



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

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**DECISION OF THE HEARINGS OFFICER**

**I. GENERAL INFORMATION**

**File No.:** LU 08-140991 LDS (HO 4080035)

**Applicant:** J Mark Perkins,  
11471 SE Clover Ln  
Portland, OR 97266-6800

**Applicant's  
Representative:** Tom Sisul,  
Sisul Engineering  
375 Portland Ave  
Gladstone, OR 97027

**Hearings Officer:** Ian Simpson

**Bureau of Development Services (BDS) Staff Representative:** Paul Cathcart

**Site Address:** 10702 SE POWELL BLVD

**Legal Description:** E 133.98' OF W 267.96' OF LOT 14, MULTNOMAH BERRY RANCH

**Tax Account No.:** R592203830

**State ID No.:** 1S2E10CA 01900

**Quarter Section:** 3441

**Neighborhood:** Lents; Powellhurst-Gilbert

**Business District:** Midway

**District Coalition:** East Portland Neighborhood

**Plan District:** Johnson Creek Basin

**Zoning:** Residential 2,000 (R2a) with Alternative Design Density "a" Overlay Zone

**Land Use Review:** Type III Land Division Subdivision (LDS)

**BDS Staff Recommendation to Hearings Officer:** Approval with conditions

**Public Hearing:** The hearing was opened at 8:59 a.m. on November 17, 2008, in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, OR, and was closed at 9:44 a.m. The record was closed at that time.

**Testified at the Hearing:**

Paul Cathcart, BDS Staff Rep.

Tom Sisul, 375 Portland Ave., Gladstone, OR 97027

David Hyde, Lents Neighborhood Chair, PO Box 33574, Portland OR 97292

Sandy Hiles, 10618 SE Bush St., Portland OR 97266

Fabio de Freitas, Portland Department of Transportation (PDOT)

**Proposal:** The applicant proposes dividing the 52,333 square foot site into 18 lots for single family detached houses with a public street that would connect with SE Bush St. The lot sizes would be between 1,623 and 1,812 square feet. The proposed public street would provide 28 feet of paving within a 51-foot right-of-way and would provide parking on one side. The new street would not provide vehicular access but would provide pedestrian, bicycle, and emergency vehicle access to SE Powell Blvd. The applicant proposes to use the bonus density options of Section 33.120.265.C for three additional lots by providing three-bedroom units and installing crime prevention features in every unit. The existing development, consisting of ten manufactured houses, has been removed. The two existing trees on the site will be removed.

The subdivision proposal is reviewed through a Type III procedure because: (1) the site is in a residential zone; and (2) more than 11 lots are proposed.

State law considers this land division to be a partition. To partition land is to divide an area or tract of land into two or three parcels within a calendar year (ORS 92.010).

**Relevant Approval Criteria:** To be approved, the proposal must comply with the relevant Zoning Code approval criteria. The relevant criteria are contained in:

- Section 33.660.120, Approval Criteria for Land Divisions in an Open Space or Residential Zone
- Section 33.120.265, Amenity Bonuses.

## II. ANALYSIS

**Site and Vicinity:** The site is currently a through lot with frontage on SE Bush St. and SE Powell Blvd. The existing lot previously had ten manufactured homes with a private drive with access to SE Powell Blvd. The site is relatively flat and contains two trees, a deodar cedar and Sato cherry. Surrounding development consists of single-family homes on larger lots, multi-dwelling development, and light industrial.

**Zoning:** The R2 designation is one of the City’s multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-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 no prior land use reviews for the property.

## **ZONING CODE APPROVAL CRITERIA-**

### **CHAPTER 33.660 REVIEW OF LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES**

#### **33.660.120 Approval Criteria**

**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.**

**Findings:** Due to the site’s location and the nature of the proposal, staff determined that some of the criteria do not apply. The relevant approval criteria are below:

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

**Findings:** Chapter 33.612 contains the density and lot dimension standards for approval of a Preliminary Plan for a land division in the multi-dwelling zones. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses in accordance with the planned intensity of the zone.

#### **33.612.100 Density Standards**

- A. Single-dwelling or duplex development. When single-dwelling or duplex development is proposed for some or all of the site, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 120-3. Site area devoted to streets is subtracted from the total site area in order to calculate minimum and maximum density.**

**Findings:** The total site area shown on the applicant’s survey is 52,333 square feet. Site area devoted to streets is subtracted from the total site area in order to calculate the minimum and maximum density. The applicant will be required to dedicate approximately 10,902 square feet for right-of-way purposes to accommodate a new public street and along the frontages of SE Powell Blvd. and SE Bush St. Therefore, the resulting lot size for calculating density is 30,533 square feet.

All the lots are proposed for single dwelling development. The density requirements are:

Minimum = 30,533 square feet (site area) ÷ 2,500 (minimum density from Table 120-3) = 12.21 (which rounds down to a minimum of 12 units, per Section 33.930.020.A).

Maximum = 30,533 square feet (site area) ÷ 2,000 (maximum density from Table 120-3) = 15.26 (which rounds down to a maximum of 15 units, per Section 33.930.020.B).

**33.612.200 Lot Dimension Standards**

**A. Purpose. These standards ensure that:**

- **Each lot has enough room for development that meets all the requirements of the zoning code;**
- **Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible.**
- **The multi-dwelling zones can be developed to full potential; and**
- **Housing goals for the City are met.**

**Findings:** The dimensions of the proposed lots as compared to the required lot dimension standards are shown in the following table (this information is found in Chapter 33.612):

**R2 Zone Requirements**

Lot	Minimum Lot Area	Minimum Lot Width*	Minimum Front Lot Line	Minimum Lot Depth
	1,600 sq. ft.	None	10 ft.	None
1	1,677 sq. ft.	41 ft.	42 ft.	41 ft.
2	1,687 sq. ft.	40.75 ft.	40.75 ft.	41.4 ft.
3	1,617 sq. ft.	39 ft.	39 ft.	41.45 ft.
4	1,619 sq. ft.	39 ft.	39 ft.	41.52 ft.
5	1,622 sq. ft.	39 ft.	39 ft.	41.58 ft.
6	1,624 sq. ft.	39 ft.	39 ft.	41.64 ft.
7	1,818 sq. ft.	38 ft.	38.5 ft.	41.7 ft.
8	1,812 sq. ft.	38 ft.	38.21 ft.	41.8 ft.
9	1,726 sq. ft.	40.5 ft.	38.94 ft.	41.8 ft.
10	1,793 sq. ft.	44 ft.	45.16 ft.	41.8 ft.

