



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** November 6, 2008  
**From:** Rachael Hoy, Land Use Services  
503-823-0646 / [RachaelH@ci.portland.or.us](mailto:RachaelH@ci.portland.or.us)

## **NOTICE OF A FINAL PLAT DECISION**

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

### **CASE FILE NUMBER: FP 05-183039, FINAL PLAT**

**Applicant Info:** Joe Bec,  
12545 SE Clinton Ct  
Portland, OR  
97236  
  
Lidia Bec,  
12505 SE Boise St #B  
Portland, OR 97236-3890

**Site Address:** 4557 SE 113TH AVE  
**Legal Description:** LOT 3 BLOCK 1, NEWSOMS ADD  
**Tax Account No.:** R603800090  
**State ID No.:** 1S2E15AB 09600  
**Quarter Section:** 3542  
**Neighborhood:** Powellhurst-Gilbert, contact James Chasse at 503-762-0863.  
**Business District:** Midway, contact Donna Dionne at 503 252-2017.  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Plan District:** Johnson Creek Basin  
**Other Designations:**  
**Zoning:** R5a  
**Case Type:** FP - Final Plat Review  
**Procedure:** An Administrative Decision

**Proposal:** The Preliminary Plan for LU 05-183039 LDP was approved by the Bureau of Development Services on Apr 14, 2006. That decision approved a land division to create 2 lots, with lot areas ranging from 5,516 square feet to 5,035 square feet in area.

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

**Neighborhood Review:** No written comments were received by the Bureau of Development Services I response to this notice.

#### **Compliance with Approval Standards**

As required by Oregon Revised Statutes (ORS 92.040), Final Plats must be reviewed under the approval criteria and standards in effect at the time that the original Land Division application was submitted. In order to be approved, this proposal must comply with the Final Plat approval standards currently found in Section 33.663.220 of Title 33, the Portland Zoning Code.

As shown by the attached Final Plat Status Report (Exhibit A) the Final Plat proposal complies with all of the Approval Standards of Section 33.663.220. This requirement is met.

#### **Compliance with Conditions of Approval**

In order to be approved, this proposal must also show compliance with all applicable conditions of approval imposed with City approval of the Preliminary Plat decision.


As shown by the attached Final Plat Status Report (Exhibit A) the Final Plat proposal complies with all of the conditions of approval of the Preliminary Plat decision. This requirement is met.

### **ADMINISTRATIVE DECISION**

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

**Staff Planner:** Rachael Hoy

**Decision rendered by:**

 on 11/04/08

By Authority of the Director of the Bureau of Development Services

**Decision mailed November 6, 2008**

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

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

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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Final Plat Status Report (attached)
- B. Zoning Map (attached)
- C. Plans
  - 1. Preliminary Plan (attached)
  - 2. Final Plat (attached)
- D. Notification Information
  - 1. Mailed Notice
  - 2. Mailing List
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development
  - 3. Site Development Section of BDS
- F. Correspondence (none received)
- G. Other:
  - 1. Final Plat Application
  - 2. Original Land Use Decision



# FINAL PLAT APPROVAL

Folder # **FP 05-183039**  
 Address **4557 SE 113TH AVE**  
 Review Date **October 31, 2008**

