 139th Ave. and SE Taylor Street that can serve the sanitary needs of the proposed lots. Parcel 1 has an existing sewer service from the main located in SE 139th. See Exhibit E-1 for more details.
- The technical standards of Chapter 33.653 related to stormwater management have been verified. The findings below for the Stormwater Management Approval Criteria of 33.653.020 incorporate a discussion of how the technical standards have been satisfied by the applicant's stormwater proposal.
- Chapter 33.654 includes technical standards related to proposed public and private rights of way, including improvements within streets, pedestrian connections, common greens, and alleys. However, no new streets, pedestrian connections, common greens, or alleys are proposed or required within the land division site. The site is a corner lot with two intersecting streets that continue on to the transportation grid; therefore, through street and pedestrian connectivity requirements are being met. As result, the remaining standards and approval criteria related to street connectivity, location, and design are met or not applicable.

33.653.020 Stormwater Management Approval Criteria

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

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

The City of Portland requires that stormwater from development be cleaned and disposed of in a manner that meets the requirements of the City's Stormwater Management Manual. In

order to meet this approval criterion, land division proposals must demonstrate an approved method of cleaning (water quality treatment), detention (delayed release), and an approved disposal point.

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

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

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

- **Public Street Improvements:** As a condition of this land use approval, the Office of Transportation requires the applicant to improve the frontage of the site to City standards (discussed earlier in this report). A new sidewalk is required, but the curb already exists. BES has indicated that 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:** Stormwater from this lot will be directed to an individual soakage trench or drywell 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/drywell. To ensure that the size and setback requirements of the Stormwater Management Manual can be met, specific information regarding the existing building locations, future building footprints and the location for stormwater facilities shall be provided on the supplemental site plan prior to final plat approval.
- **Parcel 1 (the lot with the existing house):** The existing house has downspouts that drain into underground pipes. Site Development has noted that there are no City records indicating where the pipes are directed. Prior to final plat approval, the applicant must document the location of the storm-water disposal for the existing house, to the satisfaction of Site Development.

If the storm-water disposal system for the existing house will not be fully located on the parcel it serves after the land division, then appropriate easements must be provided 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. Alternately, the applicant must modify the storm-water system for the existing house to the specifications of Site Development and obtain finalized plumbing permits for the modifications prior to final plat approval.

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

DEVELOPMENT STANDARDS

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

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

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

Existing development that will remain after the land division. The existing development on the site will remain and be located on Parcel 1. The division of the property may not cause the structures to move out of conformance or further out of conformance to any development standard applicable in the 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:

- **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 with attached garage will be 5.5 feet from the new property line. Therefore, the required setbacks are being met. To ensure this standard continues to be met at the final plat stage, the final plat must be accompanied by a supplemental survey showing the location of the existing building relative to the adjacent new lot lines.
- **Accessory Structures** – In this zone, accessory structures are not allowed on a lot without a primary structure. Therefore, in order for the proposed new lots to meet this standard, all accessory structures on Parcel 2, specifically the detached garage and the smaller shed that straddles the common property line, must be removed prior to final plat. Demolition permits are required. The applicant must provide documentation prior to final plat approval that all required demolition permits have received final inspection. To ensure that this standard is met, a condition of approval is necessary.

With the conditions noted above, this land division proposal 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 new planter strip adjacent to Parcel 1 on SE Taylor, prior to final plat approval. This requirement is based on the standards of Title 20.

CONCLUSIONS

The applicant has proposed a 2-lot partition, as shown on the attached preliminary plan (Exhibit C-1 and C-2). 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 are the demolition of the detached garage, street improvements and tree preservation.