11	1,665 sq. ft.	39.86 ft.	39.86 ft.	41.77 ft.
12	1,677 sq. ft.	40.21 ft.	40.21 ft.	41.71 ft.
13	1,675 sq. ft.	40.21 ft.	40.21 ft.	41.65 ft.
14	1,673 sq. ft.	40.21 ft.	40.21 ft.	41.59 ft.
15	1,670 sq. ft.	40.21 ft.	40.21 ft.	41.53 ft.
16	1,667 sq. ft.	40.21 ft.	40.21 ft.	41.46 ft.
17	1,623 sq. ft.	39.21 ft.	39.21 ft.	41.4 ft.
18	1,684 sq. ft.	41 ft.	42 ft.	41 ft.

\*Width is measured from the midpoints of the side lot lines.

Staff determined that the applicable lot standards are met. The Hearings Officer concurs with the staff and the approval criteria are met.

### **33.120.265 Amenity Bonuses**

- A. Purpose and description. Special amenity bonuses for increased density are intended to improve the livability of multi-dwelling developments for their residents and to promote family oriented multi-dwelling developments. The amenity bonuses are designed to allow additional dwelling units in a manner that is still consistent with the purposes of the multi-dwelling zones. The bonuses are applicable to a range of development sizes. However, they are more practical or workable for larger projects. Not all bonus options will be applicable for all situations. The amenity options are designed to provide incentives, while leaving the specific choices to the developer. Some options involve providing additional features, such as children's play areas. Others require improved materials, such as additional sound insulation.**

**The amount of the bonus for each option is a result of balancing several factors. These include:**

- **The likelihood that the amenity will be provided without the use of incentives;**
- **The potential cost to the developer; and**
- **The importance of the amenity.**

**Findings:** The applicant proposes to use the Amenity Bonus options of Sections 33.120.265.C.3 and C.6 to allow three additional lots. The Amenity Bonus option of Section 33.120.265.C.3 allows increasing the maximum density by ten percent if 20 percent or more of the development's units have at least three bedrooms. The applicant proposes providing three bedrooms in all new dwellings. A condition of approval will require that at least four units (20 percent of 18 units) be provided with three bedrooms.

The Amenity Bonus option of Section 33.120.265.C.6 allows increasing the maximum density by ten percent if all units have security features that comply with Items 1 through 6 of the Police Bureau’s Residential Security Recommendations. The applicant proposes installing these security measures in all units. A condition of approval will require that the Police Bureau approve the building permits for all units, to ensure that the residential security recommendations will be installed. Increasing the density by 20 percent as allowed by these amenity bonus options would allow a maximum density of 18 lots (15 units \* 1.2 = 18).

The Powellhurst-Gilbert Neighborhood Association response (Exhibit F-1) raised a desire to have premium exterior building materials required as a condition to allow the increased density sought from the Johnson Creek ‘A’ zone. Staff responded that the applicant is seeking three additional lots through the amenity bonus options of Section 33.120.265. The building permit plans will be reviewed for compliance with these amenity bonus options. The options chosen by the applicant do not require using premium building materials.

Staff determined that with the conditions noted above, the density standards could be met. The Hearings Officer concurs with the staff and the approval criteria are met with conditions.

**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 chapter’s requirements. The arborist report (Exhibit A.6) found that none of the trees are exempt. The report identifies the following trees on the site:

<b>Tree #</b>	<b>Species</b>	<b>Diameter (inches)</b>	<b>Significant? (On Table 630-1)</b>	<b>Exempt? (per 33.630.030)</b>	<b>To be retained?</b>	<b>RPZ (Root Protection Zone)</b>
<b>1</b>	Deodar cedar	9	No	No	No	NA
<b>2</b>	Sato cherry	7	No	No	No	NA

The site has 16 inches of non-exempt tree diameter. The applicant does not propose to preserve either of the trees as they are located in required rights-of-way for public streets. The applicant has proposed using the mitigation option of Section 33.630.300:

**33.630.300 Mitigation Option**

**As an alternative to meeting Section 33.630.100, approval of a mitigation plan may be requested. The review body will approve the mitigation plan where the applicant has shown that the applicant has met criteria A. and B. and one of the criteria in C., below:**

- A. As many trees as possible are preserved; and**
- B. The applicant has submitted a mitigation plan that adequately mitigates for the loss of trees, and shows how the mitigation plan equally or better meets the purpose of**

**this chapter. Mitigation can include tree planting, preservation of groups of smaller trees, eco-roof, porous paving, or pervious surface permanently preserved in a tract.**

- C. It is not possible under any reasonable scenario to meet Section 33.630.100 and meet one of the following:**
- 1. Minimum density;**
  - 2. All service requirements of Chapters 33.651 through 33.654, including connectivity;**
  - 3. Implementation of an adopted street plan;**
  - 4. On sites 15,000 square feet or less in area, a practicable arrangement of lots, tracts, and streets within the site that would allow for the division of the site with enough room for a reasonable building site on each lot;**
  - 5. In E and I zones, provide a practicable arrangement of lots, tracts, and streets within the site that would allow for the division of the site with enough room for a reasonable building site on each lot, considering the uses and development allowed in the zone; or**
  - 6. Preserve the trees within the environmental zones on site while providing a practicable arrangement of building sites and disturbance area.**

Staff determined that the site's two trees are located in required future public rights-of-way and cannot be preserved. The Hearings Officer finds that the applicant has met Criteria A, because as many trees as possible will be preserved.

The arborist report (Exhibit A.6) indicates that the applicant proposes to plant 11, 1 ½ inch trees on the site. To meet Option 1 of the tree preservation requirements, only six inches of tree diameter would be required on the site. However, Section 33.248.020.H, known as the T1 tree planting standard, requires trees to be planted on new lots as part of the approval of future building permits. The T1 tree standard requires planting at least three inches of tree caliper on lots less than 3,000 square feet, which would result in three inches of new trees planted for each of the proposed lots, or 54 inches of tree diameter for the entire site. Because of the small lot sizes it is not practical for additional trees beyond the T1 standard to be planted without jeopardizing the overall health of all of the site's trees. Therefore, the mitigation trees may be counted toward meeting the T1 requirement on the new lots.

Allowing the trees that meet T1 standards to count as tree mitigation would:

- Provide for the caliper inches required to meet Option 1 of the Tree Preservation Chapter. Option 1 would require that 35% or six inches of the existing tree diameter on site be preserved. The addition of 54 inches on the site overall would surpass the six inches that would be required to be preserved.
- Requiring the replacement trees to be native species, chosen from the Portland Plant List, will help to foster and maintain the City's natural heritage.