To: <b>Joe Bec</b> <b>12545 SE Clinton Ct</b> <b>Portland, OR 97236</b>	From: <b>Rachael Hoy, Planner</b> Land Use Services Division Phone: 503-823-0646 E-mail: RachaelH@ci.portland.or.us
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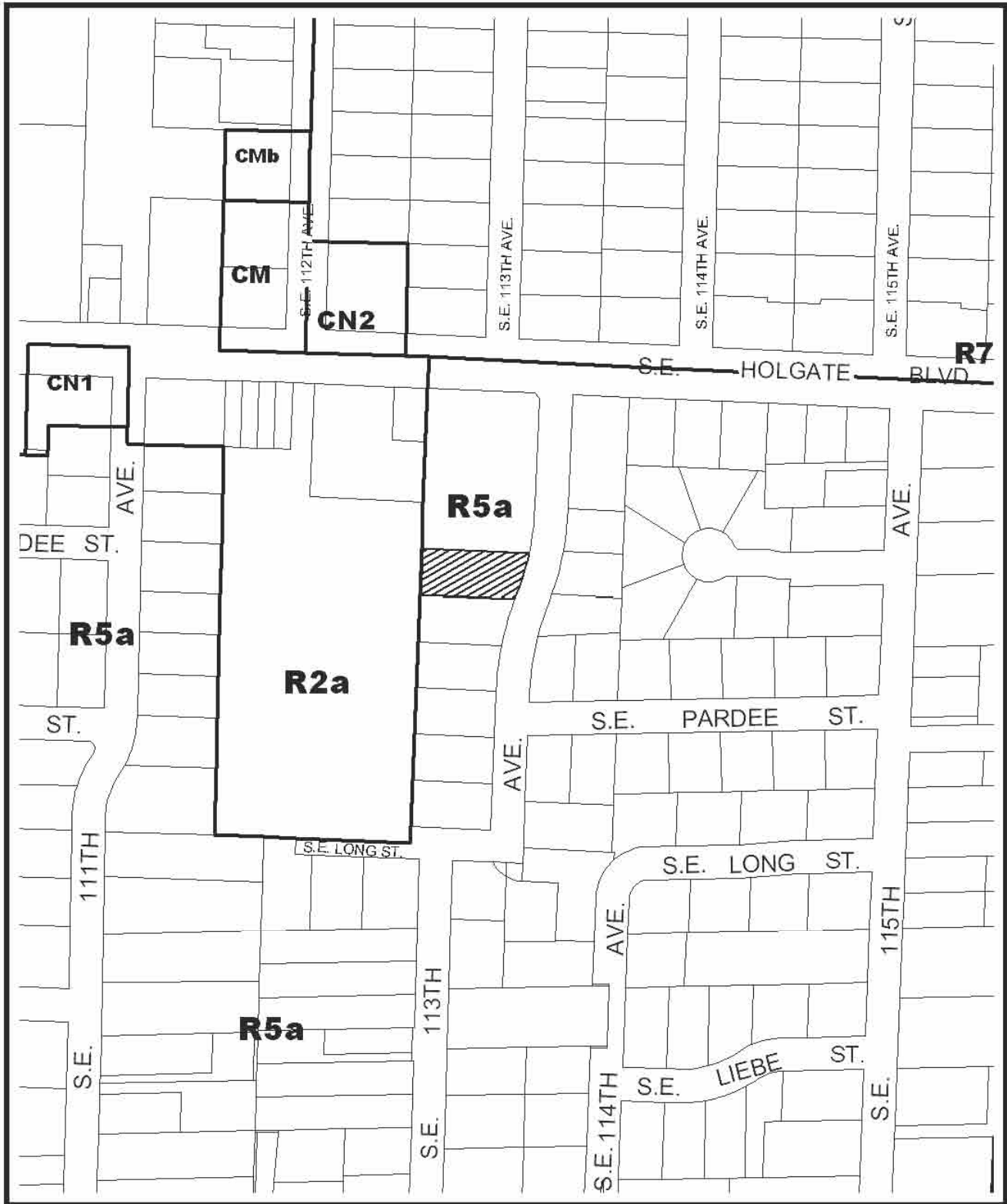
This is the final status report.