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

ADMINISTRATIVE DECISION

Approval of a Preliminary Plan for a 2-lot partition, that will result in one corner lot retaining the existing the house and attached garage and one standard lot as illustrated with Exhibit C-1 and C-2, subject to the following conditions:

- A. Supplemental Plan.** Three copies of an additional supplemental plan shall be submitted with the final plat survey for Land Use, BES, and Site Development review and approval. That plan must portray how the conditions of approval listed below are met. In addition, the supplemental plan must show the surveyed location of the following:
- Any buildings or accessory structures on the site at the time of the final plat application;
 - Any driveways and off-street vehicle parking areas on the site at the time of the final plat application;
 - The proposed general location of future building footprints and storm-water facilities for each of the vacant lots, footprints of any building that is within 5 feet of the new property lines as measured from the adjacent properties (this includes adjacent properties);
 - All proposed and existing utilities including: water, sewer, and storm-water facilities and systems.
 - 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 139th Avenue and SE Taylor Street. The required right-of-way dedication must be shown on the final plat.

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 Taylor Street. The applicant must obtain an approved Right Of Way permit from the Bureau of Transportation Engineering and Development Review to install the required sidewalk and planter strip. The improvements along the frontage of Parcel 1, where the existing house will be retained, must be constructed prior to final plat approval (All work within the Right-of-Way around the Sequoia noted in the report must be preformed in a manner that is not detrimental to the tree or its root system and under the supervision of a certified arborist). The improvements along the frontage of the remaining lot (Parcel 2) may be constructed with new development on that lot.
2. The applicant must plant street tree(s) in the planter strip adjacent to parcel 1 after sidewalk construction and prior to final plat approval. Street trees will be chosen from the City's approved street tree list for the 4- foot planting strip. Tree size requirements for residential sites are to be 2-inch caliper. The applicant must contact Urban Forestry at 503-823-4018 prior to selecting trees to discuss the species of trees that are permitted and to obtain the planting permit. Urban Forestry must inspect and approve the newly planted trees prior to final plat approval.

Utilities

3. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing sanitary sewer system on the site.

Existing Development

4. The applicant must obtain a finalized demolition permit for removing the garage and shed on Parcel 2 (shed is partially located on Parcel 1, as well). Alternately, the applicant can execute a covenant with the City stating that the garage will be removed if a primary structure has not received final inspection on the lot with the accessory structure within two years of final plat approval. The covenant must be recorded with Multnomah County prior to final plat approval. (This option is only available for the garage).
5. Documentation of the location of the storm-water disposal system for the existing house shall be submitted to the Site Development Section of the Bureau of Development Services. The location of any existing or required storm-water systems serving the existing home must be shown on the Supplemental Plan. If, as a result of final plat approval, the storm-water system for the existing home will extend beyond the boundaries of Parcel 1 (the lot with the existing home), then the applicant must meet one of the following:
 - Provide private storm-water easements on the final plat as necessary to ensure operation and maintenance of those systems, and record a maintenance agreement for the easement area; or
 - Provide finalized plumbing permits for modifications to the storm-water system that result in a system that meets City requirements.

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

1. Development on Parcel 2 and re-development on Parcel 1 shall be in conformance with the Tree Preservation Plan (Exhibit C-2) and the applicant's arborist report (Exhibit A-2). Specifically, trees numbered 2 and 3 are required to be preserved (#4 is optional for preservation), 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.

Decision rendered by: NJS **on September 8, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed September 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 June 24, 2008, and was determined to be complete on July 10, 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 June 24, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

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

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

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

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

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

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Arborist Report (attached)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Site Plan (close-up)
- 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 and BDS Life Safety
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. City Arborist, Forestry Division
- F. Correspondence:
 - 1. Hazelwood Neighborhood Association , 8-13-08, No Concern
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



File No. LU 08-140392 LDP
 1/4 Section 3144
 Scale 1 inch = 200 feet
 State_Id 1S2E02AA 9700
 Exhibit B (Jun 26, 2008)

LAND OWNER(S):

WILLIAM T. HASKINS
 0235 SW NEBRASKA STREET
 PORTLAND, OR 97239
 MOBILE TEL NO. 503-997-6575

AND

JENNIFER WHEALY
 0235 SW NEBRASKA STREET
 PORTLAND, OR 97239
 MOBILE TEL NO. 503-680-3298

CLIENT CONTACT PERSON:

JENNIFER L. WHEALY
 0235 SW NEBRASKA STREET
 PORTLAND, OR 97239
 MOBILE TEL NO. 503-680-3298

LEGEND

- DENOTES A 5/8" X 3/4" IRON ROD WITH YELLOW PLASTIC CAP LABELED "PLS LS 2270" PROPOSED TO BE SET IN THE FUTURE.
- DENOTES MONUMENT(S) FOUND AS NOTED.
- DENOTES AN EXISTING WATER VALVE BOX.
- DENOTES AN EXISTING FIRE HYDRANT.
- DENOTES AN EXISTING BURIED WATER LINE.
- DENOTES AN EXISTING WATER METER.
- DENOTES A PROPOSED WATER METER.
- DENOTES A PROPOSED FUTURE BURIED WATER LINE.
- DENOTES AN EXISTING 60" DIAMETER CONCRETE TREE.
- DENOTES AN EXISTING 27" DIAMETER DECIDUOUS TREE.
- DENOTES AN EXISTING EDGE OF CONCRETE.
- DENOTES THE EDGE OF AN EXISTING GRAVEL DRIVEWAY OR PARKING SURFACE.
- DENOTES A PROPOSED STORM SEWER DISPOSAL FACILITY.
- DENOTES AN EXISTING SET OF CONCRETE STEPS(S) AND LANDING.
- DENOTES AN EXISTING RAIN DRAIN DOWNSPOUT WHICH DISCHARGES INTO AN UNDERGROUND PIPE (TYPICAL).
- DENOTES AN EXISTING GAS METER (INSIDE HOUSE - WITH ACCESS LID TO EXTERIOR).
- DENOTES AN EXISTING BURIED GAS SERVICE "SHUT OFF" VALVE.
- DENOTES AN EXISTING UNDER GROUND GARBAGE CAN RECEPTAL.
- DENOTES AN EXISTING ELECTRICITY METER.
- DENOTES AN EXISTING TELEPHONE PEDISTAL.

LEGEND CONTINUED

- DENOTES AN EXISTING SANITARY SEWER MANHOLE.
- DENOTES AN EXISTING STORM SEWER INLET.
- DENOTES AN EXISTING POWER POLE.
- DENOTES AN EXISTING GUY ANCHOR.
- DENOTES AN EXISTING BURIED GAS LINE.
- DENOTES AN EXISTING STORM SEWER SEDIMENTATION MANHOLE.
- DENOTES AN EXISTING STORM SEWER SUMP.
- DENOTES AN ABANDONED BURIED CESSPOOL FROM THE 1960'S.
- DENOTES AN EXISTING ABANDONED CESS POOL (AS PER C.O.P. RECORDS). (THIS MAY BE USED FOR STORM WATER DISPOSAL)
- DENOTES AN EXISTING CESS POOL 18" DEEP (AS PER 1985 C.O.P. RECORDS). (BUT PROBABLY ABANDONED IN 1998)
- DENOTES A BURIED 4" DIAMETER CAST IRON SEWER PIPE (AS PER 1945 C.O.P. RECORDS). (BUT PROBABLY ABANDONED IN 1998) (THIS MAY BE USED FOR STORM WATER DISPOSAL)
- DENOTES A SANITARY SEWER CLEAN OUT PIPE (AS PER 1998 C.O.P. RECORDS).
- DENOTES A BURIED 4" ABS PLASTIC SEWER PIPE (AS PER 1988 C.O.P. RECORDS).
- DENOTES AN EXISTING STORM SEWER DOWN SPOUT WHICH DRAINS TO A RAIN BARREL.
- DENOTES AN EXISTING BURIED COMMUNICATIONS DUCT.
- DENOTES "TO BE REMOVED".
- DENOTES "CITY OF PORTLAND".
- DENOTES AN EXISTING MAIL BOX.
- DENOTES AN EXISTING LITE POLE.

TENTATIVE PLAN FOR PARTITION PLAT

LOCATION

THE WEST 185 FEET OF THE SOUTH ONE-HALF OF LOT ELEVEN (11), OF BLOCK TWO (2), OF HOOD ACRES LOCATED IN THE NE 1/4 OF SECTION 2, T1S., R2E., W4M., SITUATED IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND THE STATE OF OREGON.