- The dispersion of the T1 trees on each lot allows more areas of the site to reap the benefits of trees that are described in the purpose statement for the Tree Preservation Chapter. In addition, the trees will grow to provide additional benefits.

Staff determined that Criteria B is met with a condition of approval requiring that trees be planted to the T1 standard on Lots 1-18 before final building permit approval for new houses on these lots. The Hearings Officer finds that the applicant has met this criterion with a condition of approval.

The Portland Office of Transportation (Portland Transportation) requires that the site provide a partial public street. The Oregon Department of Transportation (ODOT) requires right-of-way dedications and frontage improvements on SE Powell Blvd. Both trees on the site are located in areas that will be impacted by the required street dedication and improvements. Without these trees available for preservation, the applicant cannot meet any of the tree preservation options in Section 33.630.100. Staff determined that the applicant cannot meet the connectivity requirements of Chapter 33.654 and still preserve the required number of tree inches. The Hearings Officer concurs with staff and finds that Criterion C.2 is met.

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

**33.635.100 Clearing and Grading Approval Criteria**

**The Preliminary Clearing and Grading Plan must meet the following approval criteria:**

- 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, and tree preservation requirements. The regulations also limit the impacts of erosion and sedimentation to help protect water quality and aquatic habitat.

The site is relatively flat, and is not located within a potential landslide hazard area. However, a new public street and associated stormwater system is proposed, which will require site grading.



The Preliminary Clearing and Grading Plan (Exhibit C.5) depicts the proposed work, including existing and proposed elevation contours, soil stockpile areas, and undisturbed areas consistent with the overall limits of disturbed area.

The proposed clearing and grading shown represents a minimal amount of change to the site's existing contours and drainage patterns to provide for a level street surface. The contour changes should not increase runoff or erosion because all of the erosion control measures shown on the grading plan must be installed before starting the grading work. Stormwater runoff from the new street and lots will be appropriately managed by infiltration swales for the street and drywells on the lots to assure that the runoff will not adversely impact adjacent properties.

The proposed clearing and grading is sufficient to construct the new street and prepare the lots without being excessive. The limits of disturbance does not extend more than five feet outside of the area proposed for the street, which will allow for a reasonable maneuvering area for earth-moving equipment needed to level the street and an adequate area to stockpile excess material.

The Site Development Section of the Bureau of Development Services (Site Development) requires that the applicant apply for a Site Development Permit for mass grading and utility construction in the new public street right-of-way. The permit application must include a final clearing and grading plan that is consistent with the preliminary clearing and grading plan approved with the land division. Staff determined that with a condition of approval that the applicant's final clearing and grading plan is consistent with the preliminary clearing and grading plan with the changes noted above, this criterion is met. The Hearings Officer concurs with staff and finds that this criterion is met.

### **33.635.200 Land Suitability Approval Criterion**

**Where geologic conditions or historic uses of the site indicate that 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.**

**Findings:** The site has been used as a manufactured home park, and there is no record of any other use in the past. The applicant removed the existing manufactured homes. In order to ensure that the new lots are suitable for development, a plumbing permit must be finalized to cap the existing party sanitary sewer before final plat approval. In addition, there are two drywells on site that dispose of the stormwater from the existing driveway. These drywells must be removed before final plat approval. Staff determined that with conditions the new lots can be considered suitable for development. The Hearings Officer concurs with staff and finds that this criterion is met with conditions.

**I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met.**

### **33.639.010 Purpose**

**The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.**

**33.639.020 Where These Approval Criteria Apply**

**The approval criteria of this chapter apply to lots for single-dwelling detached development created as part of a land division proposal in all zones. Where it is not practicable to meet both the approval criteria of this chapter and the standards and approval criteria of other chapters in the 600.s, the regulations of the other chapters supersede the approval criteria of this chapter.**

**33.639.100 Solar Access Approval Criteria**

**All of the following approval criteria must be met:**

- A. On streets that are within 30 degrees of a true east-west axis ... the narrowest lots should be:
  - 1. Interior lots on the south side of the street. See Figure 639-2; and**
  - 2. Corner lots on the north side of the street. See Figure 639-3.****
- B. On streets that are within 30 degrees of a true north-south axis, the widest lots should be interior lots on the east or west side of the street ...**

**Findings:** Installing SE 107<sup>th</sup> Ave., a north-south through street, will create two intersections with east-west streets, SE Bush St. and SE Powell Blvd. Proposed Lots 2-8 and 11-17 are on the east and west side respectively of the new public street and are considered interior lots (not on a corner). With the exception of Lots 7 and 8, these interior lots are not the widest lots on the east and west side of the new street and therefore do not meet the requirements of Section 33.639.100.B. Staff determined that there is sufficient area within the site to meet these criteria and provide the required building setbacks within each lot. A condition will require that before final plat approval the width of Lots 2-6 and 11-17 increase and the width of Lots 1, 9, 10, and 18 decrease to ensure that the corner lots have a narrower width than the interior lots. The Hearings Officer finds that these criteria are met.

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

**33.641.010 Purpose**

**The regulations of this chapter 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. The purpose of a**

**transportation impact study is to assess the effects of routing or volume of traffic in the vicinity of the site on traffic conditions, transit, pedestrian and bicycle movement, and neighborhood livability.**

**33.641.020 Approval Criterion**

**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:** Portland Transportation required a traffic study to ensure there is adequate traffic capacity in adjacent street intersections to accommodate the traffic from the proposed lots.

The site has approximately 134 feet of frontage on SE Bush St. and 136 feet of frontage on SE Powell Blvd. SE Bush St. is classified as a local service street for all modes in the Transportation Systems Plan (TSP) and is also a City Walkway. SE Powell Blvd. is classified as a Major City Traffic Street, Transit Access Street, City Bikeway, City Walkway, and Regional Corridor Street in the TSP. SE Powell Blvd. is also a state highway (US 26). TriMet provides frequent transit service on SE Powell Blvd. via Bus 9. Parking is currently allowed on SE Bush St. on both sides. Parking is not allowed on SE Powell Blvd. There is one driveway entering the site from SE Powell Blvd. that provided access to off-street parking for the mobile homes that previously occupied the site. The site is currently vacant and has no existing off-street parking spaces.