## STATUS OF CONDITIONS OF APPROVAL

Met	Condition of Approval	Status
<b>A. Supplemental Plan</b>		
<input checked="" type="checkbox"/>	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 <ul style="list-style-type: none"> <li>• Any buildings or accessory structures on the site at the time of the final plat application;</li> <li>• Any driveways and off-street vehicle parking areas on the site at the time of the final plat application; and</li> <li>• Any other information specifically noted in the conditions listed below.</li> </ul>	Supplemental plan has been submitted as part of the final plat application. This condition is met.
<b>B. The following must occur prior to Final Plat approval</b>		
<input checked="" type="checkbox"/>	1. The applicant shall meet requirement of the City Engineer for street frontage improvements along SE 113th Avenue. The applicant shall provide plans, fees, contract and performance guarantee to the satisfaction of the Bureau of Transportation Engineering and development for required street frontage improvements.	<b>Met.</b> A Public Works (WT 07-184945) has been submitted and this condition has been met as of May 22, 2008.
<input checked="" type="checkbox"/>	2. The applicant shall meet the requirements of the Site Development Section of the Bureau of Development Services for the decommissioning of the existing on-site sanitary sewer system serving parcel 1. The applicant must obtain and final a decommissioning permit.	<b>Met.</b> A Decommissioning Permit (SE 08-132877) was finalized on 5/29/08.
<input checked="" type="checkbox"/>	3. The applicant must be the requirements of Site Development and Bureau of Environmental Services to connect the existing house to the public sewer prior to final plat approval. If the house is connected, affirmative results of a dye test must be submitted to Site Development. A plumbing permit must be obtained and finalized prior to final plat approval to complete the connection to the public sewer.	<b>Met.</b> BES confirmed that the existing house was connected to the public sewer system on 3/15/04.
<input checked="" type="checkbox"/>	4. The applicant must obtain a finalized building permit for modifications to the existing house that will remain on proposed Parcel 1 that	<b>Met.</b> This condition has been met as of May 9, 2008.

	demonstrate compliance with the following standards in relation to the proposed new lot lines: 33.110.220 (Setbacks--specifically, the permit must show removal of sufficient portions of the house to meet the side setback requirement of 3 feet adjacent to the flag pole in the R5 zone).	
<input checked="" type="checkbox"/>	5. The applicant must meet the requirements of Site Development for the stormwater systems on the existing house to remain on parcel 1. Specifically, the gutters and downspouts must function properly, and they must direct water to an approved disposal point that meets setback requirements from the new lot lines. The applicant must call for an inspection whether a permit is required or not prior to final plat approval.	<b>Met.</b> This condition has been met as of May 29, 2008 per Site Development.
<input checked="" type="checkbox"/>	6. The applicant has shown a private access easement on the plat and needs to submit a maintenance agreement to be recorded with the plat. While this was not a condition of approval must meet the requirements of Site Development for the stormwater systems on the existing house to remain on parcel 1. Specifically, the gutters and downspouts must function properly, and they must direct water to an approved disposal point that meets setback requirements from the new lot lines. The applicant must call for an inspection whether a permit is required or not prior to final plat approval.	<b>Met.</b> While this was not a condition of approval under the preliminary land use decision, the applicant showed a private access easement on the plat, which requires a maintenance agreement. The applicant provided a maintenance agreement using the City's template.
<b>C. The following conditions are applicable to site preparation and the development of individual lots</b>		
<input type="checkbox"/>	1. Development on Parcel 1 and 2 shall be in conformance with the Tree Preservation Plan (Exhibit A.2) and the applicant's arborist report (Exhibit C.1). Specifically, trees numbered 1,4, 5, and 6 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.	
<input type="checkbox"/>	2. The applicant must meet the addressing requirements of the Fire Bureau for Parcel 2, the flag lot.	
<b>COMPLIANCE WITH FINAL PLAT APPROVAL STANDARDS</b>		
<b>Met</b>	<b>Approval Standard</b>	<b>Status</b>
<input checked="" type="checkbox"/>	<b>Conformance with Preliminary Plan:</b> The Final Plat must conform to the approved Preliminary Plan. Allowed variations are specified in Section 33.663.200 of the Zoning Code.	BDS has reviewed the proposed Final Plat against the list of allowed variations and has determined it conforms to the approved Preliminary Plan.
<input checked="" type="checkbox"/>	<b>Conditions of Approval:</b> The Final Plat must comply with all conditions of approval that apply to the Final Plat. All other conditions remain in effect.	As shown above, all of the conditions of approval have been met, or continue to remain in effect as noted.