MONUMENT TABLE CONTINUED

T
 FND 5/8" IR UP 0.7' WITH NYC LABELED "VALVORD 2787" FROM SH 58808 HELD AS SE CORNER OF DOC. NO. 1998-146871

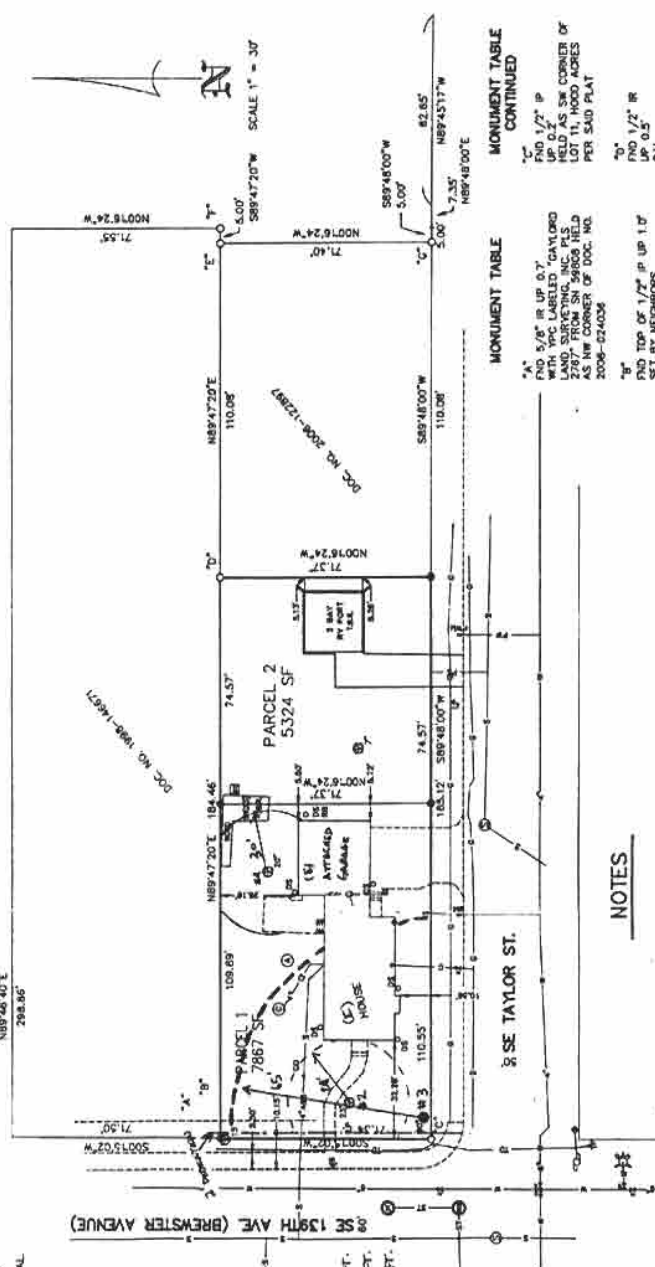
T
 FND 5/8" IR WITH DAMAGED NYC LABELED "VALVORD 2787" IN TOP OF A CONCRETE CURB FROM SH 58808 BEARS PROXIMATE 0.50' FROM THE DUCT PORTION AS PER SH 58808