SE Bush St. is improved with a paved roadway, curbs, planting strip and sidewalk. Portland Transportation determined that if the sidewalk is damaged during construction, it must be reconstructed to the six foot wide sidewalk required in the 12-foot sidewalk corridor for SE Bush St. This will ensure that safe pedestrian travel is possible within the proposed development. To accommodate these future improvements, additional right-of-way must be dedicated along the frontage of SE Bush St. With those improvements, 18 additional dwelling dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

Southeast Powell Blvd. is improved with a paved roadway, curbs, planting strip and sidewalks. SE Powell Blvd. is a state highway and ODOT has right-of-way control of the street. ODOT has determined that curb, sidewalk, bikeway, and street widening improvements must be made in order to be consistent with the planned improvements to SE Powell Blvd. in the city's TSP. To accommodate these improvements, additional right-of-way must be dedicated along the frontage of

SE Powell Blvd. With these improvements, 18 additional dwellings can be safely served by this existing street without having any significant impact on the level of service provided.

In addition to the existing street frontages, a new partial public street is proposed to provide access to Lots 1 through 18. The street is anticipated to serve the vehicle traffic, pedestrians and bicyclists accessing these lots. Portland Transportation has determined that the proposed street width and improvements are sufficient to serve these expected users. The applicant must provide plans and financial assurances to construct the street before final plat approval. In addition, the right-of-way dedication necessary to accommodate the new public street must be shown on the final plat.

The traffic impact study shows that adjacent street intersections have sufficient traffic capacity to accommodate the additional peak hour vehicle trips generated by the proposed lots. The temporary access restriction to SE Powell Blvd. will improve the safety of local traffic as it eliminates turning movement conflicts between state highway and a local access street. Future improvements to the intersection of the new public street and SE Powell Blvd. or a detailed study of turning movements at this intersection may allow a through street connection in the future. The hammer-head turn-around provided in the public right-of-way will safely accommodate all expected users, including larger trucks, such as garbage trucks and delivery vehicles that will not have to negotiate the higher traffic volume on SE Powell Blvd. The pedestrian access to SE Powell Blvd. will allow access to frequent transit service on SE Powell Blvd. Proposed on-street parking on the new public street, the available on-street parking on SE Bush St. and the proposed on-site parking for the project should minimize parking conflicts. The proposed access to the site from SE Bush St. also provides shorter connections to the public parks and public schools on SE Bush St. for future residents of the development.

The Lents Neighborhood Association provided a response (Exhibit H-7) raising a concern about the proposed 18 lots being accessed via SE Bush St. and not via SE Powell Blvd. The neighborhood association stated that the traffic from the project will add excessive traffic to a street already carrying a heavy traffic load from two schools and existing multi-family units. The schools also create pedestrian traffic that is forced to walk in SE Bush St. due to the incomplete sidewalks. The neighborhood association requested that the project retain vehicle access to SE Powell Blvd. only and not to SE Bush St., and only provide pedestrian access to SE Bush St.

A neighbor, Sandy Hiles, raised a concern with access to SE Bush St. Currently, pedestrians and bicyclists from SE Bush have access to the site via a gate. Vehicles do not have access from SE Bush. The sidewalks on SE Bush are incomplete and there are two public schools nearby. Ms. Hiles was concerned that opening access to the site's new street from SE Bush and the potential for access from SE Powell Blvd. would create a new through street from SE Powell into the neighborhood. This would bring more traffic into the residential neighborhood.

Fabio de Freitas, representing Portland Transportation, stated during the hearing that ODOT wants alternative access to SE Powell Blvd. because driveway and spacing requirements are not met where SE 107<sup>th</sup> Ave. would connect with the state highway. Mr. de Freitas stated that the applicant's traffic impact study indicated that major street intersections adjacent to SE Bush St. will

continue to operate at well above minimum performance standards. As to the incomplete sidewalks on SE Bush St., Mr. de Frietas stated that the city can only require the applicant to build or rebuild sidewalks adjacent to the subject site. The applicant's traffic impact study shows have sufficient traffic capacity to accommodate the additional peak hour vehicle trips generated by the proposed lots.

Staff determined that with the conditions of approval described above, this criterion is met. The Hearings Officer concurs with staff and finds that the criterion is met.

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

**33.651.020 Water Service Standard**

**Water service must meet the standard of this section. Adjustments are prohibited. The Water Bureau or District and the Fire Bureau have verified that water facilities with adequate capacity and pressure are available to serve the proposed development.**

**Findings:** An existing 8-inch water main is available in SE Bush St. and a 12-inch water main is available in SE Powell Blvd. The applicant must make arrangements to extend a new water main in SE 107<sup>th</sup> Ave. to ensure service is available to Lots 1-18. In order to meet the standards of 33.651 and the technical requirements of Title 21, appropriate plans and assurances must be provided to the Portland Water Bureau before final plat approval (Exhibit E-3). The Hearings Officer finds that with conditions of approval the water service standard is met.

**33.652.020 Sanitary Sewer Disposal Service Standards**

**Sanitary sewer disposal service must meet the standards of this section. Adjustments are prohibited.**

**A. Availability of sanitary sewer.**

- 1. The Bureau of Environmental Services has verified that sewer facilities are available to serve the proposed development; or**
- 2. BDS has approved the use of a private on-site sanitary sewage disposal system.**

**B. Public sanitary sewage disposal. Where public sewer facilities are available to serve the proposed development, the Bureau of Environmental Services has preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system. The approval is based on the Sewer Design Manual; and**

**C. Private sanitary sewage disposal. Where private on-site sanitary sewage disposal is proposed, BDS and Environmental Services have preliminarily**

**approved the location, design, and capacity of the proposed sanitary sewage disposal system.**

**Findings:** There is an existing 8-inch PVC public sanitary sewer located in SE Bush St. and an eight inch PVC public sanitary sewer located in SE Powell Blvd. that can serve the sanitary needs of the proposed lots. The applicant must obtain a public works permit to extend the public sewer into SE 107<sup>th</sup> Ave before final plat approval (Exhibit E-1).

An existing party sewer served the manufactured homes that previously occupied the site. The applicant must finalize a plumbing permit to cap this existing party sewer connection. All plumbing permits must receive final inspection approval before final plat approval.

The Hearings Officer finds that with conditions of approval the Sanitary Sewer Disposal Service Standards are met.