☒	<p><b>Services:</b> All services must meet the requirements of the City Code.</p>	<p>The City service bureaus have given approval of the Final Plat, so all of the services meet the requirements of the City Code for the purposes of Final Plat approval.</p>
☒	<p><b>Dedications, tracts and easements:</b> All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded. All tracts and easements must be shown on the Final Plat and the requirements of Chapter 33.636, Tracts and Easements, must be met.</p>	<p>All required dedications of property to the City or the public are shown on the Final Plat, and will be dedicated with recording of the Final Plat. All required tracts and easements are shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, have been met.</p>
☒	<p><b>Sureties:</b> All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to –Final Plat approval.</p>	<p>All required sureties have been approved by the appropriate City bureaus.</p>
☒	<p><b>Maintenance Agreements and Covenants and Restrictions (CC&amp;Rs):</b> All maintenance agreements and CC&amp;Rs must be reviewed and approved by the Bureau of Development Services and the City Attorney prior to Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat within 90 day of the Final Plat approval.</p>	<p>The maintenance agreement(s) /CC&amp;Rs have been reviewed and approved by the BDS and the City Attorney. The approved document must be submitted to the County Recorder to be recorded with the Final Plat within 90 day of the Final Plat approval.  </p>



# ZONING



Site

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



NORTH

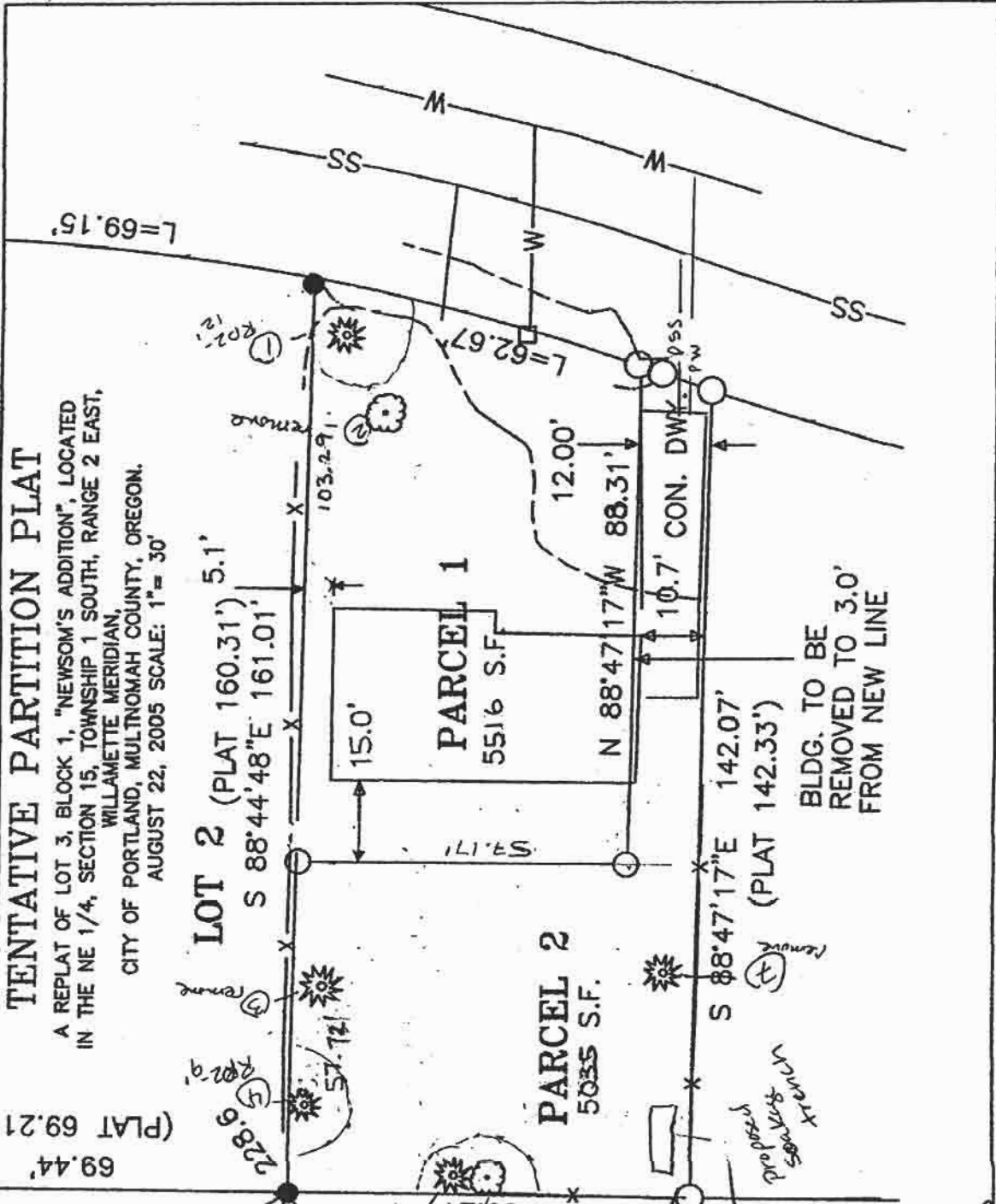
This site lies within the JOHNSON CREEK BASIN PLAN DISTRICT