MONUMENT TABLE CONTINUED

T
 FND 1/2" IR UP 0.7' IP HELD AS SW CORNER OF LOT 11, HOOD ACRES PER SAID PLAT

T
 FND 1/2" IR UP 0.5' C.U. HELD AS NE CORNER OF DOC. NO. 2008-024036

T
 FND 5/8" IR UP 0.7' WITH NYC LABELED "VALVORD 2787" FROM SH 58808 HELD AS SE CORNER OF DOC. NO. 2008-122887



NOTES

1. THIS DRAWING IS DRAWN FROM VARIOUS RECORDS AND OTHER INFORMATION AND IN SOME INSTANCES MAY LACK ACCURACY.
2. THIS MAP IS A REFLECTION OF THE LOCATIONS REQUESTED BY THE CLIENT(S).
3. IT IS UNDERSTOOD THAT CERTAIN ABANDONED CESS POOLS MAY BE CONVERTED TO STORM WATER DISPOSAL FACILITIES.
4. IT IS UNDERSTOOD THAT PUBLIC WATER MAINS OR SEWER MAINS ARE UNDER THE OWNERSHIP AND CONTROL OF ROCWOOD WATER DISTRICT.
5. IT IS UNDERSTOOD THAT PUBLIC SEWER MAINS ARE UNDER THE OWNERSHIP AND CONTROL OF THE CITY OF PORTLAND.

REGISTERED PROFESSIONAL LAND SURVEYOR
Robert J. Boyer
 1111 SW GOWAN ST.
 PORTLAND, OREGON 97239
 RENEWAL DATE: 12-31-2008

GLOBAL ENGINEERING, LAND SURVEYING AND PLANNING CO.
 8525 S.E. DIVISION ST., PORTLAND, OR 97268
 TELEPHONE 503-777-1141
 FAX 503-777-0211

FILE: 585 D:\DWG12\08009A1

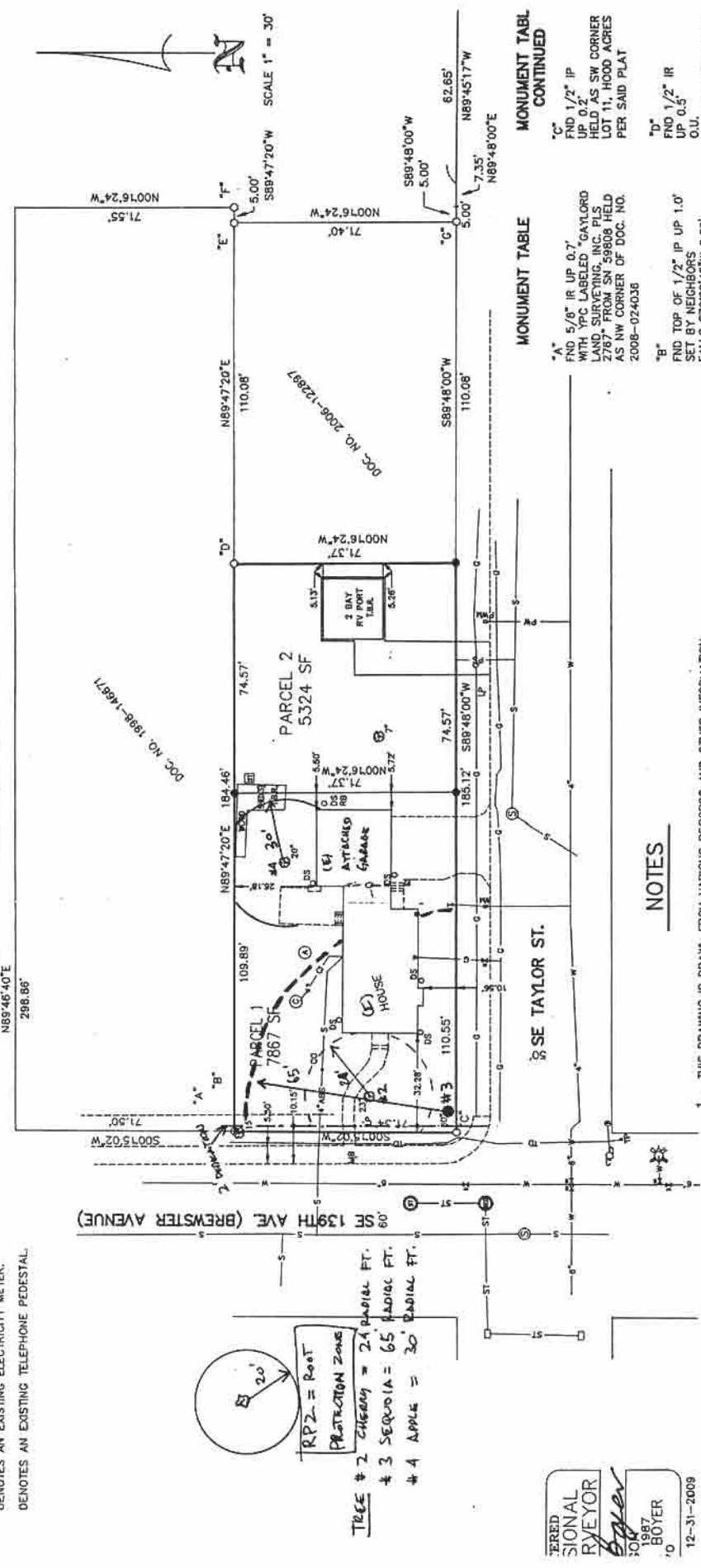
DATE: MARCH 2, 2008	PROJ. #
AS NOTED	08-009
DRAWN	CHECKED
BY: R.J.B.	BY: R.J.B.