**33.653.020 Stormwater Management Approval Criteria**  
**Stormwater management must meet the following 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, and so criterion “A” does not apply. Stormwater from development must be cleaned and disposed of in a manner that meets the requirements of the City's *Stormwater Management Manual*. The applicants proposed the following stormwater management methods (Exhibit C-4) and agencies responded as follows (Exhibits E-1 and E-5):

- **Public Street Improvements:** As a condition of approval, Portland Transportation requires the applicant to construct a new north/south public street to city standards with curbs and sidewalks. Stormwater from these new impervious areas will be directed into an eight foot wide infiltration swale located between the curb and the new sidewalk on the east side of the new public street. The Bureau of Environmental Services (BES) has indicated that surface infiltration is the preferred method of public stormwater disposal. BES has confirmed that the proposed swale is of a size and proposed design that is adequate to provide infiltration for the quantity of water generated from the new impervious areas.

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

In addition, Portland Transportation is requiring the applicant to improve the site's frontage on SE Bush St. to city standards if the current sidewalk is damaged during construction. A 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 *Stormwater Management Manual* requirements. ODOT is requiring the applicant to improve the frontage of SE Powell Blvd. to ODOT standards to be consistent with improvements needed to match the city's TSP for SE Powell Blvd. The applicant is proposing grass-crete pavers to manage the stormwater from the frontage improvements. BES has indicated that an appropriate method of managing the stormwater will need to be determined before final plat approval.

- Lots 1-18: Stormwater from these lots will be directed to individual drywells that will treat the water and slowly infiltrate it into the ground. Each 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 drywells. To ensure that the size and setback requirements of the *Stormwater Management Manual* can be met, specific information regarding future building footprints and the location for stormwater facilities shall be provided on the supplemental site plan before final plat approval.

The Hearings Officer finds that with conditions of approval the stormwater management criteria are met.

### **33.654.110 Connectivity and Location of Rights-of-Way**

#### **B. Approval criteria.**

- 1. 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 104<sup>th</sup> Ave., 615 feet to the west, and SE 112<sup>th</sup> Ave, 11,250 feet to the east. There are no other north/south through streets between these two streets. Given that the criterion above recommends that through streets be no more than 530 feet apart, there should be a north-south through street provided in the site's vicinity.

The Powellhurst-Gilbert Neighborhood Association submitted a response (Exhibit F-1) raising a concern about the lack of connectivity of SE 107<sup>th</sup> Ave. to SE Powell Blvd. Staff responded that ODOT has restricted vehicular access from SE 107<sup>th</sup> Ave. to SE Powell Blvd, which is a state highway. The highway approach conditionally approved by ODOT allows only bicycle, pedestrian and emergency vehicle access to SE Powell Blvd. (Exhibit E-8.b). The new public street will remain temporarily access restricted from and onto SE Powell Blvd.

The right-of-way for a through street connection has been provided and future improvements to provide this connection may be made if ODOT constructs improvements to the right-of-way of SE Powell Blvd. The connection may also be provided if SE 108<sup>th</sup> Ave. to the north is re-aligned with SE 107<sup>th</sup> Ave. to provide safer turning movements into the proposed subdivision. The connection may also be provided if the applicant demonstrates that providing a new public through street with access onto SE Powell Blvd. will satisfy the state's safety concerns.

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 new public street. These new sidewalks will provide a straight-line connection on which users will be able to see the ending of the pedestrian route from the entrance.

The Hearings Officer finds that this criterion is met.

- 2. Dead-end streets in OS, R, C, and E zones. In OS, R, C, and E zones, deadend streets may be provided where through streets are not required. Dead-end**



**streets should generally not exceed 200 feet in length, and should generally not serve more than 18 dwelling units. Public dead-end streets should generally be at least 200 feet apart.**

**Findings:** The proposal includes a public dead-end street and pedestrian connection, which will be located in the new public right-of-way. A new public north-south through street is not currently allowed by ODOT in this location. The public dead-end street will serve 18 dwelling units and it is approximately 369 feet long from the frontage along SE Bush St. to its terminus at the north end. This dead-end street may become a through street in the future should improvements be made to allow a safe alignment with SE 108<sup>th</sup> Ave., or the applicant can demonstrate a new public street connection to SE Powell Blvd. can meet ODOT's safety criteria.

The Hearings Officer finds that this criterion is met.

### **33.654.120 Design of Rights-of-Way**

#### **C. Local street approval criteria and standards. The following approval criteria and standards apply to all local service streets except for common greens and shared courts:**

- 1. Approval criterion for width of the right-of-way. The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features.**

**Findings:** A new public street will serve the new lots. The street is proposed to have a 51 foot wide right-of-way. This is sufficient to provide room to construct a 28-foot wide paved roadway that allows two travel lanes, parking on one side, two 6-inch curbs, an 8-foot wide planter strip on the east side of the street and a 6-foot wide sidewalk on each side of the street. The applicant will be disposing of stormwater from the street in an infiltration swale on the east side of the street located in the area where the standard planter strip would be located. The proposed planter strip has been sized to accommodate this stormwater facility. The applicant has proposed a 51 foot wide right-of-way dedication that corresponds to these improvements. Portland Transportation has indicated that these improvements and dedication width are acceptable.

The Hearings Officer finds that this criterion is met.

#### **3. Standards for turnarounds.**

- c. The following approval criteria and standard applies to permanent and temporary turnarounds:**

**(1) Approval criteria. The turnaround must:**

- **Be of a size to accommodate expected users, taking into consideration the characteristics of the site such as existing structures, natural features, the length of the street, and the number of housing units served by the street;**
- **Minimize paved area;**
- **Provide adequate area for safe vehicular movement; and**
- **Provide adequate area for safe and convenient movement by bicyclists and pedestrians traveling on the street or traveling from the street to a pedestrian connection.**

**Findings:** A hammer-head turn-around is proposed in the new public street between Lots 7 and 8. The conditional access control permitted by ODOT will allow emergency vehicle access via removable bollards at the northern terminus of the new public street. Therefore a turn-around is not needed for emergency vehicles within the right-of-way. To demonstrate that the size and configuration of the turn-around is sufficient to accommodate expected users, the applicant has provided evidence that the solid waste hauler serving the area will be able to use the turn-around (Exhibit A-7). Portland Transportation has indicated that the size and configuration of the turn-around are adequate to provide safe vehicular and bicycle movement for the 18 new lots that will use the public street. The sidewalk provided along the eastern side of the street continues north of the turn-around to the terminus of the new street, providing safe and convenient pedestrian access along the public street and from the site's interior to the abutting sidewalk along the frontage of SE Powell Blvd. The proposed public street right-of-way has been sized to provide adequate room for the turn-around.