File No.	FP 05-183039
1/4 Section	3542
Scale	1 inch = 200 feet
State-Id	1S2E15AB 9600
Exhibit	B (Jan 9, 2006)

05-183039 LU

FND. 1/2" I.P.  
PER PLAT  
HELD

**TENTATIVE PARTITION PLAT**  
A REPLAT OF LOT 3, BLOCK 1, "NEWSOM'S ADDITION", LOCATED  
IN THE NE 1/4, SECTION 15, TOWNSHIP 1 SOUTH, RANGE 2 EAST,  
WILLAMETTE MERIDIAN,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON.  
AUGUST 22, 2005 SCALE: 1" = 30'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael Manwell*

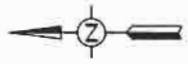
OREGON  
FEBRUARY 8, 2000  
MICHAEL L. MANWELL  
57148

RENEWS: 12-31-06

CASE NO. 05-183039 LDP  
EXHIBIT C.1

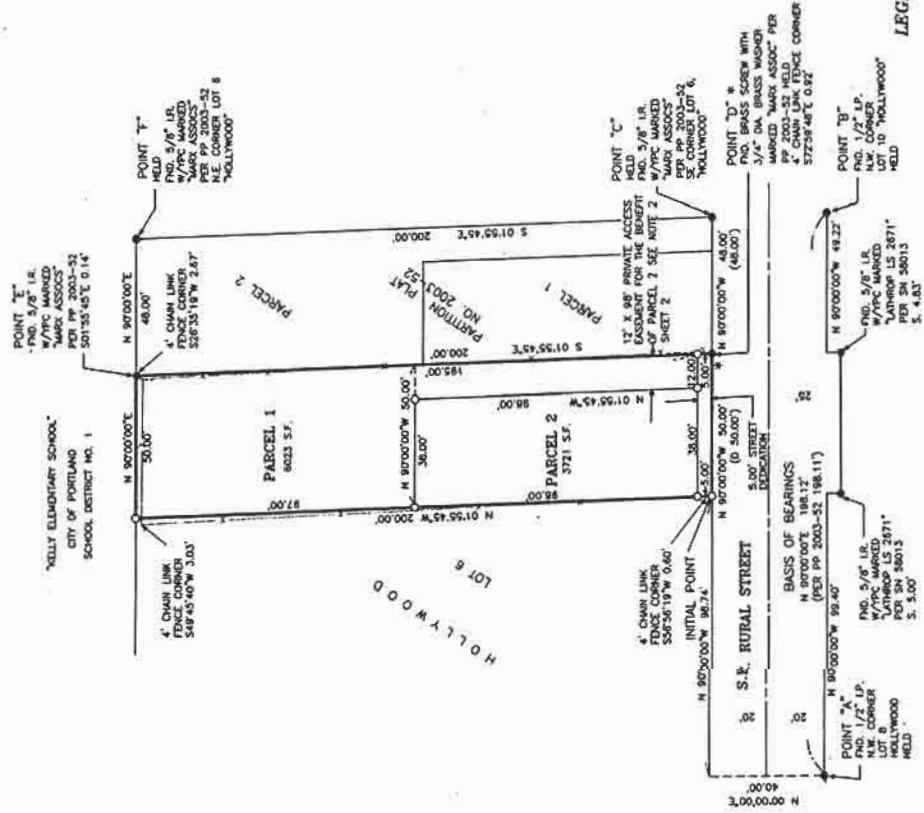
LU 05-183039 LDP





**PARTITION PLAT NO.**  
A REPLAT OF A PORTION OF LOT 6

"HOLLYWOOD"  
SITUATED IN THE NW 1/4 OF SECTION 21,  
TOWNSHIP 1 SOUTH, RANGE 2 EAST, W.M.,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON  
DATE: MARCH 3, 2008 SCALE: 1" = 30'



**NARRATIVE:**

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE SOUTH LINE OF THE TRACT DESCRIBED IN DOCUMENT NUMBER 2008-22080A, MULTNOMAH COUNTY DEED REGISTERED IN THE PUBLIC RECORDS OF MULTNOMAH COUNTY, OREGON, AS SHOWN ON THE DEDICATED TRACT OF LAND AS SHOWN ON THE WEST 50 FEET OF THE EAST 98 FEET OF LOT 6, OF THE DAILY RECORDED PLAT OF "HOLLYWOOD", MULTNOMAH COUNTY PLAT RECORDS.

RECORD MONUMENTS WERE TIED FROM AN OPEN EXISTING MONUMENT TO THE POINTS OF BEGINNING OF THE "HOLLYWOOD" EASEMENT AND THE POINTS BETWEEN POINTS "A" AND "B" HELD AS THE SOUTHERLY RIGHT OF WAY LINE OF S.E. RURAL STREET.