SHEET NUMBER

1 OF 1

CASE NO. 08-140392 UDR
 EXHIBIT C-1 1108-140392 UDR

DENOTES AN EXISTING BURIED GAS SERVICE "SHUT OFF" VALVE.
 DENOTES AN EXISTING UNDER GROUND GARBAGE CAN RECEPTICAL
 DENOTES AN EXISTING ELECTRICITY METER.
 DENOTES AN EXISTING TELEPHONE PEDESTAL.
 DENOTES "CITY OF PORTLAND".
 DENOTES AN EXISTING MAIL BOX.
 DENOTES AN EXISTING LITE POLE.



TREE # 2 CHEERY = 24 RADIAL FT.
 # 3 SEQUOIA = 65 RADIAL FT.
 # 4 APPLE = 30' RADIAL FT.

RP 2 = Root
 PROTECTION ZONE

TERRY
 SIONAL
 RVEYOR
 BOYER
 12-31-2009

IERING, LAND
 I PLANNING CO.
 PORTLAND, OR 97266
 503-777-1141
 -777-0211

NOTES

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3. IT IS UNDERSTOOD THAT CERTAIN ABANDONED CESS POOLS MAY BE CONVERTED TO STORM WATER DISPOSAL FACILITIES.
4. IT IS UNDERSTOOD THAT PUBLIC WATER MAINS OR SEWER MAINS ARE UNDER THE OWNERSHIP AND CONTROL OF ROCKWOOD WATER DISTRICT.
5. IT IS UNDERSTOOD THAT PUBLIC SEWER MAINS ARE UNDER THE OWNERSHIP AND CONTROL OF THE CITY OF PORTLAND.

MONUMENT TABLE

A FND 5/8" IR UP 0.7' WITH YPC LABELED "GAYLORD LAND SURVEYING, INC. PLS 278" FROM SN 39808 HELD AS NW CORNER OF DOC. NO. 2008-024036
 B FND TOP OF 1/2" IP UP 1.0' SET BY NEIGHBORS FALLS 579'02.45"W 0.69' FROM NW CORNER OF DOC. NO. 2008-024036
 C FND 1/2" IP UP 0.2' HELD AS SW CORNER LOT 11, HOOD ACRES PER SAID PLAT
 D FND 1/2" IR UP 0.5' O.U. HELD AS NE CORNER DOC. NO. 2008-0240
 E FND 5/8" IR UP 0.7' WITH YPC LABELED "LAND SURVEYING, INC SN 39808 HELD AS NE CORNER OF D 2008-122897

MONUMENT TABLE CONTINUED

0.69' N79°02.45'E
 110.08' S88°48'00"W
 74.57' N89°47'20"E
 110.08' N00°16'24"W
 71.55' N00°16'24"W
 71.40' N00°16'24"W
 5.00' S88°48'00"W
 5.00' N89°45'17"W
 62.65' N89°48'00"E

CASE NO. 08-140392 CAP
EXHIBIT C-2
 "Close - yll"