The Hearings Officer finds that this criterion is met.

**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:** Any easements that may be needed for private utilities that cannot be accommodated within the proposed 51-foot width of the right-of-way of SE 107<sup>th</sup> Ave. can be provided on the final plat. Staff determined that no specific utility easements adjacent to the right-of-way have been identified as being necessary.

The Hearings Officer finds that this criterion is met. The Hearings Officer finds that, with conditions, the Services and Utilities criteria are met.

## **ADDITIONAL CONDITIONS**

### **33.800.070 Conditions of Approval**

**The City may attach conditions to the approval of all discretionary reviews. However, conditions may be applied only to ensure that the proposal will conform to the applicable approval criteria for the review or to ensure the enforcement of other City regulations.**

**Findings:** The following development and technical standards apply. Conditions of approval based on these standards are included in this decision.

### **33.120.270 Alternative Development Options**

#### **D. Detached houses.**

- 1. Reduced side setbacks. For land divisions that include lots created for detached houses, where the lots are at least 25 feet wide, the detached houses may have their side setbacks reduced to 3 feet on lot lines internal to the land division site. The reduced side setbacks must be shown on the supplemental plan of the land division at the time of final plat approval. All building setbacks around the perimeter of the land division site are those of the base zone.**

**Findings:** The applicant is applying the above section to reduce the interior side setbacks of the lots to three feet. A condition of approval will require that the reduced side setbacks are shown on a supplemental survey for the land division during final plat approval.

### **33.700.015 Review of Land Divisions**

#### **A. Adjustment review required for existing development**

- 1. Conforming development. If a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. If an adjustment to the regulation is prohibited, the land division is prohibited.**
- 2. Nonconforming development. If a proposed land division will cause nonconforming development to move further out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. If an adjustment to the regulation is prohibited, the land division is prohibited.**

**Findings:** The applicant has removed all of the existing manufactured homes on the site. Dividing the site will not cause any structures to move out of conformance or further out of conformance with any development standard applicable in the R2 zone.

### **Fire Bureau Standards**

The applicant must provide a fire access way to the Fire Bureau's satisfaction or the height of the new structures shall be limited to 30 feet, measured to the gutter line. The proposed bollards and surface treatment on SE Powell Blvd. must meet Fire Bureau requirements and be approved through the site development permit for the public street. The applicant must meet Fire Bureau requirements to post "No Parking" signs on the east side of the public street. These requirements are based on the technical standards of Title 31 Fire Regulations.

### **III. CONCLUSIONS**

The applicant has proposed an 18-lot subdivision with a public street (Exhibit C-3). The primary issues identified with this proposal are:

- Using amenity bonus provisions to obtain an additional 3 lots.
- Constructing a new partial public street through the site, and extending public water and sewer mains within this street.
- Revising the final plat to meet solar access requirements.

The Hearings Officer finds with conditions of approval this proposal can be approved.

### **IV. DECISION**

**Approval** of a Preliminary Plan for an 18-lot subdivision that will result in 18 lots for detached or attached housing with a new public street as illustrated with Exhibit C-3, 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 Review, BES, and Site Development review and approval. The 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 during final plat application.
- Any driveways and off-street vehicle parking areas on the site during final plat application.
- The proposed general location of future building footprints and stormwater facilities for each of the vacant lots.
- The proposed interior side setbacks for all of the lots if the reduced setback provisions of Section 33.120.270.D.1 are intended to be used.
- Any other information specifically noted in the conditions listed below.

**B. The final plat must show the following:**

1. The applicant shall meet City Engineer street dedication requirements for the new north/south public street (Exhibit C.1) and SE Bush St. The applicant shall meet ODOT street dedication requirements for SE Powell Blvd. The required right-of-way dedication must be shown on the final plat.
2. Lot widths that meet the solar access criteria of Section 33.639.100.B. Lot dimensions are allowed to exceed the approval standards of Section 33.663.200.A on the final plat.

**C. The following must occur before final plat approval:**

**Streets**

1. The applicant shall meet City Engineer requirements to obtain a public works permit to construct the new north/south public street. The applicant shall also construct the sidewalk on SE Bush St. to Portland Transportation standards if damaged during construction. The applicant must provide plans and financial assurances to construct this street. The applicant must also obtain all required permits from ODOT to install any required street improvements on SE Powell Blvd.
2. The applicant shall obtain a Public Works Permit to construct the swale intended to serve the new north/south public street. The applicant must also provide engineered designs and financial guarantees of performance for the swale before final plat approval.
3. The applicant shall apply for a Site Development Permit for mass grading and utility construction for the new public street and related site development improvements. Street design plans must be prepared by, or under the direction of, an Oregon licensed civil engineer. The final grading plan must be consistent with the preliminary grading plan approved with this decision.

**Utilities**

4. The applicant shall meet BES requirements to extend a public sewer main in the new public street, SE 107<sup>th</sup> Ave. The public sewer extension requires a Public Works Permit, which must be initiated before final plat approval. In addition, the applicant must provide BES with engineered designs and performance guarantees for the sewer extension before final plat approval.
5. The applicant shall meet Water Bureau requirements to provide plans and financial assurances for the water main extension in the new public street.

### **Existing Development**

6. The applicant must obtain approval of a plumbing permit to remove the existing party sewer.
7. The applicant must obtain final approval of a decommissioning permit to decommission the site's two existing drywells.

### **Required Legal Documents**

8. The applicant shall execute a covenant with the city describing the amenities that will be provided to achieve three extra units of density for the site (per Section 33.120.265) and stating that the amenities must be retained over the life of the project. The covenant must comply with the standards of Section 33.700.060 and be recorded with Multnomah County before final plat approval.

### **D. The following conditions apply to site preparation and developing individual lots:**

1. Building permit plans to develop the lots must show compliance with the amenity bonus options as outlined in Section 33.120.265. The following bonus options must be met:
  - Three bedroom units (at least 20% or four units) – 10 percent. The first four units shall be built with three bedrooms.
  - Security features that comply with items 1 through 6 of the Residential Security Recommendations of the Portland Police Bureau as well as exterior lighting which complies with the lighting standards of the Crime Prevention Division of the Portland Police Bureau. Building permit plans for each lot must be reviewed and approved by the Portland Police Bureau for compliance with these standards.
2. Vehicle access to Lots 1 and 18 must be from SE 107<sup>th</sup> Ave.
3. The applicant must provide a fire accessway to the Fire Bureau's satisfaction or the height of the new structures shall be limited to 30 feet, measured to the gutter line.
4. The proposed bollards and surface treatment on SE Powell Blvd. must meet Fire Bureau requirements and be approved through the site development permit for the public street.
5. The applicant must meet Fire Bureau requirements to post "No Parking" signs on the east side of the new public street.
6. Trees shall be planted on Lots 1-18 meeting the T1 standard, and must all be native species chosen from the Portland Plant list.