THE SOUTH LINE IS THE NORTHERLY RIGHT OF WAY LINE OF S.E. RURAL STREET AND WAS ESTABLISHED BY MONUMENTS AND A 5/8" IRON ROD PROJECTING THIS LINE WESTWARD.

THE EAST LINE WAS ESTABLISHED BY HOLDING POINT FOR THE SOUTHWEST CORNER AND THE EASTING OF 7' FOUND 5/8" IRON ROD NEAR THE NORTHEAST CORNER.

THE WEST LINE WAS ESTABLISHED BY THE FEED DISTANCE OF 50.00 FEET WEST OF AND PARALLEL TO THE EAST LINE.

THE NORTHERN LINE WAS ESTABLISHED BY HOLDING POINT "T" AND PROJECTING A LINE WESTERLY PARALLEL WITH THE SOUTH LINE.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Michael Lee Manwell*  
OREGON  
MICHAEL L. MANWELL  
37148  
EXPIRES: 12-31-08

I HEREBY CERTIFY THAT THIS TRACING IS AN EXACT COPY OF THE ORIGINAL PARTITION PLAT.  
I CERTIFY THAT THIS SURVEY MAP WAS PREPARED USING HP PRODUCT #51640A ON CONTINENTAL #PC442 POTLESTER FILM.

FP 05-183039  
CASE NO. 183039  
EXHIBIT C 2

**MICHAEL LEE MANWELL**  
Professional Land Surveyor  
2847 SE 18TH CIRCLE  
GRESHAM, OREGON 97090  
(503) 661-5270  
Email: mmanwell@psl.com

- LEGEND**
- FND. MONUMENT AS NOTED
  - SET 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "MANWELL LS 57148"
  - SH SURVEY NUMBER MULTNOMAH COUNTY SURVEY RECORDS
  - FND. FOUND
  - I.P. IRON PIPE
  - I.R. IRON ROD
  - PLAT DATA PER PLAT OF HOLLYWOOD
  - PP PARTITION PLAT NO.
  - W/YPC WITH YELLOW PLASTIC CAP
  - S.F. SQUARE FEET
  - \* ORIGINAL MONUMENT DESTROYED RESET WITH 5/8" BY 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "MANWELL LS 57148"

MA 08 67-0374 DATE: 02/03/2008