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Ian Simpson, Hearings Officer

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Date

<b>Application Deemed Complete:</b>	September 5, 2008
<b>Report to Hearings Officer:</b>	November 7, 2008
<b>Decision Mailed:</b>	December 3, 2008
<b>Last Date to Appeal: 4:30 p.m.,</b>	December 17, 2008
<b>Effective Date (if no appeal)</b>	December 18, 2008 Decision may be recorded on this date.

**Conditions of Approval.** 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.

**Appeal of the decision.** ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE FILED AT 1900 SW 4<sup>TH</sup> AVENUE, PORTLAND, OR 97201 (823-7526). Until 3:00 p.m., Monday through Friday, the appeal may be filed at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., the appeal may be filed at the Reception Desk on the 5th Floor. **An appeal fee of \$7,151.00 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

**Who can appeal:** A party may appeal the decision only if the party wrote a letter which is received before the close of the record on hearing or if the party testified at the hearing, or if the party is the property owner or applicant. If anyone appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

**Appeal Fee Waivers:** Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations which wish to qualify for a fee waiver must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it before the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved before the appeal is filed; please allow three working days for fee waiver approval.

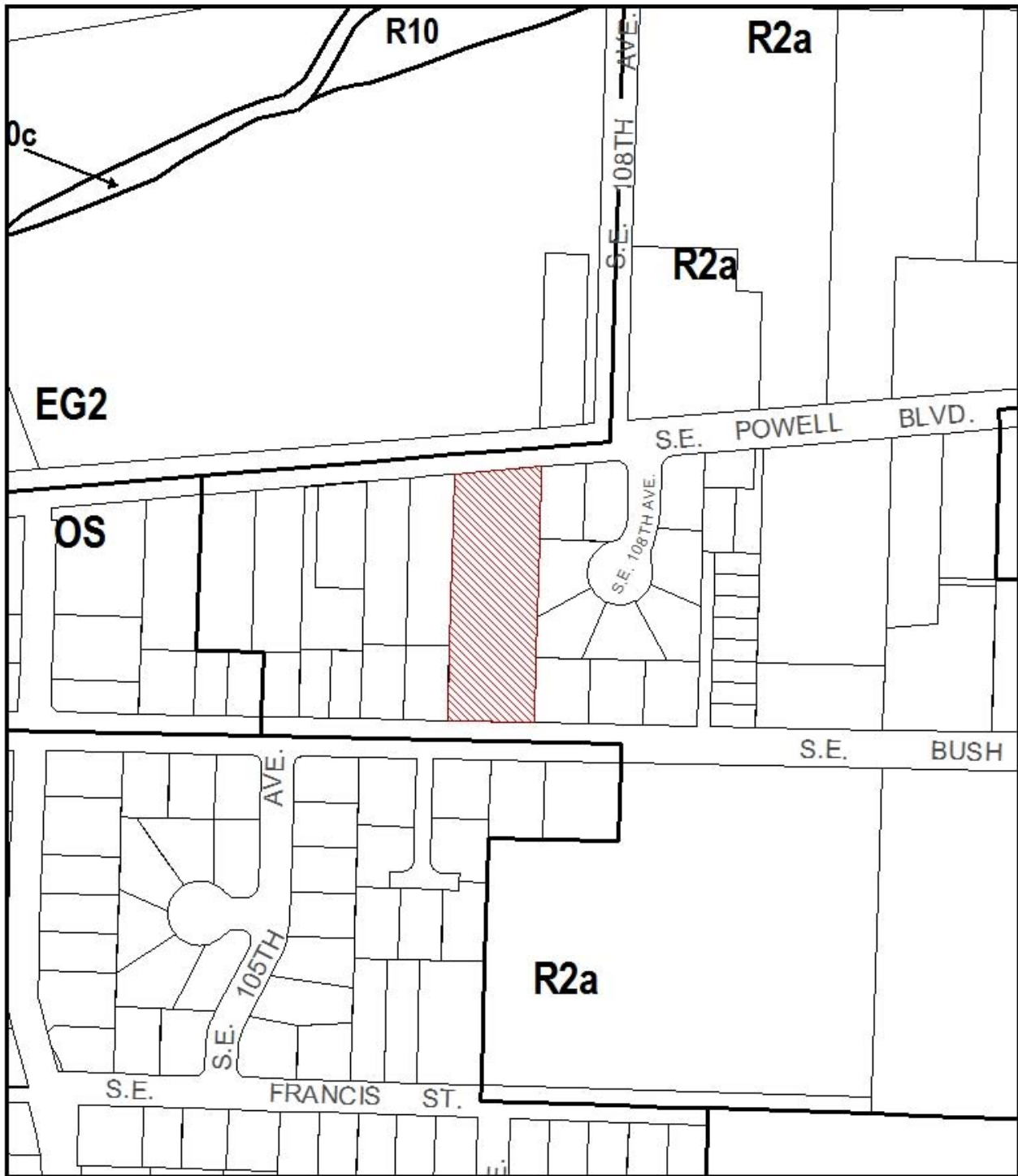
**Recording the land division.** The final land division plat **must** be submitted to the City **within three years** of the date of the City's final approval of the preliminary plan. This final plat must be recorded with the County Recorder and Assessors Office after it is signed by the Planning Director 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 Submittals:
  - 1. 120-day waiver signed October 6, 2008
  - 2. Response findings to applicable criteria and standards
  - 3. Letter to Tom Sisul from Jim Schwager, Supervising Engineer, Portland Fire & Rescue dated June 19, 2008 regarding 10702 SE Powell Blvd. Appeal, ID #5205; Case 07-63
  - 4. Letter to City of Portland Bureau of Development Services from Thomas J. Sisul, P.E. dated June 24, 2008 regarding Kelly Butte Court; J.O. SGL 06-181
  - 5. Report of Infiltration Testing prepared by Professional Service Industries, Inc. dated June 20, 2007
  - 6. Letter to Paul Cathcart from Diane Downs dated September 4, 2008 regarding land use review LU 08-140991 LDS; SGL 06-181
  - 7. Arborist Report
  - 8. E-mail to Diane Downs from Tom Cieloha dated July 30, 2008 regarding turnaround; 10702 SE Powell
  - 9. Traffic Impact Study prepared by Dunn Traffic Engineers dated November 4, 2008
- B. Zoning Map (**attached**):
- C. Plans & Drawings:
  - 1. Site Survey
  - 2. Setbacks
  - 3. Site Plan (**8 ½ x 11 attached**)
  - 4. Utility Plan
  - 5. Grading Plan
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 6. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
    - a. Land Use Response dated September 3, 2008
    - b. Land Use Response dated October 7, 2008
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Police Bureau
  - 6. Site Development Review Section of Bureau of Development Services
  - 7. Bureau of Parks, Forestry Division

8. Oregon Department of Transportation
  - a. Response to Local Land Use Notification dated January 29, 2008
  - b. Response to Local Land Use Notification dated September 22, 2008
- F. Letters:
  1. E-mail from John McDonald, representing the Powellhurst-Gilbert Neighborhood Association, 13626 SE Cora Street, Portland, OR 97236, dated October 10, 2008, concerns regarding street connectivity and additional housing units
- G. Other:
  1. Original LUR Application
  2. Site History Research
  3. Incomplete letter
- H. Received in the Hearings Office:
  1. Request to reschedule - Cathcart, Paul
  2. 120-Day Extension - Cathcart, Paul
  3. Request to reschedule - Cathcart, Paul
  4. Request to reschedule - Cathcart, Paul
  5. Hearing Notice - Cathcart, Paul
  6. Staff report - Cathcart, Paul
  7. Letter from David Hyde dated 11/17/08 w/3 blank lined pages - Cathcart, Paul
  8. PowerPoint presentation - Cathcart, Paul
  9. Petition attached to copy of Exh.H-7 - Hyde, David - Submitted After Record Closed



# ZONING

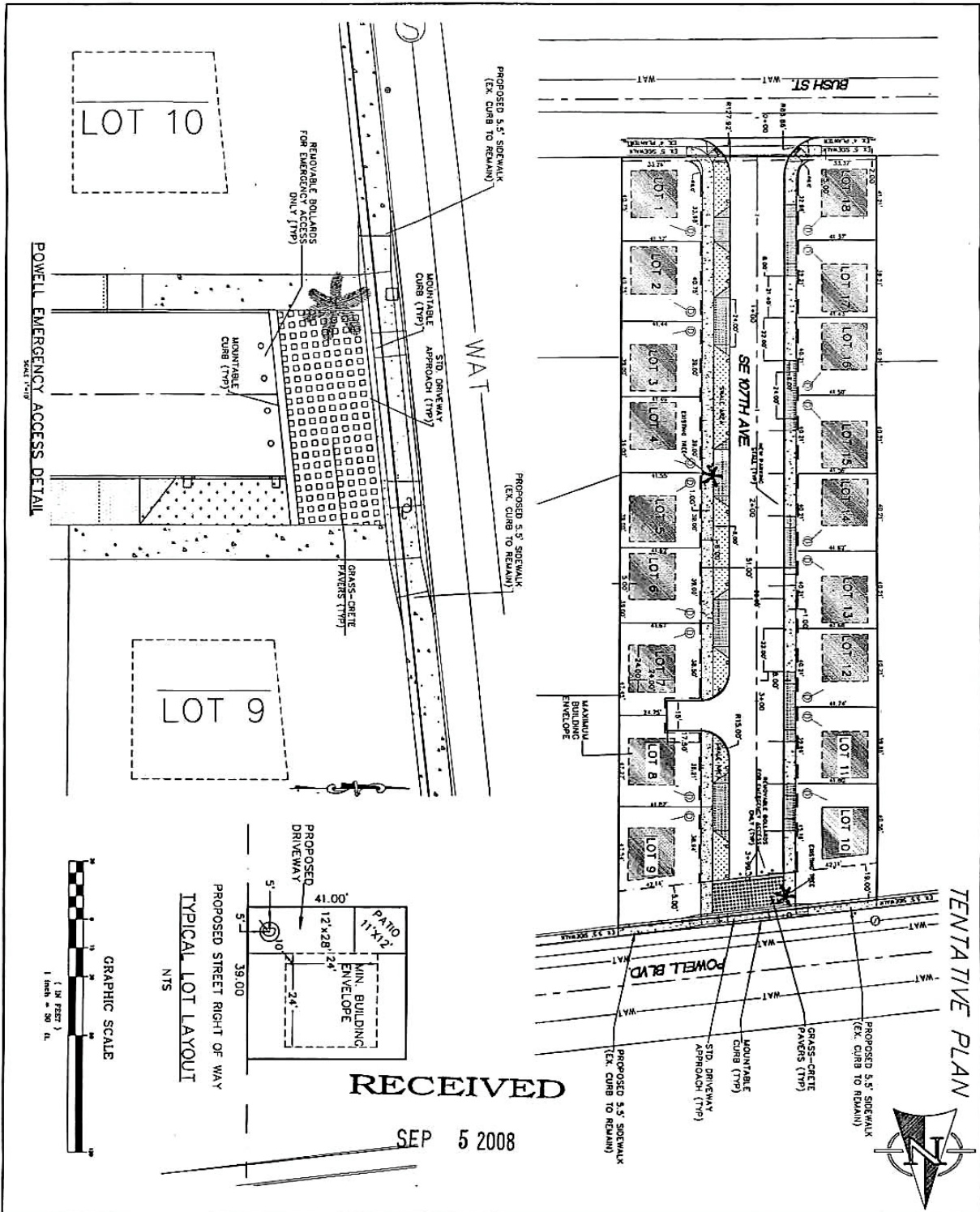
 Site



NORTH

This site lies within the:  
 JOHNSON CREEK BASIN PLAN DISTRICT

File No.	LU 08-140991 LDS
1/4 Section	3441
Scale	1 inch = 200 feet
State_Id	1S2E10CA 1900
Exhibit	B (Jun 27, 2008)



DATE: JUNE 2008	<b>SISUL ENGINEERING</b> 375 PORTLAND AVENUE CLATSOP COUNTY, OREGON 97027 (503) 657-0188 DRAWING: 06-181-SITE PLAN.dwg	SITE PLAN KELLY BUTTE COURT MARK PERKINS	REVISIONS	BY
SCALE: 1"=50'				
DRAWN: IN				
JOB: SOL 06-181				
SHEET: 2				
OF 4 SHEETS				

CASE NO. LU 08-140991 LDS  
 EXHIBIT C.3